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Presidential Documents

Title 3—

The President

Proclamation 4901 of February 22, 1982

Extension of Temporary Quantitative Limitation on the Importation Into the United States of Certain Clothespins

By the President of the United States of America

A Proclamation

1. By Proclamation 4640 of February 23, 1979, the President proclaimed, under the authority of the Constitution and the statutes of the United States, including sections 203(a)(3) and (e)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2253(a)(3) and 2253(e)(1)), the imposition of quantitative restrictions on U.S. imports of wood and plastic spring-type clothespins with a dutiable value not over $1.70 per gross provided for in item 790.05 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). The quantitative limitation applied to articles entered, or withdrawn from warehouse for consumption, on or after February 23, 1979, and was to continue through February 22, 1982, unless earlier modified or terminated. The quota permitted the importation of a quantity or value of articles which is not less than the average annual quantity or value of such articles imported into the United States in the 1973–1978 period.

2. On December 7, 1981, the United States International Trade Commission (USITC), in accordance with sections 203(i)(3) and (5) of the Trade Act (19 U.S.C. 2253(i)(3) and 2253(i)(5)), reported the results of its investigation as required in section 203(i)(3) of the Trade Act (19 U.S.C. 2253(i)(3)) to the President (USITC Publication 1201). The USITC advised the President that termination or reduction of the import relief presently in effect with regard to certain clothespins will have an adverse economic effect on the domestic industry producing like or directly competitive products.

3. Section 203(h)(3) of the Trade Act (19 U.S.C. 2253(h)(3)) provides that any import relief instituted under the authority of section 203 may be extended by the President at a level no greater than that in effect at the time of extension if the President determines, after considering the advice of the USITC and the factors indicated in section 202(c) of the Trade Act (19 U.S.C. 2252 (c)), that an extension is in the national interest.

4. In accordance with sections 203(h)(3) of the Trade Act (19 U.S.C. 2253(h)(3)), I have determined that import relief hereinafter proclaimed as to imports of certain clothespins should be extended at the level of relief in effect for the period of February 23, 1979, through February 22, 1982, and that such extension is in the national interest.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including sections 203 and 604 of the Trade Act (19 U.S.C. 2253 and 2483), and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

(1) Part I of Schedule XX to the GATT is modified to take into account the actions taken in this proclamation.

(2) Subpart A, part 2 of the Appendix to the TSUS is modified by deleting, in the superior heading to items 925.11, 925.12, and 925.13, the years "1979" and "1982" and by inserting "1982" and "1984", respectively, in lieu thereof.

(3) This proclamation shall be effective as to articles entered, or withdrawn from warehouse for consumption, on or after February 23, 1982, and before the close of February 22, 1984, unless the period of its effectiveness is earlier expressly modified or terminated.

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

Ronald Reagan

[FR Doc. 82-5134
Filed 2-23-82; 11:05 am]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 958

Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amends the Federal marketing agreement and order for onions grown in Idaho and Malheur County, Oregon. Of the onion producers voting in the January 11–20 referendum, 96.6 percent favored the amendment. These growers produced 97.0 percent of the production voted. The amendment authorizes the prohibition of overloading railcars and adds a public member to the marketing order administrative committee.

EFFECTIVE DATE: March 26, 1982.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–2615.

SUPPLEMENTARY INFORMATION: This action is subject to the formal rulemaking requirements of the Administrative Procedure Act, and therefore is not subject to the requirements of Executive Order 12291. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the regulated handlers.

Prior documents in this proceeding: Notice of Hearing—Issued April 13, 1981, and published April 17, 1981 (46 FR 22382). Notice of Recommended Decision—Issued September 23, 1981, and published September 29, 1981 (46 FR 47585). Secretary's Decision—Issued December 23, 1981, and published December 31, 1981 (46 FR 63313).

46 FR 63313

Preliminary statement:

This proposed amendment was formulated on the record of a public hearing held in Ontario, Oregon, on May 13, 1981. Notice of the hearing was published in the April 17, 1981, issue of the **Federal Register**. The notice set forth a proposed amendment submitted by the Idaho-Eastern Oregon Onion Committee on behalf of onion producers and handlers in the production area.

On the basis of the evidence introduced at the hearing and placed in the record on September 23, 1981, the Deputy Administrator filed a recommended decision with the U.S. Department of Agriculture Hearing Clerk. Notice of such recommended decision was published in the September 29, 1981 issue of the **Federal Register** (46 FR 47585). In the recommended decision notice was given of the opportunity to file comments by October 29, 1981. One exception was filed by M. J. Glen, Market Manager, Exempt Agricultural Products, Union Pacific Railroad Company.

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900); a public hearing was held upon proposed amendment of Marketing Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in Idaho and Malheur County, Oregon.

Upon the basis of the record, it is found that:

(1) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as hereby amended, regulates the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the the respective classes of commercial and industrial activity specified in, the marketing order upon which hearings have been held;

(3) The order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The order, as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Further Amended, Regulating the Handling of Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping, covered by this order, as further amended) who during the period July 1, 1980, through June 30, 1981, handled not less than 50 percent of the volume of such onions covered by the said order, as hereby further amended, and

(2) The issuance of this amendatory order, further amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the period July 1, 1980, through June 30, 1981 (which has been determined to be a representative period), have been engaged within the production area in

the production of onions for fresh market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

46 FR 63314

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of onions grown in Idaho and Malheur County, Oregon, shall be in conformity to and in compliance with the terms and conditions of the said order, as hereby amended.

The provisions of the proposed marketing order, amending the order, contained in the recommended decision issued by the Deputy Administrator on September 23, 1981, and published in the **Federal Register** on September 29, 1981 (46 FR 47585), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

1. Revise paragraph (a) of § 958.20 to read:

§ 958.20 Establishment and membership.

(a) The Idaho-Eastern Oregon Onion Committee, consisting of six producer members, four handler members, and one public member is hereby established. Each shall have an alternate who shall have the same qualifications as the member.

* * * * *

2. Revise the introductory text and add paragraph (e) to § 958.22 to read:

§ 958.22 Selection.

The Secretary shall select committee members and alternates from the nominee lists submitted pursuant to this part or from among other eligible persons.

* * * * *

(e) The public member shall be a resident of the production area and have no direct financial interest in the commercial production, financing, buying, packing or marketing of onions except as a consumer nor be a director, officer or employee of any firm so engaged.

§ 958.25 [Amended]

3. Add a new paragraph (k) to § 958.25 to read:

* * * * *

(k) To recommend nominees for the public member and alternate.

4. Add a new paragraph (g) to § 958.28 to read:

§ 958.28 Nominations.

* * * * *

(g) The producer and handler members of the committee shall nominate the public member and alternate. The committee shall prescribe such additional qualifications, administrative rules and procedures for selection and voting for each candidate as it deems necessary and as the Secretary approves.

5. Add a new paragraph (a)(6) to § 958.52 to read:

§ 958.52 Issuance of regulations.

* * * * *

(a) * * *

(6) Regulate the handling of onions by establishing, in terms of total weight or total number of layers of containers of onions, the maximum load in railcars, taking into account types of containers and sizes of railcars used, potential resulting damage, and other relevant factors.

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

Signed at Washington, D.C., on February 12, 1982.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-4923 Filed 2-23-82; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1435

Price Support Purchase Program for 1982 Crop Sugar Beets and Sugarcane

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule implements a price support purchase program for 1982-crop sugarcane and sugar beets. This program is mandated by the Agricultural Act of 1949, as amended by the Agriculture and Food Act of 1981. The rule implements only a purchase program. Provisions for a price support loan program, to be effective October 1, 1982, will be announced later.

DATES: This interim rule shall become effective February 23, 1982. Comments must be received by March 25, 1982.

ADDRESS: Send comments to Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, (ASCS), U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: H. E. Maynard, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415 Washington, D.C. 20013. Phone: (202) 447–8480.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under USDA procedures established in accordance with provisions of Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified as a "major rule."

Need for Immediate Action

Section 201 of the Agricultural Act of 1949, as amended by the Agriculture and Food Act of 1981 (hereinafter referred to as the "Act") requires that 1982-crop sugar processed from domestically-grown sugar beets and sugarcane between December 22, 1981, and March 31, 1982, be eligible for purchase under a price support purchase program. The purpose of the program is to provide price support to producers of sugarcane and sugar beets.

Since the price support purchase program is applicable only for sugar processed from the 1982 crops of sugar beets and sugarcane for the period December 22, 1981, through March 31, 1982, and since processors are required by this interim rule to file purchase agreements with the Commodity Credit Corporation by April 30, 1982, any comments with respect to this program must be received by March 25, 1982, in order to be assured of consideration. A final document discussing the comments received and any amendments which may be required to be made to this interim rule will be published in the **Federal Register** as soon as possible.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this interim rule.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety.

The title and number of the Federal Assistance Program to which this interim rule applies are: Commodity Loans and Purchases, Number 10.051 as filed in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

The interim rule is published for the purpose of implementing the price support purchase program. The regulations governing a price support

loan program will be published later as a proposed rule. The regulatory impact analysis considered in the development of this purchase program is available from Thomas W. Fink, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

Statutory Requirements

The Act requires that price support be made available for the 1982 through 1985 crops of sugar beets and sugarcane. In addition, the Act specifically requires that price support shall be made available through the purchase of products processed from domestically-grown sugarcane and sugar beets during the period beginning with the date of enactment of the Agriculture and Food Act of 1981 through March 31, 1982. Any 1982 crop sugar which is processed after March 31, 1982, as well as 1983 through 1985 crop sugar, will be eligible for price support through a loan program that will be available beginning October 1, 1982.

Major Program Provisions

The major program provisions of the purchase program are as follows:

(1) *Eligible Sugar.* Sugar of the 1982-crop processed from domestically grown sugarcane or sugar beets between December 22, 1981, and March 31, 1982, is eligible for purchase under the program, provided the processor agrees to pay all eligible producers at least the minimum level of support which is specified by this rule for the applicable region.

(2) *Definition of crop year.* Under the previous price support programs for sugarcane and sugar beets, the crop year was determined by the harvesting season and varied throughout the production regions.

However, the statutory requirements of the Act differ substantially from the statutory requirements which were previously applicable to the sugar price support program. For example, the Act requires that sugar processed between the date of enactment and March 31, 1982, must be supported through a purchase program and that all other domestically grown sugarcane and sugar beets of the 1982 through 1985 crops must be supported through a loan program. The Act also provides that price support loans must mature within the same fiscal year that the loan was disbursed.

It would appear that the use of the traditional crop year definitions is not compatible with a fair and reasonable implementation of the price support program as mandated by the Act. To illustrate, using the traditional crop year definition, only Hawaiian and Puerto Rican sugar would be eligible for the purchase agreement program. Conversely, under the price support loan program, Hawaiian and Puerto Rican processors would be required to hold sugar for extended periods before such sugar could be placed under price support loan.

In order to remedy this problem it would appear appropriate, since it is practicable to conduct a price support purchase or loan program only with respect to the processed products of sugarcane and sugar beets, to provide for a definition of crop year based upon the period of time when sugar beets and sugarcane are processed into refined beet sugar and raw cane sugar.

All producers would appear to be treated equitably if the phrase "crop year" would be defined in this Subpart as sugar processed during a period from July 1 through June 30. Use of a crop year based on processing requires a crop year in excess of 12 months for 1982 because the Act mandates both a purchase program and a loan program for 1982 crop sugar. Therefore, the 1982 crop year is applicable to sugar processed from December 22, 1981, to June 30, 1983. The 1983 crop year will apply to sugar processed from July 1, 1983, through June 30, 1984. The 1984 and 1985 crop years will apply to sugar processed during the 12-month period beginning on July 1 of the applicable year.

(3) *Support level and purchase rates.* The support level is the amount that must be paid to the grower by the processor and approximates a raw sugar price of 16.75 cents per pound. The purchase rates paid to the processors are designed to permit processors, on the average, to pay growers the specified level of support. The national average purchase rate for raw cane sugar is 16.75 cents per pound. The purchase rate for refined beet sugar is required by the Act to be established at such level as is fair and reasonable in relation to the purchase rate for raw cane sugar.

The methods used under previous price support programs to determine price support loan levels for refined sugar processed from sugar beets were used to determine the purchase price for refined beet sugar under this purchase program. The purchase price for refined beet sugar is intended to reflect the value of the sugar taking into account its location and the long term relationship (1.10 to 1.00) between refined beet sugar net selling prices and raw cane sugar prices. After adjustment to reflect the proper price relationship, the estimated 1982 crop fixed marketing costs (which are incurred by beet processors regardless of the disposition of the sugar) are added to make up the basic purchase rate for refined beet sugar.

Because refined beet sugar and refined cane sugar compete in the same market, the proper support price relationship between sugarcane and sugar beets is necessary to prevent distortion of the market and to avoid disproportionate purchases by CCC of either type of sugar. It has been suggested, however, that the historical price relationship (1.10 to 1.00) between raw cane sugar and refined beet sugar may not accurately reflect the true price relationship. After examination of this issue, it has been tentatively concluded that the method previously used in determining the proper price relationship between raw cane sugar and refined beet sugar should be retained. If after review of the comments received on this issue it is determined that this method should be changed, a revised purchase price for refined beet sugar will be published in the final rule. Support levels required to be paid producers by processors would also be revised accordingly.

The calculation of fixed marketing costs and location differentials are discussed in the Regulatory Impact Analysis.

(4) *Availability.* The final date for an eligible processor to file a purchase agreement with CCC is April 30, 1982.

(5) *Maturity date.* Purchase agreements for 1982-crop sugar will mature on November 1, 1982.

(6) *Obligations of processor.* Eligible processors who execute purchase agreements are required to pay eligible producers a minimum price for sugarcane or sugar beets delivered for processing. The minimum price applicable to specific regions is set forth in the rule. Eligible processors who elect to exercise their option to deliver sugar to CCC upon maturity of the purchase agreement must notify CCC in writing of their intent to deliver no later than October 1, 1982. After a processor has given CCC notice of intent to deliver, title to the sugar shall automatically vest in CCC on November 1, 1982, unless the processor gives written notice to CCC that it does not intent to sell the sugar to CCC or unless the processor is notified by CCC that delivery of the sugar will not be accepted because of the ineligibility of the sugar or the storage structure.

The processor is obligated, at CCC's discretion, to store the sugar in the warehouse at which CCC accepted delivery for a period of up to one year after CCC accepts delivery.

(7) *Treatment of refined cane or specialty sugar.* In the event refined or specialty sugar made from raw cane sugar is delivered for purchase, for purpose of settlement, the quantity of refined cane or specialty sugar will be converted to an equivalent quantity of raw cane sugar.

This settlement procedure is consistent with settlement procedures under previous price support programs. However, one issue is whether processors of sugarcane who are also refiners should be allowed to deliver refined cane sugar under the purchase program at the purchase price for refined beet sugar. This would permit such processors to carry on their normal refining operations and thus would not require the processor to determine whether raw sugar should be diverted from the processor's refining operation to the price support program.

After considering this issue, it has been tentatively determined that for the purposes of this interim rule the settlement procedures used in previous price support programs should be retained. It should be noted that the purpose of the price support program is to provide price support to growers of sugar beets and sugarcane in their capacities as growers. However, because sugar beets and sugarcane cannot be stored, this objective can only be accomplished by entering into purchase agreements with processors. Therefore, under the price support purchase program storable commodities which are at the nearest point to harvest, i.e., raw sugar for sugarcane and refined beet sugar for sugar beets, are purchased.

Furthermore, permitting processors who are also refiners to deliver refined cane sugar under the price support program at the refined beet purchase rate might unfairly disadvantage independent refiners of raw sugar who would not be eligible to deliver refined cane sugar to CCC under the price support program. Thus, the approach adopted in this interim rule would place the refining operations of processors who are also refiners in substantially the same position as independent refiners of raw sugar.

Budget Requirements

The purchase program will require no budget outlays in FY 1982. Budget outlays for FY 1983 will be effected by several factors, including: (1) The size of the domestic sugar crop, and (2) the amount of sugar actually delivered to CCC. The effectiveness of controls on imported sugar and the market price of sugar will also have significant impact on the ultimate cost of the program in FY 1983.

This program will have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Interim Rule

Accordingly, the regulations at 7 CFR Part 1435 are amended by adding a new "Subpart—Price Support Purchase Agreement Program for 1982-Crop Sugar Beets and Sugarcane" to read as follows:

PART 1435—SUGAR

Subpart—Price Support Purchase Agreement Program for 1982-Crop Sugar Beets and Sugarcane

Sec.

Authority: Sec. 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1447 *et seq.*, 1421 *et seq.*).

Subpart—Price Support Purchase Agreement Program for 1982-Crop Sugar Beets and Sugarcane

§ 1435.76 General statement.

This subpart sets forth the terms and conditions of the price support purchase program for the 1982 crop of sugar beets and sugarcane. The Commodity Credit Corporation (CCC) will offer purchase agreements to processors under which processors may elect to sell sugar to CCC upon maturity of the agreements. Only eligible sugar which is in eligible storage shall be accepted for delivery.

§ 1435.77 Administration.

(a) The Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service (referred to as "ASCS"), will administer this subpart under the general direction and supervision of the Deputy Administrator, State and County Operations.

(b) In the field, this subpart will be administered by the Kansas City Commodity Office and the Management Field Office (referred to as "KCCO" and "MFO" respectively) and designated State and county ASC committees (referred to as "State and county committees").

§ 1435.78 Definitions.

(a) "1982 crop" means sugar processed from domestically produced sugar beets or sugarcane during the period from December 22, 1981, through June 30, 1983.

(b) "Eligible producer" means the owner of a portion or all of the sugar beets or sugarcane, including share rent landowners, both at the time of harvest and delivery to the processor.

(c) "Sugar" means refined beet sugar, refined cane sugar, raw cane sugar, sugarcane syrup, or edible molasses which: (1) Is processed by a processor from domestically-produced sugar beets or sugarcane; (2) meets the requirements as set forth in § 1435.83(b) below; and (3) is not contaminated and does not contain chemicals or other substances poisonous to man or animals.

(d) "Processor" means a person or legal entity that: (1) Commercially processes sugar beets into refined sugar or sugarcane into raw sugar, cane syrup, or edible molasses; (2) is a marketing agent which is cooperatively owned by its raw cane sugar processors; or (3) is a processor of sugarcane into raw cane sugar who is also a refiner.

(e) "Raw value" of any quantity of sugar means its equivalent in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope.

(f) "Sugar beets of average quality" means sugar beets containing 15.57 percent sucrose.

(g) "Sugarcane of average quality" means (1) for Florida, sugarcane containing 13.87 percent sucrose in normal juice, and (2) for Louisiana, sugarcane containing 13.07 percent sucrose in normal juice of 79.20 percent purity.

(h) "Secretary" means the Secretary of Agriculture or an official who has been designated to act on his behalf.

(i) "Eligible storage" means a storage facility meeting the requirements set forth in § 1435.83(b) below.

§ 1435.79 Method of support and purchase agreement.

(a) *Method of support.* Price support to domestic producers of 1982-crop sugar beets and sugarcane processed beginning December 22 through March 31, 1982, is available through purchase agreements with eligible processors.

(b) *Purchase agreement rates.* The basic (weighted average) purchase rates for the 1982 crop shall be 19.16 cents per pound for refined beet sugar and 16.75

cents per pound for cane sugar, raw value, including the cane sugar, raw value equivalent, contained in refined cane sugar, sugarcane syrup, and edible molasses. In the case of refined or specialty sugar made from raw cane sugar, the rate shall be the appropriate regional rate applied to the raw cane sugar equivalent of the refined or specialty sugar.

(c) *Locational differentials.* (1) The purchase agreement rate applicable to sugar shall be the rate specified in paragraphs (c) (2) and (3) of this section for the region in which such sugar was processed.

(2) The processing regions and applicable purchase agreement rates for refined beet sugar shall be as listed below:

Region No. and description	Cents per pound
1—Michigan and Ohio	20.11
2—Minnesota and the Eastern half of North Dakota	19.01
3—Northeastern quarter of Colorado; Northwestern quarter of Kansas; Nebraska; and the Southwestern quarter of Wyoming	18.53
4—Southeastern quarter of Colorado; and Texas	19.15
5—Montana and the Northwestern quarter of Wyoming	18.71
6—That part of Idaho east of the Eastern boundary of Owyhee County and of such boundary extended northward; and Utah	18.59
7—That part of Idaho west of the eastern boundary of Owyhee County and of such boundary extended northward; Oregon; and Washington	18.59
8—Arizona and California	19.81

(3) The processing regions and applicable purchase agreement rates for cane sugar, raw value, shall be as listed below, except that for such sugar processed in Hawaii or Puerto Rico but delivered to CCC on the mainland of the U.S., the applicable rate shall be 16.75 cents per pound:

Region	Cents per pound
Florida	16.73
Louisiana	17.16
Texas	16.85
Hawaii	16.66
Puerto Rico	16.23

§ 1435.80 Eligibility requirements.

(a) The maximum quantity of sugar which is eligible to be offered by an eligible processor under the 1982 Price Support Purchase Agreement Program is that quantity of domestically-produced sugar which is equivalent to the quantity of sugar processed by the processor during the period beginning December 22, 1981 through March 31, 1981 from sugar beets and sugarcane grown by eligible producers. Such sugar must be processed and owned by the eligible processor (or jointly owned by the eligible processor and eligible producer) offering the sugar.

(b) Eligible processors for 1982-crop sugar are those processors who, as a condition for obtaining a CCC purchase agreement, agree to pay to all eligible producers who have delivered or will deliver to them for processing sugar beets and sugarcane of average quality in the following location not less than:

(1) For sugar beets in the regions described in paragraph (c)(2) of this section, the following rates per net ton: Region 1, $26.71: *Provided,* That, if (i) the sugar extracted by a processor from sugar beets harvested in 1981 yields, on the average, less that 224.62 pounds per net ton of sugar beets delivered and accepted by the processor or (ii) the processor's net return on by-products per net ton of sugar beets delivered and accepted by the processor average less than $6.80 per net ton, the required minimum price support rate per ton of sugar beets may be adjusted. The adjusted rate will be determined by (A) multiplying $19.37 (the purchase agreement rate per pound less $.74 considered as fixed marketing costs) by the average pounds and hundredths of pounds of sugar extracted per net ton, (B) adding thereto the net return to the processor on by-products per net ton of sugar beets delivered and accepted, and (C) multiplying the result by 53.1 percent:

Region 2	$29.35
Region 3	$28.60
Region 4	$29.58
Region 5	$28.88
Region 6	$28.69
Region 7	$28.69
Region 8	$30.62

(2) For sugarcane in Florida, $23.14 per net ton;

(3) For sugarcane in Louisiana, $21.64 per net ton;

(4) For sugarcane in Texas, the amount determined by multiplying 10.110 cents times the average pounds of cane sugar, raw value, recovered per ton from the sugarcane delivered to the processor by all producers, as adjusted by the processor to reflect the quality of the juice (normal juice sucrose and normal juice purity) extracted from the individual producer's sugarcane;

(5) For sugarcane in Hawaii, the amount determined by multiplying the total pounds of cane sugar, raw value, recovered per ton from the sugarcane delivered to the processor by the individual producer times (i) 10.996 cents where the delivery point is at the mill or (ii) 8.497 cents where the cane is delivered by loading into trucks in the field; and

(6) For sugarcane in Puerto Rico, that price determined in accordance with the provisions of Puerto Rico Law No. 426, also known as the Puerto Rico Sugar Law, and the rules issued thereunder by the Sugar Board of Puerto Rico.

The foregoing prices may be adjusted for sugar beets or sugarcane of nonaverage quality on the method agreed upon by the producer and processor.

§ 1435.81 Availability, disbursement, and maturity of purchase agreements.

(a) *Obtaining price support.* To obtain price support on eligible sugar, an eligible processor: (1) Must file a request for price support with the State committee of the State where such processor is headquartered or a county committee designated by the State committee; and (2) must execute a purchase agreement as prescribed by CCC. The request for price support must be filed no later than April 30, 1982, and must state the quantity of sugar to be covered by the purchase agreement.

(b) *Maturity of purchase agreements.* CCC purchase agreements will mature on November 1, 1982.

§ 1435.82 Quantity of sugar covered by a purchase agreement.

A CCC purchase agreement shall not be approved for more than the quantity of sugar which an eligible processor certifies is eligible and available to be placed under a purchase agreement. The total quantity of sugar which a processor may offer to CCC under a purchase agreement may not exceed (a) his total eligible storage capacity less ineligible sugar in storage or (b) the quantity of eligible sugar processed from December 22, 1981, through March 31, 1982.

§ 1435.83 Delivery to CCC, quality and storage facility requirements, and settlement.

(a) The quantity of sugar which a processor may deliver to CCC may be less than, but shall not exceed, the quantity of sugar which is shown on a purchase agreement which is approved by CCC.

(b) In order to be eligible to be delivered to CCC, sugar must meet the following minimum quality requirements:

(1) Refined beet or cane sugar must be: (i) Dry and free flowing; (ii) free of excessive sediment; and (iii) free of any objectionable color, flavor, odor, or other characteristic which would impair the merchantability of such sugar or which would impair or prevent the use of such sugar for normal commercial purposes.

(2) Raw cane sugar must be: (i) Of reasonable grain size; (ii) free from excessive color or moisture; and (iii) free

from any objectionable color, flavor, odor, or other characteristic which would impair the merchantability of such sugar or which would impair or prevent the use of such sugar for normal commercial purposes.

(3) Sugarcane syrup or edible molasses must be free from any objectionable color, flavor, odor, or other characteristic which would impair the merchantability of such sugar or which would impair or prevent the use of such sugar for normal commercial purposes.

(4) Any type of sugar delivered to CCC must be free of any contamination by either natural or man-made substances, and must not contain chemicals or other substances which are poisonous or harmful to man or animals. In addition, all sugar which is delivered to CCC must be free and clear of any liens, mortgages, or other such encumbrances.

(c) Sugar may only be delivered to CCC in eligible storage. Eligible storage is any storage facility which: (1) Is owned or controlled by the processor; (2) is suitable for the storage and loading out of the sugar being delivered to CCC by the processor; (3) meets CCC Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils (7 CFR Part 1423); and (4) is placed under a storage contract with CCC. If the sugar is delivered in or to an ineligible storage facility, the processor shall be responsible for all costs incurred in moving the sugar to an eligible storage facility.

(d) A processor who intends to sell sugar to CCC shall give a written notice of intent to sell such sugar to CCC not later than October 1, 1982. At that time, the processor shall furnish to CCC complete information as to the storage locations where delivery to CCC is proposed and, for each location, the quantity proposed for delivery to CCC. CCC shall have the right to inspect such sugar and storage facilities. The processor shall also furnish such production records as CCC considers necessary to verify compliance with the quantitative limitations set forth in § 1435.80(a).

(e) If a processor has given CCC a notice of intent to sell sugar, such processor shall deliver eligible sugar to CCC in-store at eligible storage facilities owned or controlled by the processor. Delivery of such sugar shall occur automatically on November 1, 1982, without further action by either the processor or CCC. At that time, title and all interest in the sugar shall vest in CCC. Notwithstanding the foregoing, delivery shall not occur and title shall not pass if: (1) After the date on which the notice of intent to sell is given to CCC and before November 1, 1982, the processor gives written notice to CCC that it does not intend to sell such sugar (or portion thereof) to CCC; or (2) CCC gives notice to the processor prior to November 1, 1982, that delivery of such sugar (or portion thereof) shall not be accepted by CCC due to the ineligibility of the sugar or the storage facility.

(f) The processor shall be liable to CCC for any damages suffered by CCC if: (1) The processor delivers ineligible sugar to CCC; or (2) the processor delivers sugar to CCC which in ineligible storage. The processor shall be liable for such damages regardless of whether CCC inspected the sugar and storage facility prior to delivery, and regardless of whether CCC failed to give notice to the processor of nonacceptance of delivery as provided in paragraph (e) of this section.

(g) Disbursement for purchases of sugar made by CCC will be made by sight drafts drawn on the account of CCC.

§ 1435.84 Processor storage agreement.

(a) By executing a purchase agreement and delivering sugar to CCC, the processor agrees to store such sugar on behalf of CCC under the terms and conditions specified in this subpart and any storage agreement entered into between CCC and the processor. Should the terms of the storage agreement and the terms of these regulations conflict, the terms set forth in the regulations shall be applicable.

(b) The processor shall at all times be responsible for maintaining the quality and condition of the sugar in storage. The processor shall be liable to CCC for any damages suffered by CCC due to the failure of the processor to load out sugar meeting the eligibility criteria set forth in § 1435.83(b). Notwithstanding the foregoing, the processor shall not be liable for any damage, and CCC will bear its pro rata share of any loss in the case of sugar stored on a commingled basis, less any insurance proceeds and salvage value of the sugar to which CCC may be entitled, if the processor establishes to the satisfaction of CCC that each of the following conditions occured: (1) The loss or damage occurred without fault or negligence on the part of the processor; (2) the loss resulted solely from an external cause (other than insect infestation, vermin, or animals) such as theft, fire, lightning, explosion, windstorm, cyclone, tornado, flood, or other act of God; (3) the processor gave the State committee immediate notice of such loss or damage; and (4) the processor made no fraudulent representation in the purchase agreement or in obtaining approval of the purchase agreement.

(c) The processor shall store sugar delivered to CCC in the eligible storage where delivered for as long as deemed necessary by CCC after delivery of the sugar to CCC. However, if a sugar beet processor requires the storage space for other sugar during the period the processor is required by CCC to maintain the refined beet sugar delivered under a purchase agreement in the storage where delivered, CCC will accept bagged sugar from the current crop in substitution for the delivered bulk sugar, provided the settlement rate for the area where the bagged sugar is stored is equal to or exceeds the settlement rate for the delivered bulk sugar.

(d) The processor shall remove and physically deliver the purchased sugar in accordance with written instructions from CCC. All load out expenses shall be for the account of the processor.

(e) CCC shall make monthly storage payments to the processor for the period of time the processor stores the sugar for CCC after delivery by the processor in accordance with the purchase agreement. The storage payment rate shall be as agreed upon by CCC and the processor, but in no event shall exceed $.00083 per pound per month.

§ 1435.85 Miscellaneous provisions.

(a) *Scheme or device.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements of this subpart through any scheme or device whatsoever.

(b) *Processor indebtedness.* The regulations issued by the Secretary governing setoffs and withholding, 7 CFR Part 13, shall be applicable to the program.

(c) *Liens.* Waivers of liens or encumbrances on the sugar delivered to CCC must be obtained to protect fully the interest of CCC. A lienholder, in lieu of waiving a prior lien on sugar, may execute with CCC a Lienholder's Subordination Agreement (Form CCC-864) in which the lienholder's security interest is subordinated to the rights of CCC.

(d) *Appeals.* A producer or processor may obtain reconsideration and review of determinations made under this subpart in accordance with the regulations in 7 CFR Part 780.

(e) *Records and inspection thereof.*

ASCS, the Office of the Inspector General, USDA, and the Comptroller General shall have the right to have access to the premises of the processor, in order to inspect, examine, and make copies of the books, records, accounts, and other written data as are deemed necessary by the examining agency to verify compliance with the requirements of this subpart. Such books, records, accounts, and other written data shall be retained by the processor for not less than three years.

(f) *False certifications.* Any false certification, which is made for the purpose of enabling a processor to obtain a purchase agreement to which it is not entitled, will subject the person making such certification to liability under applicable Federal civil and criminal statutes.

(g) *Handling payments and collections not exceeding three dollars.* In order to avoid unreasonable administrative costs of making small payments and handling small accounts, amounts of $3 or less which are due the processor will be paid only upon his request. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

(h) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any processor who is entitled to the payment of any sum in settlement of a purchase payment shall, upon proper application to the State committee, be made to the persons who would be entitled to such processor's payment under the regulations contained in 7 CFR Part 707—Payment Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent.

§ 1435.86 Applicable forms.

The CCC forms for use in connection with this program will be available from the appropriate State committee or designated county committee. CCC forms have been developed for program participation by farmers and producers. When such forms are used for participation in the sugar purchase program, the term "producer" shall mean "processor."

Signed at Washington, D.C., on February 18, 1982.

John R. Block,

Secretary.

[FR Doc. 82-4898 Filed 2-23-82; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole; Direct Transits; Restriction for Citizens of Afghanistan; Correction

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule; correction.

SUMMARY: This final rule restricts citizens of Afghanistan from transiting the United States without visas. This waiver of visas for transits from Afghanistan has become a means of circumventing immigration laws once they arrive in the United States. Citizens of Afghanistan must have visas and passports to transit the United States regardless of their ultimate destination. The rule is republished to make a technical correction.

EFFECTIVE DATE: February 9, 1982.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration & Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633-3048.

For Specific Information: Edward K. Burns, Immigration Inspector, Immigration & Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633-3996.

SUPPLEMENTARY INFORMATION: The Department of State and the Department of Justice have established that citizens of Afghanistan, believing they have a claim to refugee status, are trying to circumvent refugee procedures abroad by using the transit without visa waiver privilege to enter the United States as supposed transits and, upon arriving in the United States, applying for asylum as refugees. Other Afghan nationals destroy their travel documents and onward airline tickets while in flight to prevent continuation of their travel beyond the United States.

Because of the continuing nature of these schemes, and imminent arrival of additional groups, the Department of State and Immigration and Naturalization Service are jointly withdrawing the transit without visa privilege as it applies to Afghan citizens.

This rule is being republished to explicitly clarify that an alien citizen or national of Afghanistan may not transit the United States without a passport or visa.

In view of the emergency situation which exists, compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date would be impractical and contrary to the public interest.

This rule is exempt from the requirements of E.O. 12291 under section 1.(a)(2) thereof since it is issued with respect to a foreign affairs function of the United States.

Accordingly, Title 8 of the Code of Federal Regulations is amended as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS: ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. In § 212.1, paragraph (e) is revised to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(e) *Direct transits*—(1) *Transit without visa.* A passport and visa are not required of an alien who is being transported in immediate and continuous transit through the United States in accordance with the terms of an agreement entered into between the transportation line and the Service under the provisions of section 238(d) of the Act on Form I-426 to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided,* That such alien is in possession of a travel document or documents establishing his/her identity and nationality and ability to enter some country other than the United States.

(2) *Waiver of passport and visa.* On the basis of reciprocity, the waiver of passport and visa is available to a national of Albania, Bulgaria, Czechoslovakia, Estonia, the German Democratic Republic, Hungary, Latvia, Lithuania, Mongolian People's Republic, People's Republic of China, Poland, Romania, or the Union of Soviet Socialist Republics resident in one of said countries, only if he/she is transiting the United States by aircraft of a transportation line signatory to an agreement with the Service on Form I-426 on a direct through flight which will depart directly to a foreign place from the port of arrival.

(3) *Unavailability to transit.* This waiver of passport and visa requirement is not available to an alien who is a citizen or national of Afghanistan, Cuba, Iraq, or Iran. This waiver of passport and visa requirement is not available to an alien who is a citizen or national of

North Korea ("Democratic People's Republic of Korea") or Democratic Republic of Vietnam and is a resident of one of the said countries.

(4) *Foreign government officials in transit.* If an alien is of the class described in section 212(d)(8) of the Act only a valid unexpired visa and a travel document valid for entry into a foreign country for at least 30 days from the date of admission to the United States are required.

* * * * *

(Secs. 103, 212 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103, 1182))

Dated: February 18, 1982.

Alan C. Nelson,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 82-4913 Filed 2-23-82; 8:45 am]

BILLING CODE 4410-10-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 721, 723 and 724

Federal Credit Union Insurance and Group Purchasing Activities; Operational Systems; Trustees and Custodians of Pensions Plans

AGENCY: National Credit Union Administration.

ACTION: Suspension of effective date and confirmation of effective date.

SUMMARY: The National Credit Union Administration Board is suspending the effective date of Part 721 (46 FR 47435, Sept. 28, 1981) indefinitely pending the outcome of a rulemaking procedure to further revise and simplify rules on Federal credit union insurance and group purchasing activities. The April 1, 1982 effective date for Parts 723 and 724 (which are not subject to the rulemaking procedure) is confirmed.

EFFECTIVE DATE: For Part 721, the effective date is suspended indefinitely. For Parts 723 and 724, the effective date is April 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Joseph Myers, Director, Division of Consumer Policy, Office of Consumer Affairs, National Credit Union Administration, (202) 357-1080.

SUPPLEMENTARY INFORMATION: Part 721 was revised by the NCUA Board on September 16, 1981 (46 FR 47435, September 28, 1981) and new Parts 723 and 724 were created. The effective date of these changes was November 17, 1981. On November 5, 1981, the NCUA Board delayed the effective date to April 1, 1982 (46 FR 44922, November 13, 1981).

The NCUA Board hereby further suspends the effective date of Part 721 pending the outcome of a rulemaking proceeding to further revise this Part. A proposed rule setting forth proposed amendments is published elsewhere in this issue of the **Federal Register.**

Not affected by the rulemaking proceeding is the transfer of §§ 721.3 and 721.4 to Parts 723 and 724. The NCUA Board hereby confirms that the final rule establishing Parts 723 and 724 will be effective April 1, 1982.

By the National Credit Union Administration Board, February 11, 1982.

Rosemary Brady,

Secretary of the NCUA Board.

[FR Doc. 82-4979 Filed 2-23-82; 8:45 am]

BILLING CODE 7535-01-M

12 CFR Part 749

Storage Provided by the Administration

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: In keeping with the Administration's goal of reducing Federal expenditures, the NCUA Board has taken a close look at all agency activities in order to find ways to reduce agency expenditures. As a result of this analysis, the NCUA Board has cut the agency's budget significantly and has also decided to discontinue certain agency programs. Accordingly, the NCUA sponsored Records Preservation Program for federally insured credit unions will be discontinued. This program provides that federally insured credit unions can store records in an underground vault free of charge.

EFFECTIVE DATE: April 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Troy T. Robinson, Director, Division of Administrative Services, Office of Administration. Telephone: (202) 357-1003.

SUPPLEMENTAL INFORMATION: Section 749.3 of NCUA's Rules and Regulations provides for a security records preservation program service for federally insured credit unions at the agency's expense. Due to cuts in NCUA's budget, this program is being discontinued. Therefore, the NCUA Board is deleting § 749.3 of the Regulations.

The deletion of this section is exempt from the rulemaking requirements of the Administrative Procedure Act because it directly involves public contracts, 5 U.S.C. Section 553(a)(2). Similarly, the requirements of the Regulatory Flexibility Act are not applicable.

Accordingly, 12 CFR Part 749 is amended as set forth below.

(12 U.S.C. 1776(a) and 1783)

PART 749—RECORDS PRESERVATION PROGRAM

§ 749.3 [Removed]

12 CFR Part 749 is amended by removing § 749.3.

Dated: February 19, 1982.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 82-4980 Filed 2-23-82; 8:45 am]

BILLING CODE 7535-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 212

[Regulation ER-1284; Amdt. No. 44]

Revised Reporting Requirements; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that on January 28, 1982, the Office of Management and Budget (OMB) approved revised reporting in Parts 207, 208 and 212 and Form 433. The reporting requirements were revised by ER-1247, ER-1248, and ER-1249 which liberalized the CAB's rules on wet leases (leases of aircraft with crew) between airlines to eliminate unnecessary barriers to competitive opportunities. This rule also revised the note at the end of Part 212 to reflect the changes. No revision is needed for clearance notes in Parts 207 and 208. OMB approval of reporting is required under the Paperwork Reduction Act of 1980.

DATES: Adopted: February 18, 1982. Effective: February 18, 1982.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION:

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS [AMENDED]

Accordingly, the Civil Aeronautics Board amends Part 212 of its Economic

Regulations (14 CFR 212) by revising the note at the end of Part 212 to read:

Note.—The reporting requirements contained in sections 212.5, 212.7, 212.15, 212.24, 212.25, 212.31, 212.45, 212.46, 212.47, and 212.53 have been approved by the Office of Management and Budget under number 3024–0036.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-4924 Filed 2-23-82; 8:45 am]

BILLING CODE 6320-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 5H5097/R96; PH-FRL-2056-7]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Diquat

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a regulation to permit additional uses of diquat in reservoirs, marshes, bayous, drainage ditches, canals, rivers, and streams that are quiescent or slow-moving with a tolerance limitation of 0.01 part per million for diquat in potable water. This regulation to establish the maximum permissible level for residues of diquat in potable water was requested by the Department of the Army.

EFFECTIVE DATE: Effective on February 24, 1982.

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

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767 C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking in the **Federal Register** of March 5, 1981 (46 FR 15281) that the Department of the Army and Chevron Chemical Co. had petitioned the EPA to establish a regulation permitting residues of diquat in potable water. Since a number of comments were received in response to the notice of proposed rulemaking the proposal was reproposed in the **Federal Register** of December 1, 1981 (46 FR 58343).

The evaluation of the scientific data supporting this regulation is presented in the **Federal Register** of March 5, 1981 (46 FR 15281).

As discussed in the Agency's proposal of March 5, 1981, the Agency will, at a later date, establish regulations under the Safe Drinking Water Act to limit concentrations of pesticides in drinking water. Until these regulations are established, the Agency will continue to rely on food additive tolerances established under section 409 of the Federal Food, Drug, and Cosmetic Act to describe limits on residues in drinking water resulting from direct applications of pesticides in aquatic situations. The establishment of a diquat tolerance for potable water is not intended to substitute for, nor will it preclude the subsequent development, if necessary, of a national drinking water standard (Maximum Contaminant Lever [MCL]) for this chemical, nor would it necessarily determine what the MCL would be.

A related document (PP 5E168/R320) establishing tolerances for diquat on a variety of crops appears elsewhere in this issue of the **Federal Register.**

It is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the prescribed label and labeling registered pursuant to FIFRA, as amended (86 Stat. 973, 89 Stat. 751; U.S.C. 135(a) *et seq.*). Therefore, 21 CFR 193.160 is amended as set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 346(c)(1)))

Dated: February 9, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR 193.160 is amended by revising paragraph (a) and adding paragraph (b) to read as follows:

§ 193.160 Diquat.

(a) A tolerance of 0.01 ppm is established for residues of the herbicide diquat (6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazidiinium) derived from application of the dibromide salt in potable water resulting from the application of the pesticide for control of aquatic weeds in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, streams, and rivers which are slow-moving or quiescent in programs of the Corps of Engineers or other Federal or State public agencies. These agencies or contractors or licensees under their direct control will make certain that the treated water will not be used for animal consumption, swimming, spraying, domestic purposes, or for irrigation for 14 days post-treatment or until approved analysis shows that the water does not contain more than 0.01 ppm of diquat (calculated as the cation) and that no treatment will be made where commercial processing of fish resulting in the production of fish protein concentrate or fish meal is practiced.

(b) A tolerance of 0.01 ppm is established for residues of the herbicide diquat (6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazidiinium) (calculated as the cation) derived from application of the dibromide salt in potable water resulting from the application of the pesticide in ponds, lakes, and drainage ditches where there is little or no outflow of water and which are totally under control of the user. The applicator will make certain that treated water will not be used for animal consumption, swimming, spraying, irrigation, or domestic purposes for 14 days post-treatment. For the purposes of this paragraph only (§ 193.160(b)) these

applications of diquat are not to be used in aquatic sites in Florida.

* * * * *

[FR Doc. 82-4726 Filed 2-23-82; 8:45 am]
BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Permanent State Regulatory Program of Virginia

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

ACTION: Final rule.

SUMMARY: The Secretary of the Interior is modifying the deadline for Virginia to meet two of the conditions of approval on the State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), 30 U.S.C. 1201 *et seq.*

EFFECTIVE DATE: February 24, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Division of State Program Assistance, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. Telephone: (202) 343-5351.

SUPPLEMENTARY INFORMATION: On February 3, 1982, the Director of OSM published a proposed rule to extend the schedule for Virginia to meet two of the conditions of approval on its approved permanent regulatory program under the Act (46 FR 5013-5014). Public comments were invited until February 11, 1982. On March 13, 1979 (44 FR 15311-15463), the Secretary promulgated final rule for the permanent regulatory program under the Act. Certain provisions of the rules (Parts 730-732) established the procedures for the submission, review, and decision on State permanent regulatory programs whereby a State assumes primary jurisdiction to regulate surface coal mining under the Act. Under § 732.13(i), the Secretary may conditionally approve a State program which contains minor deficiencies if the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The schedule is established in consultation with the State, based on the regulatory and administrative needs of the State's permanent program and the Act, and the time required for changes to be adopted under State rulemaking or legislative procedures.

The Virginia program was conditionally approved on December 15, 1981 (46 FR 61088-61115). In the notice of approval, the Secretary published the schedule for Virginia to resolve each of 19 conditions on the approval of that State's regulatory program. In a letter to the Director, OSM, dated January 28, 1982, the Virginia Department of Conservation and Development indicated that it would like an extension for meeting conditions "o" and "r" as listed at 46 FR 61115, December 15, 1981 (See Administrative Record No. VA 376).

Condition "o" stipulates that the Secretary's approval of the Virginia program will terminate in February 15, 1982, unless Virginia submits to the Secretary by that date provisions which amend its program by: (1) Deleting the program narrative rationale of "significant legal and financial commitments" (SLFC) which provides that mere ownership of mineral rights or the right to mine constitutes a significant legal and financial commitment and (2) providing affirmative assurance that SLFC will be interpreted in accordance with Federal law. Condition "o" stipulates that if this is accomplished by a policy statement, it must be accompanied by a legal opinion which states that the policy statement is enforceable under existing State law and regulations.

Inasmuch as the State indicated in its January 28, 1982 letter that it intends to meet this condition by proposing a regulatory change, the State requested an extension of the deadline until October 15, 1982. The Secretary is allowing the State until October 15, 1982, to meet the condition.

Condition "r" stipulates that the Secretary's approval of the Virginia program will terminate on February 15, 1982, unless Virginia submits to the Secretary by that date copies of revised policy statement or otherwise amends its program to make its coal haul roads policy consistent with the Federal requirements. This policy statement must be accompanied by a legal opinion which states that it is enforceable under existing State law and regulations. Inasmuch as the State indicated in its January 28, 1982 letter that it proposes to submit legislation to the Virginia General Assembly in the current session that may impact the State's approach in meeting the condition, the State requested at least a 30-day extension of the February 15, 1982 deadline. The Secretary is allowing the State until April 1, 1982, to meet the condition.

Public Comments: The Environmental Policy Institute, Virginia Citizens for Better Reclamation and the Conservation Council of Virginia commented that no justification for the extensions whatsoever is provided by OSM except that the State is actively proceeding with steps to correct the deficiencies. They also stated that Virginia could have easily prepared the necessary documents to change its policy on the two pertinent problems without an extension. Therefore, they contended that Virginia's failure to correct the deficiencies within the two months suggests that Virginia is unwilling or unable to comply with the requirements set by the approval action.

In response to the first part of the comment, the Secretary believes that justifications for the extensions were provided in the notice of proposal. Concerning condition "o", it was pointed out that the State wished to correct the deficiency through regulatory change rather than policy statement. This approach would be preferable as a regulation would be easier to enforce than a policy statement. Further, it was noted that no harm would be done during the interim since Virginia stated that if the question of significant legal and financial commitment arose because of the filing of an unsuitability petition in which the issue of SLFC was relevant, then the State could make the necessary regulatory change to correct the condition in ample time prior to the hearing on the petition. With regard to condition "r" (haul roads), it was made clear that the Virginia General Assembly is considering legislation that may impact the State's approach in meeting the condition. Together with its letter requesting the extension, Virginia and submitted a copy of House Bill 123 (proposed), a complex piece of legislation that undoubtedly will have a bearing on the State's approach in correcting condition "g". Further, it was mentioned that granting an extension to the State for meeting this condition would cause no harm as the State would not have completed the issuance of permanent program permits prior to the proposed extended deadline.

In response to the second part of the comment, the Secretary believes, for the reasons provided by the State in requesting the extension, that the State is willing to correct the deficiencies. It simply indicated that it preferred to correct condition "o" by regulatory change, which is a laudable intention and that it wished to assess the impact of pending legislation on its compliance with condition "g," which is a sensible approach.

Other Information: The Office of Management and Budget has granted OSM an exemption from sections 3, 4, 7

and 8 of Executive Order 12291 for all actions to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, a Regulatory Impact Analysis and regulatory review by OMB are not needed for this extension.

This rule is deemed not to be a major Federal action within the meaning of section 102(2)(c) of NEPA under sections 501(a) or 702(d) of SMCRA. It is hereby designated as a categorical exclusion from the NEPA process. Therefore, this rule is exempt from the requirements of an Environmental Assessment, EIS or FONSI.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, I have certified that this rule will not have a significant economic effect on a substantial number of small entities as the rule is essentially a timing change with no direct or indirect impact on small entities.

The primary author of this rule is Richard Bryson, State Program Specialist, Division of State Program Assistance, Program Operations and Inspection, Office of Surface Mining, Telephone: (202) 343-5361.

Dated: February 19, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

PART 946—VIRGINIA

For the reasons set out in the preamble, 30 CFR Part 946 is amended by revising § 946.11 (o) and (r) to read as follows:

§ 946.11 Conditions of State regulatory approval.

* * * * *

(o) The approval found in § 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date provisions which amend its program by deleting the program narrative rationale of "significant legal and financial commitments" (SLFC) which provides that mere ownership of mineral rights or the right to mine constitutes a significant legal and financial commitment and provides affirmative assurance that SLFC will be interpreted in accordance with Federal law. If this is accomplished by a policy statement, it must be accompanied by a legal opinion which states that it is enforceable under existing State law and regulations.

* * * * *

(r) The approval found in § 946.10 will terminate on April 1, 1982, unless Virginia submits by that date copies of a revised policy statement or otherwise amends its program to make its coal haul roads policy consistent with the Federal requirements. This policy statement must be accompanied by a legal opinion which states that it is enforceable under existing State law and regulations.

* * * * *

(Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*))

[FR Doc. 82-4989 Filed 2-23-82; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. AH300FVA; A-3-FRL 2033-7]

Commonwealth of Virginia; Approval of Revisions to the Virginia Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On April 13, 1981, the Secretary of Commerce and Resources submitted several minor revisions of the nonattainment portion of the Virginia State Implementation Plan to the Environmental Protection Agency. Included in this submittal was an extended compliance schedule for Vi-Tex Packaging Inc. This Notice provides a description of the proposed SIP revisions, the results of EPA's review, and approves the SIP revisions as submitted, except for the Vi-Tex schedule.

EFFECTIVE DATE: March 26, 1982.

ADDRESSES: Copies of the SIP revisions and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media & Energy Branch (3AH13), Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Ms. Eileen M. Glen

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 "M" Street SW. (Waterside Mall), Washington, D.C. 20460

Virginia State Air Pollution Control Board, Ninth Street Office Building, Room 801, Richmond, Virginia 23219, Attn: Mr. John M. Daniel, Jr.

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

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen at the EPA, Region III address or telephone (215) 597-8187.

SUPPLEMENTARY INFORMATION: The April 13, 1981 submittal consists of several revisions to the Commonwealth's nonattainment plans. The portions of this submittal which correct deficiencies and satisfy the conditions noted in the April 16, 1981 Federal Register (48 FR 22185) are addressed in a separate ruelmaking. The balance of the submittal is addressed herein.

The Commonwealth provided proof that, after adequate public notice, public hearings were held regarding the proposed revisions on January 26, 1981 in Richmond and on February 9, 1981 in Lynchburg, Fredericksburg, Virginia Beach, and Annadale.

As a result of EPA's preliminary review, we proposed approval, except where noted, of the revisions listed below on September 10, 1981 at 46 Fed. Reg. 45159. No comments were received during the 30-day public comment period.

Regulation and Brief Description

1.02—Terms Defined—modified definitions of "external floating roof," "internal floating roof," and "nonmethane."

4.56(f)(3)—Miscellaneous wording changes.

App. M—Revises the minimum pressure above which the safety valves will release emissions.

EPA Evaluation: The definitions listed above have been reviewed by EPA and found to be acceptable as written.

Section 4.56(f)(3) is amended to include vapor balance and top loading vapor recovery methods if truck hatches are to be left open during loading or unloading operations. This change is acceptable to EPA.

Appendix M, Section III.a.2.ii, III.c.3.ii, III.d.2.ii.b, and IV.a.3.iii.b are revised to reduce the pressure per square inch (psi) above which pressure relief valves will release emissions to the atmosphere. This is a safety feature and is acceptable to EPA.

Chapter 7 of the Southeastern Virginia nonattainment plan was revised to include extended compliance schedules for VI-Tex Packaging Inc. Despite a submittal of supplemental information by the Commonwealth on May 27, 1981, there was still insufficient data for EPA to complete its review, at the time of the proposed rulemaking. At that time, the Commonwealth and the source were requested to submit additional information. The Commonwealth submitted a letter dated September 14, 1981 from Vi-Tex listing the types of inks which will be used. However, there is still no data to support the projected

reductions nor are there emission limits for each surface coating line. Therefore, EPA will take no further action on this schedule until the requested data has been submitted.

Conclusion: The Administrator's decision to approve the proposed revisions was based on a determination that the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

As a result of EPA's decision to approve these revisions to the Virginia Implementation Plan, 40 CFR Section 52.2420 (Identification of Plan) is being revised as shown below.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b), I hereby certify that SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

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

(42 U.S.C. 7401–7642)

Dated: February 17, 1982.

Anne M. Gorsuch,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52 of the code of Federal Regulations is amended as follows:

Subpart VV—Virginia

1. In Section 52.2420, paragraph (c)(59) is added as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(59 Amendments to §§ 1.02, 4.56(f)(3), and Appendix M as submitted on April 13, 1981 by the Secretary of Commerce and Resources.

[FR Doc. 82-4905 Filed 2-23-82; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 123

[SW-FRL-2033-6]

Interim Authorization of State Hazardous Waste Programs To Issue Permits Under Standards Whose Effective Date EPA Has Proposed To Suspend

AGENCY: Environmental Protection Agency (EPA).

ACTION: Policy statement related to rules on interim authorization of State hazardous waste programs.

SUMMARY: Today's notice announces a change in EPA's policy on the interim authorization of state hazardous waste programs. On October 20, 1981, in conjunction with EPA's proposal to suspend the effective date of certain of its technical standards used to issue permits to hazardous waste management facilities, EPA announced that it would postpone making decisions on whether to authorize states to issue permits to certain hazardous waste management facilities. Under the policy announced today, EPA will not postpone decisions on whether to authorize certain aspects of state hazardous waste permit programs.

EFFECTIVE DATE: February 24, 1982.

FOR FURTHER INFORMATION CONTACT: Truett DeGeare, Chief, State Programs Branch, State Programs and Resource Recovery Division, Office of Solid Waste and Emergency Response, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-2210.

SUPPLEMENTARY INFORMATION:

I. Background

On October 20, 1981, EPA proposed to temporarily suspend the effective dates of its January 1981 permitting standards for incinerators and storage surface impoundments, as applied to existing facilities, pending a reexamination of their appropriateness for existing facilities (46 FR 51407). These standards were issued under Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA) 42 U.S.C. 6901 *et seq.* In the preamble to the proposed suspension, EPA stated that the Agency's policy would be to postpone decisions on the authorization of state permitting programs for existing incinerators and existing storage surface impoundments until the Agency has resolved the question of suspending the effective date of the Federal standards for those facilities.

At least three states have commented to EPA in writing such a postponement would be unfair and illegal. Those states argue that unless EPA actually suspends the effective date of its standards, the standards remain in effect and are part of Components A and B of Phase II interim authorization, as announced on January 26, 1981 (46 FR 7964).

II. New Policy

EPA agrees that under the regulations in 40 CFR Part 123, Subpart F, and the January 26 notice of the contents of Components A and B, states that meet the regulatory requirements of Subpart F currently are entitled to receive interim authorization to issue RCRA permits to both new and existing incinerators and storage surface impoundments. However, if the Agency suspends the effective date of its permitting standards as they apply to certain categories of facilities, neither EPA nor any state would be able to issue RCRA permits to the facilities (or individual storage or treatment units) for which EPA does not have effective standards. State authorization to issue permits to those categories of facilities would automatically lapse because there would be no Federal program under Subtitle C of RCRA for the state program to be substantially equivalent to or to operate "in lieu of."

EPA's new policy will be to authorize state programs that meet the regulatory requirements for Components A and B of Phase II interim authorization to permit both new and existing incinerators and storage surface impoundments, but to include a suspension proviso, in the Memorandum of Agreement (see 40 CFR 123.126), between EPA and the authorized state. The proviso will specify that if EPA suspends the effective date of its January standards as they apply to existing incinerators and storage surface impoundments, EPA's authorization of the state to issue RCRA permits to those facilities will automatically be suspended. However, any such suspension will have no impact on the

state's ability to issue state permits under state law and regulations. The full text of the model language EPA has developed for State/EPA Memoranda of Agreement on this subject is appended to this notice.

III. Authority

This policy statement relates to rules issued under the authority of sections 1006, 2002(a), 3004, 3005 and 3006 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6905, 6912(a), 6924, 6925 and 6926.

IV. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This announcement of new authorization policy is not a "major rule" because it does not result in an annual effect on the economy of $100 million or more; result in increases in costs of prices; or pose significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This announcement was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: February 18, 1982.

Anne M. Gorsuch,

Administrator.

Appendix

(This material will not appear in the Code of Federal Regulations)

The State is aware that EPA has proposed to suspend the effective date of its January regulations as applied to existing incinerators and storage surface impoundments pending a reexamination of the appropriateness of those standards for existing facilities. 46 FR 51408 (October 20, 1981). The State recognizes that if the Administrator does suspend the effective date of the January regulations as they apply to certain facilities, there will then be no Federal program in effect for those facilities. Thus there will be no program for the State program to operate "in lieu of." The State agrees that if EPA suspends the effective date of its January standards as they apply to existing incinerators and storage surface impoundments, EPA's authorization of the State to issue RCRA permits to those facilities will automatically be suspended. State program authorization to issue these RCRA permits can be reinstated once EPA reestablishes this part of the Federal program by either reinstating the effectiveness of the existing regulations or promulgating new or amended regulations. EPA intends that procedures for reinstatement of State program authorization will be consistent with 40 CFR 123.13(a), (b)(1) and (2). If EPA suspends its January standards only with respect to certain categories of existing incinerators and surface impoundments, the State's authorization to issue RCRA permits to owners and operators for the remaining categories of facilities will continue in force. In other words, the State will continue to be authorized to issue RCRA permits to whomever EPA would be able to issue RCRA permits were the State not authorized. Any such suspension will have no effect on the State's ability to issue State permits under State law and regulations.

[FR Doc. 82-4906 Filed 2-23-82; 8:45 am]

BILLING CODE 6560-30-M

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40 CFR Part 180

[PH-FRL-2057-6; PP 9F2206/R406]

Diethatyl-Ethyl; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide diethatyl-ethyl and its metabolites in or on the raw agricultural commodities sugar beet roots and sugar beet tops. This regulation to establish the maximum permissible level for residues of the herbicide in or on the commodities was requested by BFC Chemicals, Inc.

EFFECTIVE DATE: Effective on February 24, 1982.

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

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice in the **Federal Register** of June 15, 1979 (44 FR 34693) which announced that Boots Hercules Agrochemicals Co., 910 Market St., Wilmington, DE 19899, had filed pesticide petition 9F2206 to the EPA. (Boots Hercules and Fisons, Inc., have since merged as BFC Chemicals, Inc., 4311 Lancaster Pike, PO Box 2867, Wilmington, DE 19805 and BFC Chemicals has become the petitioner.) The petition proposed that 40 CFR Part 180 be amended by establishing tolerances for the combined residues of the herbicide diethatyl-ethyl (*N*-chloroacetyl-*N*-(2,6-diethylphenyl) glycine ethyl ester and its major metabolites, *N*-chloroacetyl-*N*-*N*-(2,6-diethylphenyl) glycine ethyl ester glutathione conjugate and *N*-chloroacetyl-*N*-(2,6-diethylphenyl) glycine ethyl ester cysteine conjugate in or on the raw agricultural commodities sugar beet roots and sugar beet tops at 0.05 part per million (ppm) and soybeans at 0.2 ppm. The petitioner subsequently amended the petition to delete soybeans and expressed the request as combined residue of diethatyl-ethyl and its metabolites (free and bound) determinable as the *N*-acetyl-*N*-(2,6-diethylphenyl) glycine derivative.

No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of these tolerances included: a rat oral lethal dose (LD_{50}) study with an LD_{50} greater than 2.0 grams (g)/kilogram (kg) of body weight (bw); a mouse LD_{50} greater than 1.5 g/kg; a 90-day dog feeding study with a no-observed-effect level (NOEL) of 2,000 ppm; a three-generation rat reproduction study with a NOEL 200 ppm; a rat teratology study negative up to 500 milligrams (mg)/kg for teratogenic effects and with a NOEL for fetotoxic effects of 250 mg/kg; a supplemental rabbit teratology study with no teratogenic or fetotoxic effects at 100 mg/kg (higher doses could not be evaluated); a mouse micronucleus study negative for mutagenic effects; a 24-month mouse oncogenicity study negative for oncogenic effects and with a NOEL of 5,000 ppm for non-neoplastic lesions; and a 2-year rat chronic oral/oncogenicity study negative for oncogenic effects and with a NOEL of 200 ppm. Data lacking, but considered desirable, are a 1-year (or longer) non-rodent (dog) feeding study and a repeat of the rabbit teratology at mid and high doses.

Based on a NOEL of 2,000 ppm in the 90-day dog feeding study and a safety factor 2,000, the acceptable daily intake (ADI) is 0.025 mg/kg/day. For a 60-kg person, the maximum permissible intake

(MPI) is 1.5 mg/day. These tolerances utilize 0.18 percent of the ADI.

The nature of the residues of the pesticide in plants and animals is adequately delineated and an adequate analytical method (gas chromatography) is available for enforcement purposes. There is no expectation of residues in meat, milk, poultry, or eggs.

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

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

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

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

(Sec. 408(d)(2), 68 Stat. 514; (21 U.S.C. 346a(d)(2)))

Dated: February 12, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

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

Therefore, 40 CFR Part 180 is amended by establishing a new § 180.402 to read as follows:

§ 180.402 Diethatyl-ethyl; tolerances for residues.

Tolerances are established for the combined residues of the herbicide diethatyl-ethyl and its metabolites (free and bound) determinable as the *N*-acetyl *N*-(2,6-diethylphenyl) glycine derivative in or on the following raw agricultural commodities:

Commodities	Parts per million
Sugar beets, roots	0.05
Sugar beets, tops	0.05

[FR Doc. 82-4907 Filed 2-23-82; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PP OE2398/R399; PH-FRL-2054-4]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide atrazine. This regulation to establish a maximum level for residues of atrazine in or on guava was submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on February 24, 1982.

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

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM No. 2, 1921 Jefferson Davis Highway, Arlington, Va. 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking that published in the **Federal Register** of December 30, 1981 (46 FR 63085) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, had submitted pesticide petition number OE2398 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish a tolerance for combined residues of the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-*s*-triazine) and its metabolites in or on guava at 0.25 part per million (ppm). The petition was later revised to propose a tolerance of 0.05 ppm atrazine *per se* in or on guava.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that establishment of the tolerance will protect the public health. Therefore, 40 CFR 180.220 is amended as set forth below.

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

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

Effective on: February 24, 1982.

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

Dated: February 3, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

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

Therefore, 40 CFR 180.220 is amended by adding and alphabetically inserting the raw agricultural commodity "guava" in paragraph (a) to read as follows:

§ 180.220 Atrazine; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Guava	0.05
* * * * *	

[FR Doc. 82-4589 Filed 2-23-82; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PP 6E1856/R400; PH-FRL-2054-3]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the herbicide 2-methyl-4-chlorophenoxyacetic acid (MCPA). This rule to establish a maximum permissible level for residues of MCPA in or on certain raw agricultural commodities was requested by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on February 24, 1982.

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

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking that published in the Federal Register of December 23, 1981 (46 FR 62300) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition number 6E1856 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Illinois, Iowa, Michigan, Minnesota, South Dakota, and Wisconsin. This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug and Cosmetic Act, propose the establishment of tolerances for residues of the herbicide MCPA in or on the forage legumes alfalfa, clovers, lespedeza, trefoils, and vetches at 20 parts per million (ppm). The petition was later amended to propose a tolerance of 0.1 ppm in or on alfalfa, clovers, lespedeza, trefoils, vetches, and the hay of each. Residues will be as a result of treatment of small grains underseeded with the named forage legumes.

The data submitted in the petition, and all other relevant material, have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought, and it is concluded that establishment of the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

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

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

Effective on: February 24, 1982.

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

Dated: February 3, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

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

Therefore, 40 CFR 180.339 is amended by adding and alphabetically inserting in paragraph (a) the raw agricultural commodities alfalfa, clovers lespedeza, trefoils, and vetches and the hay of each to read as follows:

§ 180.339 2-methyl-4-chlorophenoxyacetic acid; tolerances for residues.

(a) * * *

Commodities	Parts per million
Alfalfa	0.1
Alfalfa hay	0.1
* * * * *	
Clovers	0.1
Clover hay	0.1
* * * * *	
Lespedeza	0.1
Lespedeza hay	0.1
* * * * *	
Trefoils	0.1
Trefoil hay	0.1
* * * * *	
Vetches	0.1
Vetch hay	0.1
* * * * *	

[FR Doc. 82-4590 Filed 2-23-82; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PP 5E1648/R320; PH-FRL-2056-8]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the pesticide diquat on various raw agricultural commodities. This regulation to establish the maximum permissible level for residues of diquat in or on these raw agricultural commodities was requested by the Department of the Army.

EFFECTIVE DATE: Effective on February 24, 1982.

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

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767 C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking in the Federal Register of March 5, 1981 (46 FR 15285) that the Department of the Army, Office of the Chief Engineers (DEAN-CWO-F), Washington, DC 20314, has submitted pesticide petition (PP 5E1648) to the EPA. The petition proposed that the Administrator amend 40 CFR 180.226 by establishing tolerances for residues of the pesticide diquat (6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazidiinium dibromide (calculated as the cation) derived from application of the dibromide salt in or on the raw agricultural commodities fish, forage grasses, forage legumes, and shellfish at 0.1 part per million (ppm), and advocados, citrus fruits, cottonseed, cucurbits, fruiting vegetables, grain

crops, hops, leafy vegetables, nuts, pome fruit, root crop vegetables, small fruits, seed and pod vegetables, stone fruits, and sugarcane at 0.02 ppm resulting from its use in aquatic weed control programs. A related document (FAP 5H5097/R78) which establishes a regulation permitting the use of diquat in water appears elsewhere in this issue of the **Federal Register.**

The evaluation of the scientific data supporting this regulation is presented in the **Federal Register** of March 5, 1981 (46 FR 15285).

A regulation is in effect (21 CFR 193.160) permitting the use of the dibromide salt of diquat to control aquatic weeds in canals, lakes, ponds, and other potential sources of potable water with an interim tolerance of 0.01 ppm. Tolerances have previously been established (40 CFR 180.226) for residues of diquat from use of its dibromide salt in or on a variety of raw agricultural commodities. The pesticide is considered useful for the purpose for which the tolerances are sought, and there is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). Therefore, the tolerances are established as set forth below.

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

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

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

(Sec. 408(d)(2), 68 Stat. 514; (21 U.S.C. 346a(d)(2))).

Dated: February 9, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

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

Therefore, 40 CFR 180.226 is amended by designating the existing text as paragraph (a) and adding paragraph (b) to read as follows:

§ 180.226 Diquat; tolerances for residues.

(a) * * *

(b) Tolerances are established for residues of the herbicide diquat (6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazidiinium) (calculated as the cation) derived from the application of the dibromide salt to ponds, lakes, reservoirs, marshes, drainage ditches, canals, streams, and rivers which are slow-moving or quiescent in programs of the Corps of Engineers or other Federal or State public agencies and to ponds, lakes and drainage ditches only where there is little or no outflow of water and which are totally under the control of the user, in or on the following raw agricultural commodities:

Commodities	Parts per million
Avocados	0.02
Cottonseed	0.02
Cucurbits	0.02
Fish	0.1
Fruits, citrus	0.02
Fruits, pome	0.02
Fruits, stone	0.02
Grain, crops	0.02
Grasses, forage	0.1
Hops	0.02
Legumes, forage	0.1
Nuts	0.02
Shellfish	0.1
Sugarcane	0.02
Vegetables, fruiting	0.02
Vegetables, leafy	0.02
Vegetables, root crop	0.02
Vegetables, seed and pod	0.02

Where tolerances are established at higher levels from other uses of diquat on the subject crops, the higher tolerances applies also to residues of the aquatic uses cited in this paragraph.

[FR Doc. 82-4725 Filed 2-23-82; 8:45 am]

BILLING CODE 6560-32-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-37

[FPMR Amdt. F-52]

Local Telephone Service; Major Changes and New Installations

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This directive clarifies the descriptions of major changes to local telephone service systems and adds agency exclusive teleconferencing facilities to the list of major items requiring GSA approval. These changes are necessary to ensure the reliability and financial stability of FTS-provided local and intercity telephone service.

EFFECTIVE DATE: February 24, 1982.

FOR FURTHER INFORMATION CONTACT: Robert R. Johnson, Policy and Evaluation Division (202-566-0194).

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

PART 101-37—TELECOMMUNICATIONS MANAGEMENT

1. Section 101-37.202 is amended by revising the introductory paragraph and paragraphs (a)(1), (a)(5), (a)(6) and (a)(10) and by adding paragraphs (a)(2), (a)(3), and (a)(11) to read as follows:

§ 101-37.202 Description of major changes.

This section describes major changes and new installations of telecommunications services and facilities that require approval by GSA. These services are:

(a) * * *

(1) Installation, relocation, replacement, or removal of a private branch exchange (PBX), CENTREX service, or automatic call distributor (ACD) equipment. A telephone subsystem installed as part of a GSA telephone system is not considered a major change when the subsystem does not duplicate features of the PBX or CENTREX main system. However, these subsystems must be approved by the GSA region providing service to ensure

that subsystems are compatible with the main system. (Telephones connected to a subsystem are subject to the same common distributable rate as those connected to the main system.)

(2) Installation, relocation, or replacement of agency exclusive teleconference facilities that provide for a conference capability of more than five connections. GSA provides conference services at most GSA consolidated telephone systems. Conferences involving more than five connections should be placed through the National FTS Conference Control Center in Washington, DC. (Agency requests for GSA approval of exclusive-use conference facilities should contain sufficient economic and operational detail to evaluate the request in comparison with the FTS teleconference services.)

(3) Installation, replacement, or relocation of any stand-alone telephone equipment arrangement having the capability or capacity to provide service to 50 or more telephones.

* * * * *

(5) Installation or relocation of 25 or more business lines.

(6) Installation, augmentation, replacement, or removal of tielines between private branch exchanges.

* * * * *

(10) Installation of 200 or more main stations to any PBX that is connected directly to the FTS intercity voice network.

(11) Any change to local telephone service that requires relocation or removal of FTS intercity voice network facilities.

* * * * *

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

Dated: February 2, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82-4886 Filed 2-23-82; 8:45 am]

BILLING CODE 6820-25-M

Proposed Rules

Federal Register
Vol. 47, No. 37
Wednesday, February 24, 1982

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

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1944

Rural Rental Housing Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations concerning rural rental housing loans. The action is taken because of changes in the administration of the program and the need to eliminate certain requirements in the regulations which are no longer appropriate and whose continued requirement impede the efficient administration of the program. It is also taken to strengthen the Agency's mission of rural development and strengthen Agency efforts to assist distresssed communities and rural areas which have significant populations of poor and disadvantaged persons. The intended effect is to clarify and update the regulations and provide needed instruction to FmHA field staff in the processing of rural rental housing preapplications.

DATES: Comments must be received on or before April 26, 1982.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, South Agriculture Building, 14th Street and Independence Ave., SW., Washington, DC 20250. All written comments made pursuant to the notice will be available for public inspection during regular work hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Antonio O. Izquierdo, Branch Chief, Rural Rental Housing Loan Division, Room 5331, South Agriculture Building, 14th St. and Independence Avenue, SW., Washington, DC 20250, Telephone 202–382–1621.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291, and has been determined "not major". It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action is taken in reply to findings and recommendations of the general public and FmHA field and National Office staffs which require that certain changes be made to the rural rental housing regulations as soon as possible to protect the integrity of the program and to provide verification of proper use of Federal funds to meet more effectively the needs of the primary beneficiaries of the program. This action also implements certain Congressional requirements established in the Housing and Community Development Amendments Act of 1980, which were effective on the ratification of the Act in October 1980.

There is no impact on proposed budget levels, and funding allocations will not be affected because of this action. It is determined that this regulation maximizes net benefit to society at the lowest net cost.

Approval has been requested from the Office of Management and Budget for the reporting and recordkeeping requirements contained herein.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements". It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

The FmHA programs and projects which are affected by this instruction are subject to state and local clearinghouse review in the manner delineated in FmHA Instruction 1901–H.

This regulation is listed in the CFDA under 10.415, Rural Rental Housing Loans.

The alternatives to issuing the proposed revisions to the regulations which were considered included not changing existing regulations, partial revisions of selected portions of the current regulations, and allowing each FmHA State Office to establish procedures consistent with local practices. Each of these alternatives was rejected because it did not promote efficiency in Agency operations, assure long term compliance with the objectives for which the FmHA assistance was provided, and could lead to a proliferation of regulations and requirements more stringent than necessary and confusing to the public, especially borrowers with operations in more than one jurisdiction. On this basis, the Agency has determined that the chosen alternative maximizes the net benefit to society at the lowest net cost.

The FmHA proposes to amend Subpart E of Part 1944, Chapter XVIII, Title 7, Code of Federal Regulations. The specific revisions to the instruction are as follows:

1. Section 1944.205(f)(5) is added to define what constitutes an eligible tenant in a cooperative type rental housing project.

2. Section 1944.205(k) is revised to clarify eligible legal, professional and technical services and fees.

3. Section 1944.211(a)(1) is revised to clarify the eligibility of American Indian tribes as eligible program applicant's in accordance with the Housing and Community Development Amendments Act of 1980.

4. Section 1944.211(a)(5)(iii) is revised to clarify when a borrower's initial two percent operating capital can be returned after two years.

5. A new § 1944.212(b) is added to permit the purchase and rehabilitation of exising buildings.

6. Section 1944.212(b) is relettered (c) and revised to indicate that existing buildings needing major rehabilitation is an eligible loan purpose and paragraphs (c) through (q) are relettered (d) through (r) respectively.

7. Section 1944.212(1) has been revised to clarify legal, technical, and

professional services and fees which can be paid from loan funds.

8. Section 1944.215(e)(4) is removed.

9. Section 1944.215(q)(5) is added to clarify what action is to be taken when the area in which a rural rental housing preapplication is located changes from an FmHA eligibility determination of rural to nonrural.

10. Section 1944.221 is renumbered as subsection (a).

11. Section 1944.221 (b) is added to require a financing statement and a security agreement pleading all revenue from the respective rural rental housing project.

12. Section 1944.222 (m) is revised to clarify who must submit a Form HUD–2530/FmHA 1944–37, "Previous Participation Certification."

13. Section 1944.231 (d)(2) is revised to clarify at what time in the processing of a rural rental housing preapplicaton, (in which the State Director determines that it must be sent to the National Office) does the docket have to be sent to the National Office for authorization.

14. Section 1944.231 (d)(3) is revised to clarification purposes.

15. Section 1944.231 (d)(3)(i) is revised to clarify and update rural rental housing processing procedures for the selection of RRH preapplications for further development.

16. Section 1944.231 (d)(3)(ii)(A), (B), (C), and (D) are revised to conform to more up-to-date preapplication selection requirements and criteria.

17. Section 1944.231 (d)(3)(ii)(E) is removed.

18. Section 1944.231 (d)(4) is revised.

19. Section 1944.231 (d)(5)(ii) is revised to clarify the time up to which the Agency will maintain a rural rental housing preapplication on hand for consideration for funding.

20. Section 1944.231 (d)(5)(iii) is revised to clarify the role and timetable requird of the District Director in the processing of a rural rental housing preapplication.

21. Section 1944.232 (d)(2) is revised to include the requirement of Form FmHA 440–25, "Financing Statement."

22. Section 1944.235 (b)(1) and (2) are added to define under what conditions it is permissible to transfer an obligation of funds.

23. Section 1944.237 is renumbered to subsection (a).

24. Section 1944.237 (b) is added to clarify under what conditions a subsequent rural rental housing or rural cooperative loan can be made to an existing borrower.

25. Section 1944.237 (c) is added to clarify what are subsequent loans.

26. Section 1944.237 (d) is added to clarify when the initial five percent borrower contribution and the initial two percent operation and maintenance funds are needed in the case of a subsequent loan.

27. Exhibit A–6, paragraph 1 a, is revised to clarify the certification statement that members of a borrower entity must provide to FmHA in regards to their financial statement in cases where the FmHA loan has been closed.

28. Exhibit A–6, paragraph 1 g, is revised to clarify when Form HUD 2530/FmHA 1944–37, "Previous Participation Certification," is required of program participants.

29. Exhibit A–6, paragraph 2 is revised to require a complete market analysis or survey with the preapplication instead of at the application stage.

30. Exhibit A–7, paragraph 5, is revised to clarify when a new market analysis or survey would be required in the application stage.

31. Exhibit A–7, paragraph 5 a, b, b 1, 2, 3, 4, 5, 6, c, d, and e are removed.

32. Exhibit A–7, paragraph 6, is revised to clarify under what conditions will a new financial statement be required of the applicant at the application state.

33. Exhibit A–7, paragraph 13 is removed.

34. In Exhibit B, paragraph VI A 1, 2, and 3 are revised, to conform with Subpart C of Part 1930.

35. In Exhibit B, paragraph VI A 3 a, b, c, and d are removed.

36. Exhibit B, paragraph VI C 2, is revised to clarify how to treat vacancies under multiple advances when all construction is not complete and the borrower desires to execute the Interest Credit Agreement.

37. In Exhibit B, paragraph VI D is revised to indicate the new Form HUD 50059, "Certification and Recerification of Tenant Eligibility."

38. In Exhibit C, paragraph VI B is revised to refer back to the proceeding paragraph, paragraph VII E is revised to refer to the lease requirements of paragraph VII of Exhibit B to Subpart C to Part 1930, and paragraph VII E 1, VII E 2, a, b, c, d, e, f, g, and h, and VII E 3 are removed.

39. In Exhibit C, a new paragraph IX B 4 is added to indicate the terms for the renewal of rental assistance agreements.

40. Exhibit C, paragraph X A 1 c is removed.

41. Exhibit C, paragraph X C 2 is removed, and existing paragraphs X C 3, 4 and 5 are renumbered X C 2, 3 and 4 respectively. Paragraph X C 2 is revised by adding "or renewal" in the heading of the paragraph and in the first sentence between the words "initial" and "request". Paragraph X C 3 is revised by adding at the end of the paragraph the new sentence "The rental assistance agreement number will be the same as the agreement being modified".

42. In Exhibit C, paragraph XII A is removed, paragraphs B, D, E and F are relettered, and paragraph XII is renumbered a new paragraph XV.

43. In Exhibit C, a new paragraph XII is added, to clarify the procedure by which to cancel rental assistance payments with the Finance Office.

44. Exhibit C, paragraph XIII, is added, to clarify the procedure by which to terminate existing rental assistance agreements obligated during prior fiscal years.

45. Exhibit C, paragraph XIV, is added, to clarify the procedure by which to terminate rental assistance agreements made within the same fiscal year.

46. Exhibit C, paragraph XIII is renumbered XVI.

47. Exhibit M is revised to Form HUD–2530/FmHA 1944–37, "Previous Participation Certification."

48. Numerous editorial and/or typographical changes have been made.

Accordingly, FmHA proposes to amend Subpart E of Part 1944, Chapter XVIII, Title 7, Code of Federal Regulations as follows:

PART 1944—HOUSING

Subpart E—Rural Rental Housing Loan Policies, Procedures, and Authorizations.

1. In § 1944.205, paragraph (k) is revised and paragraph (f)(5) is added to read as follows:

§ 1944.205 Definitions.

* * * * *

(f) *Eligible occupants.* * * *

* * * * *

(5) In the case of cooperative housing projects all members (tenants) must be of low- or moderate-income except that, any tenant who is admitted as an eligible tenant of the cooperative may not subsequently be deprived of her-his membership or tenancy by reason of no longer meeting the income eligibility requirements as outlined in Exhibits C of Subpart A of Part 1944.

* * * * *

(k) *Development cost.* The cost of constructing, purchasing, improving, altering, or repairing housing and related facilities and the value of cost of purchasing and improving the necessary land. It includes necessary architectural, engineering, legal, and other appropriate technical and professional fees and charges. However, costs incurred in the formation or incorporation of the applicant organization are excluded

except as indicated in § 1944.212(l) of this Subpart. For nonprofit organizations and State or local public agencies the development cost may include initial operating expenses up to 2 percent of the aforementioned costs. It does not include fees, charges, or commissions such as payments to brokers, negotiators, or other persons for the referral of prospective applicants or solicitation of loans. In the case of State or local public agencies the costs incurred in the relocation of individuals may be included as part of the total development cost in accordance with § 1944.215(u) of this Subpart.

* * * * *

2. In § 1944.211, paragraph (a)(1) is revised and paragraph (a)(5)(iii) is amended to add a new sentence to the end of the paragraph to read as follows:

§ 1944.211 Eligibility requirements.

(a) *Eligibility of applicant.* To be eligible for an RRH loan, the applicant must:

(1) Be either an individual who is a citizen of the United States or a legally admitted alien for permanent residence in the United States, or an organization as defined in § 1944.205(n) of this subpart or be an Indian tribe, band, group, nation, including Alaska Indians, Aleuts, Eskimos and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638) or under the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512), which will provide housing for eligible occupants as defined in § 1944.205(f) of this subpart.

* * * * *

(5) * * *

(iii) * * * This applies to RRH and Rural Cooperative Housing (RCH) loans closed after October 27, 1980, and is not retroactive to existing loans prior to that date or to transfer cases after that date.

* * * * *

3. In § 1944.212, paragraphs (b) through (q) are relettered to (c) through (r), respectively, and a new paragraph (b) is added, and paragraphs (c) and (l) are revised to read as follows:

§ 1944.212 Loan purposes.

* * * * *

(b) Purchase existing buildings only when major rehabilitation is necessary in accordance with paragraph (c) of this section.

(c) Rehabilitate existing buildings only when major modifications, repairs, or improvements to the structures are necessary to meet the requirements of decent, safe, and sanitary living units. Loans will not be made for the purchase of adequate housing not in need of major rehabilitation. Major rehabilitation shall not be considered to be minor items of development work such as painting, cleaning, and improvements to related facilities.

* * * * *

(l) Pay related costs such as fees and charges for legal, architectural, engineering, and other appropriate technical and professional services. The fees and charges may be paid to an applicant or to an officer, director, trustee, stockholder, member, or agent of the applicant provided those fees and charges are reasonable and typical for that area and are earned. Legal, technical and professional fees do not include the costs incurred in the formation or incorporation of the applicant entity or the payment of a "loan packaging" or development fee. Ordinarily, FmHA will furnish the needed guidance for the development of an RRH loan docket and project. However, the State Director may authorize the use of loan funds to enable a nonprofit corporation or consumer cooperative to pay a qualified consulting organization or foundation, operating on a nonprofit basis, to assist it in formation or incorporation and for the development and packaging of its loan docket and project. In the latter case, the State Director must determine that:

* * * * *

4. In § 1944.212(c)(6) change the reference "paragraph (b)(5)" to "paragraph (c)(5)" in the first sentence.

5. In § 1944.212 (p) and (p)(3) change the reference "§ 1944.235(b)(1)" to "§ 1944.235(c)(1)".

6. In § 1944.213(b)(1) change the following references: "§ 1944.212(p)" to "§ 1944.212(q)"; "§ 1944.212(b)" to "§ 1944.212(c)", and "§ 1944.212(o)" to "§ 1944.212(p)".

7. In § 1944.213(b)(10)(i) change the reference "§ 1944.235(b)(1)" to "§ 1944.235(c)(1)".

8. In § 1944.213(b)(13) change the reference from "§ 1944.212(c)(2)" to "§ 1944.212(d)(2)".

9. In § 1944.213(b)(14) change the reference "§ 1944.212(c)(2)" to "§ 1944.212(d)(2)".

10. In § 1944.213, a new § 1944.213(b)(16) is added to read as follows:

§ 1944.213 Limitations.

* * * * *

(b) *Limitations on use of loans funds.* * * *

* * * * *

(16) The financing or construction of non-essential facilities such as fireplaces, saunas, whirlpools, gyms, swimming pools, carports, garages and covered parking.

* * * * *

11. In § 1944.213(c) change the reference from "§ 1944.235(b)(1)" to "§ 1944.235(c)(1)".

12. In § 1944.215, paragraph (e)(4) is removed and paragraph (q)(5) is added to read as follows:

§ 1944.215 Special conditions.

* * * * *

(q) *Location of Housing.* * * *

* * * * *

(5) The property for which a loan is made must be located in a rural area as defined in § 1944.10 of Subpart A to Part 1944, or on a farm, except that if the area where the property is located has changed from rural to nonrural after the official 1980 census figures are published, loan applications received prior to the date the area was determined nonrural, will be processed as expeditiously as possible, and loans closed on the applications provided the loan applicants are otherwise eligible.

* * * * *

13. Section 1944.221 is revised to read as follows:

§ 1944.221 Security.

(a) Mortgage. Each loan will be secured in a manner that adequately protects the financial interest of the Government. A first mortgage, except as indicated in paragraphs (a)(1) and (3) of this section, will be taken on the property purchased or improved with the loan. A mortgage should be taken on only that part of the land which is necessary to provide adequate security for the loan as determined by the appraisal, except when excess land is purchased as authorized in § 1944.312(d)(3) of this Subpart.

(1) A second mortgage will be taken on a site developed with prior RRH loan(s) when a subsequent loan is made to complete or finish out units on the site, or when a second initial loan is made to develop units on a contiguous site.

(2) Personal liability will not be required for the members or stockholders of any corporation or trust or any partners in a limited partnership. Personal liability will be required of all members of other partnerships. For limited partnerships the State Director will obtain the advice of the Regional Attorney as to any modifications needed in the Promissory Note and mortgage.

(3) If it is impossible or inadvisable for an applicant which is a public or quasi-public organization to give a real estate mortgage, the security to be taken

will be determined by the National Office upon the recommendation of the State Director. The State Director should consult OGC as to whether the proposed security is legally permissible.

(b) To secure the FmHA loan, each borrower will execute Form FmHA 440–24, "Financing Statement," and a security agreement at loan closing pledging all revenue from the housing project according to the priorities set out in paragraph XI A of Exhibit B to Subpart C of Part 1930. This may be HUD Section 8 Housing Assistance Payments, FmHA RA payments and/or tenant rent payments.

14. In § 1944.222, paragraphs (g) the italicized heading and (m) are revised to read as follows:

§ 1944.222 Technical, legal, and other services.

* * * * *

(g) *How to apply for a Rural Rental Housing Loan.* * * *

* * * * *

(m) *Previous participation certification.* All known principals and affiliates are required to submit a properly completed Form HUD–2530/FmHA 1944–37, "Previous Participation Certification" (See Exhibit M). Architects and any attorneys who have any interest in the project other than an arms length fee arrangement for professional services are also considered principals. The form will be completed and processed in accordance with instructions attached to the form.

15. In § 1944.222(h) change the reference from "§ 1944.212(k)" to "§ 1944.212 (l)".

16. In § 1944.231, paragraph (d)(3)(ii)(E) is removed, and paragraphs (d)(2) introductory text, (d)(3), (d)(4) and (d)(5)(ii) and (d)(5)(iii) are revised to read as follows:

§ 1944.231 Processing preapplications.

* * * * *

(d) *Actions by the State Office.*

* * * * *

(2) When the State Director determines it necessary, and for all preapplications in excess of the State Director's approval authority, the preapplication will be sent to the National Office for evaluation, authorization, and instructions prior to ranking preapplications in accordance with § 1944.231(d)(3) of this section. When projects are submitted to the National Office, the following information must be included in the submission:

* * * * *

(3) The State Director, with the assistance, advice, and counsel of the Multiple Family Housing Coordinator, will review the preapplication information, credit report(s), and the District Director's eligibility and feasibility determination and recommendations.

(i) All preapplications determined eligible and feasible will be immediately evaluated in accordance with the priority processing system established in this subpart. Preapplications receiving the highest rating will be notified, using Form AD–622 of their eligibility and advised to develop an application. Authorizations cannot exceed 150 percent of a state's or district's latest annual allocation. The remaining eligible preapplications and future eligible preapplications will be notified using Form AD–622 of their eligibility but advised that processing priorities and current funding levels will not permit further processing of their application at this time. These preapplications will be ranked numerically based on their rating. As loans are approved, applications withdrawn or annual allocations increased which permit further authorizations, the preapplication with the next highest numerical ranking will be contacted. If the factors supporting the ranking still exist authorization to develop an application will be given.

(ii) Preference in selecting and processing loan requests within the annual allocations will be based on the priorities indicated.

(A) Projects in areas or communities having a higher percentage of substandard housing. For this purpose FmHA will use the county data provided by the National Office unless better and more specific statewide data approved by the National Office is available for a particular state. If the state mean of substandard housing exceeds 15.0 percent, use Chart A. If the state mean is 15.0 percent or less use Chart B. Forty points to be distirbuted in the following manner:

A (percent)	Points	B (percent)
Over 34	40	Over 18.
31 to 34	35	17 to 18.
27 to 30	30	15 to 16.
23 to 36	25	13 to 14.
19 to 22	20	11 to 12.
15 to 18	15	9 to 10.
11 to 14	10	7 to 8.
7 to 10	5	5 to 6.
0 to 6	0	0 to 4.

(B) Projects in areas or communities having the lowest median per capita income. This data will be provided by the National Office. Thirty points to be distributed in the following manner:

	Points
100% or more of State Capita income	5
95 to 99	10
90 to 94	15
85 to 89	20
80 to 84	25
Less than 80	30

(C) Projects which will serve the needs of rural communities located a number of miles from the FmHA eligibility line around urban areas considered ineligible for FmHA housing loans as determined by § 1944.10 of Subpart A of Part 1944. Twenty points to be distributed based on map mileage from project site to urban area line over normally travelled roads in the following manner:

	Points
20 or more miles	20
15 to 19	15
10 to 14	10
5 to 9	5
0 to 4	0

(D) Projects located in communities or market areas which do not have an FmHA financed Section 515 project in operation or authorized.

	Points
No FmHA rental housing project	5
Existing or authorized rental project	0

* * * * *

(4) After completing the review and rating, the State Director will notify the District Director of the results. The State Director will return the preapplication information and the executed original Form FmHA 440–46 to the District Office with authorization for the District Director to prepare and issue Form AD–622.

(5) * * *

* * * * *

(ii) Applicants with preapplications which are favorably considered, but are unable to be selected for further processing within approximately 150 percent of the State Office of District Office allocation of funds, will be notified that their preapplications were determined eligible but lacked sufficient priority to authorize further processing at the present time. Applicants should be advised that their preapplication will be retained and considered for future funding based on its rating. If funding is not authorized within one year from the date of the AD–622, they will be notified in writing that their preapplication will no longer be considered unless it is resubmitted or updated. In addition, the applicants will be advised against incurring obligations for legal and architectural and engineering work,

perfecting interests in land rights, and inviting construction bids or making other commitments which cannot be fulfilled without loan funds, until funds are actually made available.

(iii) When an applicant is notified to proceed with an application the District Director should establish specific deadlines for developing the proposal to avoid unreasonable delays by those applicants not prepared to proceed. In addition, the following paragraphs should be contained on or attached to Form AD–622: "The review action taken by FmHA is based upon representations made in your preapplication presented to FmHA. Any changes in approximate project costs, size or scope of the project, rental rates to the tenants or subsidy costs to the Government, scope of services, sources of funds, or any other significant changes in the project or applicant, must be reported to and approved by FmHA in writing. Any changes not approved by FmHA shall be cause for discontinuing processing of the application. All applicants requesting changes will be required to give full justification for each change, and if FmHA approval is not given, written reasons should be provided along with a 30 day negotiation period to resolve the differences."

This action is not to be considered as loan approval or as a representation of the availability of funds. The loan docket may be completed on the basis of a loan not to exceed the amount shown on Form AD–622.

If a complete application has not been developed in approvable condition by the date specified on Form AD–622, FmHA reserves the right to discontinue processing the application.

17. In § 1944.232, paragraph (d)(2) is amended by changing "FmHA 440–1" to "FmHA 1940–1", by changing "HUD Form 2530, Previous Participation Certification" to "HUD Form 2530/FmHA 1944–37, Previous Participation Certification", by changing "Nondiscrimination Agreement" to "Assurance Agreement" and by adding Form FmHA 440–25 to loan docket list immediately following Form FmHA 400–4 to read as follows:

§ 1944.232 Preparation of completed loan docket.

* * * * * *

(d) *Assembly, review, and distribution of complete loan docket items.*

* * * * *

(2) * * *

For FmHA 440–25.	Financing Statement.	2	2-O&1C...	1-C....	1-C.

* * * * *

§ 1944.233 [Amended]

18. Section 1944.233 is amended by changing the reference from "Form FmHA 440–1" to "Form FmHA 1940–1" in the following locations: in the first sentence of paragraph (b)(2)(i)(A), in the third sentence of paragraph (b)(2)(i)(B), in paragraph (b)(2)(i)(C), in the second and fourth sentences of paragraph (b)(2)(i)(F), in the first sentence of paragraph (b)(2)(ii), in paragraph (b)(3)(ii), and in paragraph (b)(3)(iii).

19. In § 1944.235(a)(4) change the reference from "§ 1944.212(n)" to "§ 1944.212(o)".

20. In § 1944.235, paragraphs (b) through (h) are relettered to (c) through (i), respectively, and a new paragraph (b) is added to read as follows:

§ 1944.235 Actions subsequent to loan approval.

* * * * *

(b) *Prohibitions on the transfer of obligations.*

(1) It is not permissible to transfer an obligation of loan fund from one individual applicant to another individual applicant, from an individual applicant to an organizational applicant, nor from an organizational applicant to an individual applicant. This is true even when loan funds will be used to develop the same project on the same site to serve the same market area.

(2) However, if organizations are involved, there are two situations in which an obligation or the essence of a transfer of fund obligation may occur. These are:

(i) *Organization entity remains the same.* In these cases, the entity remains legally the same with a substitution of the members occurring. All or part of the membership may change as long as eligibility is not affected. The project also remains the same concerning site location and the market being served.

(ii) *Organization entity changes.* In these cases the membership remains identical, the project concerning site location and market are the same, but the legal entity must be changed.

* * * * *

21. In § 1944.235(c)(2)(ii) change the reference from "paragraph (b)(2)(i)" to "paragraph (c)(2)(i)" in the first sentence.

22. § 1944.235(d) change the reference from "paragraph (b) (1) or (2)" to "paragraph (c) (1) or (2)".

§ 1944.236 [Amended]

23. In § 1944.236, paragraph (a) is amended by inserting the words "or individual" after "organization" in the third sentence and by changing the reference "§ 1944.21(k)" to "§ 1944.212(1)" in the last sentence.

24. In § 1944.236, paragraph (c)(2) is amended by changing the reference from "Form FmHA 440–1" to "Form FmHA 1940–1" in the first sentence.

25. In § 1944.236(e)(2) change the reference from "FmHA Instruction 405.1" to "FmHA Instruction 1905–A".

26. § 1944.237 is revised to read as follows:

§ 1944.237 Subsequent RRH loans.

(a) A subsequent RRH loan is a loan made to an applicant or borrower to complete or repair the units planned with the initial FmHA loan.

(b) Subsequent loans may be made on property in an area the designation of which changed from rural to nonrural after the initial FmHA loan was made only in the following instances: in connection with a credit sale of inventory property, to make necessary repairs; and, in connection with an assumption and transfer of property securing an RRH loan to make necessary repairs. Subsequent loans for other purposes may not be made to existing borrowers in a nonrural area.

(c) In cases where the loan is to complete the original units under the initial FmHA loan:

(1) If the applicant has provided under the initial FmHA loan an initial investment greater than the five percent required, and it is sufficient to cover the required five percent initial investment of the subsequent loan, then the applicant/borrower should not be required to put up additional funds for this purpose. The same applies to initial O and M requirements.

(2) If the initial five percent investment and two percent O and M amounts are only sufficient to cover the intitial FmHA loan, then the applicant/borrower must provide the additional five and two percent amounts to cover the subsequent loan.

(d) In cases where the loan is to repair an existing project which has been in operation for some time, then:

(1) The applicant/borrower should not be required to provide the initial two percent O and M amount since its purpose is to cover project start-up costs.

(2) The applicant must provide the borrower's initial five percent contribution except in those cases which it can be determined that at the time of the initial FmHA loan, the applicant has

provided more than the initial five percent required at that time. The applicant will not be given any consideration for any increase in equity or increase in value that the property may have had since the date of the initial FmHA loan.

§ 1944.238 [Amended]

27. In § 1944.238 change the reference from "Forms FmHA 440–1" to "Forms FmHA 1940–1" in the last line.

28. In Exhibit A–6, paragraph 1(a) is amended by adding a new sentence to the end of the second paragraph, paragraphs 1(g) and 2(a) are revised and a new paragraph 6 is added and reads as follow:

Exhibit A–6—Information To Be Submitted With Preapplication for Rural Rental Housing (RRH) Loan

* * * * *

1. *Eligibility:*

(a) Financial Statement— * * *

"(I) or (we) certify the above statements contained herein are a true and accurate statement of (my) or (our) financial condition as of the date stated herein. This statement is given for the purpose of inducing the United States of America to make a loan as requested in the loan preapplication or application of which this statement is a part," if the loan has not been closed or approved, or "This statement is given for the purpose of enabling the United States of America to make a determination of continued eligibility of the applicant," if the loan is already approved or closed.

* * * * *

(g) All known principals and affiliates are required to submit a properly completed Form HUD–2503/FmHA 1944–37, "Previous Participation Certification". Architects and any attorneys who have any interest in the project other than an arms length fee arrangement for professional services are also considered principals. The form will be completed and processed according to the instructions attached to the form.

2. *Need and Demand:*

(a) A market survey report which should be based on the number of eligible occupants in the area who are willing and financially able to occupy the housing at the proposed rental levels. The economic justification for the housing and the size of the project should be based primarily upon the housing need and demand from eligible prospective occupants who are permanent residents of the community and its surrounding trade area. Permanent residents include those eligible residents of the community that are year-round farm laborers, civilian employees or military personnel of any military installation that may be located within the trade area of the community. Since the intent of the program is to provide adequate housing for the eligible permanent residents of the community, demand from the more temporary residents of a community (such as college students in a college town) should be discounted in determining project size. A market survey report will include:

(i) For a proposed project which will contain 10 or fewer units and will be in a community where an effective demand for rental housing obviously exists, statements supported by statistical data describing and explaining the basis for expecting a continued effective demand for the rural rental housing over the period of the loan. This information may be assembled from census reports, county market evaluations made by the Department of Housing and Urban Development and other published data that shows the number of occupants living in the town or trade area who are eligible to occupy the proposed housing and the condition of the housing they occupy. This information will be used to help determine the maximum number of rental units that may be financed.

(ii) For a proposed project that will include more than 10 units and for any smaller project where there is any doubt concerning the demand, a complete rental housing market analysis showing the need and demand for rural rental housing in the area based on the best information available. It will include:

(A) An estimate of number of houses or apartments in the area for rent or sale. Exhibit A–2 or a similar form should be used for this purpose.

(B) Characteristics of available rental housing such as location, quality and size of unit, type of building, age of structure, house value, tenure, vacancy rate, nature of vacancies, and price or rental levels.

(C) Characteristics of the persons eligible for occupancy of the proposed housing, such as single or couple, size of household, number of senior citizens, nonsenior citizens or handicapped persons, and income financial condition.

(D) Present living arrangements of eligible occupants in the area and the extent to which inadequate housing is associated with health or financial reasons.

(E) Estimate of the number of eligible occupants who are willing and financially able to occupy the proposed housing.

(F) In the case of a proposal involving congregate housing, with central dining area, space for support services, or housing involving a group living arrangement, a narrative statement from local, State, and/or Federal Government agencies supporting the current and long-range need for the facilities in the community and its trade area.

(iii) If the housing is located in an area where there are relatively few eligible occupants, or for any other reason there is a question as to whether the housing will be fully occupied, signed expressions of interest in occupancy from a sufficient number of eligible occupants will be obtained so as to clearly indicate that full occupancy will occur soon after construction is completed. Exhibit A–3 or a similar form may be used for this purpose.

(iv) The applicant will provide a written, signed certification that the information provided in the market study is true and accurate.

(v) For all projects containing over four units the applicant will submit an Affirmative Fair Marketing Housing Plan for approval by FmHA in accordance with § 1901.203 of Subpart E to Part 1901. The Affirmative Fair Marketing Plan must be prepared in a complete, meaningful, responsive and detailed manner.

* * * * *

29. In Exhibit A–7, paragraphs 5 and 6 are revised to read as follows and paragraph 13 is removed:

Exhibit A–7—Information To Be Submitted With Application for Federal Assistance (Short Form)

* * * * *

5. If more than 12 months have transpired since the applicant submitted the market survey report the State Director may require a new one if she/he so determines that the situation merits one.

6. If more than 12 months have transpired since the applicant submitted the dated financial statement the State Director may require a new one if she/he so determines that the situation merits one or if the financial situation of the applicant has sufficiently changed (See paragraph 1a of Exhibit A–6).

* * * * *

30. In Exhibit B, paragraphs VI.A.1, 2, and 3, paragraph VI.C.2, paragraph VI.D are revised to read as follows:

Exhibit B—Interest Credits on Insured RRH and RCH Loans

* * * * *

VI. *Special Conditions.*

A. *Leases.*

1. Monthly or annual leases will be executed with each tenant occupying a rental unit in accordance with the requirements of Subpart C of Part 1930. The State Director should issue State Supplements covering any State laws, special conditions or local customs affecting leasing arrangements that may exist in the state. The lease form, for projects operating under Plan II, in addition to other statements outlining the conditions of the lease, should contain the following statement: "I understand and agree that the monthly rental payment under this lease will be $. I also understand and agree that my monthly rental payment under this lease may be raised or lowered, based on changes in my income and changes in the number and age of persons living in my household and based on the escalation clause in the lease. The rental payment will not, however, be less than $ (Basic Rental) nor more than $ (Market Rental) during the terms of this lease, except that these rental payments may be raised by a Farmers Home Administration approved rent increase. I agree to provide promptly any certifications and income verifications required by the owner to permit eligibility determination and, if applicable, the rental rate to be charged.

2. The lease agreement in congregate housing cases must include in the major provisions the following statement: "I understand that my ability to live independently in the project with the support services available will be evaluated on a continuous basis. I may be requested to vacate if a determination is made that I am no longer able to live in the project without

additional assistance." This involves cases where the tenant has progressed or regressed to a state of health that requires, in the opinion of the management, a level of care not available in the congregate housing facility.

3. Loans will be made on the basis of the units being rented to eligible tenants under Plan II as described in paragraph IV of this Exhibit. If in connection with the servicing of the loan it becomes necessary to permit ineligible persons to occupy the housing for temporary periods to protect the financial interest of the Government, the State Director may authorize the borrower in writing to rent units to ineligible persons subject to the State Director determining compliance with the applicable requirements indicated in paragraph V B 5 of Exhibit B to Subpart C of Part 1930.

* * * * *

C. *Vacancies.*

* * * * *

2. When all construction is not completed but the FmHA loan is closed, all funds have been withdrawn from the Finance Office, some of the units are ready for occupancy, and the contractor consents in writing to permit occupancy, the incompleted units will be assumed to be rented at the market monthly rentals in computing the amount of payment.

D. *Interest Credit for Projects Under the Department of Housing and Urban Development (HUD) Housing Assistance Payments Program or FmHA Rental Assistance.* When rental units in an RRH project are leased under the Section 8 program, Form HUD 50059, "Certification and Recertification of Tenant Eligibility," will be completed as required in Exhibit H for new construction. Projects authorized to utilize rental assistance will complete Form FmHA 444–7 in accordance with Exhibit C.

* * * * *

31. In Exhibit C, paragraphs VII.E.1, VII.E.2.a through E.2.h, VII.E.3, X.A.1.c, X.C.2, XII.A, and XII.B.1 are removed and paragraphs X.C.3, X.C.4, and X.C.5 are renumbered to X.C.2, X.C.3, and X.C.4, respectively, paragraph XII is renumbered to a new paragraph XV, paragraph XIII is renumbered to a new paragraph XVI, paragraphs XV.B.2, 3, and 4 are renumbered to XV.B.1, 2, and 3, respectively, and paragraphs XV.B, D, E, and F, are renumbered XV.A, B, C, and D, respectively.

32. In Exhibit C, paragraphs VII.E and XV.A are revised, and paragraphs IX.B.4, XII, XIII, and XIV are added to read as follows:

Exhibit C—Rental Assistance Program

* * * * *

VII. *Responsibilities of Borrower in Administering the Rental Assistance Program.* * * *

* * * * *

E. A borrower participating in the RA program must have an FmHA approved lease with the assisted household. Leases must comply with the requirements of paragraph VII of Exhibit B to Subpart C to 1930".

* * * * *

IX. *Terms of the Rental Assistance Agreement.*

* * * * *

B. *Term.*

* * * * *

4. *For Renewal.* Prior to the termination date of any agreement the borrower may submit a Form FmHA 444–25 for "renewal" units. This should be submitted no later than three (3) months prior to the expected expiration date of the present agreement to allow time for processing. If a renewal agreement is approved, it will be for a five (5) year period. This renewal may not be for more units than the number that are expiring. The State Director may approve renewal units which exceed his/her approval authority provided the initial units were authorized by the National Office.

* * * * *

XII. *RA Payment Cancellation.* In the event that a rental assistance check may need to be cancelled the following procedure will be followed:

(A). *Return of the original RA Treasury check.* The District Office will prepare Form FmHA 440–10, "Cancellation of Loan or Grant Check and/or Obligation." Items to be completed include:

1. State, County, and Case Number.
2. Date Assistance Approved—Enter date of credit to borrower (see item 21 on FMI for Form FmHA 444–9).
3. Loan Number.
4. Fund Code.
5. Treasury Check Number.
6. Date of Treasury Check.
7. Check Schedule Number (See item 5 on FMI for Form FmHA 444–9).
8. Loan $— Enter amount of the RA check being cancelled.
9. Type of Assistance—Below item " Other (Specify)" enter the annotations "Number of Units " and " Existing New." Code the annotations with information applicable to the MFH project receiving RA.
10. Borrower Name and Address.
11. Item 4, Conditional Committment for Loan Guarantee—Below item 4 enter the annotation "RA Treasury Check Cancellation."
12. Date and Signature of District Director.

The original Form FmHA 440–10 and attached Treasury check will be forwarded to the Kansas City Disbursing Center. Distribution of copies will be to the FO, State Office, and the District Office.

(B) *Return of a portion of the monthly RA Payment.* A MFH borrower check made payable to Farmers Home Administration will be submitted to the Finance Office attached to Form FmHA 444–9. Form FmHA 444–9 will be coded as Miscellaneous Collection Code 21—Other. The payment will be coded "U" for refund. Add the following statement to the bottom of the form: "Refund of overpayment of Rental Assistance for the month of , 19 .

XIII. *Terminating Existing Rental Assistance Agreements Obligated in Prior Fiscal Years.*

A. Rental Assistance Agreements will be terminated when (1) the current Rental Assistance Agreement expiration date is reached and RA is to be continued on the project (2) the Rental Assistance Agreement is to be terminated prior to the Rental Assistance Agreement expiration date and RA is to be discontinued on the project, or (3) the funds on the current Rental Assistance Agreement will be fully disbursed with the next scheduled monthly RA payment. Procedures for terminating current Rental Assistance Agreement are as follows:

(1) As of the month the Rental Assistance Agreement is to be terminated, the District Office will prepare Form FmHA 444–9 in accordance with the current FMI. If the District Office wants a RA check and any funds are available from the Rental Assistance Agreement to be terminated, the applicable information fields on Form FmHA 444–9 will be completed. If applicable, MFH loan payment and overage-surcharge information will also be included on the Form FmHA 444–9.

The District Office will enter the annotation "Rental Assistance Agreement Number " and "Final Rental Assistance Payment Number " below the "No. of Units" column on Form FmHA 444–9. The annotations will be coded as follows:

(a) Enter the code "01" for initial Rental Assistance Agreements or the sequential number assigned to subsequent Rental Assistance Agreements beginning with "02" in the "Rental Assistance Agreement Number " field .

(b) Enter the Rental Assistance Agreement number for the Rental Assistance Agreement to be terminated in the "Final Rental Assistance Payment Number " field.

Note.—Code values entered in the "Rental Assistance Agreement Number " field and the "Final Rental Assistance Payment Number " field must be equal.

If sufficient funds are not available on the Rental Assistance Agreement being terminated, the District Office must submit a separate Form FmHA 444–9 requesting additional funds be disbursed from a subsequent Rental Assistance Agreement renewal. The District Office will complete all items applicable to processing a RA payment on the separate Form FmHA 444–9. The annotation "Rental Assistance Agreement Number " will be entered below the "No. of Units" column on the form. The sequential number assigned to the subsequent Rental Assistance Agreement renewal will be entered in this field.

(2) Form(s) FmHA 444–9 will be mailed to the Finance Office, Attention: Multiple Family Housing Unit—340A5. The applicable RA obligation record in our files will be coded as terminated.

Note.—The FO will have only one active RA obligation record on our files with the exception of a one month overlap.

B. When prior fiscal year Rental Assistance Agreements are terminated, the undisbursed funds—unliquidated balances for those obligations—cannot be reused and are lost as a result of the single year RA obligational authority. To ensure effective utilization of RA funds, it is therefore imperative that

Rental Assistance Agreements not be terminated prior to the expiration date if RA payments are to be continued and there are undisbursed funds for that Rental Assistance Agreement obligation.

XIV. *Terminating Current Fiscal Year Rental Assistance Agreements.*

A. When funds have not been disbursed from the obligation the State Director will make a copy of Form FmHA 444–26 which was returned by the Finance Office showing the date and amount of the obligation. In Part V of the form the State Director will mark "in red" TERMINATED and THE AMOUNT BEING TERMINATED. This form will be mailed to the Finance Office Attention: Allotment Ledger Unit. The Finance Office will process Form FmHA 444–27 terminating the Rental Assistance obligation. The undisbursed funds for that obligation will be returned to the current fiscal year obligation authority.

B. When funds have been disbursed from the obligation the district office will prepare Form FmHA 444–9 as indicated in paragraph XIII of this Exhibit. The undisbursed funds for that Rental Assistance Agreement will be deobligated from the current fiscal year obligation authority.

XV. *Rights for Appeal if Rental Assistance is not granted by Farmers Home Administration.*

A. Borrowers who have requested rental assistance and are denied such assistance, in whole or in part by the Farmers Home Administration, will be notified in writing of the specific reasons why such assistance was denied. The letter informing the borrower of the denial will advise the borrower that the decision may be appealed in accordance with the provisions of Subpart B to Part 1900, except for rejections because of lack of RA units. The letter informing the borrower of the denial of assistance and the reasons therefor must include:

* * * * *

33. In Exhibit C, paragraphs VI.B is revised by adding at the end of the paragraph the following sentence, "After the project is fully occupied the procedure in paragraph VI.A will be followed".

34. In Exibit C, paragraph X.C.2 is revised by adding "or renewal" in the title of the paragraph and in the first sentence of the paragraph between the two words "initial" and "request" and paragraph X.C.3 is revised by adding to the end of the paragraph the new sentence "The rental assistance agreement number will be the same as the agreement being modified".

Exhibit H [Amended]

35. In Exhibit H, paragraph V.I is amended by changing the reference from "HUD Form 2530, 'Previous Participation Certification'" to "Form HUD–2530/FmHA 1944–37, 'Previous Participation Certification,'" in the first sentence, and paragraph VI.A is amended by changing the reference from "HUD Form 2530" to "Form HUD 2530/FmHA 1944–37," in the third sentence.

36. In Exhibit H, paragraph VII is amended by changing the reference "Form HUD 52659" to "Form HUD 50059, 'Certification and Recertification of Tenant Eligibility'" in the last sentence.

Exhibit H–3 [Amended]

37. In Exhibit H–3, paragraph (3) is amended by changing the reference from "Section 8" to "Section 3".

38. In Exhibit K, paragraphs 6(e)(3) and 6(e)(4) are revised to read as follows:

Exhibit K—Form FMHA 1944–34, "Loan Agreement for an RRH Loan To a Partnership Operating on a Profit Basis or RRH Loan to a Limited Partnership Operating on a Profit Basis or RRH Loan to a Partnership Operating on a Limited Profit Basis or RRH Loan to a Limited Partnership Operating on a Limited profit Basis"

* * * * *

6. *Regulatory Covenants.* * * *

* * * * *

(e) * * *

* * * * *

(3) Not change the membership by either the admission or withdrawal of any partner(s) *nor permit the general partner(s) to maintain less than a five percent interest in the organization* nor cause or permit voluntary dissolution of the Partnership nor cause or permit any transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(4) Not borrow any money, nor incur any liability aside from current expenses which would have a detrimental effect on the housing.

* * * * *

39. In Exhibit L, paragraph 6(d)(4) is revised to read as follows:

Exhibit L—Form FMHA 1944–35, "Loan Resolution for an RRH Loan to a Broadly Based Nonprofit Corporation or RRH Loan to a Profit Type Corporation or RRH Loan to a Profit Type Corporation Operating on a Limited Profit Basis"

* * * * *

6. *Regulatory Covenants.* * * *

* * * * *

(d) * * *

* * * * *

(4) Not cause or permit the issue or transfer of stock, borrow any money, nor incur any liability aside from current expenses which would have a detrimental effect on the housing.

* * * * *

40. Exhibit M is revised to read as follows:

BILLING CODE 3410-07-M

Instruction 1944-E
Exhibit M

Position 3

Form Approved
OMB-2502-0118

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
HOUSING - FEDERAL HOUSING COMMISSIONER AND
U. S. DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

PREVIOUS PARTICIPATION CERTIFICATION

1. TO: *(Name and City of HUD Area Office or USDA-FmHA District Office where the Application is filed)*	2. PROJECT NAME, I.D., OR PROJECT NUMBER AND CITY, STATE CONTAINED IN THE APPLICATION ALSO: SECTION 8 CONTRACT NUMBER

3. LOAN OR CONTRACT AMOUNT	4. NUMBER OF UNITS OR BEDS	5. SECTION OF ACT *(If known)*	6. TYPE OF PROJECT *(Check One)*
$			☐ Existing ☐ Rehabilitation ☐ Proposed *(New)*

LIST OF ALL PROPOSED PRINCIPAL PARTICIPANTS

7. Alphabetical List of the Full Names *(last name first)* and Address of all known principals and affiliates *(people, businesses and organizations)* proposing to participate in the project described above.	8. Role of Each Principal	9. Expected % Interest in Ownership	10. Social Security or IRS Employer Number

CERTIFICATION

I *(meaning the individual who signs as well as the corporations, partnerships or other parties listed above who certify)* hereby apply to HUD or USDA-FmHA, as the case may be, for approval to participate as a principal in the role and project listed above based upon my following previous participation record and this Certificate.

I certify that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule A and Exhibits signed by me and attached to this form.

A. I certify that:

1. Schedule A contains a listing of every assisted or insured project of HUD, USDA-FmHA and State and Local Government housing finance agencies in which I have been or am now a principal.
2. For the period beginning 10 years prior to the date of this certification, and except as shown by me on the certificate,
   a. No mortgage on a project listed by me has ever been in default, assigned to the Government or foreclosed, nor has mortgage relief by the mortgagee been given;
   b. I have not experienced defaults or noncompliances under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
   c. To the best of my knowledge, there are no unresolved findings raised as a result of HUD audits, management reviews or other Governmental investigations concerning me or my projects;
   d. There has not been a suspension or termination of payments under any HUD assistance contract in which I have had a legal or beneficial interest attributable to my fault or negligence;
   e. I have not been convicted of a felony and am not presently, to my knowledge, the subject of a complaint or indictment charging a felony. *(A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);*
   f. I have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency.
   g. I have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond.
3. All the names of the parties, known to me to be principals in this project(s) in which I propose to participate, are listed above.
4. I am not a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in HUD's Standard of Conduct in 24 CFR 0.735.205(e)(2)/USDA's Standard of Conduct in 7 CFR Part 0 Subpart B.
5. I am not a principal participant in an assisted or insured project this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification have not been filed with HUD or FmHA.
6. To my knowledge I have not been found by HUD or FmHA to be in noncompliance with any applicable civil rights laws.

B. (APPLICABLE TO GENERAL PARTNERS OR PROJECT OWNERS ONLY)
All the parties who are principals or who are proposed as principals here are listed above and no principals or identities of interest are concealed or omitted.

C. I am not a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.

D. Statements above *(if any)* to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion *(if any)*, and have attached a true and accurate signed statement *(if applicable)* to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

Typed or Printed Name of Principal	Signature of Principal	Title, Role or Capacity	Date	Area Code and Telephone No.

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code, Section 1001 and Section 1010.	This form was prepared by *(Please print name)*	Area Code & Telephone No.

REPORT OF INSPECTOR GENERAL - INTERNAL PROCESSING ONLY

THE INDICES OF THE INSPECTOR GENERAL'S OFFICE HAVE BEEN CHECKED FOR THE NAMES OF THE PRINCIPALS LISTED IN PART I ABOVE AND: ☐a. WE HAVE NO INFORMATION; OR ☐b. WE HAVE INFORMATION AND A REPORT IS ATTACHED

DATE	TITLE	SIGNATURE

Replaces Form FHA 2530, which is obsolete.

Form FmHA 1944-37 (Rev. 4-23-81)
HUD-2530

Form Approved
OMB - 2502-0118

SCHEDULE A - LIST OF PREVIOUS PROJECTS AND SECTION 8 CONTRACTS

By my name below is the complete list of my previous projects and my participation history as a principal in Multifamily Housing programs of HUD/USDA-FmHA, State and Local Housing Finance Agencies.

NOTE: Read and follow the attached instruction sheet carefully. Abbreviate where possible. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If you have no previous projects write by your name - "No previous participation - First Experience".

1. List each Principal's Name *(List in Alphabetical Order, Last Name First)*	2. List Previous Projects *(Give the I.D. Number, Project Name, City of Location, Government Agency involved and Number of Units in the Project)*	3. List Principal's Participation Role and Interest - Give Month and Year Participation began and ended.	4. Disclose Defaults, Mortgage Relief, Assignments, Foreclosures. If None, write "None".	5. RESERVED FOR HUD PROCESSING

PART II - INTERNAL PROCESSING ONLY

1. Received by the Field Office, checked by me for accuracy and completeness and found ready for processing:

DATE	FTS TELEPHONE NUMBER

SUPERVISOR, PROCESSING CONTROL AND REPORTS UNIT

2. TO: Department of Housing and Urban Development, Multifamily Participation Review Committee, Washington, D.C.
A review of the records and project files of this office relative to the above listed parties and projects reveals:

☐ A. No adverse information, Form HUD-2530 approval is recommended; ☐ B. Problems exist, my memorandum on them is attached

DIRECTOR OF HOUSING

PROCESSING IS AUTHORIZED

DATE	NAME OF AREA MANAGER

Form FmHA 1944-37 (Rev. 4-23-81)
HUD-2530

BILLING CODE 3410-07-C

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: February 5, 1982.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 82-4927 Filed 2-23-82; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 561 and 563

[No. 82-104]

Amendments Relating to the Issuance of Subordinated Debt Securities

February 18, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Board proposes to amend its regulations governing the issuance of subordinated debt securities by savings and loan institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC" or the "Corporation"). Proposed changes include: (1) Increasing the percentage of an insured institution's net-worth requirement which may be composed of subordinated debt securities; (2) allowing subordinated debt to be included in the statutory reserve account on a one-to-one basis for any required reserve in excess of 3% of the institution's savings account balances; (3) revising the current eligibility requirements for the issuance of subordinated debt; and (4) expanding the authority of the Board to waive the form, term and offering requirements for subordinated debt securities. The proposed action would provide added flexibility and ability for insured institutions to issue subordinated debt securities by increasing such securities' utility and revising eligibility and structural requirements.

DATE: Comments must be received by: March 25, 1982.

ADDRESS: Send comments to Director, Information Services, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION, PLEASE CONTACT:

John P. Soukenik, Office of General Counsel (202-377-6427), at the above address.

SUPPLEMENTARY INFORMATION:

Background

In the past two years, the Board as operating head of the FSLIC has substantially amended its borrowing regulations in an effort to provide greater authority for borrowing outside the Federal Home Loan Bank System and state-chartered central reserve institutions ("outside borrowing") and to increase institutions' flexibility to manage liabilities while continuing to ensure that outside borrowing activity does not adversely affect the safety and soundness of institutions whose accounts are insured by the FSLIC. The proposed amendments would continue this regulatory approach by liberalizing the eligibility criteria for subordinated debt issues and by giving the Board the flexibility to waive requirements as to form, term, and method of offering for the securities. Moreover, the Board believes that permitting the increased use of subordinated debentures in the net-worth calculation and the limited use of subordinated debentures in meeting the statutory reserve requirement would give insured institutions added flexibility and ability to engage in the offering and selling of subordinated debentures.

Increase in Amount of Subordinated Debt Securities Permitted To Be Included for Net-Worth Requirements

Section 561.13 of the Insurance Regulations (12 CFR 561.13) allows an insured institution to satisfy up to 20 percent of its total net-worth requirement with subordinated debt securities issued upon written approval by the Corporation of an application submitted pursuant to § 563.8-1 (12 CFR 563.8-1). The entire amount of subordinated debt securities qualifying under this standard may be included as part of the issuing institution's net worth until the securities' remaining period to maturity is less than one year. The proposed amendment would increase the total amount of subordinated debt securities permitted to be counted for the issuing institution's net worth from 20 percent to 40 percent of the total net-worth requirement.

Inclusion of Subordinated Debt Securities for Statutory Reserve Requirements

Section 403(b) of the National Housing Act (12 U.S.C. 1726 (b)) requires an insured institution to provide adequate reserves satisfactory to the Corporation. Section 403(b) authorizes the Board to implement the statutory reserve requirement by regulations within certain limitations set forth in the statute. Pursuant to the statute, the Board must establish a specific reserve requirement to be met by insured institutions and to be composed of an amount no greater than 6% nor less than 3% of each institution's insured accounts. Currently, the reserve requirement established by the Board is 3% of insured account balances as calculated through application of the formula set forth in § 563.13(a)(2) (12 CFR 563.13(a)(2)). The reserve may consist of any item eligible for inclusion in the institution's net worth except for those items specifically excluded in subparagraphs (a)(3)(i) through (iii) of § 563.13. Subordinated debt securities are among the exclusions.

The proposed amendment to § 563.13 would allow subordinated debt securities to be counted towards an institution's statutory reserve requirement on a limited basis when the reserve requirement is set at a percentage higher than 3 percent of insured accounts. An insured institution still would be required to meet the minimum 3% reserve requirement without the use of any subordinated debt securities. However, under the proposed revision, the required reserve in excess of 3% of insured accounts may consist of any amount of subordinated debt securities eligible for inclusion in the issuing institution's net worth. Because the Board recently lowered the statutory reserve requirement to 3% of insured accounts (See, Board Resolution No. 82-19, (January 14, 1982)); 47 FR 3543 (January 26, 1982), the proposed liberalization would have no immediate effect but would operate prospectively in the event that the statutory reserve requirements are increased above the current 3% level.

Eligibility Requirements for Subordinated Debt

In order for the subordinated debentures of an insured institution to be included as part of its net worth, the issuing institution must comply with Section 563.8-1 (12 CFR 563.8-1). Paragraph (b) of that section lists six specific eligibility requirements an institution must meet at the time its application is approved by the Board. The eligibility requirements include a general requirement that to issue subordinated debt securities under § 563.8-1, an issuing institution must comply with applicable law or regulation and that the issuance must not be inconsistent with the issuing institution's charter, constitution, or bylaws. It also must meet specific financial standards relating to net worth, scheduled items, loss reserves, income/debt servicing ratio, and total

outstanding subordinated debt. In the case of a particular application, the Board may waive any or all of the requirements upon specific request of the issuing institution.

The proposed amendment would replace the specific financial qualifications with a supervisory standard which would allow the Corporation to judge applications on a case-by-case basis. Applications authorized by law would be approved if, in the opinion of the Corporation, the policies, condition and operation of the applicant did not afford a basis for supervisory objection to the application. In determining whether supervisory objection to an application should be taken, the Corporation would consider the specific standards regarding the applicant's net worth, scheduled items, loss reserves, and the income/debt servicing ratio set forth in the regulations. The standards regarding net worth, scheduled items, and loss reserves are substantially similar to those set forth in the existing regulation. The comparison of the institution's income and its cost of servicing the proposed subordinated debt issue has been revised to allow for projected income as well as current and past income to be considered by the Corporation.

Waiver of Form, Term, and Offering Requirements

The introductory language of paragraph (d) of §563.8–1 currently provides for the waiver of any of the requirements as to form, term, and offering of subordinated debt in connection with a sale of such securities to the Corporation. In order to provide the Board with greater flexibility in considering applications which do not comply with all of the requirements of paragraph (d), the Board proposes to remove the restriction on granting waivers of the requirements of paragraph (d), thereby permitting the Corporation upon request to waive any of the designated requirements of paragraph (d) which it deems appropriate. The provisions excepted from the scope of the waiver are the disclosure that the security is not a deposit or account insured by FSLIC and the requirement that the security be subordinated, unsecured, and not eligible for use as collateral.

Regulatory Flexibility Act Certification

Pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (September 19, 1980), the Board certifies that the proposed amendments, if promulgated, would not have a signficant economic impact on a substantial number of small entities. The proposed regulations would reduce a number of existing restrictions on the issuance and utility of subordinated debt securities. The Board believes that the proposed amendments will benefit institutions but does not believe that the amendments will have a significant economic impact on institutions.

Because there is a present need to allow institutions greater flexibility in the composition of their new worth, the Board has limited the comment period to 30 days.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Parts 561 and 563 of Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

§ 561.13 [Amended]

1. Amend the second sentence of § 561.13 ("Net worth") by removing the term "20 percent" and replacing it with term "40 percent".

PART 563—OPERATIONS

2. Revise § 563.8–1 by amending paragraph (b) and the introductory text to paragraph (d), removing paragraph (f), and redesignating paragraphs (g), (h), and (i) as (f), (g), and (h), respectively; to read as follows:

§ 563.8–1 Issuance of subordinated debt securities.

* * * * *

(b) *Eligibility requirements.* The Corporation will consider and process an application by an insured institution for approval of the issuance of subordinated debt securities pursuant to this section only if, at the time of approval:

(1) The issuance of such securities by the applicant is authorized by applicable law and regulation and is not inconsistent with any provision of the applicant's charter, constitution, or bylaws; and

(2) In the opinion of the Corporation the policies, condition, and operation of the applicant do not afford a basis for supervisory objection may be made on the basis that:

(i) Net worth, without regard to the amount of any subordinated debt securities included or to be included in net worth, does not meet the requirements of § 563.13;

(ii) Scheduled items exceed 2.5 percent of specified assets;

(iii) Appraised losses have not been required by specific reserves to the extent required pursuant to § 563.17–2 of this Part; or

(iv) Actual and anticipated income from operations after distribution of earnings to the holders of savings accounts and payments of dividends on equity securities and interest on borrowings, but before income taxes, is not demonstrably sufficient for interest and amortization of debt, discount, and related expenses of the proposed issue.

* * * * *

(d) *Requirements as to securities.* Subordinated debt securities issued pursuant to this section shall meet all of the following requirements unless one or more of such requirements, not including subparagraphs (1) (i) and (ii), are waived by the Corporation:

* * * * *

(f) *Additional requirements.* * * *

(g) *Limitation of offering period.* * * *

(h) *Reports.* * * *

3. Amend § 563.13 by revising paragraph (a)(3)(i) and adding paragraph (a)(9) to read as follows:

§ 563.13 Reserve accounts.

(a) * * *

(3) * * *

(i) Subordinated debt securities not qualifying under the provisions of paragraph (a)(9) of this section;

* * * * *

(9) Any subordinated debt security which qualifies for inclusion in net worth pursuant to § 561.13 of this Subchapter also shall qualify for inclusion in any reserve requirement in excess of three percent of the amount calculated to be the insured institution's insured accounts balance pursuant to the provisions of paragraph (a)(2) of this section.

(Sec. 409, 94 Stat. 160, Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR 1943–48 Comp., p. 1071))

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82–4925 Filed 2–23–82; 8:45 am]

BILLING CODE 6720–01–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 721

Federal Credit Union Insurance and Group Purchasing Activities

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: The NCUA Board proposes to further revise its regulation dealing with insurance and group purchasing activities by federal credit unions. The revision will remove most of the restrictions presently imposed, thus simplifying compliance and allowing federal credit unions greater flexibility in managing their operations.

DATE: Comments must be received by April 16, 1982.

ADDRESS: Submit written comments to Robert S. Monheit, Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration, 1776 G Street NW, Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Joseph Myers, Director, Division of Consumer Policy, Office of Consumer Affairs, National Credit Union Administration, (202) 357–1080.

SUPPLEMENTARY INFORMATION: Part 721 was revised by the NCUA Board on September 16, 1981 (46 FR 47435, September 28, 1981). The effective date of the revised regulation was November 17, 1981. On November 5, 1981 the NCUA Board extended the effective date to April 1, 1982 (46 FR 55922, November 13, 1981).

The proposed regulation removes the requirement that an investigation be conducted and an investigation report be prepared for all insurance and group purchasing plans endorsed by the credit union. It removes the requirement that a disclaimer be issued for all plans not endorsed and that any financial interests in the investigating organization be disclosed. It removes the requirement that members be given advance notice of the release of mailing lists, that they be given the right to have their names excluded from the mailing list, and that the vendor must agree not to use the mailing list for unauthorized purposes. Finally, it removes the optional form FCU 2000 used for documenting reimbursable expenses.

The requirements regarding reimbursement have been re-written. Comment is particularly requested on this section. Are these methods of calculating allowable reimbursement reasonable? Are there other methods that should be permitted? Can the section be written more simply to facilitate compliance and enforcement? Or should this section also be deregulated (i.e., no limits on reimbursement)?

In a separate rulemaking document, the NCUA Board is extending indefinitely the April 1, 1982 effective date of revised Part 721 pending the outcome of this rulemaking. (The transfer of § 721.3 and 721.4 to Parts 723 and 724 is not affected by this rulemaking. That transfer will still be effective as scheduled on April 1, 1982.)

The proposed regulation expands the flexibility of operations for federal credit unions and removes regulatory burdens on their operations. The NCUA Board certifies that this revision will not have a significant economic impact on small credit unions. Thus, a regulatory flexibility analysis as specified in the Regulatory Flexibility Act (5 U.S.C. Sec. 605 (b)) has not been performed.

It is proposed that 12 CFR Part 721 (46 FR 47435) be revised to read as set forth below:

PART 721—INSURANCE AND GROUP PURCHASING ACTIVITIES

Sec.
721.1 Authority.
721.2 Reimbursement.

Authority: Sec. 107(15), 94 Stat. 132 (12 U.S.C. 1757(15)), Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).

§ 721.1 Authority

A federal credit union may make insurance and group purchasing plans involving outside vendors available to the membership (including endorsement), and may perform administrative functions on behalf of the vendors.

§ 721.2 Reimbursement.

A federal credit union may be reimbursed by a vendor for its administrative functions as provided below:

(a) For insurance plans, a credit union may receive an amount not to exceed $4 per single-payment policy, $6 per combination policy, or $4 per annum for any other type of policy.

(b) For credit insurance plans, as an alternative to the above, a credit union may receive an amount not to exceed 10% (per policy) of the "prima facie" premium rate established or approved by the State insurance authority for that type of plan.

(c) For group purchasing plans other than insurance, a credit union may receive an amount not to exceed the direct and indirect costs to the credit union of any administrative functions performed on behalf of the vendor. A credit union shall be able to justify such reimbursement, using standard accounting procedures.

No official or employee of a credit union or any of their immediate family may receive any compensation or benefit, directly or indirectly, in connection with any activity covered under this regulation.

By the National Credit Union Administration Board, this 11th day of February 1982.

Rosemary Brady,
Secretary of the National Credit Union Administration Board.

[FR Doc. 82-4978 Filed 2-23-82; 8:45 am]
BILLING CODE 7535-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-169-78]

Certain Cash or Deferred Arrangements Under Employee Plans; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to certain cash or deferred arrangements under employee plans.

DATES: The public hearing will be held on April 20, 1982, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by April 6, 1982.

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 should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (EE–169–78), 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 401(k) and section 402(a)(8) of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Tuesday, November 10, 1981 (46 FR 55544).

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 proposed

regulations and also desire to present oral comments at the hearing on the proposed regulations, should submit an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject by April 6, 1982. 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.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

James F. Malloy,

Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 82-4919 Filed 2-23-82; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 1

[LR-6-81]

Definition of an Airport; Treatment of Industrial Development Bonds Used To Finance Hotels

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the regulations governing the treatment, for purposes of the Internal Revenue Code, of industrial development bonds used to finance hotels located at or near airports. Issuers and purchasers of those bonds and owners of those facilities are affected.

DATE: Written comments and requests for a public hearing must be delivered by April 26, 1982.

The amendments to the regulations generally are proposed to be effective with respect to governmental obligations issued after February 24, 1982. However, these amendments as they relate to the revocation of § 1.103-8(e)(4) Example (3) as published in Treasury Decision 7737 are proposed to be effective with respect to obligations issued after 5:00 p.m. e.s.t. December 29, 1978.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, (LR-6-81).

FOR FURTHER INFORMATION CONTACT: Susan K. Thompson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to clarify the Income Tax Regulations (26 CFR Part 1) under section 103 of the Internal Revenue Code of 1954. These amendments to the regulations are proposed to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 7805; 68A Stat. 917).

Final regulations under section 103(b)(4) were published in the **Federal Register** as Treasury Decision 7737 on November 17, 1980 (45 FR 75644). These regulations provided rules defining the term "airport". Interest on industrial development bonds generally is not includable in gross income if substantially all of the proceeds are used to provide an airport or a facility functionally related and subordinate to an airport. The final regulations published as T.D. 7737 contained an example specifically applying to hotels the criteria for determining whether a facility is functionally related and subordinate to an airport. The antecedent notice of proposed rulemaking had not contained this example. Commentary critical of this example has prompted a reconsideration of the policy underlying this example, and these proposed amendments to the regulations implement the results of this reconsideration.

Explanation of New Provisions

Section 1.103-8(e)(4) is proposed to be amended by deleting Example (3) effective with respect to obligations issued after 5:00 p.m. EST, December 29, 1978. Section 1.103-8(e)(2)(ii) is proposed to be amended by adding a new subdivision (*d*) illustrating the rules of paragraph (e)(2)(ii) as they apply to airport hotels. Under proposed § 1.103-8(e)(2)(ii)(*d*), a hotel located at or adjacent to an airport is of a character and size commensurate with the character and size of the airport if the number of rooms in the hotel is reasonable given the current and projected passenger usage of the terminal facility. Such a hotel may contain meeting rooms if the number and size of these rooms is in reasonable proportion to the number and size of the guest rooms in the hotel. Two examples illustrating the application of these rules are also proposed by these amendments. These amendments are proposed to be effective on February 24, 1982.

Evaluation of the effectiveness of this regulation will be based on comments received from offices within the Treasury and Internal Revenue Service, other governmental agencies, and the public. These regulations will impose no new reporting or recordkeeping requirements.

Drafting Information

The principal author of this regulation is Susan K. Thompson of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulations, both substantively and stylistically.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

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

Paragraph (e)(2)(ii) of § 1.103-8 is amended by adding a new subparagraph (*d*) immediately following subparagraph (*c*), and paragraph (e)(4) is amended by removing Example (3) and adding new Examples (3) and (4) in its place. These added provisions read as follows:

§ 1.103-8 Interest on bonds to finance certain exempt facilities.

* * * * *

(e) *Certain transportation facilities.* * * *

(2) *Definitions.* * * *

(ii) * * *

(*d*) A hotel located at or adjacent to an airport satisifies the requirements of paragraph (e)(2)(ii)(*b*), that is, it is of a character and size commensurate with the character and size of the airport at or adjacent to which it is located, if the number of guest rooms in the hotel is reasonable for the size of the airport, taking into account the current and projected passenger usage of the terminal facility. If the hotel contains meeting rooms, the number and size of these rooms must be in reasonable

proportion to the number of guest rooms in the hotel. Limited recreational facilities will not prevent the hotel from being of a character and size commensurate with the character and size of the airport.

* * * * *

(4) *Examples.* * **

Example (3) On June 1, 1982, M Airport Authority, a political subdivision of State O, issues obligations, the proceeds of which are loaned to X Corporation, a nonexempt person. X uses the proceeds to construct a hotel adjacent to the main terminal building at M Airport. X will be unconditionally liable for repayment of the proposed obligations. The hotel will be used to provide temporary and overnight accommodations for airline passengers using M Airport. The number of rooms in the hotel is reasonable for an airport of M's size, taking into account the current and projected passenger usage of the terminal facility. In addition to guest rooms, the hotel will contain a restaurant, small retail stores (such as a gift shop and newsstand), and limited recreation facilities (such as a swinning pool). The hotel will also contain several multipurpose rooms suitable for use as meeting rooms. The number and size of these rooms will be in reasonable proportion to the number and size of the guest rooms in the hotel. Use of the guest rooms, restaurant and stores, recreational facilities, and meeting rooms by air passengers arriving at or departing from M Airport will be incidental to the use of the hotel by air passengers for temporary and overnight accommodations. The hotel is of a character and size commensurate with the character and size of M Airport. Consequently, applying the provisions of § 1.103–8(e)(2), the hotel is functionally related and subordinate to M Airport. The obligations are industrial developement bonds. Section 103(b)(1) does not apply to the obligations, however, unless the provisions of section 103(b)(10) and § 1.103–11 apply.

Example (4) On June 1, 1982, N Airport Authority, a political subdivision of State P, issues obligations the proceeds of which are loaned to Y Corporation, a nonexempt person. Y uses the proceeds to construct a hotel adjacent to the main terminal building at N Airport. Y Corporation will be unconditionally liable for repayment of the proposed obligations. The hotel will contain extensive recreational facilities, including a large roof-top swimming pool, tennis courts, and a health club. In addition, facilities for conferences consisting of a ballroom-sized meeting room capable of being partitioned by movable panels and several smaller meeting rooms will be constructed. The number of rooms in the hotel will substantially exceed the number which is reasonable based on the current and projected passenger usage of the terminal facility. Because of the presence of extensive recreational and conference facilities, as well as the presence of an excessive number of rooms at the hotel, the hotel fails to be of a character and size commensurate with the character and size of N Airport. The result would be the same if the hotel did not have extensive recreational facilities. Consequently, the hotel is not functionally related and subordinate to N Airport under § 1.103–8(e)(2). The obligations are industrial development bonds and interest thereon is not excluded from gross income by reason of subsection (a)(1) or (b)(4) of section 103.

* * * * *

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82–4893 Filed 2–19–82; 12:47 pm]

BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Surface Coal Mining and Reclamation Enforcement in Kentucky; Review of State Program Submission

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

ACTION: Reopening of public comment period.

SUMMARY: OSM is reopening the period for review and comment on portions of the resubmission by Kentucky of its program for the regulation of surface coal mining and reclamation in the state. OSM is reopening the comment period to allow the public sufficient time to consider and comment on additional materials submitted by Kentucky subsequent to the close of the initial public comment period. Comments on program portions not affected by the additional documents will not be considered.

DATES: Written comments, data or other relevant information must be received on or before 4:00 p.m., March 10, 1982, to be considered.

ADDRESS: Comments on the supplemental material to the program resubmission should be sent or hand-delivered to: W. Hord Tipton, Acting Regional Director, Office of Surface Mining, 530 Gay Street SW., Suite 500, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Roger Calhoun, State Program Specialist, Division of State and Federal Programs, Office of Surface Mining, 530 Gay Street, SW., Suite 500, Knoxville, Tennessee 37902, Telephone: 615/971–5106.

SUPPLEMENTARY INFORMATION: On January 7, 1982, at 47 FR 820–822, the Office of Surface Mining published notice of the public hearing and the public comment period on the resubmitted Kentucky program. The public hearing was held January 26, 1982, and the public comment period ended February 8, 1982. On January 27, 1982, OSM Regional personnel and Kentucky regulatory authority officials met in executive session (Administrative Record KY–426). Subsequent to that meeting, Kentucky submitted new material in response to OSM concerns (Administrative Record KY–438).

OSM is reopening the public comment period until 4:00 p.m., March 10, 1982, to allow the public sufficient time to review and comment on the above cited Administrative Record material. This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the Surface Mining Control and Reclamation Act of 1977.

Dated: February 18, 1982.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82–4926 Filed 2–23–82; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9F2253/1F2538/P216; PH–FRL–2052–4]

Norflurazon; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for the combined residues of the herbicide norflurazon in or on certain raw agricultural commodities. This proposal to establish the maximum permissible level for residues of norflurazon in or on the raw agricultural commodities was requested by Sandoz, Inc.

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

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703–557–1830).

SUPPLEMENTARY INFORMATION: This

notice of proposed rulemaking announces that Sandoz, Inc., 480 Camino del Rio South, San Diego, CA 92108, has submitted pesticide petition number 9F2253 to the EPA proposing that 40 CFR 180.356 be amended by establishing a tolerance for the combined residues of the herbicide norflurazon [4-chloro-5-(methylamino)-2-(alpha, alpha, alpha-trifluoro-*m*-tolyl)-3(2*H*)-pyridazinone] and its desmethyl metabolite [4-chloro-5-amino-2-(alpha, alpha, alpha-trifluoro-*m*-tolyl)-3(2*H*)-pyridazinone] in or on citrus fruit at 0.2 part per million (ppm).

Sandoz, Inc. later submitted pesticide petition 1F2538 also proposing that 40 CFR 180.356 be amended by establishing tolerances for the combined residues of norflurazon and its desmethyl metabolite in or on soybeans at 0.1 ppm; soybean forage at 1.0 ppm; and soybean hay at 1.0 ppm. The notice of filing of pesticide petition 1F2538 was published in the **Federal Register** of September 23, 1981 (46 FR 47006).

No comments were received in response to this notice of filing.

The tolerances proposed under 40 CFR 180.356 by pesticide petition 9F2177 will be adequate to cover residues that would result in meat, milk, and poultry, as delineated in 40 CFR 180.6(a)(2).

The data submitted in the petitions and other relevant material have been evaluated. The relevant data pertaining to this proposed regulation are included in the proposed establishment of tolerances (PP 9F2177/P213) for norflurazon in or on certain raw agricultural commodities and appears elsewhere in this issue of the **Federal Register.** Another document (FAP2H5332/P77) proposing a regulation for norflurazon and its desmethyl metabolite in citrus molasses and dried citrus pulp appears elsewhere is this issue.

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

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

Interested persons are invited to submit written comments on this proposed regulation. Comments must bear a notation indicating the document control number "[PP 9F2253/1F2538/P216]". All written comments filed in response to this petition will be available in the office of Richard F. Mountfort from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

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

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

Dated: February 4, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

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

Therefore, it is proposed that 40 CFR 180.356 be amended by adding and alphabetically inserting the raw agricultural commodities citrus fruit; soybeans; soybean, forage; and soybean, hay to read as follows:

§ 180.356 Norflurazon; tolerances for residues.

* * * * *

Commodities	Parts per million
. . . . .	
Citrus fruit	0.2
. . . . .	
Soybeans	0.1
Soybean, forage	1.0
Soybean, hay	1.0
. . . . .	

[FR Doc. 82-4574 Filed 2-23-82; 8:45 am]

BILLING CODE 6560-32-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1125

[Ex Parte 293 (Sub-2)]

Standards for Determining Rail Service Continuation Subsidies in the Northeast-Midwest Region of the United States

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: On October 30, 1981, the Rail Services Planning Office (RSPO) published an Advance Notice of Proposed Rulemaking seeking comments on alternative methods for apportioning locomotive fuel to branch lines under § 1125.8(c)(1)(ii) of the Standards for Determining Rail Services Continuation Subsidies (regional standards). Upon reviewing the comments, RSPO proposes to amend the standards to apportion locomotive fuel on the basis of fuel cost per locomotive unit hour. The fuel cost per hour figure, which is derived from the Repairs and Supplies portion of the rental rate for locomotives published by the General Manager's Association (GMA), is multiplied by the actual locomotive unit hours spent serving the line to determine the locomotive fuel cost for the branch line.

DATE: Comments are due on or before March 26, 1982.

ADDRESS: An original and six copies of any comments should be mailed to: Interstate Commerce Commission, Section of Rail Services Planning, Room 5355, Washington, D.C. 20423, Attn: RSPO Regional Standards

FOR FURTHER INFORMATION CONTACT: Winston L. Warner, (202) 275–0841.

SUPPLEMENTARY INFORMATION: At 46 FR 53731, October 30, 1981, RSPO published an Advance Notice of Proposed Rulemaking seeking comments on alternative methods for apportioning locomotive fuel (referred to as train fuel in the Advance Notice). This notice was prompted by a petition filed by the New York Department of Transportation (NYDOT) seeking (1) the inclusion of a methodology in the regional standards which would calculate branch line locomotive unit hours on the basis of train mileage and (2) the assignment of fuel cost to the branch line on the basis of a fuel consumption rate per locomotive unit hour. Section 1125.8(c)(1)(ii) of the regional standards currently assigns these costs on the "ratio of road diesel locomotive unit

hours on the branch to the total system road diesel locomotive unit hours".

Comments were received from NYDOT and Conrail. Their three primary areas of concern pertained to (1) the calculation of locomotive unit hours, (2) the methodology for apportioning locomotive fuel, and (3) the retroactivity of a new allocation methodology.

1. *Calculation of Locomotive Unit Hours.*—NYDOT does not believe that Conrail's current method of calculating locomotive unit hours is accurate. They state that Conrail calculates locomotive unit hours on the basis of crew hours. NYDOT's concern with this approach is that the locomotive unit hours spent serving a branch line are not equal to the crew hours spent serving the line because the crews are allowed time at the beginning and end of their work shift for duties during which they do not operate the locomotive.

NYDOT Maintains that the branch line locomotive unit hours should be based on train mileage rather than crew hours. Under this method, NYDOT proposes the use of a six mile per hour standard. The locomotive unit hours would be calculated by dividing the actual mileage the serving train travels on the branch line by the average speed of switching locomotives (6 m.p.h.). NYDOT's justification for this approach is that branch line operations are similar to yard switching activities because a predominate share of the branch line operating time is consumed in the switching of cars at industries. They note that this results in a low average speed for the overall activity of the locomotive in contrast to the operation of main line locomotives that do little or no switching and, therefore, have much higher average speeds.

As further support for the six mile per hour figure, NYDOT cites the results of the Ontario Midland Railroad Corporation (OMRC) study which they discussed at length in their petition seeking a new locomotive fuel allocation method. In that study, NYDOT found that the average speed for OMRC's locomotives over a three month period was 5.7 miles per hour. Thus, NYDOT maintains that by using the speed characteristic of a switching locomotive (6 m.p.h.), the amount developed for locomotive fuel costs would more closely approximate branch line operations.

In addition to the aforementioned arguments for the six m.p.h. standard, NYDOT raised the problem of the present method of classifying locomotives for purposes of assigning fuel costs to the branch line. Under the current procedure, a branch line locomotive is classified by the railroad as either yard or road. The fuel costs are then assigned to the branch line according to which of the two classifications the serving locomotive is placed. Apparently, NYDOT is concerned about the impact on fuel costs as a result of the present classification of branch line locomotives as predominantly road rather than yard locomotives.

On the basis of Conrail's 1977 data, NYDOT notes that the fuel cost per hour of $15.54 for road locomotives was substantially higher than that for yard locomotives. If the yard classification had been used, the fuel cost would have been only $5.61 per hour. Since the predominant share of locomotives serving New York's branch lines are classified as road locomotives, the fuel costs for these branch lines are based on the higher figure of $15.54. Because NYDOT maintains that branch line operations are similar to yard operations, they consider the development of fuel cost on the basis of road locomotives as inappropriate and unfair. They believe the use of the six mile per hour speed factor would better reflect the fuel costs associated with branch line locomotive operations and would eliminate the arbitrary locomotive classification problem.

Conrail disagrees with NYDOT's proposal that the locomotive unit hour calculation should be based on an assumed speed of six miles per hour. To substantiate their position, Conrail gives the example of a single locomotive train which serves a branch line for a distance of three miles with a return trip of three miles; i.e., a total round trip of 6 miles. Locomotive switching time for the ten industries served on the line is a total of nine hours. In this case, NYDOT's methodology would attribute to the branch line only one locomotive unit hour (6 train miles ÷ 6 miles per hours). Conrail points out that the nine hours of switching (e.g., the spotting, pulling and shifting cars) would be completely ignored and, as a result, no fuel expense would be calculated for these hours of locomotive switching activity.

It is RSPO's position that the locomotive unit hours assigned to a branch line should represent the actual hours spent by the locomotive in performing the service on the line. These hours are not to be estimated nor are they to include non-productive crew time such as extra crew time spent before going on duty or after completion of all work assignments. As a result, we propose to amend the standards to clarify the use of actual locomotive hours incurred in serving the branch line.

We should note that we have serious concerns with NYDOT's proposed use of a standardized speed factor. The use of such a factor would apply the same speed to all branch lines despite inherent differences in their respective operations. Each branch line is different in terms of overall operations, grades, traffic density, lawful speed on the line, and number of shippers served. To apply a standardized speed factor to the length of the branch line would ignore the individual operational characteristics of the particular branch lines.

2. *Basis of Calculating Locomotive Fuel Costs.*—NYDOT supports the calculation of fuel costs per hour on the basis of the fuel portion of the Repairs and Supplies Expense of the GMA rental rate for locomotives (GMA rate). Conrail, however, does not support the use of the GMA rate to develop fuel cost per hour by horsepower class. Conrail states that the calculation of locomotive fuel expenses on the basis of specific locomotive types and sizes is conceptually correct but the use of a GMA rate does not consider a multitude of variables. These variables include the efficiency of high horsepower versus medium or low horsepower locomotives; the effects on fuel consumption caused by constantly starting and stopping locomotives (in switching service) versus "straight out" running of locomotives (in line haul service); varying trailing gross ton weights; and existing grades on specific branch lines.

In sum, Conrail states that unless the aforementioned variables are reflected, they can not support NYDOT's proposal. They believe that the present procedure, which allocates system fuel expense to branch lines based on the ratio of branch line locomotive unit hours to system locomotive unit hours, should be maintained.

RSPO recognizes Conrail's concern over the use of the GMA rate. Their argument that this rate does not reflect the above variables is a valid one. Nonetheless, NYDOT's proposal is still considerably more equitable and accurate than the present allocation method.

First, the use of a fuel cost per hour based on the GMA rate for a given horsepower class of locomotive is the closest approximation of fuel costs next to an actual measure of fuel consumption. The GMA rates, although based on statistical averages, are reliable measures as they are industry accepted benchmarks which are updated annually and which recognize

the differences in the fuel cost per hour for various size locomotives. Second, the only way to take into account the variables listed by Conrail would be the addition of fuel meters to each branch line locomotive; an approach that would not be cost effective.

We should also point out that the determination of the fuel cost per locomotive unit hour on the basis of the GMA rental rate is a very straight forward methodology and can be computed with very little difficulty. The branch line fuel costs for the year are calculated by simply multiplying the fuel cost per hour for the horsepower classification of the locomotive serving the branch line, as derived from the most recent GMA schedule, by the total number of branch line locomotive unit hours. The fuel cost per hour figure is determined by first identifying which GMA horsepower classification group applies to the locomotive serving the branch line. Second, the amount for Repairs and Supplies expense per hour, contained in the applicable classification group, is multiplied by the most recent percentage issued by the GMA for the fuel portion of the Repairs and Supplies expense.

The table below shows the GMA's horsepower groupings, the Repairs and Supplies expense per hour, and our calculation of the fuel cost per hour based on the GMA percentage of 57% for fuel expense.

Horsepower	Repair and supplies*	Fuel cost (57%)
1. 999 and under	$16.40	$9.35
2. 1,000 to 1499	20.50	11.69
3. 1,500 to 1,749	26.65	15.19
4. 1,750 to 1,999	30.75	17.53
5. 2,000 to 2,499	36.90	21.03
6. 2,500 to 2,999	45.10	25.71
7. 3,000 to 3,599	54.10	30.84
8. 3,600 and over	59.05	33.66

*Expense per hour.

For purposes of illustration, let's assume a branch line is served by a 1,250 horsepower locomotive which incurs 500 locomotive unit hours during the subsidy period. This locomotive falls under the FMA horsepower classification of 1,000–1,499. To determine the branch line fuel costs for the subsidy period, the 500 branch line locomotive unit hours would be multiplied by the fuel cost figure of $11.69 per hour shown in the table above for 1,000–1,499 horsepower locomotives. Thus, the total fuel cost charged the branch line would be $5,845.00.

RSPO notes that by multiplying the fuel cost, developed by the GMA for the particular horsepower classification of the serving locomotive, by the actual hours spent by that locomotive serving the branch line, we have eliminated two major concerns of NYDOT. First, by calculating only the actual hours spent by the serving locomotive, in place of the current procedure of the ratio of branch line locomotive unit hours to system locomotive unit hours, we have eliminated the usage of the system locomotive unit hours which are derived figures rather than actual statistics.

Second, under the proposed procedure, the fuel cost will not be based on the railroad's classification of the locomotive as either yard or road. The cost determined for fuel will more closely reflect the branch line operations because it will be related to the size of the locomotive that actually provides the service.

3. *Retroactivity of the Amendment.*— In the Advance Notice we stated that any amendment to the method for calculating branch line locomotive fuel costs would not be retroactive to subsidy years prior to January 1, 1981. Conrail agrees with this position. NYDOT, however, wants any change in the basis of apportionment to be retroactive to April 1, 1977.

We see no basis for changing our position on retroactivity. To permit retroactive application would be inconsistent with prior decisions in which amendments to the regional standards have not been made retroactive to prior subsidy years. Also, we do not want to establish a precedent whereby calculations on which parties relied in prior subsidy years can be subject to challenge. The contracts entered into during prior subsidy periods were based on the then current methodology for calculating locomotive fuel costs. In the instant case, retroactive application would not only affect the parties involved in this proceeding, but also operators and state DOT's in all the Northeastern and Midwestern states. Therefore, the allocation of locomotive fuel will not be retroactive to subsidy years beginning prior to January 1, 1981.

We should note that Conrail objects to our institution of this rulemaking. They specifically state that they are "opposed to new rulemaking proposals which are based upon isolated and individual revisions of costing methodology except where there has been an oversight in the recognition of a basic cost."

It is appropriate for RSPO to review its method for allocating locomotive fuel costs to the branch line. This review is certainly consistent with RSPO's broad statutory authority to amend the standards as necessary. Moreover, RSPO's reopening of the standards has always been in the interest of ensuring that the best and most appropriate methodologies are used.

This not a major Federal action significantly affecting the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis as Required by 5 U.S.C. 601.

This action will alter the basis for the assignment of locomotive fuel for all rail lines operated under a subsidy agreement pursuant to the regional standards. All shippers located on these subsidized lines will be affected. However, we certify that there will be no increase or changes to the present requirements of businesses located on these lines. We also certify that amending the basis for determining locomotive fuel could reduce the overall subsidy amount. However, any reduction would be minimal because this category of expense accounts for a very small portion of the total associated with the operation of a branch line. As a result, we find that this action will not have a significant economic impact on a substantial number of small entities.

Copies of our analysis of the impact of this action are available from the Section of Rail Services Planning, Room 5355, Interstate Commerce Commission, Washington, D.C. 20423.

(49 U.S.C. 10362)

Issued February 17, 1981 by William R. Southard, Director, Rail Services Planning Office.

By the Commission.

Agatha L. Mergenovich,

Secretary.

PART 1125—STANDARDS FOR DETERMINING RAIL SERVICES CONTINUATION SUBSIDIES

In Title 49 of the Code of Federal Regulations, § 1125.8(c)(1)(ii) would be revised as follows:

§ 1125.8 Apportionment rules for the assignment of expenses to on-branch costs

* * * * *

(c) *Transportation*—(1) *Train Operations:*

(ii) *Locomotive Fuel.*—All accounts designated xx–31–67 shall be assigned to the branch line in accordance with the following procedure. The dollar amounts used in the determination of locomotive fuel costs shall be based on data contained in the most recent publication issued by the General Managers Association (GMA) relating to the rental of locomotives. The total number of locomotive unit hours incurred by the locomotive(s) serving

the branch line shall be determined. The locomotive(s) shall then be categorized according to the applicable GMA horsepower classification group. The fuel cost is derived from the Repairs and Supplies Expenses element of the locomotive rental rates published by the GMA. The fuel cost per locomotive hour shall be determined for each GMA horsepower classification group by multiplying the latest GMA fuel cost percentage by the Repairs and Supplies Expenses included in each group. The fuel cost per locomotive unit hour for each applicable GMA group shall be multiplied by the number of locomotive unit hours incurred in serving the branch by locomotives of that GMA horsepower classification group. The total cost developed under this procedure for each horsepower classification shall be the locomotive fuel cost assignable to the branch line.

* * * * *

[FR Doc. 82-4912 Filed 2-23-82; 8:45 am]
BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 47, No. 37
Wednesday, February 24, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket 40432]

Bergt-AIA-Western-Wien Acquisition and Control Case; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., February 18, 1982.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 82-4932 Filed 2-23-82; 8:45 am]

BILLING CODE 6320-01-M

[Docket 40432]

Bergt-AIA-Western-Wien Acquisition and Control Case; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-titled matter is assigned to be held on March 3, 1982, at 10:00 a.m. (local time), in Room 1003, hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties, including the Bureau of Domestic Aviation, are instructed to submit one copy to each party and prospective party and six copies to the judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. Requests for additional information and evidence shall follow the order and numbering of Subpart B of Part 315 of the Board's Economic Regulations (14 CFR 315.10 through 315.18). This material is to be in the hands of all parties, including parties in Alaska, by March 1, 1982.

Dated at Washington, D.C., February 18, 1982.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 82-4933 Filed 2-23-82; 8:45 am]

BILLING CODE 6320-01-M

[82-2-88]

Application of Kodiak Western Alaska Airlines for Certificate Amendment Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (82-2-88).

SUMMARY: The Board is proposing to authorize Kodiak Western to provide all-cargo air transportation in Alaska and Hawaii between and among the points listed in its application.

DATES: Objections: All interested persons having objections to the Board issuing the proposed certificate amendment shall file, and serve upon all persons listed below no later than March 10, 1982, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESS: Objections to the issuance of a final order should be filed in Docket 40270, and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Kodiak Western; the mayor and airport manager of each city to which the pleading refers; the Governors of Alaska and Hawaii; the Alaska Transportation Commission; and the American Association of Airport Executives.

FOR FURTHER INFORMATION CONTACT: Carol A. Szekely, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5328.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-2-88 is available from our Distribution Section, Room 100, 1824 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82-2-88 to that address.

By the Civil Aeronautics Board, February 17, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-4934 Filed 2-23-82; 8:45 am]

BILLING CODE 6320-01-M

[Docket 40436; 82-2-70]

Super-APEX Fares Between Denmark, Norway and Sweden and California Proposed by Scandinavian Airlines System; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of February, 1982.

On January 15, 1982, Scandinavian Airlines System (SAS) filed tariff revisions proposing reductions of about 14 percent in basic season Super-APEX fares from Scandinavia to Los Angeles and San Francisco, effective February 15, 1982.[1] The Board recently suspended SAS proposals to reduce nonaffinity group fares from Scandinavia to Florida, because recent actions of the Scandinavian Governments denying fare filings of U.S. carriers have severely hampered their ability to compete in the Scandinavian market, and require us to scrutinize SAS fare proposals more closely than we would otherwise prefer.[2]

The Scandinavian governments have not fully satisfied the conerns which led us to suspend SAS' previous filings, and we have no choice but to suspend SAS' latest proposal as well.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. We shall institute an investigation to determine whether the fares and provisions set forth in the Appendix hereof, and rules and regulations or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful or contrary to the public interest; and if we find them to be unlawful or contrary to the public

[1] SAS would also extend the existing peak season Oslo/San Francisco Super-APEX fares to traffic to/from Bergen, Kristiansand and Stavanger, points where the U.S. carrier Northwest Airlines does not offer service and, under the terms of the proposed tariff, would be unable to compete.

[2] See Order 81-12-128, December 11, 1981, and Order 82-1-145, January 18, 1982.

interest, to act appropriately to prevent the use of such fares, provisions or rules, regulations or practices;

2. Pending hearing and decision by the Board, we suspend and defer the use of the fares named in the Appendix from February 15, 1982, to and including February 14, 1983, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President [3] and unless disapproved by the President it shall become effective on February 15, 1982; and

4. We shall file copies of this order in the aforesaid tariff and serve them on Scandinavian Airlines System and the Ambassadors of Denmark, Norway and Sweden in Washington, D.C.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.[4]

Phyllis T. Kaylor,

Secretary.

Appendix

Tariff C.A.B. No. 377, Issued by Airline Tariff Publishing Company, Agent

All added YHAPS fares and provisions;
All added YLAPS fares and provisions;
The cancellation of YLAPS fares; and
The addition of Footnote "F" in connection with YLAPS fares, between points in Denmark, Norway and Sweden, on the one hand, and points in the United States, on the other, appearing on the following pages:

25th Revised Pages 269 and 270
3rd Revised Pages 276–A
23rd Revised Page 278
5th Revised Page 280–A

[FR Doc. 82–4935 Filed 2–23–82; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to electronic instrumentation, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: March 11, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Ave. NW., Washington, D.C.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94–409, that the matters to be discussed in the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: February 19, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82–4983 Filed 2–23–82; 8:45 am]

BILLING CODE 3510–25–M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 29, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee.

The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

TIME AND PLACE: March 15, 1982, at 9:30 p.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Avenue NW., Washington, D.C. The meeting will continue March 16 in Room 3104, Main Commerce Building to its conclusion.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317,

[3] We submitted this order to the President on February 2, 1982.

[4] All members concurred.

U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT:

Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: February 19, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82–4982 Filed 2–23–82; 8:45 am]

BILLING CODE 3510–25–M

[A–588–024]

Tempered Sheet Glass From Japan; Final Results of Administrative Review of Antidumping Finding and Determination not to Revoke

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding and determination not to revoke.

SUMMARY: On May 28, 1981, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on tempered sheet glass from Japan. The preliminary results cited a Treasury determination that, with the exception of one sale with a *de minimis* margin, all sales by the exporter, Asahi Glass Company Ltd., were made at not less than fair value from September 25, 1971 through September 12, 1975, the date of a previous Treasury tentative determination to revoke. The preliminary results also indicated that there were no shipments to the U.S. for the two-year period from September 1978 through August 1980.

Interested parties were given an opportunity to submit written comments or request a hearing. The petitioner requested a hearing which was held on July 17, 1981. As a result of this hearing, pre-hearing and post-hearing briefs, and supplemental information submitted by interested parties, the Department determines not to revoke the finding at this time.

EFFECTIVE DATE: February 24, 1982.

FOR FURTHER INFORMATION CONTACT:

Arthur N. DuBois or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3814/5289).

SUPPLEMENTARY INFORMATION:

Background

On September 25, 1971, a dumping finding with respect to tempered sheet glass from Japan was published in the **Federal Register** as Treasury Decision 71–247 (36 FR 10913). As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department of Commerce ("the Department") conducted an administrative review of the dumping finding on this merchandise and as a result published in the **Federal Register** on May 28, 1981, a notice of its preliminary results of the review and tentative determination to revoke the finding (46 28691–2). The Department has now completed that administrative review.

Scope of the Review

Merchandise covered by this review is tempered sheet glass in patio door sizes, currently classifiable under item 544.3100 of the Tariff Schedules of the United States Annotated (TSUSA). The review covers the one known Japanese producer and exporter to the United States of tempered sheet glass, Asahi Glass Company, Ltd., and the period September 1, 1978 through August 31, 1980. There were no shipments during this period.

Analysis of Comments Received

(1) Comment: The petitioner, PPG Industries, Inc. ("PPG"), argued that the finding embraces all tempered glass, whether derived from float or sheet processes. PPG also argued that the finding covered such glass for whatever purposes, not just such glass in patio door sizes.

Position: The original petition was limited to "tempered (toughened) sheet glass in patio door sizes", as was the original fair value investigation and the ITC determination. PPG argued this same issue after the Treasury Department's tentative revocation in 1975; Treasury made no final determination. We believe the scope is limited to that included in the original investigation.

(2) Comment: The petitioner also challenged, for the period September 1, 1978 through August 31, 1980, the use of third-county sales to Canada as the basis of determining foreign market value.

Position: Our preliminary notice did not state that third-county sales were used as the basis for foreign market value during the period September 1, 1978 through August 31, 1980, since there were no sales in that period. The notice stated that we agreed with the 1977 Customs Service ruling that Canadian sales were the proper basis of comparison for prior periods. The petitioner did not provide information sufficient to question the Treasury decision. We will examine this issue, if applicable, during the next administrative review.

(3) Comment: PPG disagreed with the Department's decision not to release under administrative protective order documents related to the periods prior to the publication of Treasury's tentative revocation.

Position: In this administrative review the Department is not using or relying upon any information related to the period prior to Treasury's tentative revocation. We do not intend to release under an administrative protective order any information that is irrelevant to the period subject to our review or information not used by us in conducting the review.

(4) Comment: PPG contended that the Department's reliance upon Treasury's 1975 tentative determination to revoke was misplaced, since Treasury's conclusion that there were no sales at less than fair value from 1971 to 1975 was incorrect.

Position: PPG's evidence does raise substantive questions about the reliability of Treasury's conclusion of no sales at less than fair value for a portion of the 1971–1975 period. However, since we intend to base our decision whether to revoke or not on the results of our review of the 1975–1981 period, and since all entries in the 1971-1975 period have been liquidated, the correctness of Treasury's conclusion of no sales at less than fair value for the period 1971-1975 is no longer germane.

(5) Comment: The petitioner argued that the Department violated its statutory duty by not reviewing the entire period from September 15, 1971, the date of the finding, through August 31, 1980. PPG also asserted that the Department improperly restricted its review by not examining the period from September 12, 1975, the date of Treasury's tentative determination to revoke, through August 31, 1978, a period in which there is a record of shipments.

Position: Since we agree that a review of the period September 13, 1975 through August 1978 is appropriate, the petitioner's comment is moot. We will review that period, as well as the period September 1980 through August 1981, in our next administrative review. As described above, the Department will decide whether or not to revoke based on our review of the 1975–1981 period.

Final Results of the Review

As a result of our review of all comments submitted, we determine not to revoke at this time the finding on this merchandise. After reviewing the periods September 13, 1975 through August 31, 1978, and September 1980 through August 1981, we will reconsider Asahi's revocation request.

Since the last known shipments of this merchandise resulted in the assessment of a *de minimis* amount of dumping duties, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in section 353.48(b) of the Commerce Regulations, on any shipments of Japanese tempered sheet glass in patio door sizes entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This waiver of deposit shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of September 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce regulations (19 CFR 353.53).

Melinda L. Carmen,

Acting Deputy Assistant Secretary for Import Administration.

February 19, 1982.

[FR Doc. 82-4981 Filed 2-23-82; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Restrictions Applicable to Certain Contract Market and Clearing Organization Employees

Correction

In FR Doc. 82-4387 appearing on page 7300, in the issue of Thursday, February 18, 1982, make the following corrections.

1. On page 7301, first column, the ninth line of the first complete paragraph until the end of the paragraph was a quotation.

2. On page 7301, second column, third line from the bottom, the word "personal" should have read "personnel".

3. On page 7302, first column, first line of "footnote 5", the word "believes" was mispelled, and in the second line of "footnote 6", the phrase "contract of sales" should have read "contracts of sale".

4. On page 7302, second column, twenty-first line, "not full-time" should have read "not a full-time".

BILLING CODE 1505-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Man-Made Fiber Apparel Products From the Socialist Republic of Romania

February 23, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Applying special carryforward amounting to 2,100 dozen to the level of restraint established for man-made fiber woven suit in Category 643/644 pt., produced or manufactured in Romania and exported during the agreement year which began on April 1, 1981. The adjusted level will be 28,109 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), and February 9, 1982 (47 FR 5926)).

SUMMARY: The Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania, provides, among other elements of flexibility, for the borrowing of designated percentages of yardage from the succeeding year's level (carryforward). At the request of the Government of the Socialist Republic of Romania, the United States Government has agreed to grant special carryforward of 2,100 dozen in Category 643/644 pt., increasing the level for the year which began on April 1, 1981 to 28, 109 dozen. This amount will be charged to the applicable level of restraint in the agreement year beginning on April 1, 1982.

EFFECTIVE DATE: February 25, 1982.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On March 25, 1981, there was published in the **Federal Register** (46 FR 18576) a letter dated March 19, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established import levels for certain specified categories of wool and man-made fiber textile products, produced or manufactured in Romania and exported during the twelve-month period which began on April 1, 1981. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the twelve-month level of restraint previously established for Category 643/644 pt. to 28,109 dozen.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

February 23, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On March 19, 1981, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption and withdrawal from warehouse for consumption during the twelve-month period which began on April 1, 1981 and extends through March 31, 1982 of wool and man-made fiber textile products in certain specified categories, produced or manufactured in Romania, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on February 25, 1982, the twelve-month level of restraint

[1] The term "adjustment" refers to those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania, which provide, in part, that (1) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; consultations may be held to adjust levels of restraint for categories not subject to specific limits; and (2) administrative arrangements or adjustments may be made to resolve problems arising under these provisions of the bilateral agreement.

established for Category 643/644 pt.[2], to 28,109 dozen.[3]

The action taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of man-made fiber textile products from Romania has 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,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-5143 Filed 2-23-82; 11:15 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 16, 1982.

The USAF Scientific Advisory Board Arnold Engineering Development Center Advisory Group will meet at Headquarters Arnold Engineering Development Center, Arnold Air Force Station, Tennessee on March 16 and 17, 1982. The purpose of the meeting will be to review the application and improvement of ground based test 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 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. 82-4869 Filed 2-23-82; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meetings

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group, Air Force Systems Command, will hold meetings on March 24, 1982, from 8:30 a.m. to 5:00 p.m. and on March 25, 1982, from 8:30 a.m. to 12:00 p.m., at Hanscom Air Force Base, Massachusetts, in the Command Management Center, Building 1606.

The group will receive classified briefings and hold classified discussions on selected Air Force Command, Control, and Communications program.

The meetings concern matters listed in section 522b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8404.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-4936 Filed 2-23-82; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers; Department of the Army

Intent; To Prepare a Draft Environmental Impact Statement on Central and Southern Florida Shark River Slough Area

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The considered project consists of structural and non-structural means of delivering surficial water in order to provide an adequate supply and distribution of water of an acceptable quality to the Everglades National Park, Florida.

2. The following alternatives or combination thereof will be considered.

a. Raise water level in Tamiami Canal to promote greater flow through Northeast Shark River Slough.

b. Construct a new water conservation area in Northeast Shark River Slough.

c. Divert floodwaters into Big Cypress National Preserve.

d. Re-evaluate schedule of water deliveries to Everglades National Park.

3. a. Public involvement to date has included a Public Meeting on 19 December 1979 and several agency technical workshops. A final public meeting is planned for later this year. Comments on alternatives and environmental concerns have been solicited by letters to Federal, State, and local agencies and private organizations. Further participation is invited from any interested parties.

b. Significant issues to be analayzed in depth in the DEIS are as follows:

(1) Impact of altered hydroperiod on fish and wildlife resources in Everglades National Park, Northeast Shark River Slough, Water Conservation Area #3, and Big Cypress National Preserve.

(2) Impact of altered hydroperiod on private landowners in Northeast Shark River Slough.

c. Coordination with appropriate Federal and State agencies is required under provisions of the Endangered Species Act and the National Historic Preservation Act.

4. A Scoping meeting is not comtemplated.

5. The DEIS is expected to be available for review in the fourth quarter of FY 82.

ADDRESS: Questions about the proposed action and DEIS may be referred to Dr. Gerald Atmar, Chief, Environmental Studies Section, U.S. Army Corps of Engineers, P.O. Box 4970, Jacksonville, Florida 32232. Telephone (904) 791-2615.

Alfred B. Devereaux, Jr.,

Colonel, Corps of Engineers, Commander and District Engineer.

[FR Doc. 82-4870 Filed 2-23-82; 8:45 am]

BILLING CODE 3710-AJ-M

Office of the Secretary

Defense Science Board Task Force on Electronic Warfare (Future Systems Subgroup); Advisory Committee Meeting

The Future Systems Subgroup of the Defense Science Board Task Force on Electronic Warfare will meet in closed session on March 22-23, 1982 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on March 22-23, 1982, the Task Force will discuss the application of technology to future systems designed to improve U.S. Electronic Warfare capabilities.

In accordance with 5 U.S.C. App. 1 section 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C.

[2] In Category 643/644, only T.S.U.S.A. numbers 379.3160, 379.6976, 379.9560, 379.9565, 383.2230, 383.5382 and 383.9060.

[3] The level of restraint has not been adjusted to reflect any imports after March 31, 1981.

552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 18, 1982.

[FR Doc. 82-4890 Filed 2-23-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER82-305-000]

Alabama Power Co.; Filing

February 19, 1982.

The filing Company submits the following:

Take notice that Alabama Power Company (Alabama) on February 11, 1982, tendered for filing an Agreement with Black Warrior Electric Membership Corporation, intended as an initial rate schedule. The filing is for the proposed Nicholsville delivery point. This agreement provides for a capacity of 7500 kVA at this location under Rate Schedule REA-1 and the applicable revisions thereto. This delivery point will not be located within the city limits or police jurisdiction of any municipality. It is expected that this customer will be served about May 1, 1982. The delivery point will be served at the Company's applicable revision to Rate Schedule REA-1 incorporated in FERC Electric Tariff, Original Volume 1 of Alabama as allowed to become effective by this Commission.

Copies of the filing were served upon Black Warrior Electric Membership Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4945 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER82-155-000 and ER81-188-000]

Central Maine Power Co.; Order Denying Motion To Reject, Accepting for Filing and Suspending Revised Rates, Granting in Part and Denying in Part Summary Disposition, Consolidating Dockets, and Establishing Price Squeeze and Hearing Procedures

February 12, 1982.

On December 15, 1981, Central Maine Power Company (Central Maine) tendered for filing revised Rate W-1 [1] for firm power service to three wholesale customers.[2] The revised rates provide for an increase in jurisdictional revenues of approximately $420,000 for the twelve-months (Period I) ending December 31, 1980. Central Maine proposes an effective date of February 13, 1982.

Notice of the filing was issued on December 28, 1981, with responses due on or before January 11, 1982. On January 7, 1982, the Maine Public Utilities Commission filed a notice of intervention but raised no substantive issues.

On January 11, 1982, the Kennebunk Light and Power District of Kennebunk, Maine, the Madison Electric Works of Madison, Maine, and the Fox Islands Electric Cooperative of Vinalhaven, Maine (Customers) filed a protest and petition to intervene. The Customers seek rejection of the filing arguing that the proposed rate schedules are anticompetitive because they contain two restrictive resale clauses and a present or existing customers clause. The Customers also object to Central Maine's filing on the grounds that it is premised upon an improper (1) inclusion in rate base of the unamortized portion of property losses associated with abandoned construction projects, (2) inclusion in rate base of investments in associated companies, and (3) allocation of transmission system investment on other than a "rolled-in" method. Absent rejection, the Customers seek summary disposition and suspension for the maximum five months and request that price squeeze proceedings be initiated.

On January 26, 1982, Central Maine filed a response to the Customers' pleading. While not opposing intervention, Central Maine argues that there is no basis for rejection of its filing or summary judgment with respect to the allegedly anticompetitive provisions of its rate schedule W-1. Central Maine also argues that its rate treatment of the various issues identified by the Customers is appropriate and that the Commission should not initiate price squeeze procedures.

On December 21, 1981, Central Maine filed a motion to consolidate this docket with the ongoing proceedings in Docket No. ER81-188-000; that docket involves an earlier Central Maine rate filing applicable to the town of Madison, Maine. On January 5, 1982, the Customers filed a response indicating that, subject to certain conditions relating to the scheduling of discovery, they did not oppose the motion to consolidate.

Discussion

Initially, the Commission finds that participation in this proceeding by the Customers is in the public interest. Therefore, the petition to intervene will be granted. The timely filed notice of intervention is sufficient to initiate the Maine Commission's participation in this proceeding.

Inasmuch as Central Maine's submittal substantially complies with the Commission's filing requirements, the Customers' motion to reject will be denied.[3] However, with respect to the resale restrictions found in provisions (2) and (5) of proposed rate schedule W-1, we shall grant the Customers' motion for summary disposition. The resale restriction found in provision (2) states:

> Service under this rate shall not be available for resale to retail customers served at 34.5 kilowatts or above and having a demand of 5,000 kilowatts or greater.

The resale restriction found in provision (5) provides that for energy entitlements after October 31, 1987:

> [s]uch energy shall not be available for resale to other electric utilities.

This Commission has stated plainly that direct resale restrictions such as the ones found here are on their face so devoid of any legitimate value, especially in light of other means available to accomplish appropriate planning purposes, that they are *per se* unlawful and will be consistently eliminated.[4]

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[1] On December 30, 1981, Central Maine submitted additional descriptions of items shown on Statements AQ and AS. On January 12, 1982, the company submitted corrected copies of page 5, Statement BJ; the company inadvertently submitted a preliminary draft of this page in its original filing.

[2] Designated as: *Central Maine Power Company*, FERC Electric Tariff 4th Revised Volume No. 1 (Supersedes 3rd Revised Volume No. 1 and Rate Schedule FERC No. 63).

[3] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

[4] *E.g., Louisiana Power & Light Company*, Opinion No. 110, Docket No. ER77-533 (January 28, 1981); *Gulf States Utilities Company*, Docket No. ER76-816 (October 20, 1978).

The Customers also challenge language found in provision (1) of proposed rate schedule W–1 which limits service under the proposed rate to the three specifically named whoesale customers. As to this provision, the record does not demonstrate to our satisfaction that summary disposition is warranted at this time.[5] There is also no indication that any potential customer is now being denied service on the basis of this provision. Nevertheless, the issue raised by the Customers warrants careful examination as the clause appears to be broadly restrictive and potentially anticompetitive. Accordingly, while not granting the motion for summary disposition, we note that the purported justification for this provision is a matter which should be explored in greater depth at hearing.

The proposed rate schedule further provides for the reduction in the amount of firm capacity and energy available to the Customers at average system cost after October 31, 1987. The Customers suggest that this provision is designed by Central Maine to "phase-out" wholesale service to the Customers' detriment. We note that the company's pre-filed case-in-chief offers little operational support for its proposed curtailment of wholesale power supply. The company has not, for example, cited load conditions or operational criteria which would demonstrate that the rate schedule provision is justified. Nonetheless, we believe that the issue warrants further factual development at hearing. Moreover, the proposed reductions in wholesale service are not intended to occur for a number of years. As a result, no customer should be placed in imminent jeopardy in the absence of summary disposition. Thus, we shall not dispose of the matter at this time.

As noted by the intervenors, Central Maine has included in rate base the unamortized portion of losses associated with several cancelled power plants (Sears Island, Montague Nos. 1 and 2, and Pilgram No. 2) as well as the unamortized portion of a loss arising from a cancelled nuclear fuel enrichment contract. Rate base treatment of such extraordinary losses has repeatedly been rejected by the Commission and so summary disposition is appropriate;[6] the intervenor's motion as to this matter will be granted.

Central Maine also has included in rate base its equity investment in the associated "Yankee" nuclear generating companies and has treated its corresponding earnings from the "Yankee" companies as revenue credits in its cost of service. The Commission has determined that the inclusion in rate base of such investments is clearly inappropriate and, accordingly, summary disposition is again proper.[7] We shall therefore require Central Maine to submit revised rates to exclude the "Yankee" investments from its rate base and to exclude the related revenue credits. We make this finding however, without prejudice to (but without prejudging the merits of) a subsequent filing reflecting treatment of Central Maine's "Yankee" investments consistent with the Commission's findings as to rate of return in *New England Power Company*, Opinion Nos. 49 and 49–A, *supra*.

We further note that Central Maine has included in its cost of service contributions made to the Electric Power Research Institute (EPRI). Such contributions, the Commission has consistently found, should not be recovered through wholesale rates.[8] This matter has been resolved with sufficient clarity and in sufficiently generic terms to render further litigation inappropriate and, accordingly, we shall summarily dispose of this matter as well.

Finally, the Customers seek summary disposition as to Central Maine's failure to "roll-in" transmission costs. While the company has used transmission and subtransmission allocation factors representing customer demands at different voltage levels, the method employed does not appear to involve the direct assignment of transmission facilities. Under these circumstances, we decline to summarily reject Central Maine's allocation approach. This as well as the remaining matters raised by the intervenors should be resolved on the basis of an evidentiary record.

Our analysis indicates that Central Maine's revised rates and terms and conditions of service have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept them for filing and suspend them as ordered below.

In a number of suspension orders,[9] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it might run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results.

Such circumstances have been presented here. While the remaining matters raised by the intervenors warrant inquiry at hearing, our preliminary review suggests that, in light of the summary dispositions ordered herein, the proposed rates may not produce excessive revenues, Therefore, we believe that a nominal suspension and a refund obligation will adequately protect the affected customer spending a hearing. Accordingly, we shall suspend the rates for one day from sixty days after filing to become effective, subject to refund, on February 16, 1982.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79–339 (August 6, 1979), we shall phase the price squeeze issue raised by the intervenors. As we have noted in prior orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, rate of return, and terms and conditions issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

We further find that common questions of law and fact may be presented in Docket No. ER82–155–000 and Docket No. ER81–188–000. As a result, we shall grant the request to consolidate those dockets for purposes of hearing and decision.

The Commission orders:

(A) The Customers' motion to reject the filing is hereby denied.

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[5] *Town of Springfield, Vermont* v. *Central Vermont Public Service Corporation*, Docket No. EL80–5 (August 29, 1980). *See Florida Power & Light Company*, Opinion No. 57, Docket Nos. ER78–19, *et al.* (August 3, 1979).

[6] *E.g., Ohio Edison Co.*, Docket No. ER82–79–000 (January 11, 1982); *New England Power Company*, Opinion No. 49, Docket Nos. ER76–304, *et al.* (July 19, 1979), *order on rehearing*, Opinion No. 49–A (March 26, 1980), *aff'd NEPCO Municipal Rate Committee* v. *FERC*, Nos. 80–1343, *et al.* (D.C. Cir. October 15, 1981).

[7] *See New England Power Company, supra; Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *Boston Edison Company*, Opinion No. 729, Docket Nos. E–7400, *et al.* (May 13, 1975) (affirming initial decision), *order on rehearing*, Opinion No. 729–A (August 4, 1975).

[8] *E.g., Northern State Power Company*, Docket No. ER81–653–000 (October 2, 1981); *Illinois Power Company*, Docket No. ER77–531 (April 10, 1981); *Public Service Company of New Mexico*, Opinion No. 133, Docket No. ER78–338 (November 9, 1981).

[9] *E. g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

(B) Central Maine's revised rate W–1 is hereby accepted for filing, as modified by summary disposition, and is suspended for one day from sixty (60) days after filing to become effective, subject to refund, on February 16, 1982.

(C) Summary disposition is hereby ordered, as noted in the body of this order, with respect to: (1) The resale restrictions found in provisions (2) and (5) of rate schedule W–1, (2) inclusion in rate base of losses associated with the cancellation of generating projects and associated contracts, (3) inclusion in rate base of investments in the "Yankee" companies and treatment of associated revenue credits, and (4) contributions to EPRI. Within thirty (30) days of the issuance of this order, Central Maine shall refile its rates and supporting cost data to reflect these determinations.

(D) All other motions for summary disposition are hereby denied.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by secion 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 Central Maine's rates and terms and conditions of service.

(F) The petition to intervene in this proceeding is hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in the petition to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(G) The Commission staff shall serve top sheets in this proceeding on or before February 16, 1982.

(H) Docket No. ER82–155–000 is hereby consolidated with Docket No. ER81–188–000 for purposes of hearing and decision.

(I) The administrative law judge designated to preside in Docket No. ER81–188–000 shall determine the procedures best suited to accommodate consolidation of this docket with the pending proceeding.

(K) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issurance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(L) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–4959 Filed 2–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–160–000]

Central Telephone & Utilities Corp., Western Power Division; Order Accepting for Filing and Suspending Revised Rates, Granting Motions for Summary Disposition in Part, Granting Interventions, and Establishing Price Squeeze and Hearing Procedures

February 16, 1982.

On December 18, 1981, Central Telephone and Utilities Corporation, Western Power Division (CTU) tendered for filing increased rates for firm power service to 22 full requirements and 11 partial requirements customers and for transmission service provided to Kansas Electric Power Cooperative.[1] The proposed rates would result in an increase in revenues of approximately $1,322,300 (7.2%) for the twelve-month period ending December 31, 1982. CTU requests that these rates be made effective on February 16, 1982.

Notice of CTU's filing was issued on December 28, 1981, with responses due by January 15, 1982. On January 15, 1982, Midwest Energy, Inc. (Midwest), CTU's only partial requirements cooperative customer, filed a petition to intervene, protest, and request for suspension. Midwest requests a five month suspension stating that a proposed settlement with respect to CTU's prior rate filing [2] has not yet been acted on by the Commission. According to Midwest, the settlement process would be undermined if newly increased rates were to become effective immediately after the settlement rates. Midwest also notes that CTU's rate cases have historically been settled within the five month suspension period. In addition to raising rate of return and rate design issues, Midwest suggests that a disparity in the proportionate rate increases to Midwest and CTU's REA cooperative customers may result in undue discrimination.

The Kansas Municipal Group (KMG)[3] also filed a timely protest and petition to intervene. KMG moves for a maximum suspension of CTU's new rates. KMG states that CTU's filing contains numerous unexplained and unverifiable cost of service items, thus denying KMG a reasonable opportunity to evaluate CTU's claims. The specific cost of service items challenged by KMG include (1) increased administrative and general, transmission, and customer accounts expenses; (2) CTU's use of a 4 CP method of demand allocation; (3) failure to levelize costs of excess capacity; (4) the company's estimate of revenue credits for sales of excess capacity; (5) the claimed rate of return on equity; (6) full normalization of taxes; (7) the test period fuel stocks; (8) line losses; and (9) the cash working capital allowance. KMG also alleges price squeeze.

On January 15, 1982, the REA Cooperative customers of CTU [4] and the Kansas Electric Power Cooperative (collectively referred to as the Cooperatives) filed a protest, petition to intervene, motion for maximum suspension, and request for initiation of price squeeze procedures. The Cooperatives also raise a variety of cost of service issues including several of the matters addressed by KMG as well as: (1) The amount of pollution control construction work in progress (CWIP) in rate base; (2) depreciation rates; (3) rate case expenses; (4) allocation of certain facilities to the transmission function; and (5) the allocation of common plant. In addition, the Cooperatives allege price squeeze and request summary disposition with respect to (1) CTU's inclusion of $11,108,000 of short-term

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[1] *See* Attachment A for customers and rate schedule designations.

[2] A settlement agreement in Docket No. ER81–199–000 was certified to the Commission by the presiding judge on December 10, 1981. The company is now collecting interim settlement rates, subject to refund.

[3] KMG consists of 13 full requirements customers (Cawker City, Cimarron, Coats, Glasgo, Glen Elder, Hoyrood, Isabel, Jamestown, Lucas, Luray, Mankato, Montezuma, and Tipton, Kansas) and eight partial requirements customers (Anthony, Attica, Beloit, Hoisington, Kingman, Pratt, Russel, and Washington, Kansas).

[4] These customers include: Ark Valley Electric Cooperative Association, Inc., C.M.S. Electric Cooperative Association, Inc., C&W Rural Electric Cooperative Association, Inc., Jewell-Mitchell Cooperative Electric Company, Inc., N.C.K. Electric Cooperative, Inc., Ninnescah Rural Electric Cooperative Association, Inc., Norton-Decatur Cooperative Electric Company, Inc., Smoky Hill Electric Cooperative Association, Inc., Sumner-Cowley Electric Cooperative, Inc., and Victory Electric Cooperative Association, Inc.

debt in its capital structure, and (2) inclusion in rate base of accumulated deferred income taxes related to deferred maintenance, meters read but not billed, and convertible debenture interest.

Discussion

The Commission finds that participation in this proceeding by each of the petitioners is in the public interest. Accordingly, their petitions to intervene will be granted.

The Cooperatives state that inclusion of short-term debt in CTU/s capital structure will bias the weighted cost of capital upward, with a resulting overstatement of the return requirement, that such inclusion is contrary to Commission precedent, and that short-term debt should be summarily excluded from capitalization. We agree that summary disposition is warranted as to this issue. Our practice of excluding short-term debt from the capital structure "is based on the premise that short-term financing does not support rate base but is generally used for temporary financing of construction activities" and "has been consistently adhered to except in rare cases involving unique circumstances."[5] No such unique circumstances are alleged by CTU.[6] Therefore, we shall grant the request for summary disposition and we shall require CTU to refile its cost of service and rates to exclude short-term debt costs from the stated capital structure.

The request for summary disposition as to accumulated deferred income tax balances, on the other hand, raises questions of fact best resolved in the context of an evidentiary hearing. Thus, summary disposition is not appropriate.

Our analysis of CTU's filing indicates 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. Accordingly, we shall accept the proposed rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

In a number of suspension orders,[7] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it might run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results.

Such circumstances have been presented here. While the matters raised by the intervenors warrant further inquiry at hearing, or preliminary review suggests that the proposed rates, as modified consistent with this order, may not produce substantially excessive revenues. Under these circumstances, we believe that a nominal suspension and a refund obligation will adequately protect the affected customers pending a hearing. Accordingly, the Commission will suspend CTU's rates for one day from 60 days after filing, to become effective, subject to refund on February 18, 1982.

In light of the intervenors' price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79–339 (August 6, 1979). As we have noted in prior orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission orders:

(A) Summary disposition is hereby ordered with respect to CTU's inclusion of short-term debt in its capital structure. Within thirty (30) days of the issuance of this order, CTU shall refile its cost of service and rates to reflect this determination. All other motions for rejection or summary disposition are hereby denied.

(B) CTU's revised rates, as modified by summary disposition, are hereby accepted for filing and are suspended for one day from 60 days after filing to become effective, subject to refund, on February 18, 1982.

(C) Pursuant to the authority contained in and subject to 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 CTU's rates.

(D) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(E) We hereby order initiation of price squeeze procedures and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(F) The Commission staff shall serve top sheets in this proceeding on or before February 17, 1982.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

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[5] *Transwestern Pipeline Company*, Docket No. RP74–52, 55 FPC (Vol. I) 980, 987 (1976). *See also Public Service Company of Indiana, Inc.*, Docket Nos. ER76–149 and E–9537, Opinion No. 44, (June 28, 1979), Mimeo at 16, *affirming* Initial Decision issued June 20, 1978, memeo at 23.

[6] The proposed capital structure is discussed in the prepared direct testimony of CTU's witness Robert C. Stephan (Volume 4 of 5).

[7] *E.g., Boston Edison Company*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Company*, Docket Nos. ER80–506, *et al.*, (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Central Telephone and Utilities Corporation, Western Power Division, Rate Schedule Designations, Docket No. ER82–160–000

Filed: December 18, 1981.

Other party	Designation	Superseded supplement No.
I. Municipal Wholesale Customers Rate 82–MWH–5		
1. Cawker City	Supplement No. 6 to Rate Schedule FERC No. 87.	5
2. Cimarron	Supplement No. 6 to Rate Schedule FERC No. 98.	5
3. Coats	Supplement No. 6 to Rate Schedule FERC No. 88.	5
4. Glasco	Supplement No. 6 to Rate Schedule FERC No. 97.	5
5. Glen Elder	Supplement No. 6 to Rate Schedule FERC No. 89.	5
6. Holyrood	Supplement No. 6 to Rate Schedule FERC No. 90.	5
7. Isabel	Supplement No. 6 to Rate Schedule FERC No. 91.	5
8. Lucas	Supplement No. 6 to Rate Schedule FERC No. 93.	5
9. Luray	Supplement No. 6 to Rate Schedule FERC No. 94.	5
10. Mankato	Supplement No. 6 to Rate Schedule FERC No. 95.	5
11. Montezuma	Supplement No. 11 to Rate Schedule FPC No. 70.	10
12. Tipton	Supplement No. 6 to Rate Schedule FERC No. 96.	5
II. Interconnected Municipal Wholesale Rate 82–A–1		
1. Anthony	Supplement No. 17 to Rate Schedule FPC No. 59.	16
2. Attica	Supplement No. 14 to Rate Schedule FPC No. 84.	13
3. Beloit	Supplement No. 15 to Rate Schedule FPC No. 60.	14
4. Hoisington	Supplement No. 17 to Rate Schedule FPC No. 57.	16
5. Kingman	Supplement No. 19 to Rate Schedule FPC No. 58.	18
6. Pratt	Supplement No. 18 to Rate Schedule FPC No. 34.	17
7. Russell	Supplement No. 17 to Rate Schedule FPC No. 41.	16
8. Washington	Supplement No. 17 to Rate Schedule FPC No. 56.	16
9. Osborne	Supplement No. 10 to Rate Schedule FPC No. 86.	9
10. Stockon	Supplement No. 8 to Rate Schedule FERC No. 99.	7
III. Rural Electric Cooperative Rate 82–CWh–2		
1. Ark Valley	Supplement No. 12 to Rate Schedule FPC No. 74.	11
2. C. M. S.	Supplement No. 15 to Rate Schedule FPC No. 75.	14
3. C & W	Supplement No. 12 to Rate Schedule FPC No. 76.	11
4. Jewell-Mitchell.	Supplement No. 13 to Rate Schedule FPC No. 77.	12
5. N. C. K.	Supplement No. 12 to Rate Schedule FPC No. 78.	11
6. Ninnescah	Supplement No. 12 to Rate Schedule FPC No. 79.	11
7. Norton-Decatur.	Supplement No. 11 to Rate Schedule FPC No. 80.	10
8. Smoky Hill	Supplement No. 11 to Rate Schedule FPC No. 81.	10
9. Sumner-Cowley.	Supplement No. 11 to Rate Schedule FPC No. 82.	10
10. Victory	Supplement No. 13 to Rate Schedule FPC No. 83.	12

Other party	Designation	Superseded supplement No.
IV. Service Schedule 82–A		
Midwest Energy, Inc.	Supplement No. 17 to Rate Schedule FPC No. 35.	16

Other party	Designation	Description
V. Rate Schedule 82–TSv–1		
Kansas Electric Power Cooperative.	Rate Schedule FERC No. 104 (Supersedes Rate Schedule FERC No. 103, as supplemented).	82–TSv–1.[1]
	Supplement No. 1 to Rate Schedule FERC No. 104.	A.[2]
	Supplement No. 2 to Rate Schedule FERC No. 104.	B.[2]
	Supplement No. 3 to Rate Schedule FERC No. 104.	C.[2]

[1] Rate schedule.
[2] Appendix.

[FR Doc. 82–4960 Filed 2–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–303–000]

Cincinnati Gas & Electric Co.; Proposed Tariff Change

February 19, 1982.

The filing Company submits the following:

Take notice that the Cincinnati Gas & Electric Company (Cincinnati) tendered for filing on February 10, 1982 a new Interconnection Agreement, dated August 4, 1981, between Cincinnati and the City of Hamilton, Ohio (Hamilton).

The new Interconnection Agreement is for a 138 kV interconnection with Hamilton and contains rate schedules for Energy Service, Interchange Service, Short-term Power Service, and Transmission Service. The 138 kV Interconnection Agreement is to become effective at such time as the Agreement is approved by the Commission and the rate schedules attached thereto are permitted to become effective and Cincinnati's and Hamilton's systems become interconnected at 139 kV and the existing 69 kV interconnection is discontinued.

The proposed rate schedules are not similar to any other offered by Cincinnati since the Interconnection Agreement is Cincinnati's only 138 kV interconnection providing for Emergency, Interconnection, Short-term Power and Capacity Reservation Power Services in conjunction with a Transmission Service schedule.

Cincinnati states that the reason for the new Interconnection Agreement is to fix provisions for a 138 kV interconnection with Hamilton to provide Hamilton with 70,000 kW of interconnection capacity.

A copy of the filing was served upon the City of Hamilton and the Public Utilities Commission of Ohio.

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, 925 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 4, 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. 82–4947 Filed 2–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–300–000]

Connecticut Light and Power Co.; Filing

February 19, 1982.

The filing Company submits the following:

Take notice that the Connecticut Light and Power Company (CL&P) and the Hartford Electric Light Company (HELCO), on February 8, 1982, tendered for filing changes to the following unit contracts between CL&P, HELCO and Connecticut Municipal Electric Energy Cooperative (CMEEC):

Unit contract	FERC rate schedule No.
Norwalk Harbor Unit Nos. 1, 2, 3	CL&P 224.
Montville Unit Nos. 5, 6, 10, 11	CL&P 226.
Devon Unit Nos. 7, 8, 9	CL&P 227.
Millstone Point Unit Nos. 1, 2	CL&P 228.
Northfield Mountain Unit Nos. 1, 2, 3, 4	CL&P 229.
Tunnel Unit Nos. 1, 2	CL&P 230.
Bulls Bridge Unit Nos. 1, 2, 3, 4, 5, 6	CL&P 231.
Shepaug Unit No. 1	CL&P 232.
Middletown Unit Nos. 1, 2, 3, 4, 10	HELCO 232.

CL&P and HELCO propose that the unit contract changes become effective on April 10, 1982; provided that if the Commission specifies a later effective date for concurrently filed changes in CL&P's R–4 Rate, then CL&P and HELCO request that the unit contract changes become effective on the same date as the changes to the R–4 Rate are permitted to become effective.

CL&P and HELCO states that the changes would produce an estimated increase in revenues from the unit contracts of $1,112,875 based on the 12-month period ending December 31, 1982.

CL&P requests an effective date of April 10, 1982, and therefore requests waiver of the Commission's notice requirements.

CL&P and HELCO state that copies of the filing were served upon CMEEC, which is the only utility receiving service under the unit contracts.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 4, 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. 82-4946 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1979-001]

James E. Davis; Application

February 18, 1982.

The filing individual submits the following:

Take notice that on February 10, 1982, James E. Davis filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Potomac Edison Company.
Vice President and Director, Allegheny Generating Company.
Director, Ohio Valley Electric Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4961 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE82-4-000]

Green River Electric Corp.; Application for Exemption

February 19, 1982.

Take notice that Green River Electric Corporation (Green River) filed an application for exemption on December 30, 1981, and an amendment to the application on January 6, 1982, from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1984, and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E. In its application for exemption Green River states that it should not be required to file the specified data for the following reasons:

The nature of its retail service has not changed since it was granted an exemption from the reportings due on or before November 1, 1980, and on or before June 30, 1982, and is not likely to change in the future (a precondition per order granting exemption issued April 23, 1980, Docket No. RE80-7-000).

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20406, on or before April 12, 1982. Within that 45 day period such person must also serve a copy of such comments on: James M. Miller, Holbrook, Gary, Wible and Sullivan, P.S.C., 100 St. Ann Bldg, P.O. Box 727 Ownesboro, Kentucky 42302-0727.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4962 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-38-000]

Gulf States Utilities Co.; Application

February 18, 1982.

Take notice that on February 9, 1982, Gulf States Utilities Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance of not more than 5,000,000 shares of common stock, without par value, via negotiated placement.

Any person desiring to be heard or to make any protest with reference to the said application should on or before March 8, 1982, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4963 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE82-3-000]

Henderson-Union Rural Electric Cooperative Corp.; Application for Exemption

February 19, 1982.

Take notice that Henderson-Union Rural Electric Cooperative Corporation (Henderson-Union) filed an application for exemption on December 30, 1981, and an amendment to the application on January 6, 1982, from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1984, and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E.

In its application for exemption Henderson-Union states that it should

not be required to file the specified data for the following reasons:

The nature of its retail service has not changed since it was granted an exemption from the reportings due on or before November 1, 1980, and on or before June 30, 1982, and is not likely to change in the future (a precondition per order granting exemption issued April 23, 1980, Docket No. RE80–6–000).

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 12, 1982. Within that 45 day period such person must also serve a copy of such comments on: James M. Miller, Holbrook, Gary, Wible, and Sullivan, P.S.C., 100 St. Ann Bldg., P.O. Box 727, Owensboro, Kentucky, 42302–0727.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–4964 Filed 2–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF82–68–000]

Hercules, Inc., Forster Plant; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

February 22, 1982.

On January 28, 1982, Hercules, Inc. Forster Plant of Covington, Virginia filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located on Edgemont Drive in Covington, Virginia 24426. The primary energy source will be natural gas. Electric capacity of the facility will be 600 kilowatts and an average of 20.6 thousand Btu/hr. of steam will be used for process use and space heating. Installation of the facility began in October 1981. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before March 26, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–4948 Filed 2–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Dockets Nos. E–9548, E–9549 and ER78–382]

Indiana & Michigan Electric Co.; Refund

February 18, 1982.

The filing Company submits the following:

Take notice that on January 29, 1982, Indiana & Michigan Electric Company filed refund reports in Docket Nos. E–9548, E–9549 and ER78–382 pursuant to the Commission's letter order issued on January 19, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 4, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–4965 Filed 2–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RA82–13–000]

Laketon Asphalt Refining, Inc.; Extension of Time

February 17, 1982.

On February 12, 1982, Laketon Asphalt Refining, Inc. (Laketon) filed a request for a stay of the requirement to file its petition for review of a decision and order issued by the Department of Energy's (DOE) Office of Hearings and Appeals (OHA) (DOE Case No. BYX–0228). Laketon requests that this stay be granted pending action by DOE on Laketon's Motion for Reconsideration which was filed with DOE on February 10, 1982.

Upon consideration, notice is hereby given that an extension of time for the filing of a petition for review is granted to and including April 1, 1982. In the event that the company does not anticipate perfecting its petition by that date and seeks an additional extension, a status report and request for extension should be filed with the Commission on or before March 29, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–4949 Filed 2–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5840–000]

Meherrin Hydro Associates; Application for Preliminary Permit

February 19, 1982.

Take notice that Meherrin Hydro Associates (Applicant) filed on December 31, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5840 to be known as the Whittles Mill Dam Project located on the Meherrin River in Mecklenburg and Lunenburg Counties, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Wayne L. Rogers, Meherrin Hydro Associates, 1444 Foxwood Court, Annapolis, Maryland 21401.

Project Description—The proposed project would consist of: (1) The existing 125-foot long and 16-foot high, concrete capped stone, Whittles Mill Dam; (2) an existing 4-acre reservoir, containing 15 acre-feet of storage capacity; (3) a ¼-mile transmission line; (4) a rebuilt powerhouse to contain an estimated installed generating capacity of 550 kW; and (5) appurtenant facilities. The Applicant estimates the average annual energy generation to be 2.4 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 period of 24 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to

support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, the Applicant intends to submit a license application. The applicant's estimated total cost for performing these studies is $36,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 1, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 31, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 31, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4950 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-142-000]

Missouri Edison Co., and Panhandle Eastern Pipe Line Co.; Application

February 17, 1982.

Take notice that on December 31, 1981, Missouri Edison Company (Applicant), Box 780, Jefferson City, Missouri 65102, filed in Docket No. CP82-142-000 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Panhandle Eastern Pipe Line Company (Respondent) to sell natural gas to Applicant pursuant to Respondent's Rate Schedule I-2, 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 Kaiser Aluminum & Chemical Corporation (Kaiser) is actively engaged in acquiring from Hercules, Inc. (Hercules) the ammonia production facility located at Louisiana, Missouri. Applicant explains that Kaiser intends to operate the existing ammonia facility at essentially historical levels subject to future market restraints and, as such, would require approximately 7,500 Mcf of natural gas per day. It is asserted that upon commencement of commercial operation of the modified ammonia production facility Kaiser would require up to 45,000 Mcf of natural gas on a peak day for essential agricultural uses.

Applicant submits that by *Order on Remand in Compliance with Mandate of Court Order Approving Application with Conditions* issued in Missouri Edison Co., Docket No. CP70-161 (October 4, 1973) Respondent was directed to sell 15,000 Mcf of natural gas per day to Applicant for resale to Hercules for use at the Louisiana plant. Applicant now requests that Respondent be directed to sell natural gas to Applicant pursuant to its Rate Schedule I-2, as follows:

(a) During an initial period commencing with acquisition of the Louisiana plant by Kaiser and continuing until plant modifications are completed 7,500 Mcf per day for resale to Kaiser and up to 2,500 Mcf per day for resale to Hercules.

(b) Commencing with the completion of planned modification of the Louisiana plant which is expected to occur in early 1986 and continuing thereafter up to approximately 45,000 Mcf on a peak day for resale to Kaiser for essential agricultural uses. Hercules' requirement for up to 2,500 Mcf per day would remain unchanged.

Applicant submits that approval of the instant application would benefit Respondent's and Applicant's customers in two ways. It is stated that initially at least 5,000 Mcf of natural gas per day would be made available to Respondent's general system supply. Furthermore, Applicant asserts that Applicant's and Respondent's system costs would be spread over the greater volumes sold to Applicant for resale to Kaiser.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4966 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-161-000]

New England Power Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Interventions, and Establishing Procedures

February 16, 1982.

On December 18, 1981, New England Power Company (NEP) tendered for filing a proposed amendment [1] which would provide for the transmission of

[1] Designated as: *New England Power Company*, First Revised Page Number 3, Under Schedule II of FERC Electric Tariff, Original Volume Number 3 [Supersedes Original Page Number 3].

non-firm power that is delivered to NEP on other than its Pool Transmission Facilities (PTF) system. In particular, the proposed amendment provides a rate for transmission service that would apply when delivery of non-firm power requires use of the distribution facilities of Massachusetts Electric Company (MECO), a NEP subsidiary, rather than NEP's PTF facilities. The tariff change is intended to accommodate a transmission need that has arisen because Fitchburg Gas and Electric Company (Fitchburg) has secured a unit power entitlement in a cogeneration facility that will not be directly connected with NEP's PTF system.

NEP requests waiver of the notice requirements to allow an effective date of January 11, 1982. This date corresponds to the anticipated in-service date of the cogeneration project for which wheeling service is required. In its filing, NEP requests that the amendment be allowed to become effective subject to refund. NEP states that it will file the applicable service agreement with Fitchburg when it is executed.

Notice of the filing was issued on December 29, 1981, with responses due on or before January 15, 1982. Fitchburg filed a timely petition to intervene. On January 18, 1982, the Massachusetts Municipal Wholesale Electric Company (MMWEC) filed an untimely petition to intervene and protest on behalf of its 33 municipal members. Fitchburg states that it does not oppose an abbreviated suspension period, provided that the rate is made effective subject to refund. However, Fitchburg suggests that the proposed rate may be excessive and that the proposed allocation of costs on a capability basis may be improper. MMWEC asserts that the applicability of the amendment is unclear from the tariff language and that it may overlap with NEP's existing Rate T-Non-PTF–3 tariff. MMWEC further alleges that the proposed allocation of costs supporting the rate may be unjustified. Like Fitchburg, MMWEC indicates no opposition to a shortened suspension period provided that the rate remains subject to refund.

Discussion

The Commission finds that participation in this proceeding by Fitchburg and MMWEC is in the public interest and that good cause exists to permit MMWEC to intervene out of time. Accordingly, the petitions to intervene will be granted.

Upon review of the filing and the matters raised by the intervenors, the Commission concludes that NEP's proposed amendment has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed amendment for filing and suspend its operation as ordered below.

In a number of suspension orders,[2] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it might run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. The Commission notes that Fitchburg, the first customer expected to take service under the amendment, has stated that it does not seek a maximum suspension. Neither does the other intervenor oppose an abbreviated suspension period. Furthermore, it appears that Fitchburg desires to have this transmission rate available as of the in-service date of the cogeneration project in which it has entitlements. Thus, we believe that a maximum suspension would be inappropriate. A nominal suspension, a refund obligation, and the initiation of a hearing should adequately protect the interests of the parties to this proceeding as well as any other potential tariff customers. Based on the facts recited, we further find that good cause exists to waive the notice requirements. Accordingly, we shall suspend the operation of the tariff revision for one day, permitting it to take effect, subject to refund, on January 12, 1982.

The Commission orders:

(A) NEP's request for waiver of the notice requirements is hereby granted.

(B) NEP's proposed amendment to its tariff is hereby accepted for filing and suspended for one day, to become effective on Juanuary 12, 1982, subject to refund.

(C) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulation Commission by section 402(a) of the Department of Energy 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 NEP's amendment to its transmission tariff.

(D) Fitchburg and MMWEC are hereby permitted to intervene in this proceeding subject to rules and regulations of the Commission; *Provided, However,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing 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 designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4967 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[2] *E.g., Boston Edison Co.,* Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.,* Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.,* Docket No. ER80-488 (August 22, 1980) (one day suspension).

[Docket No. CP80-135-001]

Northern Natural Gas Co., a Division of InterNorth, Inc.; Petition To Amend

February 18, 1982.

Take notice that on January 5, 1982, Northern Natural Gas Company, Division of InterNorth, Inc., (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-135-001 a petition to amend the order issued September 25, 1981, in the instant docket pursuant to Section 7(c) of the Natural

Gas Act so as to authorize modification of certain of the facilities to be constructed, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued September 25, 1981, it was authorized to construct and operate 3 compressor stations totaling 7,530 horsepower, approximately 65 miles of 4-inch through 8-inch branchline loops, measurement facilities and appurtenances to provide for the increased volumes of seasonal service demand authorized of 256,559 Mcf per day. Petitioner asserts that a realignment of 18,837 Mcf of the total volumes authorized has been requested by certain utilities and that other modifications are required to provide for increased operating efficiency and flexibility on Petitioner's system. Therefore, Petitioner proposes the following facility revisions:

(1) Petitioner would construct and operate approximately 16.65 miles of 12-inch pipeline from a proposed interconnection with Northern Border Pipeline Company's (Northern Border) 42-inch pipeline in Lyon County, Minnesota, northward to a proposed tie-in point with Petitioner's existing 4-inch Willmar Branch line in Lyon County, Minnesota. Petitioner would construct and own the branchline proposed herein and reimburse Northern Border for the interconnection and measurement facilities which Northern Border would install and own.

(2) Petitioner states that it is to receive gas from Northern Border at various points along the Northern Border pipeline including Aberdeen, South Dakota. The Northern Border delivery points at Aberdeen and Marshall would eliminate the need for certain compression facilities currently authorized in the September 25, 1981, order, it is stated. Petitioner explains that the temporary unit at Aberdeen would be removed when the Northern Border facilities are operational and are delivering gas to Petitioner at the Aberdeen interconnect currently estimated for September 1982. Prior to delivery of gas by Northern Border, Petitioner would be able to provide full service to all customers on the Aberdeen branchline with one temporary 1,000 horsepower unit. Petitioner states it would make opeating modifications to assure reliability of the station without a back-up unit.

(3) Petitioner submits that by causing delivery of natural gas at the proposed Northern Border interconnections and thereby reducing volumes required to be delivered through Petitioner's mainline transmission system compression requirements at the Dawson, Minnesota, compressor station and at the Aberdeen, South Dakota, compressor station ultimately would be eliminated. It is stated that the 2,250 horsepower back-up unit at the Wakefield compressor station was eliminated as a result of the increased operating pressure of the branchline it serves.

(4) 20.8 miles of 8-inch pipeline is proposed to connect the Elk River Branchline, near Elk River, Minnesota, to the St. Cloud Branchline, Princeton, Minnesota. Petitioner states this pipeline would eliminate the need for 14.66 miles of 6-inch loopline on the Elk River branchline as authorized in the instant docket. It is further stated the 7.71 miles of loopline from Martinville to Buffalo, Minnesota, which was proposed in Petitioner's Docket No. CP81-327 would be eliminated.

(5) Petitioner explains that miscellaneous additions and revisions to the facilities currently authorized are necessary due to the volume realignment. Said facilities, it is stated, consist of a new town border station near Carver, Minnesota, to serve Minnesota Gas Company, one of Petition's utility customers, modification of an existing town border station at Albany, Wisconsin, and the addition of approximately 1.76 miles of 4-inch loopline on the Baldwin, Wisconsin, branchline.

Petitioner states that the total project cost would not exceed $18,843,200 as compared to the original projected facility cost of $15,350,800.

Any persons desiring to be heard or to make any protest with reference to said petition to amend should on or before March 15, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4968 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-149-000]

Northwest Pipeline Corp.; Application

February 18, 1982.

Take notice that on January 12, 1982, Northwest Pipeline Corporation (Applicant), 315 East 200 South, Salt Lake City, Utah 84111, filed in Docket No. CP82-149-000 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 Mountain Fuel Resources, Inc. (Resources), 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 35,000 Mcf of natural gas per day for Resources pursuant to a transportation agreement dated March 27, 1981. It is asserted that Applicant would receive the subject gas at the Dove Creek receipt point located on Applicant's mainline in Dolores County, Colorado. Applicant would then transport and redeliver thermally equivalent volumes, less mainline fuel and losses, to Resources at an existing point of interconnection (Piceance Delivery point) between Applicant and Resources located in Rio Blanco County, Colorado, or at such other delivery points which may be established and mutually agreed upon.

It is asserted that Resources would reimburse Applicant in kind for the fuel and losses associated with transporting Resources' gas by an amount equal to the volumes of gas received by Applicant for transportation multiplied by the mainline fuel percentage which is currently 1.0 percent.

Applicant estimates that transportation volumes under the proposal would initially be about 3,000 Mcf per day and would increase as Resources further develops its gas fields.

Applicant proposes to charge Resources at the applicable mainline transportation rate as set forth on Sheet No. 2 of Applicant's FERC Gas Tariff, Original Volume No. 2. It is stated that the currently effective rate is 1.34 cents per million Btu for each one hundred-mile increment of distance transported. It is stated that the initial mainline rate would equate to 2.68 cents per million Btu.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 15, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules

of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4969 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER-82-302-000]

Pacific Gas & Electric Co.; Filing

February 19, 1982.

The filing Company submits the following:

Take notice that on February 9, 1982, Pacific Gas and Electric Company (Pacific) tendered for filing an amendment, dated December 31, 1981, to the Power Sale, Exchange and Integration Contract between Pacific and Sacramento Municipal Utility District (Sacramento). The amendment changes the working of Article 20 of the Contract to provide for a one-time reduction of the termination notice period.

The amendment allows either party to cancel the contract between December 21, 1981 and May 1, 1982, the cancellation to become effective January 1, 1988.

Pacific states that the effective date of the amendment is to be December 21, 1981, and requests a waiver of the notice requirements with respect to the effective date in order to comply with the intent of the parties to the amendment.

Pacific further states that copies of the filing have been sent to Sacramento and to the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 4, 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. 82-4951 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Dockets Nos. CP71-237; CI71-714]

Panhandle Eastern Pipe Line Co. and Pan Eastern Exploration Co.; Informal Conference

February 17, 1982.

On February 11, 1982, Pan Eastern Exploration Company (Pan Eastern) filed a "Petition For Amendment Of Stipulation And Agreement" in the above-referenced proceeding. Pan Eastern is proposing to amend the Stipulation and Agreement dated August 20, 1976 and approved by order issued in the above-captioned proceedings on December 22, 1976. Pan Eastern states that the purpose of the proposed Amended Stipulation and Agreement is to enable Pan Eastern to conduct exploration and development on the undeveloped leases that it presently owns, to acquire additional leases for expanded exploration and development and to define its obligations under this restructured program. Pan Eastern also states that Commission approval of the proposed amendment will also establish Panhandle Eastern Pipe Line Company's (Panhandle) right to the gas produced from leases acquired during the term of the agreement, and to include in its cost of service the prices paid for the gas, both as to "discount" prices for "new gas" and "undiscounted" prices for "supplemental gas", in accordance with the Amended Stipulation and Agrement. Finally, Pan Eastern alleges that the public interest will be greatly enhanced by the approval of the proposed amendments. Pan Eastern has requested an informal conference among the parties and the Commission Staff concerning this matter.

Take notice that on Monday, March 8, 1982, at 10:00 A.M., an informal conference of all interested parties will be convened in the above-captioned proceeding. The conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend the informal conference, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention.

All parties will be expected to appear fully prepared to discuss any procedural matters and explore or make commitments with respect to any or all of the issues discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4952 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket ER82-295-000]

Philadelphia Electric Co.; Filing

February 18, 1982.

The filing Company submits the following:

Take notice that Philadelphia Electric Company (Philadelphia), on February 8, 1982, tendered for filing proposed changes in its FERC Electric Tariff Service Tariff No. 36 and No. 2, applicable for sevice to Conowingo Power Company. The proposed changes would increase revenues from jurisdictional sales and service by $3,077,600, or 9.3%, based on the 12-month period ending December 31, 1982.

Philadelphia proposes an effective date of April 10, 1982.

Copies of the filing were served upon the public utility jurisdictional customers (other parties the public utility served, *inter alia*, State Public Service Commission, other government agencies, etc.)

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8

and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 3, 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. 82-4970 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-304-000]

Public Service Company of New Hampshire; Filing

February 19, 1982.

The filing Company submits the following:

Take notice that on February 10, 1982, Public Service Company of New Hampshire (PSNH) tendered for filing unexecuted service agreements under its non-firm transmission tariff which became effective subject to refund on February 7, 1982, under the Commission's order in this docket. The service agreements are requested to become effective on the same date and are between the Company and the following customers:

Allied Power and Light Company
Bangor Hydro-Electric Company
Braintree Electric Light Department
Burlington Electric Light Department
Central Maine Power Company
Central Vermont Public Service Corporation
Citizens Utilities Company
Enosburg Falls Water and Light Department
Green Mountain Power Corporation
Hardwick Electric Department
Hyde Park, Inc., Water and Light Department
Johnson Electric Light Department
Ludlow Electric Light Department
Lyndonville Electric Department
Morrisville Water and Light Department
North Attleborough Electric Department
Northeast Utilities
Northfield Electric Department
Orleans Electric Department
Readsboro Electric Light Department
Rochester Electric Light and Power Company
Stowe Water and Light Department
Vermont Electric Generation and Transmission Cooperative, Inc.
Vermont Electric Power Company, Inc.
Vermont Marble Company
Village of Swanton
Washington Electric Cooperative, Inc.

PSNH proposes an effective date of February 7, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4953 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE81-108-000]

Southern California Edison Co.; Supplemental Application for Partial Exemption

February 19, 1982.

Take notice that on July 1, 1981 Southern California Edison Company (SCE), filed a supplemental application for partial exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Section 290.302(a) and 290.302(b). Due to administrative oversight, notice of the application was published promptly.

In its application for exemption, SCE proposes that it should not be required to file the specified data in view of a proposed alternate program for compliance consisting of comparable data submitted to the California Public Utilities Commission for use in its production simulation model. Although the level of detail and format required by the California Public Utility Commission is at variance with PURPA requirements, the substance and the intended use of the data are comparable.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426, on or before March 26, 1982. Within that 30-day period such person must also serve a copy of such comments on: Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4954 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-177-000]

Southern California Edison Co.; Order Accepting Amendments to Cost Support and Giving Notice of Intent To Act on Motion

February 16, 1982.

On January 15, 1982, Southern California Edison Company (Edison) tendered for filing an amendment to its rate filing application in the above-captioned docket pursuant to §§ 1.11(a), 35.13 and 35.14 of the Commission's regulations. The stated purpose of the filing is to amend Edison's previously filed cost of service to reflect revisions purportedly required by the Economic Recovery Tax Act (ERTA or "the Act") of 1981 (Pub. L. 97-34) in order to qualify for benefits under the Act. Edison states that the proposed rates in this docket are not being revised, but that the allocated wholesale cost of service support alone is being increased by $1,287,000.

Edison further requests the Commission, pursuant to § 1.12(a) of the Commission's Rules of Practice and Procedure, to issue an order requiring that normalization accounting of the income tax benefits available to Edison pursuant to Section 201 of ERTA shall be utilized in determining Edison's cost of service in this docket. Edison states that such an order is necessary to meet the requirements of Section 209(d) of the Act, which requires that for previously non-qualifying utilities the tax benefits of ERTA for qualifying post-1980 property must be subject to normalization accounting by the terms of a rate order of the regulatory authority having ratemaking jurisdiction which is effective prior to January 1, 1983.

Answers to amendments to applications may be filed within fifteen days pursuant to § 1.9(g) of the Rules of Practice and Procedure. On February 1, 1982, the Cities, intervenors in this proceeding, filed a timely response stating that they did object to

acceptance for filing of the amendments, but reserved their right to contest them during the hearing. Cities further urge the Commission not to act on Edison's request for an order until after the hearing in this proceeding.

On January 3, 1982, the intervening City of Vernon filed an untimely protest and a motion for rejection of the amendments on the grounds that they constitute a new rate filing or a post test year adjustment.

Discussion

We agree with Edison that the Company's qualification for the benefits of ERTA may be in the best long-term interests of Edison's customers as well as of the utility itself. We disagree with the City of Vernon that the amendment constitutes a post test year adjustment. Rather, Edison appears to have revised its accounting treatment for the test year in order to comply with a tax law which applies to test period property.

It is unclear at this time whether the IRS regulations under ERTA will in fact require normalization in this proceeding of some or all of the items normalized by Edison in its amendments in order to qualify for ERTA benefits. In order to preserve the positions of all parties pending clarification of this matter, we shall accept the amendments to the pleadings for filing, to become a part of Edison's cost support in this docket, without prejudice to a motion for their ultimate rejection once the position of the IRS becomes clearer. Our action in accepting the amendments for filing also reflects no judgment on the substantive merits of the statements or supplemental testimony.

Likewise, we find it premature to act at this time on the motion requesting an order requiring normalization. We therefore give notice of our intent to act on Edison's motion at a later date.

The Commission orders:

(A) Edison's January 15, 1982 amendment to its cost of service in this docket is hereby accepted for filing and made a part of the company's showing for purposes of hearing and decision.

(B) The Commission shall act on Edison's motion filed on January 15, 1982 at a later date. The provisions of § 1.12(e) under which the motion would otherwise be deemed denied within 30 days are hereby tolled.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4971 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-151-000]

Tennessee Gas Pipeline Co.; Application

February 18, 1982.

Take notice that on January 12, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82-151-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 284.200 of the Commission's Regulations for a certificate of public convenience and necessity authorizing the transportation of natural gas for Consolidated Edison Company of New York, Inc. (Con Ed), 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 for Con Ed during the period from February 1, 1982, to April 1, 1982, up to 25,000 Mcf per day of natural gas. Applicant estimates that it would transport up to 1,500,000 Mcf for Con Ed during said two-month period.

Applicant states that the gas to be transported would be purchased by Con Ed from New York State Electric & Gas Corporation (NYSEG) and made available for transportation at Applicant's existing Lockport sales meter station delivery point to NYSEG located in Niagara County, New York. It is stated that Applicant would receive said gas at that point and deliver equivalent volumes to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Con Ed at Applicant's existing Rivervale sales meter station delivery point to Transco in Bergen County, New Jersey. Applicant asserts that Transco would then deliver equivalent volumes of natural gas to Con Ed.

Applicant indicates that the transportation rate applicable to the proposed service is currently 16.24 cents per Mcf pursuant to Applicant's Rate Schedule IT.

Applicant submits that the proposed transportation would enable Con Ed to reduce the use of fuel oil in the generation of electric energy at its electric generation stations. Applicant further submits that the gas would be transported only to the extent its operating conditions and available capacity permit through the utilization of existing facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 15, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commisssion's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition ot intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4972 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-402-001]

Texas Eastern Transmission Corp.; Amendment to Application

February 17, 1982.

Take notice that on February 2, 1982, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-402-001 an amendment to the application filed in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to extend the termination date of the proposed transportation service, all as more fully set forth in the amendment which is on file with the

Commission and open to public inspection.

It is stated that by a temporary certificate issued September 1, 1981, in the instant docket Applicant was authorized to transport up to 50,000 dekatherms (dt) equivalent of natural gas per day which Long Island Lighting Company (Long Island) has purchased from Equitable Gas Company (Equitable) pursuant to an agreement dated July 1, 1981, which terminated December 31, 1981. Applicant now proposes to extend the transportation service through October 31, 1982, pursuant to a transportation agreement dated January 29, 1982. Applicant explains that the instant proposal would allow Long Island to extend its purchase arrangement with Equitable. Applicant submits that in all other respects the original application and transportation agreement remain unchanged.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 5 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4955 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-144-000]

Transcontinental Gas Pipe Line Corp. and Natural Gas Pipeline Company of America; Application

February 18, 1982.

Take notice that on January 6, 1982, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP82-144-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspeciton.

It is stated that Applicants entered into an agreement dated June 11, 1981, where under Transco would exchange supplies available to it in Block 348, Vermilion Area, offshore Louisiana, for supplies available to Natural in Block A-17, Brazos Area, offshore Texas, and Blocks 107 and 114, South Marsh Island Area, offshore Louisiana. It is stated that the maximum daily exchange quantity is the dekatherm equivalent of 20,000 Mcf.

Applicants submit that any balancing required would take place at the existing interconnection between Natural and U-T Offshore System, Cameron Parish, Louisiana, the outlet of Mobil Oil Corporation's LaGloria Plant, Jim Wells County, Texas, the existing interconnecton between Transco and Valero Transmission Company in Jim Wells County, Texas, and any other mutually agreeable point where Applicants have gas available which could be delivered to either for balancing purposes.

It is stated that there would be no charge to either party because the benefits derived from the exchange are substantially equal and mutually beneficial.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 15, 1982, file with the Federal Energy Regulatory Commission, Washingon, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-4973 Filed 2-23-82; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 17, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	Issued February 17, 1982	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION										
-GEAR PETROLEUM CO INC				RECEIVED:	01/26/82	JA: KS				
8216329	K 81-0517	1500720794		103		WATKINS #1		I L S SOUTHWEST	75.6	CITIES SERVICE GA
-MOBIL OIL CORP				RECEIVED:	01/28/82	JA: KS				
8216330	K-81-0719	1518920540		103		BOLTON #1 UNIT #2		PANOMA COUNCIL GROVE	70.0	NORTHERN NATURAL
MICHIGAN DEPARTMENT OF NATURAL RESOURCES										
-ADOLPH ROVSEK				RECEIVED:	01/28/82	JA: MI				
8216343		2105933747		103		E & J SPONSELLER #2-9		ADAMS	27.4	MARATHON OIL CO
-AMOCO PRODUCTION CO				RECEIVED:	01/28/82	JA: MI				
8216342		2104534750		102-4		KUNKEL #2-16		EATON RAPIDS 16A-2N-3	73.0	CONSUMERS POWER C
-GETTY OIL COMPANY				RECEIVED:	01/28/82	JA: MI				
8216341		2110100000		102-4		L K SMITH #1-8		BEAR LAKE 8-23N-15W	164.0	MICHIGAN CONSOLID
-KULKA & SCHMIDT INC				RECEIVED:	01/28/82	JA: MI				
8216339		2106500000		102-4		KEMLER ETAL UNIT #1-15		WHITE OAK "15"	0.0	CONSUMERS POWER C
-TOTAL PETROLEUM INC				RECEIVED:	01/28/82	JA: MI				
8216340		2105534064		102-4		ROTARY CAMPS INC 3-11		EAST BAY 14	160.0	CONSUMERS POWER C
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS										
-AMERADA HESS CORPORATION				RECEIVED:	01/28/82	JA: NM				
8216165		3002504133		108		J R PHILLIPS #4		EUNICE-MONUMENT	5.0	NORTHERN NATURAL
8216164		3002526548		108		STATE WE B #6		EUMONT	12.2	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED:	01/28/82	JA: NM				
8216246		3004520953		108		CANEPLE GAS COM "B" #1 (2ND)		BLANCO - PICTURED CLI	18.0	EL PASO NATURAL G
8216203		3002527253		103		STATE IO COM #1		UND UPPER PENN BAUM	6.6	
8216250		3002526978		102-4		STATE IT #1		UND ATOKA	677.4	UNITED GAS PIPELI
8216274		3001523709		102-4		STATE MA COM #1		UND MORROW	1131.5	CABOT PIPELINE CO
8216212		3004509214		108		STEDJE GAS COM #1 (4TH)		BASIN DAKOTA	19.0	EL PASO NATURAL G
8216252		3004508203		108		VALENCIA GAS COM "B" #1 (3RD)		BASIN DAKOTA	18.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:	01/28/82	JA: NM				
8216163		3002527249		103		FREDERICK H CURRY WN #6		LANGLIE MATTIX (7R QN	75.0	EL PASO NATURAL G
8216259		3001521255		108		STATE BR COM #1		AVALON (MORROW)	3.3	GAS CO OF NEW MEX
-BRAZOS PETROLEUM CO				RECEIVED:	01/28/82	JA: NM				
8216217		3002500000		103		BASS STATE #1		EAST CROSSROADS (SAN	15.0	WARREN PETROLEUM
8216206		3002500000		103		BRAZIEL STATE #1		EAST CROSSROADS (SAN	10.0	WARREN PETROLEUM
8216220		3002500000		103		GETTY STATE #2		SAWYER (SAN ANDRES)	50.0	WARREN PETROLEUM
-CAULKINS OIL COMPANY				RECEIVED:	01/28/82	JA: NM				
8216161		3003922601		103		STATE COMM 113E		BLANCO MESA VERDE	8.0	GAS CO OF NEW MEX
8216162		3003922601		103		STATE COMM 113E		BASIN DAKOTA	12.0	GAS CO OF NEW MEX
-CITIES SERVICE COMPANY				RECEIVED:	01/28/82	JA: NM				

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8216258		3002506286		108		STATE F #2	EUMONT YATES 7 RIVERS	12.0	NORTHERN NATURAL
8216270		3002512179		108		STATE P #1	BLINEBRY & TUBB	13.0	NORTHERN NATURAL
-COOK OIL & GAS PRODUCTION				RECEIVED:	01/28/82	JA: NM			
8216195		3001500000		103		STATE #2-Y	SHUGART	22.0	CONOCO INC
8216193		3001500000		103		STATE #3	SHUGART	22.0	CONOCO INC
8216194		3001500000		103		STATE #4	SHUGART	22.0	CONOCO INC
-COUGAR PETROLEUM CO				RECEIVED:	01/28/82	JA: NM			
8216256		3004524861		102-2		STATE 16-21	GALLUP	200.0	GAS CO OF NEW MEX
-DAVID FASKEN				RECEIVED:	01/28/82	JA: NM			
8216219		3002527394		103		CONSOLIDATED STATE #2	WILDCAT (STRAWN)	7.3	PHILLIPS PETROLEU
-EL PASO NATURAL GAS COMPANY				RECEIVED:	01/26/82	JA: NM			
8216152		3004524408		108		TEXAS PACIFIC COM #1R	AZTEC - PICTURED CLIF	10.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	01/28/82	JA: NM			
8216170		3003900000		108-PB		SAN JUAN 27-4 UNIT #23	TOPACITO-PICTURED CLI	0.0	EL PASO NATURAL G
8216167		3003900000		108-PB		SAN JUAN 27-5 UNIT #156	TOPACITO PICTURED CLI	0.0	NORTHWEST P L COR
8216157		3003900000		108-PB		SAN JUAN 27-5 UNIT #29	TOPACITO-PICTURED CLI	0.0	EL PASO NATURAL G
8216166		3003900000		108-PB		SAN JUAN 27-5 UNIT #36	TOPACITO-PICTURED CLI	0.0	NORTHWEST P L COR
8216169		3003900000		108-PB		SAN JUAN 27-5 UNIT #41	TOPACITO PICTURED CLI	0.0	NORTHWEST P L COR
8216173		3003900000		108-PB		SAN JUAN 28-5 - UNIT #15	BLANCO-MESA VERDE GAS	0.0	EL PASO NATURAL G
8216174		3003900000		108-PB		SAN JUAN 28-5 UNIT #70	BASIN DAKOTA	0.0	EL PASO NATURAL G
8216251		3003900000		108-PB		SAN JUAN 28-7 UNIT #94	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8216156		3003900000		108-PB		SAN JUAN 30-6 UNIT #46	BLANCO-MESAVERDE	0.0	EL PASO NATURAL G
8216271		3004510988		108		SAN JUAN 32-9 UNIT #64	BLANCO - MESA VERDE	18.0	EL PASO NATURAL G
-ENSERCH EXPLORATION INC				RECEIVED:	01/28/82	JA: NM			
8216255		3004130580		102-2		COLLIER "A" #1	N PETERSON	43.0	TRANSWESTERN PIPE
8216254		3000560907		102-2		J G O'BRIEN #3	SOUTH ELKINS	55.0	K B KENNEDY ENGIN
8216158		3004120595		102-2		LAGRONE #1	PETERSON	58.0	TRANSWESTERN PIPE
8216155		3004120571		102-2		RADCLIFF #1	PETERSON N	7.0	TRANSWESTERN PIPE
-GULF OIL CORPORATION				RECEIVED:	01/28/82	JA: NM			
8216221		3001522562		103		EDDY "GZ" STATE COM #1	UNDES ANGELL RANCH AT	0.0	EL PASO NATURAL G
8216244		3002511918		108		VINSON RAMSAY (NCT-B) #9	JUSTIS BLINEBRY	5.1	EL PASO NATURAL G
-H W PACE				RECEIVED:	01/28/82	JA: NM			
8216249		3000560753		103		DEB STATE #1 #L-4705	WILDCAT (ABO)	150.0	TRANSWESTERN PIPE
-IKE LOVELADY INC				RECEIVED:	01/28/82	JA: NM			
8216213		3000500000		103		PENNZOIL "A" STATE #1	WILDCAT (ABO)	65.7	TRANSWESTERN PIPE
-J M HUBER CORPORATION				RECEIVED:	01/28/82	JA: NM			
8216171		3001520808		108		YATES KING #1	SOUTH CARLSBAD (MORRO	18.0	LLANO INC
-KENAI OIL AND GAS INC				RECEIVED:	01/28/82	JA: NM			
8216273		3004524190		102-2		NEW MEXICO STATE #2	NAGEEZI	0.0	GAS CO OF NEW MEX
8216275		3004525010		102-2		NEW MEXICO STATE #3	NAGEEZI	55.5	GAS CO OF NEW MEX
8216267		3004524861		102-2		STATE OF NEW MEXICO #16-21	NAGEEZI	55.5	GAS CO OF NEW MEX
8216269		3004524901		103		STATE OF NEW MEXICO #36-21	LYBROOK (EXT)	36.5	GAS CO OF NEW MEX
8216266		3004524966		103		STATE OF NEW MEXICO #36-31	LYBROOK EXT	36.5	GAS CO OF NEW MEX
8216268		3004524904		103		STATE OF NEW MEXICO #36-43	LYBROOK	27.3	GAS CO OF NEW MEX
-MESA PETROLEUM CO				RECEIVED:	01/28/82	JA: NM			
8216211		3000561146		102-2		ACME COM #4	UNDESIGNATED ABO	150.0	TRANSWESTERN PIPE
8216160		3004506118		108		STATE COM AI #33	BASIN DAKOTA	20.0	NORTHWEST PIPELIN
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED:	01/28/82	JA: NM			
8216248		3002506889		108		CORDELIA HARDY #1	PENROSE-SKELLY GRAYBU	5.0	WARREN PETROLEUM
-MONSANTO COMPANY				RECEIVED:	01/28/82	JA: NM			
8216222		3004524994		103		MONTOYA COM #1-A	BLANCO MESAVERDE	0.0	SOUTHERN UNION GA
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	01/28/82	JA: NM			
8216265		3003907603		108		SAN JUAN 29-6 #94NP	BASIN DAKOTA	0.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8216264		3003908076		108		SAN JUAN 29-6 NP #96	BASIN DAKOTA	6.0	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	01/26/82	JA: NM			
8216150		3002503008		108		EV GBSA UN #3440 #002	EAST VACUUM GB/SA	1.0	EL PASO NATURAL G
8216151		3002520788		108		SANTA FE #94	VACUUM GLORIETA	1.4	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	01/28/82	JA: NM			
8216192		3002526992		103		E VACUUM GB/SA UNIT TR 2717 #004	VACUUM GB/SA	7.3	EL PASO NATURAL G
-QUANAH PETROLEUM INC				RECEIVED:	01/28/82	JA: NM			
8216263		3002527416		103		WILLIAMS #1	BISHOP CANYON	74.0	PHILLIPS PETROLEU
-SHELL OIL CO				RECEIVED:	01/28/82	JA: NM			
8216245		3002500000		108		PEARL QUEEN E UNIT #27	PEARL QUEEN	0.5	PHILLIPS PETROLEU
8216260		3002500000		108		STATE A #5	VACUUM GLORIETA	20.4	PHILLIPS PETROLEU
8216172		3002500000		108		STATE F #1	EUNICE MONUMENT (G-SA	9.1	EL PASO NATURAL G
8216243		3002500000		108		STATE M #1	EUMONT YATES SEVEN RI	15.9	PHILLIPS PETROLEU
8216242		3002500000		108		STATE SEC 7 #1	EUMONT QUEEN (GAS)	6.4	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO				RECEIVED:	01/28/82	JA: NM			
8216168		3004500000		108-PB		ALBINO CANYON #1	BLANCO MESAVEDE	0.0	EL PASO NATURAL G
8216175		3004500000		108-PB		ALBINO CANYON #1	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8216205		3003922786		103		BIXLER RANCH #1	EAST BLANCO	180.0	NORTHWEST PIPELIN
8216262		3004525008		103		DAY STATE #2-E	BASIN	300.0	SOUTHERN UNION GA
8216159		3004500000		108-PB		JENSEN #1	PICTURED CLIFFS	0.0	SOUTHERN UNION GA
-STEVENS OIL COMPANY				RECEIVED:	01/28/82	JA: NM			
8216201		3000561096		103		O'BRIEN "E" #6	TWIN LAKES-SAN ANDRES	2.0	TRANSWESTERN PIPE
8216204		3000561110		103		O'BRIEN "GG" #2	TWIN LAKES-SAN ANDRES	0.7	TRANSWESTERN PIPE
8216216		3000561116		103		O'BRIEN "GG" #3	TWIN LAKES-SAN ANDRES	4.0	TRANSWESTERN PIPE
-STEVENS OPERATING CORP				RECEIVED:	01/28/82	JA: NM			
8216202		3000560973		103		CITGO STATE #6	TWIN LAKES-SAN ANDRES	11.0	TRANSWESTERN PIPE
-SUPERIOR OIL CO				RECEIVED:	01/28/82	JA: NM			
8216272		3002526958		102-4		SIMS #1	SOUTH BELL LAKE (MORR	0.0	
-TAMARACK PETROLEUM CO INC				RECEIVED:	01/28/82	JA: NM			
8216183		3002500000		103		DANGLADE #1 1-L-8-20S-38E	WEST NADINE-BLINEBRY	6.0	WARREN PETROLEUM
8216182		3002500000		103		HARKINS 1-A-8-20S-38E	SKAGGS DRINKARD	20.0	GULF OIL CORP
8216184		3002500000		103		HESKET 1-M-4-20S-38E	SKAGGS DRINKARD	107.0	GULF OIL CORP
8216181		3002500000		103		HOLWAY 1-9-5-20S-38E	SKAGGS DRINKARD	4.0	GULF OIL CORP
8216185		3002500000		103		PATTERSON 1-G-8-20S-38E	WEST NADINE-BLINEBRY	19.0	GULF OIL CORP
8216240		3002500000		103		PEWITT 1-I-8-20S-38E	SKAGGS DRINKARD	20.0	GULF OIL CORP
8216239		3002500000		103		SPEIGHT 1-D-9-20S-38E	UNDESIGNATED	10.0	GULF OIL CORP
-TEXACO INC				RECEIVED:	01/28/82	JA: NM			
8216247		3004508976		108		NEW MEXICO COM "J" #1	AZTEC-PICTURED CLIFFS	19.0	EL PASO NATURAL G
-THE HARLOW CORP				RECEIVED:	01/26/82	JA: NM			
8216153		3000500000		103		O'BRIEN FEE "25" - #5	TWIN LAKES - SAN ANDR	0.2	MAPCO PRODUCTION
-THE HARLOW CORP				RECEIVED:	01/28/82	JA: NM			
8216233		3000500000		103		BARKNEHT #1	BULL'S EYE-SAN ANDRES	0.1	MAPCO PRODUCTION
8216234		3000500000		103		KUCHEMANN #1	TWIN LAKES - SAN ANDR	1.5	MAPCO PRODUCTION
8216235		3000500000		103		KUCHEMANN #2	TWIN LAKES - SAN ANDR	0.1	MAPCO PRODUCTION
8216236		3000500000		103		KUCHEMANN #3	TWIN LAKES - SAN ANDR	0.2	MAPCO PRODUCTION
8216237		3000500000		103		KUCHEMANN #4	TWIN LAKES - SAN ANDR	0.1	MAPCO PRODUCTION
8216190		3000500000		103		KUCHEMANN #5	TWIN LAKES - SAN ANDR	3.5	MAPCO PRODUCTION
8216231		3000500000		103		MCDERMOTT #1	BULL'S EYE-SAN ANDRES	0.4	MAPCO PRODUCTION
8216187		3000500000		103		O'BRIEN "19" - #5	TWIN LAKES - SAN ANDR	0.4	MAPCO PRODUCTION
8216188		3000500000		103		O'BRIEN "19" - #6	TWIN LAKES - SAN ANDR	8.2	MAPCO PRODUCTION
8216229		3000500000		103		O'BRIEN DEMING "13" #1	TWIN LAKES-SAN ANDRES	10.0	MAPCO PRODUCTION
8216232		3000500000		103		O'BRIEN DEMING "6"-1	BULL'S EYE-SAN ANDRES	1.0	MAPCO PRODUCTION
8216230		3000500000		103		O'BRIEN DEMING "6"-2	BULL'S EYE-SAN ANDRES	0.4	MAPCO PRODUCTION

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8216180		3000500000		103		O'BRIEN FEE "18" - #5	TWIN LAKES - SAN ANDR	0.5	MAPCO PRODUCTION
8216228		3000500000		103		O'BRIEN FEE "18" #1	TWIN LAKES-SAN ANDRES	1.5	MAPCO PRODUCTION
8216227		3000500000		103		O'BRIEN FEE "18" #2	TWIN LAKES-SAN ANDRES	0.1	MAPCO PRODUCTION
8216226		3000500000		103		O'BRIEN FEE "18" #3	TWIN LAKES-SAN ANDRES	0.4	MAPCO PRODUCTION
8216225		3000500000		103		O'BRIEN FEE "18" #4	TWIN LAKES-SAN ANDRES	0.8	MAPCO PRODUCTION
8216179		3000500000		103		O'BRIEN FEE "19" - #2	TWIN LAKES - SAN ANDR	0.6	MAPCO PRODUCTION
8216178		3000500000		103		O'BRIEN FEE "19" - #3	TWIN LAKES - SAN ANDR	0.2	MAPCO PRODUCTION
8216186		3000500000		103		O'BRIEN FEE "19" - #4	TWIN LAKES - SAN ANDR	3.0	MAPCO PRODUCTION
8216224		3000500000		103		O'BRIEN FEE "19" #7	TWIN LAKES-SAN ANDRES	0.7	MAPCO PRODUCTION
8216238		3000500000		103		O'BRIEN FEE "19" #8	TWIN LAKES - SAN ANDR	1.8	MAPCO PRODUCTION
8216189		3000500000		103		O'BRIEN FEE "24" - #1	TWIN LAKES - SAN ANDR	1.5	MAPCO PRODUCTION
8216191		3000500000		103		O'BRIEN FEE "25" - #1	TWIN LAKES - SAN ANDR	12.0	MAPCO PRODUCTION
8216200		3000500000		103		O'BRIEN FEE "25" - #2	TWIN LAKES - SAN ANDR	0.1	MAPCO PRODUCTION
8216199		3000500000		103		O'BRIEN FEE "25" - #3	TWIN LAKES - SAN ANDR	0.3	MAPCO PRODUCTION
8216198		3000500000		103		O'BRIEN FEE "25" - #4	TWIN LAKES - SAN ANDR	14.0	MAPCO PRODUCTION
8216197		3000500000		103		O'BRIEN LIGHTCAP "7" - #1	BULL'S EYE - SAN ANDR	0.1	MAPCO PRODUCTION
8216196		3000500000		103		O'BRIEN LIGHTCAP "7" - #2	BULL'S EYE - SAN ANDR	0.1	MAPCO PRODUCTION
8216177		3000500000		103		O'BRIEN 19 - #1	TWIN LAKES - SAN ANDR	2.1	MAPCO PRODUCTION
-THRESHOLD DEVELOPMENT CO				RECEIVED:	01/28/82	JA: NM			
8216253		3001523681		102-4		FLAG "TD" STATE #1	WILDCAT	182.0	TRANSWESTERN PIPE
-V-F PETROLEUM INC				RECEIVED:	01/28/82	JA: NM			
8216218		3002527538		103		GRAHAM #1	CAUDILL-DEVONIAN	15.0	WARREN PETROLEUM
-W A MONCRIEF JR				RECEIVED:	01/28/82	JA: NM			
8216257		3001523621		102-4		CROOKED CREEK STATE COM #1	BALDRIDGE MORROW	0.0	EL PASO NATURAL G
-W K BYROM				RECEIVED:	01/28/82	JA: NM			
8216176		3002500000		108-ER		J W COOPER #3	EUNICE MONUMENT	0.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	01/28/82	JA: NM			
8216154		3001522287		102-4		BLEVINS "TK" COM #1	KENNEDY FARMS UPPER-P	0.0	EL PASO NATURAL G
8216209		3000561166		107-TF		CAUDILL "RZ" #1	UND ABO	0.0	TRANSWESTERN PIPE
8216210		3000561201		107-TF		CONEJO "RH" STATE #2	UND ABO	0.0	TRANSWESTERN PIPE
8216223		3001523610		103		NORTH CARLSBAD OK COM #1	WILDCAT STRAWN	0.0	
8216261		3001523838		103		NORTH MILLMAN UNIT #3	SO MILLMAN MORROW	0.0	TRANSWESTERN PIPE
8216276		3001523838		102-4		NORTH MILLMAN UNIT #3	SO MILLMAN MORROW	0.0	TRANSWESTERN PIPE
8216215		3000561156		107-TF		PAULETTE "PV" STATE #2	UND ABO	0.0	TRANSWESTERN PIPE
8216214		3000561048		107-TF		ROWLAND "RN" #1	UND ABO	0.0	TRANSWESTERN PIPE
8216207		3000561025		107-TF		SKINNY "QO" STATE #2	UND ABO	0.0	TRANSWESTERN PIPE
8216241		3001523445		103		STATE "JM" COM #2	UND CISCO	0.0	TRANSWESTERN PIPE
8216208		3000560714		107-TF		WEST DIXON "NX" STATE #1	WILDCAT	0.0	TRANSWESTERN PIPE
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-DESERT GAS EXPLORATION CO INC				RECEIVED:	01/25/82	JA: NY			
8216292	1392	3101314280		108		BALL UNIT #1-DG 112	LAKESHORE	13.7	NATIONAL FUEL GAS
8216295	1396	3101314597		108		BARONE UNIT #1-DG 115	LAKESHORE	13.1	NATIONAL FUEL GAS
8216293	1385	3101314596		108		BECKER UNIT #1-DG 116	LAKESHORE	13.7	NATIONAL FUEL GAS
8216289	1380	3101314281		108		DURAN UNIT #1 - D G 113	LAKESHORE	13.7	NATIONAL FUEL GAS
8216298	1394	3101314273		108		FADALE UNIT #1-DG 118	LAKESHORE	14.6	NATIONAL FUEL GAS
8216290	1391	3101314772		108		KIRKLAND UNIT #1-D G 117	LAKESHORE	13.7	NATIONAL FUEL GAS
8216296	1393	3101313209		108		MANCUSO UNIT #1-DG 109	LAKESHORE	16.4	NATIONAL FUEL GAS
8216297	1389	3101314182		108		MANCUSO UNIT #2-DG 110	LAKESHORE	16.4	NATIONAL FUEL GAS
8216294	1395	3101314784		108		WEST MAIN BAPTIST CHURCH #1-DG119	LAKESHORE	14.6	NATIONAL FUEL GAS
-ENVIROGAS INC				RECEIVED:	01/25/82	JA: NY			
8216307	1733	3101315563		102-2		A KOPTA #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8216323	1820	3101315904		102-2		E MARTT #1	CLYMER	18.0	COLUMBIA GAS TRAN
8216306	1639	3101315941		102-2		FLUVANNA COMMUNITY CHURCH #1	WILDCAT	18.0	NATIONAL FUEL GAS
8216317	1566	3101315778		102-2		G NECKERS #1	CLYMER	18.0	NATIONAL FUEL GAS
8216315	1568	3101315588		102-2		H JOHNSON #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8216324	1821	3101315770		102-2		H WHITE #1	CLYMER	18.0	COLUMBIA GAS TRAN
8216314	1827	3101315806		102-2		H WHITE #3	CLYMER	18.0	COLUMBIA GAS TRAN
8216300	1727	3101314777		102-2		J J BAKER #1	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8216308	1732	3101316081		102-2		J LEGTERS #1	CLYMER	18.0	NATIONAL FUEL GAS
8216301	1645	3101315990		102-2		J WILLIAMS #1-A	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8216318	1565	3101315755		102-2		LEGTERS BROS #4	CLYMER	18.0	NATIONAL FUEL GAS
8216325	1822	3101315779		102-2		LEGTERS BROS #5	CLYMER	18.0	COLUMBIA GAS TRAN
8216303	1643	3101315543		102-2		N REED #2	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8216312	1825	3101315902		102-2		P GRAVINK #1	CLYMER	18.0	COLUMBIA GAS TRAN
8216313	1826	3101315903		102-2		P GRAVINK #2	CLYMER	18.0	COLUMBIA GAS TRAN
8216305	1640	3101315892		102-2		P GRAVINK #3	CLYMER	18.0	NATIONAL FUEL GAS
8216311	1824	3101315853		102-2		P HESLINK #2	CLYMER	18.0	COLUMBIA GAS TRAN
8216310	1823	3101315854		102-2		P HESLINK #3	CLYMER	18.0	COLUMBIA GAS TRAN
8216309	1731	3101316034		102-2		R BAKERINK #1	CLYMER	18.0	NATIONAL FUEL GAS
8216299	1728	3101315334		102-2		R HEWES #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8216316	1567	3101315781		102-2		R NICKERSON #1	CLYMER	18.0	NATIONAL FUEL GAS
8216302	1644	3101315959		102-2		R SHAVER #1	WILDCAT	18.0	NATIONAL FUEL GAS
8216321	1561	3101315610		102-2		R WASSINK #2	WILDCAT	18.0	NATIONAL FUEL GAS
8216322	1562	3101315659		102-2		R WASSINK #3	WILDCAT	18.0	NATIONAL FUEL GAS
8216320	1563	3101315660		102-2		R WASSINK #4	CLYMER	18.0	NATIONAL FUEL GAS
8216319	1564	3101315998		102-2		R WASSINK #5	CLYMER	18.0	NATIONAL FUEL GAS
8216304	1641	3101315901		102-2		V NELSON #2	WILDCAT	18.0	NATIONAL FUEL GAS
-J M RESOURCES				RECEIVED:	01/25/82	JA: NY			
8216326	2224	3101314895		103		NEWBURY #6	LAKESHORE	0.0	NATIONAL FUEL GAS
-RESOURCE EXPLORATION INC				RECEIVED:	01/25/82	JA: NY			
8216328	2112	3101311862		108		CARPENTER #2	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
8216288	2111	3101312433		108		E S CARPENTER #1	STEBBINS CORNERS	20.0	COLUMBIA GAS TRAN
8216291	2120	3101312121		108		KD & BL BRAUTIGAM #1	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
-VILLANOVA NATURAL GAS CORP				RECEIVED:	01/25/82	JA: NY			
8216327	2199	3101314807		103		GEO & EL BURBULES #1 31-013-14807	WESTFIELD-LAKESHORE	15.0	COLUMBIA GAS TRAN
**********									
OKLAHOMA CORPORATION COMMISSION									
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-ARCO OIL AND GAS COMPANY				RECEIVED:	01/27/82	JA: OK			
8216362	12346	3504722231		103		EVA SHOWALTER #1	NORTH GARBER	36.5	
-CHASE EXPLORATION CORP				RECEIVED:	01/27/82	JA: OK			
8216356	12425	3507121115		108		DECHER 1-28	UNNAMED	2.9	CITIES SERVICE GA
8216355	12426	3507120838		108		DENTON 1-1	UNNAMED	14.8	CITIES SERVICE GA
8216354	12429	3507120967		108		EKLAND #1-4	UNNAMED	5.0	CITIES SERVICE GA
8216353	12430	3507121147		108		EKLAND #2-4	UNNAMED	8.4	CITIES SERVICE GA
8216366	12434	3507120887		108		PIERCE 1-22	UNNAMED	3.2	CITIES SERVICE GA
-COTTON PETROLEUM CORPORATION				RECEIVED:	01/27/82	JA: OK			
8216348	16144	3505121113		107-DP		LAMAR "A" #1	S E VERDEN	300.0	UNITED GAS PIPELI
8216345	12293	3501521006		103		MARSHALL SMITH #1	NW HINTON	0.0	TRANSOK PIPE LINE
-CUMMINGS OIL CO				RECEIVED:	01/27/82	JA: OK			
8216347	11419	3507323121		103		SCHIMMELS "A" #1-14	SOONER TREND	0.0	CITIES SERVICE GA
-DAVIS BROS OIL PRODUCERS INC				RECEIVED:	01/27/82	JA: OK			
8216359	12395	3508121334		103		LEE #1	PRIEST	0.0	H K PIPELINE
-F C D OIL CORP				RECEIVED:	01/27/82	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8216358	12406	3510321349		103		CAROL CURBY 1-23	BILLINGS	54.8	ARCO OIL & GAS CO
8216357	12407	3507323074		103		LILLIAN 1-21	SOONER TREND	127.8	PHILLIPS PETROLEU
-L O WARD				RECEIVED:	01/27/82	JA: OK			
8216351	12398	3502720506		103		KING #2		37.0	
8216352	12397	3502720488		103		SMITH #1		183.0	
-LEAR PETROLEUM EXPLORATION INC				RECEIVED:	01/27/82	JA: OK			
8216349	15091	3501521229		107-DP		HORN #1-18	WILDCAT	2.2	EL PASO NATURAL G
-LOGOS OIL INC				RECEIVED:	01/27/82	JA: OK			
8216363	15685	3511100000		102-4		WILSON 1-B	HAMILTON SWITCH	114.0	PHILLIPS PETROLEU
8216364	15684	3511100000		102-4		WILSON 2-B	HAMILTON SWITCH	114.0	PHILLIPS PETROLEU
-NORTH AMERICAN ROYALTIES INC				RECEIVED:	01/27/82	JA: OK			
8216350	12562	3501721822		103		MACA #2 (017-65866)	YUKON	300.0	PHILLIPS PETROLEU
-OKMAR OIL COMPANY				RECEIVED:	01/27/82	JA: OK			
8216360	12354	3500303311		103		DAVIS #2-33 (MANNING)	GOLTRY	57.0	UNION TEXAS PETRO
-POST PETROLEUM COMPANY INC				RECEIVED:	01/27/82	JA: OK			
8216365	14453	3504321292		102-4		STOVALL-SMITH #1	PUTNAM	0.0	DELHI GAS PIPELIN
-RAMBLER OIL CO				RECEIVED:	01/27/82	JA: OK			
8216361	12347	3509322210		103		MEISTER #1-21	SW ORION	0.0	DELHI GAS PIPELIN
-S K TUTHILL & B J BARBEE				RECEIVED:	01/27/82	JA: OK			
8216346	11632	3515120601		108		MCMURPHY 3 1-15	NORTH WOODS	5.5	PRODUCERS GAS CO
-TRIANGLE OIL CO				RECEIVED:	01/27/82	JA: OK			
8216344		3503712345		103		CALE #1	KELLYVILLE DIST	300.0	COLORADO GAS COMP
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UTAH DIVISION OF OIL,GAS, & MINING									
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-CONOCO INC				RECEIVED:	01/28/82	JA: UT			
8216284	UD 0458-81	4304730805		107-TF		CONOCO ANKERPONT 31 #12	OURAY	150.0	MOUNTAIN FUEL SUP
**********									
** DEPARTMENT OF INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
**********									
-MITCHELL ENERGY CORPORATION				RECEIVED:	01/28/82	JA: CO 1			
8216286	CD 0443-81	0507708032		102-4		FEDERAL #1-1-1-1	WILDCAT	1188.0	NORTHWEST PIPELIN
8216287	CD 0442-81	0507708030		102-4		FEDERAL #15-1	WILDCAT	574.0	NORTHWEST PIPELIN
8216285	CD 0444-81	0507700000		102-4		FEDERAL #9-1	WILDCAT	552.0	NORTHWEST PIPELIN
-MONSANTO COMPANY				RECEIVED:	01/28/82	JA: CO 1			
8216277	CD 0504-81	0598306331		103		SENTINEL PEAK #17-42	MARBLE WASH	90.0	EL PASO NATURAL G
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	01/28/82	JA: CO 1			
8216280	CD 0511-81	0510307704		108		PHILADELPHIA CREEK #1	CATHEDRAL MANCOS B	21.0	NORTHWEST PIPELIN
-SOUTHLAND ROYALTY CO				RECEIVED:	01/28/82	JA: CO 1			
8216278	CD 0507-81	0506706565		103		RED MESA #3	WILDCAT	450.0	NORTHWEST PIPELIN
8216279	CD 0506-81	0506706565		103		RED MESA #3	IGNACIO-BLANCO	0.0	NORTHWEST PIPELIN
-TEXACO INC				RECEIVED:	01/28/82	JA: UT 1			
8216283	UD 0509-81	4303730718		103		ANETH UNIT #F-127	ANETH	12.1	EL PASO NATURAL G
8216282	UD 0508-81	4303730646		103		ANETH UNIT #K-130	ANETH	9.4	EL PASO NATURAL G
8216281	UD 0510-81	4303730647		103		ANETH UNIT #K-131	ANETH	21.6	EL PASO NATURAL G
**********									
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK									
**********									
-BEK OIL CO INC				RECEIVED:	01/27/82	JA: OK 8			
8216331		3511300000		103		KRAHL #4	SW1/4 33-28-12	91.3	PHILLIPS PETROLEU
-DEWEY ENTERPRISES INC				RECEIVED:	01/27/82	JA: OK 8			
8216332		3511300000		103		NORTH WOOLAROC #9-11	NORTH WOOLAROC	13.0	NATIONAL ZINC CO
-K D OIL CO				RECEIVED:	01/27/82	JA: OK 8			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8216334		3511300000		103		LOOKOUT (ROBINIWITZ) #6	LOOKOUT MO 6 NW31-26-	12.0	NATL ZINC CO INC
8216333		3511300000		103		LOOKOUT (ROBINIWITZ) #7	LOOKOUT MO 7 NW31-26-	3.0	NATL ZINC CO INC
8216336		3511300000		103		LOOKOUT #5	LOOKOUT NE36-26-9 MO	2.0	PHILLIPS PET CO
8216335		3511300000		103		LOOKOUT LEASE (GILLILAND #3)	LOOKOUT (GILLILAND MO	2.0	PHILLIPS PET CO
-SEIGEL PETROLEUM CO				RECEIVED:	01/27/82	JA: OK 8			
8216337		3511300000		103		DUNKIN #1-A	OSAGE-HOMINY	11.0	PHILLIPS PETROLEU
-THOR ENERGY CORP				RECEIVED:	01/27/82	JA: OK 8			
8216338		3511300000		103		SMITH 1-A	QUAPAW	20.0	CITIES SERVICE GA

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission by March 11, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1,000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–4956 Filed 2–23–82; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 17, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-ADAIR OIL CO			RECEIVED:	01/29/82	JA: KS				
8216434	K81-1141	1502500000		108		YORK "A" #1	SITKA	15.0	NORTHERN NATURAL
-AMERICAN CONTINENTAL ENERGY INC			RECEIVED:	01/29/82	JA: KS				
8216465	K 81-1195	1509320262		108		GOERING #1	PANOMA	6.0	NORTHERN NATURAL
8216466	K 81-1196	1509320259		108		GROPP #1	PANOMA	19.5	NORTHERN NATURAL
8216397	K 81-0826	1509320467		108		LUCILE #1	PANOMA	11.0	NORTHERN NATURAL
8216398	K 81-827	1509320481		108		MARIANNE #1	PANOMA	9.0	NORTHERN NATURAL
-AMOCO PRODUCTION CO			RECEIVED:	01/29/82	JA: KS				
8216478	K81-1208	1518720329		103		PLUMMER GAS UNIT/CG/#2A	PANOMA-COUNCIL GROVE	50.0	CITIES SERVICE GA
8216476	K81-1206	1512920495		103		R G SLINKER #2	KINSLER	60.0	KANSAS POWER & LI
8216477	K81-1207	1509320702		103		ROHLMAN GAS UNIT "B"/CG/#2	PANOMA-COUNCIL GROVE	50.0	CITIES SERVICES G
8216432	K81-1139	1509320685		103		SHIELDS GAS UNIT CG #2	PANOMA-COUNCIL GROVE	50.0	CITIES SERVICE GA
8216475	K81-1205	1505520394		103		TAYLOR GAS UNIT #2	PANOMA-COUNCIL GROVE	50.0	CITIES SERVICE GA
-ANADARKO PRODUCTION COMPANY			RECEIVED:	01/29/82	JA: KS				
8216413	K81-1111	1512920538		103		BROWN I #2	KINSLER	72.0	CITIES SERVICE GA
8216468	K 81-1090	1518920521		103		CITY OF HUGOTON A #1	PANOMA COUNCIL GROVE	36.5	CIMARRON-QUINQUE
8216446	K81-1067	1517520393		108		HITCH C #3	SHUCK	0.8	PANHANDLE EASTERN
8216445	K81-1066	1518920269		108		KUHARIC A #1	GENTZLER	18.3	PANHANDLE EASTERN
8216402	K 81-1097	1512920522		103		PENICK A #1	INTERSTATE	143.0	PANHANDLE EASTERN
-AURORA INC			RECEIVED:	01/29/82	JA: KS				
8216436	K81-1120	1515520746		103		GEFFERT #1	FISHBURN	60.0	PEOPLES NATURAL G
8216384	K81-1119	1515520779		103		MALONEY #1	WC	60.0	PEOPLES NATURAL G
-BENSON MINERAL GROUP			RECEIVED:	01/29/82	JA: KS				
8216431	K81-1137	1512524391		102-2		WISE #5-5	JEFFERSON-SYCAMORE	13.5	UNION GAS SYSTEMS
-BEREN CORPORATION			RECEIVED:	01/29/82	JA: KS				
8216416	K81-1145	1514520495		108		ANDREE #1	FORT LARNED	10.0	NORTHERN NATURAL
-BRADEN-DEEM INC			RECEIVED:	01/29/82	JA: KS				
8216369	K81-1130	1515100000		108		ROBBINS UNIT #1	CARVER-ROBBINS	18.0	PANHANDLE EASTERN
-BRUNSON PRODUCTION & EXPLORATION CO			RECEIVED:	01/29/82	JA: KS				
8216419	K81-1152	1504720881		102-2		SCHALLER #1	WILDCAT	73.0	KANSAS-NEBRASKA N
-BRUNSON-SPINES INC			RECEIVED:	01/29/82	JA: KS				
8216418	K81-1151	1515120929		102-2		BRUNSON-SPINES HEALY #1	WILDCAT	182.5	PANHANDLE EASTERN
-C E O INC			RECEIVED:	01/29/82	JA: KS				
8216411	K81-1106	1520521007		103		CEO NEWLAND - 4	NEODESHA	30.0	CITIES SERVICE GA
8216409	K81-1104	1520520751		103		CEO NEWLAND #1	NEODESHA	35.0	CITIES SERVICE GA
8216410	K81-1105	1520521006		103		CEO NEWLAND-3	NEODESHA	30.0	CITIES SERVICE GA
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	01/29/82	JA: KS				
8216400	K 81-0872	1505520380		108		DANLER #2	PANOMA	11.0	COLORADO INTERSTA
-CITIES SERVICE COMPANY			RECEIVED:	01/29/82	JA: KS				
8216430	K81-1136	1506700000		108		MILLER X #2	PANOMA	20.4	PANHANDLE EASTERN
8216490	K81-1177	1508100000		108		STOOPS A #1	HUGOTON	13.5	COLORADO INTERSTA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-D R LAUCK OIL CO INC				RECEIVED:	01/29/82	JA: KS			
8216469	K 81-1091	1518521407		103		GRIZZELL #1	WIL	91.0	PANHANDLE EASTERN
-DAVIS BROS OIL PRODUCERS INC				RECEIVED:	01/29/82	JA: KS			
8216442	K81-0551	1518521054		102-4		SITTNER #1	SITTNER	100.0	NORTHERN NATURAL
-DUNBAR & SON OIL ENTERPRISES INC				RECEIVED:	01/29/82	JA: KS			
8216404	K 81-1099	1503522919		102-2		CARL MILLS #5	GUTHRIE	3.9	CITIES SERVICE GA
8216408	K 81-1103	1503522924		102-2		CARL MILLS #6	GUTHRIE	3.9	CITIES SERVICE GA
8216385	K81-0938	1503522168		102-2		PERRY-SNYDER #7-14-30	GUTHRIE	4.0	CITIES SERVICE GA
8216401	K 81-0952	1503522173		102-2		PERRY-SNYDER 1-13-30	GUTHRIE	4.0	CITIES SERVICE GA
8216406	K 81-1101	1503522910		102-2		RICE #6	GUTHRIE	7.8	CITIES SERVICE GA
8216448	K81-1220	1503521753		102-2		SNYDER D-2	GUTHRIE	26.4	CITIES SERVICE GA
8216407	K 81-1102	1503522792		102-2		SNYDER F-5	GUTHRIE	4.2	CITIES SERVICE GA
-EDGAR W WHITE				RECEIVED:	01/29/82	JA: KS			
8216501	K81-1211	1512920400		103		INTERSTATE B2-18	GREENWOOD	10.0	COLORADO INTERSTA
8216503	K81-1213	1512920549		103		SCHWEIZER RED CAVE #1	INTERSTATE	36.0	PANHANDLE EASTERN
8216502	K81-1212	1512920583		103		SCHWEIZER RED CAVE #2	INTERSTATE	109.0	PANHANDLE EASTERN
-EXXON CORPORATION				RECEIVED:	01/29/82	JA: KS			
8216451	K 81-1227	1504720892		103		BERNARD A MEYER #6	EMBRY	0.0	NORTHERN NATURAL
8216506	K81-1216	1504720899		103		PAUL MEYER #6	EMBRY EAST	0.0	NORTHERN NATURAL
8216452	K 81-1228	1504720900		103		PAUL MEYER #7	EMBRY	0.0	NORTHERN NATURAL
-FRANCIS M RAYMOND				RECEIVED:	01/29/82	JA: KS			
8216412	K81-1110	1518521286		103		SOUTHWESTERN COLLEGE "A" #1	MACKSVILLE	80.0	CENTRAL STATES GA
-GEORGE R JONES				RECEIVED:	01/29/82	JA: KS			
8216390	K 81-1250	1500721294		103		HARBAUGH "A" #1	WILDCAT	60.0	GETTY GAS GATHERI
-GRAHAM-MICHAELIS CORP				RECEIVED:	01/29/82	JA: KS			
8216487	K81-1163	1509720795		103		JOHNSON #1-34	MULE CREEK NORTHEAST	4.5	KANSAS GAS SUPPLY
8216486	K81-1162	1503320487		103		KENNEDY #1-17	WILMORE	7.5	KANSAS GAS SUPPLY
8216464	K 81-1193	1509720815		103		ROSE #1 - 21	THACH	75.0	KANSAS GAS SUPPLY
-GRAVES DRILLING CO INC				RECEIVED:	01/29/82	JA: KS			
8216367	K81-1125	1500721023		103		TRAFFAS #1	EXT/MCGUIRE-GOEMAN	10.8	PANHANDLE EASTERN
-GULF COAST ROYALTY CO				RECEIVED:	01/29/82	JA: KS			
8216473	K81-1095	1520520538		103		ANDERSON #1	VILAS FIELD	29.2	CITIES SERVICE GA
8216472	K81-1094	1520521964		103		CARLSON #1	VILAS	29.2	CITIES SERVICE GA
8216471	K 81-1093	1520521945		103		OLSON #1	VILAS FIELD	29.2	CITIES SERVICE GA
8216474	K81-1096	1520522093		103		VARNDELL #1	VILAS	29.2	CITIES SERVICE GA
8216470	K 81-1092	1520521944		103		WARD #1	VILAS	29.2	CITIES SERVICE GA
-JOHN R LEBOSQUET				RECEIVED:	01/29/82	JA: KS			
8216392	K 81-1252	1508120222		103		LIZ SMITH 1-A	HUGOTON	70.0	NORTHERN NATURAL
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	01/29/82	JA: KS			
8216484	K81-1080	1509500000		108		CAMPBELL #1	TRENTON	5.0	KANSAS GAS SUPPLY
8216494	K81-1082	1509500000		108		CAMPBELL #2	TRENTON	4.0	KANSAS GAS SUPPLY
8216499	K81-1087	1509500000		108		CAMPBELL #3	TRENTON	7.0	KANSAS GAS SUPPLY
8216497	K81-1085	1509500000		108		CAMPBELL #4	TRENTON	7.0	KANSAS GAS SUPPLY
8216447	K81-1218	1512900000		108		DUNN #1-12	HUGOTON	14.0	CITIES SERVICE GA
8216498	K81-1086	1509500000		108		GRABER #2	TRENTON	5.0	KANSAS GAS SUPPLY
8216500	K81-1088	1509500000		108		GRABER #4	TRENTON	6.0	KANSAS GAS SUPPLY
8216483	K81-1079	1509500000		108		GRABER #5	TRENTON	5.0	KANSAS GAS SUPPLY
8216489	K81-1166	1505520244		108		SMITH #1	HUGOTON	19.0	KANSAS NEBRASKA N
8216457	K 81-1261	1502500000		108		THEIS #2	MCKINNEY	17.0	NORTHERN NATURAL
8216496	K81-1084	1509500000		108		VORAN A #1	TRENTON	9.0	KANSAS GAS SUPPLY
8216485	K81-1081	1509500000		108		VORAN A #2	TRENTON	9.0	KANSAS GAS SUPPLY
8216495	K81-1083	1509500000		108		VORAN A #3	TRENTON	10.0	KANSAS GAS SUPPLY
-LEBEN OIL CORP				RECEIVED:	01/29/82	JA: KS			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8216368	K81-1126	1511920511		103		ROLLINS #2	ANGELL	500.0	PANHANDLE EASTERN
-MESA PETROLEUM CO				RECEIVED:	01/29/82	JA: KS			
8216440	K81-1124	1508120241		103		HUXMAN 12-14 LANSING	S W SATANATA LANSING	150.0	PANHANDLE EASTERN
-MCCOY PETROLEUM CORP				RECEIVED:	01/29/82	JA: KS			
8216438	K81-1122	1507720133		107-TF		HALBOWER "A" #1	WHARTON	91.0	PEOPLES NATURAL G
8216437	K81-1121	1507720141		107-TF		HALBOWER "B" #1	WHARTON	55.0	PEOPLES NATURAL G
8216387	K81-1002	1509521088		103		LATTIMORE "B" #1	SPIVEY-GRABS	75.0	PEOPLES NATURAL G
8216439	K81-1123	1507720146		107-TF		LEWIS "B" #1	HIBBARD NORTHEAST	55.0	PEOPLES NATURAL G
8216386	K81-1001	1509521153		103		MARK #3	SPIVEY-GRABS	20.0	PEOPLES NATURAL G
-MCNEISH OIL OPERATIONS				RECEIVED:	01/29/82	JA: KS			
8216433	K81-1140	1501923085		103		NEAL #1	CLOVERDALE NORTHWEST	54.8	RAHMCO TRANSMISSI
-MOLZ OIL CO				RECEIVED:	01/29/82	JA: KS			
8216393	K 81-1253	1500721037		103		ACHENBACH #1	STRANATHAN	14.0	PANHANDLE EASTERN
8216395	K 81-1255	1500721192		103		MCGUIRE-LOGAN #1	MCGUIRE GOEMAN	36.0	PANHANDLE EASTERN
8216394	K 81-1254	1500721065		103		MOLZ #5	STRANATHAN	730.0	PANHANDLE EASTERN
8216396	K 81-1256	1500720897		103		SOUTHEAST HARDTNER TOWNSITE #1	HARDTNER	9.0	KANSAS GAS SUPPLY
8216453	K 81-1257	1500720098		103		SOUTHEAST HARDTNER TOWNSITE #2	HARDTNER	9.0	KANSAS GAS SUPPLY
8216455	K 81-1259	1500720846		103		SOUTHWEST HARDTNER TOWNSITE #2	HARDTNER	27.0	KANSAS GAS SUPPLY
8216454	K 81-1258	1500720749		103		SOUTHWEST TOWNSITE #1	HARDTNER	9.0	KANSAS GAS SUPPLY
8216456	K 81-1260	1500721245		103		YATES "B" #1	STRANATHAN	52.0	PANHANDLE EASTERN
-MULTISTATE OIL PROPERTIES NV				RECEIVED:	01/29/82	JA: KS			
8216461	K 81-1185	1515120965		103		LIBBY #2-27	TATLOCK EAST	49.0	
8216462	K 81-1186	1515120976		103		LIBBY #3-27	TATLOCK EAST	49.0	
-NATIONAL COOP REFINERY ASSOC				RECEIVED:	01/29/82	JA: KS			
8216488	K81-1165	1500721119		103		WERNER A #1	MCGUIRE-GOEMANN	19.0	PANHANDLE EASTERN
-NATIONAL OIL COMPANY				RECEIVED:	01/29/82	JA: KS			
8216479	K81-1209	1502520358		102-2		BARTH #1-A	CLARK CREEK	519.0	NORTHERN NATURAL
-NIELSON ENTERPRISES INC				RECEIVED:	01/29/82	JA: KS			
8216463	K 81-1189	1511920472		103		ADAMS 1-30	ADAMS RANCH	120.0	COLORADO INTERSTA
-PAN EASTERN EXPLORATION COMPANY				RECEIVED:	01/29/82	JA: KS			
8216383	K81-1118	1512900000		108		EAGLEY #1A-35	HUGOTON	18.0	PANHANDLE EASTERN
8216458	K 81-1262	1512900000		108		INTERSTATE #1-15	GREENWOOD	18.0	PANHANDLE EASTERN
8216459	K 81-1263	1512900000		108		KANSAS 1-24	GREENWOOD	11.0	PANHANDLE EASTERN
-PETRO-X ENERGY LTD				RECEIVED:	01/29/82	JA: KS			
8216415	K-81-1144	1515120911		102-2		MCMANNIS 1-26	WILDCAT	803.0	CENTRAL STATES GA
-PETROLEUM ENTERPRISES				RECEIVED:	01/29/82	JA: KS			
8216480	K81-1219	1503500000		102-4		BEAVER #1	POSEY	22.0	COLONIAL CORP
-PETROLEUM INC				RECEIVED:	01/29/82	JA: KS			
8216443	K81-1064	1509500000		108		GRIEM #1	SPIVEY GRABS	12.0	KANSAS POWER AND
8216444	K81-1065	1509500000		108		HOLCOMB #1	SPIVEY GRABS	9.0	KANSAS POWER AND
-PICKRELL DRILLING COMPANY				RECEIVED:	01/29/82	JA: KS			
8216422	K81-1268	1502520349		102-4		BALDWIN F #1	UNNAMED	36.5	KANSAS POWER & LI
8216371	K81-1134	1507700000		108		BROWN "B" #2	SHARON WEST	5.7	VULCAN MATERIALS
8216370	K81-1133	1507700000		108		HOGARD #1	SHARON NE	14.3	VULCAN MATERIALS
8216423	K81-1269	1502520359		102-4		LUFT A #1	UNNAMED	150.0	KANSAS POWER & LI
8216424	K81-1270	1502520504		102-4		LUFT A #2	WILDCAT	110.0	KANSAS POWER & LI
-RAHMCO OIL & GAS CO INC				RECEIVED:	01/29/82	JA: KS			
8216405	K 81-1100	1503522621		102-2		SNYDER G-3	GUTHRIE	7.7	CITIES SERVICE GA
-RANGE OIL COMPANY INC				RECEIVED:	01/29/82	JA: KS			
8216435	K81-1142	1503521722		108		BRILEY GAS UNIT #1	NIGGER CREEK	6.7	CITIES SERVICE GA
8216414	K81-1143	1503520854		108		HALE "A" #1	GIBSON EXT	16.9	CITIES SERVICE GA
-RAYMOND OIL COMPANY INC				RECEIVED:	01/29/82	JA: KS			
8216467	K 81-1089	1500720937		103		CLINE "A" #1	DEERHEAD	100.0	CITIES SERVICE GA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8216482	K81-1078	1500721096		103		MILLS "A" #2
-REACH PETROLEUM CORP				RECEIVED:	01/29/82	JA: KS
8216450	K81-1224	1518521317		103		PETRO #1
8216449	K81-1223	1507720682		103		TRUBY #1
-RICHARD R HORNER				RECEIVED:	01/29/82	JA: KS
8216427	K81-1187	1508300000		102-4		HOGAN #1
-S & G OIL CO INC				RECEIVED:	01/29/82	JA: KS
8216493	K81-1180	1509500000		108		JOHNSON #1
8216460	K 81-1184	1509500000		108		MESSENGER #1
8216514	K81-1182	1507700000		108		RYAN #4
8216515	K81-1183	1507700000		108		RYAN #6
8216513	K81-1181	1507700000		108		RYAN #8
-SHAWMAR OIL CO INC				RECEIVED:	01/29/82	JA: KS
8216492	K81-1179	1511520549		108		HIEBERT #2 00173-000007
8216491	K81-1178	1511520450		108		NELSON #4 00173-000002
-SMITH CATTLE INC				RECEIVED:	01/29/82	JA: KS
8216377	K81-1112	1507120200		103		CHET JOHNSON #1
8216379	K81-1114	1507120203		103		CHET JOHNSON #2
8216381	K81-1116	1507120217		103		COAKES #7
8216378	K81-1113	1507120236		103		EDITH PLOWMAN #1
8216382	K81-1117	1507120235		103		MAMIE KLEWENO #1
8216380	K81-1115	1507120189		103		SMITH CATTLE #1
-SULPETRO EXPLORATION INC				RECEIVED:	01/29/82	JA: KS
8216421	K81-1245	1500721138		102-4		BECK #1
8216420	K81-1244	1500721129		102-4		MITCHELL #1
-T&T PETROLEUM CORPORATION				RECEIVED:	01/29/82	JA: KS
8216505	K81-1215	1509720776		103		EINSEL F #1
-THE MAURICE L BROWN COMPANY				RECEIVED:	01/29/82	JA: KS
8216391	K 81-1251	1509720431		108		DORSETT #1
8216403	K 81-1098	1517120174		108		HARKNESS #1
-TUCKER PRODUCTION CORP				RECEIVED:	01/29/82	JA: KS
8216429	K81-1243	1517520517		102-4		BARNHARDT #1
8216389	K 81-1059	1502520420		103		COX #1
-TXO PRODUCTION CORP				RECEIVED:	01/29/82	JA: KS
8216417	K81-1148	1509520997		103		BOHRER "A" #1
8216441	K81-1147	1500721176		102-4		HAMILTON "A" #2
8216426	K81-1146	1500700000		102-4		HAMILTON A #1 (OWWO)
8216425	K81-1058	1500721238		102-4		HARTLEY "B" #2
8216428	K81-1192	1515120809		102-4		MCGUIRE "A" #1
-W B OSBORN JR (OPERATOR)				RECEIVED:	01/29/82	JA: KS
8216388	K 81-1014	1507520162		108		MARMIE #1
-WALTER KUHN DRILLING COMPANY				RECEIVED:	01/29/82	JA: KS
8216481	K81-1077	1508100000		108		HAINLINE #1
8216399	K 81-0861	1518920520		103		OSMAN #2
-WAYNE PENDER				RECEIVED:	01/29/82	JA: KS
8216504	K81-1214	1507520313		108		TATE 34-41
-WELLS-BATTELSTEIN OIL & GAS INC				RECEIVED:	01/29/82	JA: KS
8216509	K81-1155	1501922674		103		PEARCE (0344) #41
8216510	K81-1156	1501922675		103		PEARCE (0344) #42
8216511	K81-1157	1501922677		103		PEARCE (0344) #44
8216507	K81-1153	1501922179		103		PEARCE (0344) #46
8216512	K81-1158	1501922676		103		PEARCE (0344) WELL #43
8216508	K81-1154	1501922678		103		PEARCE (0344) WELL #45

FIELD NAME	PROD	PURCHASER
DEERHEAD	100.0	CITIES SERVICE GA
O'CONNER	90.0	KANSAS - NEBRASKA
WILDCAT	90.0	QUIVIRA GAS CO
REGNIER	87.0	NORTHERN NATURAL
SPIVEY-GRABS	2.2	KANSAS POWER & LI
SPIVEY-GRABS	12.8	KANSAS POWER & LI
SPIVEY-GRABS	10.4	KANSAS POWER & LI
SPIVEY-GRABS	10.4	KANSAS POWER & LI
SPIVEY-GRABS	10.4	KANSAS POWER & LI
ANTELOPE SE POOL	8.8	CITIES SERVICE GA
ANTELOPE POOL	8.8	CITIES SERVICE GA
BYERLY	146.0	NATURAL GAS SALES
BYERLY	146.0	NATURAL GAS SALES
BYERLY	73.0	NATURAL GAS SALES
BYERLY	73.0	NATURAL GAS SALES
BYERLY	146.0	NATURAL GAS SALES
BYERLY	80.0	NATURAL GAS SALES
SEMI-WILDCAT	229.0	
WILDCAT	657.0	
EINSEL	11.0	PANHANDLE EASTERN
ALFORD EXTENSION	15.0	KANSAS GAS SUPPLY
UNDESIGNATED	18.0	KANSAS - NEBRASKA
UNNAMED (WILDCAT)	360.0	NORTHERN NATURAL
MCKINNEY	60.0	NORTHERN NATURAL
WILLOWDALE SE	182.5	PEOPLES NATURAL G
WILDCAT	182.5	DELHI GAS P L COR
NW NURSE	182.5	DELHI GAS P L COR
NURSE NW	182.5	DELHI GAS P L COR
WOOLFOLK SE	182.5	DELHI GAS P L COR
BRADSHAW	3.0	PEOPLES NATURAL G
HUGOTON	14.0	NORTHERN NATURAL
PAMONA	33.0	NORTHERN NATURAL
BRADSHAW	13.0	KANSAS-NEBRASKA N
FRAZIER	31.0	COOKSON HILLS GAS
FRAZIER	29.2	COOKSON HILLS GAS
FRAZIER	29.2	COOKSON HILLS GAS
FRAZIER	32.9	COOKSON HILLS GAS
FRAZIER	32.9	COOKSON HILLS GAS
FRAZIER	31.0	COOKSON HILLS GAS

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8216374	K81-1174	1521922661		103		PEARCE #34 0457	FRAZIER	11.7	COOKSON HILLS GAS
8216375	K81-1175	1501922668		103		PEARCE #35 0457	FRAZIER	12.4	COOKSON HILLS GAS
8216376	K81-1176	1501922670		103		PEARCE #37 0457	FRAZIER	10.2	COOKSON HILLS GAS
8216373	K81-1173	1501922671		103		PEARCE #38 0457	FRAZIER	11.0	COOKSON HILLS GAS
8216372	K81-1172	1501922672		103		PEARCE #39 #0457	FRAZIER	12.4	COOKSON HILLS GAS
NORTH DAKOTA INDUSTRIAL COMMISSION									
-KERR-MCGEE CORPORATION				RECEIVED:	01/27/82	JA: ND			
8216518	443	3305301290		102-2		ANDERSON #3-6			
-TENNECO OIL COMPANY				RECEIVED:	01/27/82	JA: ND			
8216520	445	3300700587		102-2		KORDON 1-5	MONDAK	1.8	KOCH HYDROCARBON
-TEXACO INC				RECEIVED:	01/27/82	JA: ND			
8216519	446	3305301263		102-2		P JOHNSON #3	BIG STICK	31.0	WESTERN GAS PROCE
-WILLIAM HERBERT HUNT TRUST ESTATE				RECEIVED:	01/27/82	JA: ND			
8216521	444	3300700590		102-2		A OSADCHUK B-1 (DUPEROW)	BLUE BUTTES SOUTH	202.0	MONTANA DAKOTA UT
							TREETOP	119.0	KOCH HYDROCARBON
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-ENSERCH EXPLORATION INC				RECEIVED:	01/28/82	JA: NM			
8216516		3004120550		102-2		AMOCO STATE #3	PETERSON N	7.0	TRANSWESTERN PIPE
-FRED POOL JR				RECEIVED:	01/28/82	JA: NM			
8216517		3000560874		102-4		MCKNIGHT #2	UND WILDCAT	0.0	TRANSWESTERN PIPE
TENNESSEE OIL & GAS BOARD									
-TENNESSEE EXPLORATION GAS & OIL INC				RECEIVED:	01/25/82	JA: TN			
8216537	A-785	4112920450		103		MCCARTT #1		0.0	
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	01/29/82	JA: WV			
8216593		4704101998		108		A-536			
8216594		4704102029		108		A-544			
8216591		4701701801		108		A-561			
8216592		4701701839		108		A-584			
8216595		4704102085		108		A-611			
8216596		4708300186		108		A-647			
8216597		4709701759		108		A-655			
8216611		4710301151		108		A-692			
-ASHLAND EXPLORATION INC				RECEIVED:	01/29/82	JA: WV			
8216576		4703902043		108		KANAWHA COAL #21 - 060771	COURT HOUSE DISTRICT	0.0	CONSOLIDATED GAS
8216599		4700501062		108		SOUTHERN LAND #7-075031	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
-BERG PETROLEUM INC				RECEIVED:	01/29/82	JA: WV	SOUTHWEST DISTRICT	0.0	CONSOLIDATED GAS
8216575		4707301063		103		STATE FARM #1-80	SOUTHWEST DISTRICT	0.0	CONSOLIDATED GAS
8216548		4707301114		103		STATE FARM #4-80	SKIN CREEK DISTRICT	0.0	CONSOLIDATED GAS
8216574		4707301064		103		STATE FARM #5-80	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8216573		4707301065		103		STATE FARM #7-80	BUCKHANNON DISTRICT	0.0	EQUITABLE GAS CO
8216549		4707301112		103		STELLA ROSS #3-81	GRANT	0.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED:	01/29/82	JA: WV			
8216547		4701100670		107-DV		F J MCWHORTER #1	TASA	21.0	INDUSTRIAL GAS CO
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	01/29/82	JA: WV	LOGAN-WYOMING	17.0	CONSOLIDATED GAS
8216588		4704700847		108		RIDGE LAND 12620			
							OHIO RIVER	50.0	
							OHIO RIVER	50.0	
							OHIO RIVER	50.0	
							OHIO RIVER	50.0	
							WILLOW ISLAND CREEK	50.0	
							UNION	18.0	COLUMBIA GAS TRAN
							ADKIN DISTRICT	10.3	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-DORAN & ASSOCIATES INC				RECEIVED:	01/29/82	JA: WV			
8216610		4701702799		103		D LOUCHERY #4 KU-5	GREENBRIER	30.0	CONSOLIDATED GAS
8216600		4703322463		103		E ROSENBERGER #1 KU-1	EAGLE	30.0	CONSOLIDATED GAS
-DRAKE & PURSLEY				RECEIVED:	01/29/82	JA: WV			
8216614		4701322929		108		J B HUFFMAN	SHERMAN	4.3	CONSOLIDATED GAS
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED:	01/29/82	JA: WV			
8216598		4708505127		107-DV		SMITH #1	GRANT	10.0	CONSOLIDATED GAS
-FOX DRILLING CO INC				RECEIVED:	01/29/82	JA: WV			
8216604		4700101152		107-DV		B ROBINSON #2	BELINGTON	15.0	COLUMBIA GAS TRAN
8216602		4700101151		107-DV		B ROBINSON #3	BELINGTON	25.0	COLUMBIA GAS TRAN
8216603		4700101153		107-DV		B ROBINSON #4	BELINGTON	50.0	COLUMBIA GAS TRAN
8216589		4700101155	D	107-DV		B ROBINSON #5	BELINGTON	15.0	COLUMBIA GAS TRAN
8216601		4700101150		107-DV		B ROBINSON #6	BELINGTON	45.0	COLUMBIA GAS TRAN
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED:	01/29/82	JA: WV			
*8216550		4700120668		108		JR PHILLIPS #1	VALLEY DISTRICT	1.8	CONSOLIDATED GAS
*8216566		4700120642		108		M ENGLAND	VALLEY DISTRICT	13.3	CONSOLIDATED GAS
*8216551		4700120860		108		W SUDER #1	VALLEY DISTRICT	10.1	CONSOLIDATED GAS
-GULF OIL CORPORATION				RECEIVED:	01/29/82	JA: WV			
8216619		4708501681		108		E L GOFF #1	H GREEN LAWFORD	1.6	CONSOLIDATED GAS
8216618		4702102466		108		FARNSWORTH "A" #1	VADIS	12.8	COLUMBIA GAS TRAN
-HAUGHT INC				RECEIVED:	01/29/82	JA: WV			
8216572		4708504804		103		GRIMM HEIRS H-985	MURPHY DISTRICT	22.0	CABOT CORP
8216581		4707300942		107-DV		JACK WAUGH H-1073	UNION DISTRICT	15.0	COLUMBIA GAS TRAN
8216571		4707300943		107-DV		JACK WAUGH H-1074	UNION DISTRICT	15.0	COLUMBIA GAS TRAN
-INDUSTRIAL GAS ASSOCIATES				RECEIVED:	01/29/82	JA: WV			
8216554		4708503802		108		BEE #1 RIT-3802	UNION DISTRICT	0.0	CONSOLIDATED GAS
8216552		4701702353		108		BRITTON #1 DOD-2353	CENTRAL DISTRICT	2.0	COLUMBIA GAS TRAN
8216553		4701702343		108		E SHAUGHNESSY #1 DODD-2343	GRANT DISTRICT	2.0	COLUMBIA GAS TRAN
8216556		4701702349		108		KING #1 DOD-2349	WEST UNION DISTRICT	2.0	CONSOLIDATED GAS
8216555		4701702345		108		POWELL #1 DOD-2345	CENTRAL DISTRICT	2.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED:	01/29/82	JA: WV			
8216545		4703302388		103		B-355	SARDIS	0.0	CONSOLIDATED GAS
8216546		4703302389		103		B-356	SARDIS	0.0	CONSOLIDATED GAS
8216582		4700108400		108		B-58	PHILIPPI	13.1	CONSOLIDATED GAS
8216585		4704102107		108		B-62	SKIN CREEK	828.0	CONSOLIDATED GAS
8216584		4704102104		108		B-65A	SKIN CREEK	7.3	CONSOLIDATED GAS
8216587		4709701739		108		B-68	BANKS	9.1	CONSOLIDATED GAS
8216586		4709701732		108		B-69	WARREN	5.3	CONSOLIDATED GAS
8216583		4700108430		108		B-71	UNION	16.4	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	01/29/82	JA: WV			
8216558		4703302460		103		LESLIE CECIL S-318	UNION	62.0	CONSOLIDATED GAS
-KEITH CRIHFIELD				RECEIVED:	01/29/82	JA: WV			
8216580		4701300656		108		W E STUMP #1	BIG RUN	3.0	CABOT CORP
-LINDA SAMPSON				RECEIVED:	01/29/82	JA: WV			
8216615		4701300440		108		A H STUMP-#1	SHERMAN DISTRICT	4.7	CABOT CORP
8216616		4701300483		108		GEROME FRAME LEASE #1	SHERMAN DISTRICT	6.0	CABOT CORP
-NRM PETROLEUM CORPORATION				RECEIVED:	01/29/82	JA: WV			
8216564		4709701957		103		CURRENCE #1	TALLMANSVILLE	0.0	COLUMBIA GAS TRAN
8216563		4709701979		103		HANIFAN #1	TALLMANSVILLE	0.0	
8216565		4709702038		103		WILMAC TREE FARM "A" #1	TALLMANSVILLE	0.0	COLUMBIA GAS TRAN
-R & B PETROLEUM INC				RECEIVED:	01/29/82	JA: WV			
8216613		4708300372		103		KEELEY #3	ROARING CREEK	25.0	COLUMBIA GAS TRAN
8216612		4708300434		103		YAEGER #1	ROARING CREEK	25.0	PARTNERSHIP PROPE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ROY G HILDRETH ET AL				RECEIVED:	01/29/82	JA: WV			
8216579		4701301212		108		ROY G NITZ #1	LEE DISTRICT	2.4	CABOT CORP
-RUSSELL V JOHNSON JR				RECEIVED:	01/29/82	JA: WV			
8216557		4702103740		103		R L DAVIS #1	BIG RUN OF LEADING CR	26.0	COLUMBIA GAS TRAN
-SPARTAN GAS COMPANY				RECEIVED:	01/29/82	JA: WV			
8216617		4707900987		108		PHELPS UNIT #1-S-211	CURRY	7.5	PENNZOIL CO
-STERLING DRILLING & PROD CO INC				RECEIVED:	01/29/82	JA: WV			
8216607		4701500000		108		ALOI #21 SDP #181	BUFFALO DISTRICT	20.0	EQUITABLE GAS CO
8216605		4701501675		108		ALOI 17 SDP #177	BUFFALO CREEK	11.0	EQUITABLE GAS CO
8216606		4701501678		108		ALOI 20 SDP #180	BUFFALO DISTRICT	20.0	EQUITABLE GAS CO
8216608		4701501684		108		ALOI 24 SDP #184	BUFFALO DISTRICT	3.0	EQUITABLE GAS CO
8216609		4701501686		108		ALOI 26 SDP #186	BUFFALO DISTRICT	15.0	EQUITABLE GAS CO
-STONEWALL GAS CO INC				RECEIVED:	01/29/82	JA: WV			
8216577		4703321952		108		W B MAXWELL HRS #1	UNION	7.5	CONSOLIDATED GAS
8216578		4703321953		108		W B MAXWELL HRS #2	GRANT	7.5	CONSOLIDATED GAS
-SWIFT ENERGY CO				RECEIVED:	01/29/82	JA: WV			
8216561		4702103772		103		ALLEN #2-A	GLENVILLE NORTH	50.0	
8216562		4704103082		103		HODGES "A" #1	FINSTER-ASPINALL	50.0	
8216560		4704103069		103		MCPHERSON #1	FINSTER-ASPINALL	50.0	
8216559		4700101488		103		ROSS #4	PHILLIPI	50.0	
-UNION DRILLING INC				RECEIVED:	01/29/82	JA: WV			
8216590		4709701814		102-2		UDI (BOONE) #1 1431	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
-UNITED PETRO LTD				RECEIVED:	01/29/82	JA: WV			
8216567		4701300250		108		DAISY ROSS #1	RUSH RUN	2.0	CONSOLIDATED GAS
8216569		4701300438		108		ELZA R WILSON #1	RUSH RUN	2.0	CONSOLIDATED GAS
8216568		4701300451		108		ELZA R WILSON #2	RUSH RUN	2.0	CONSOLIDATED GAS
-WARREN R HAUGHT AGENT				RECEIVED:	01/29/82	JA: WV			
8216570		4708504415		103		CARL SIMMONS H-877	CLAY DISTRICT	18.0	CONSUMERS GAS UTI
**********									
** DEPARTMENT OF INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
**********									
-CONOCO INC				RECEIVED:	01/29/82	JA: CO 1			
8216527	CD0463-81	0510308629		103		DRAGON TRAIL UNIT #59	DOUGLAS CREEK	175.0	WESTERN SLOPE GAS
8216526	CD0524-81	0510308649		103		DRAGON TRAIL UNIT #63	DOUGLAS CREEK	150.0	WESTERN SLOPE GAS
-NATIONAL COOP REFINERY ASSOC				RECEIVED:	01/29/82	JA: CO 1			
8216536	CD0495-81	0506706523		103		SOUTHERN UTE #3-35	IGNACIO BLANCO	1350.0	EL PASO NATURAL G
-TENNECO OIL COMPANY				RECEIVED:	01/29/82	JA: CO 1			
8216522	CD0464-81	0504506313		103		HUGHES USA #24-1	SOUTH CANYON	175.0	NORTHWEST PIPELIN
-TETON ENERGY CO INC				RECEIVED:	01/29/82	JA: CO 1			
8216531	CD0473-81	0510307894		107-RT		GOVERNMENT #12	SOUTH DOUGLAS CREEK	53.0	NORTHWEST PIPELIN
-AMBRA OIL & GAS CO				RECEIVED:	01/29/82	JA: UT 1			
8216535	UD0402-81	4301930696		102-4		DANCER #1	GREATER CISCO (GRAVEL	23.8	NORTHWEST PIPELIN
-BELCO DEVELOPMENT CORP				RECEIVED:	01/29/82	JA: UT 1			
8216528	UD0501-81	4304731038		103		DUCK CREEK 51-8	DUCK CREEK	0.0	NORTHWEST PIPELIN
-BELCO PETROLEUM CORPORATION				RECEIVED:	01/29/82	JA: UT 1			
8216529	UD0527-81	4304730996		103		DUCK CREEK 50-17GR	DUCK CREEK	0.0	NORTHWEST PIPELIN
-CONOCO INC				RECEIVED:	01/29/82	JA: UT 1			
8216525	UD0228-81	4304730804		102-2		CONOCO POST 3 #24	OURAY	256.0	MOUNTAIN FUEL SUP
-GETTY OIL COMPANY				RECEIVED:	01/29/82	JA: UT 1			
8216524	UD0500-81	4300730049		102-2		JACK CANYON 101-A	PETERS POINT (DEEP) F	50.0	UINTA PIPELINE CO
8216523	UD0499-81	4300730069		103		PETER'S POINT 14-9	PETER'S POINT	265.0	UINTA PIPELINE CO
-PAGE PETROLEUM INC				RECEIVED:	01/29/82	JA: UT 1			
8216532	UD0525-81	4301330530		103		UTE TRIBAL 2-13-C6	ALTAMONT	180.0	KOCH HYDROCARBON

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TXO PRODUCTION CORP				RECEIVED: 01/29/82		JA: UT 1			
8216534	UD0477-81	4301930797		102-2		CREDO FEDERAL #1	SAN ARROYO	578.0	NORTHWEST PIPELIN
8216533	UD0476-81	4301930798		102-2		CREDO FEDERAL "A" #1	SAN ARROYO	231.0	NORTHWEST PIPELIN
8216530	UD-0478-81	4301930792		103		MOXA FEDERAL "A" #1	SAN ARROYO	209.0	NORTHWEST PIPELIN
** DEPARTMENT OF ENERGY									
-NAVAL PETROLEUM RESERVES IN CALIFOR				RECEIVED: 01/28/82		JA: CA 9			
8216541		0402900000		102-2		30S-356	NAVAL PETROLEUM RESER	73.0	CHEVRON USA INC
8216542		0402900000		102-2		30S-358	NAVAL PETROLEUM RESER	73.0	CHEVRON USA INC
8216544		0402900000		103		35S-388X	NAVAL PETROLEUM RESER	55.0	CHEVRON USA INC
8216538		0402900000		102-2		5G-314	NAVAL PETROLEUM RESER	91.0	CHEVRON USA INC
8216539		0402900000		102-2		5G-354	NAVAL PETROLEUM RESER	128.0	CHEVRON USA INC
8216540		0402900000		102-2		6G-371	NAVAL PETROLEUM RESER	91.0	CHEVRON USA INC
8216543		0402900000		103		7R-347	NAVAL PETROLEUM RESER	110.0	CHEVRON USA INC

OTHER PURCHASERS VOLUME NO :597

8216550	BROOKLYN UNION GAS CO
8216551	BROOKLYN UNION GAS CO
8216566	BROOKLYN UNION GAS CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 10 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MHCF). 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 by March 11, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore resevoir
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. 82–4957 Filed 2–23–82; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 17, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-AMERICAN CONTINENTAL ENERGY INC				RECEIVED:	02/01/82	JA: KS			
8216736	K 81-0709	1509320468		108		PEARL #1	PANOMA	11.0	NORTHERN NATURAL
-AMOCO PRODUCTION CO				RECEIVED:	02/01/82	JA: KS			
8216760	K81-1204	1505520405		103		TAGGART GAS UNIT/CG/#2	PANOMA - COUNCIL GROV	50.0	CITIES SERVICE GA
-ANADARKO PRODUCTION COMPANY				RECEIVED:	02/01/82	JA: KS			
8216754	K81-1197	1512920570		103		BROWN "I" #3	KINSLER	72.0	CITIES SERVICE GA
8216749	K81-1069	1517500000		108		GANO A #1	MASSONI	5.4	PANHANDLE EASTERN
8216751	K81-1071	1512920523		103		MOORE "C" #4	INTERSTATE	71.5	PANHANDLE EASTERN
8216748	K81-1068	1517520009		108		RICE A #1	EVALYN	1.5	CIMARRON-QUINQUE
8216750	K81-1070	1518900000		108		SUGHRUE A #1	PANOMA	1.5	PANHANDLE EASTERN
-BARTLING OIL CO				RECEIVED:	02/01/82	JA: KS			
8216729	K 81-1170	1507120242		103		HARRIS #1	BRADSHAW	55.0	SUNFLOWER ELECTRI
8216730	81-1171	1507120245		103		SPEARS #1	BRADSHAW	100.0	SUNFLOWER ELECTRI
8216728	K 81-1169	1507120246		103		SPEARS #2	BRADSHAW	80.0	SUNFLOWER ELECTRI
-BENSON MINERAL GROUP				RECEIVED:	02/01/82	JA: KS			
8216732	K 81-0394	1503522052		108		MCCOLLUM #2-14	TISDALE GAS AREA	17.5	COLONIAL CORP
-BEREN CORPORATION				RECEIVED:	02/01/82	JA: KS			
8216752	K81-1072	1515120962		102-4		FISH & GAME #1-6	EMMA	389.0	PANHANDLE EASTERN
8216753	K81-1076	1515120995		102-4		MOLLIE #1	EMMA	114.0	PANHANDLE EASTERN
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/01/82	JA: KS			
8216733	K 81-0477	1505520383		108		BAKER #2	PANOMA	2.0	KANSAS NEBRASKA N
8216758	K81-1202	1505520383		108		BAKER #2	PANOMA	8.0	KANSAS-NEBRASKA N
-CONTINENTAL ENERGY				RECEIVED:	02/01/82	JA: KS			
8216723	K 81-1242	1508120246		103		CHIEF SATANTA #1	VICTORY	219.0	NORTHERN NATURAL
-DAVIS BROS OIL PRODUCERS INC				RECEIVED:	02/01/82	JA: KS			
8216734	K 81-0552	1518521054		103		SITTNER #1	SITTNER	100.0	NORTHERN NATURAL
-ENERGY EXPLORATION INC				RECEIVED:	02/01/82	JA: KS			
8216742	K81-1265	1500922214		103		ESSMILLER #1	BUFFALO TOWNSHIP	45.0	KANSAS POWER & LI
-EXXON CORPORATION				RECEIVED:	02/01/82	JA: KS			
8216759	K81-1203	1504720894		103		BERNARD A MEYER #8	EMBRY EAST	0.0	NORTHERN NATURAL
-GEAR PETROLEUM CO INC				RECEIVED:	02/01/82	JA: KS			
8216724	K 81-1246	1509520674		108		JOHNSON A #1	LANSDOWNE N	10.9	PEOPLES NATURAL G
-GEO R SHAW				RECEIVED:	02/01/82	JA: KS			
8216741	K81-1264	1509320740		103		SMALLEY 1A-35	HUGOTON	60.0	PEOPLES NATURAL G
-GRAHAM-MICHAELIS CORP				RECEIVED:	02/01/82	JA: KS			
8216721	K 81-1240	1509720826		103		KANE #5-24	ALFORD SOUTH	50.0	KANSAS GAS SUPPLY
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED:	02/01/82	JA: KS			
8216731	K 81-0164	1507500000		108		MOYLE 1	HUGOTON	18.0	KANSAS-NEBRASKA N
-LADD PETROLEUM CORPORATION				RECEIVED:	02/01/82	JA: KS			
8216744	K81-1271	1502520492		102-2		ROONEY #2	HARPER	19.2	KANSAS POWER & LI
8216745	K81-1272	1502520417		102-2		WEARS #1-8	WILDCAT	0.3	KANSAS POWER & LI

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-LEAR PETROLEUM EXPLORATION INC				RECEIVED:	02/01/82	JA: KS			
8216727	K 81-1168	1503320493		102-2		JELLISON #4-5	WILDCAT	48.0	MICHIGAN WISCONSI
8216726	K 81-1167	1503320461		102-2		SELZER #4-8	WILDCAT	48.0	MICHIGAN WISCONSI
-MCCOY PETROLEUM CORP				RECEIVED:	02/01/82	JA: KS			
8216720	K 81-1233	1509521188		103		KOHMAN #5	SPIVEY-GRABS	30.0	PEOPLES NATURAL G
-MESSMAN-RINEHART CORP				RECEIVED:	02/01/82	JA: KS			
8216719	K81-1232	1514520904		103		WYMAN #1	CARPENTER	36.0	KANSAS-NEBRASKA N
-MULL DRILLING CO INC				RECEIVED:	02/01/82	JA: KS			
8216725	K 81-1247	1500700000		108		WHEELOCK #2	MEDICINE RIVER	15.0	CITIES SERVICE GA
-NIELSON ENTERPRISES INC				RECEIVED:	02/01/82	JA: KS			
8216755	K81-1199	1502320181		103		BURR "B" #1	SO ST FRANCIS GAS ARE	10.0	PEOPLES NATURAL G
8216756	K81-1200	1502320179		103		FRITZ "A" #1	SO ST FRANCIS GAS ARE	10.0	PEOPLES NATURAL G
8216757	K81-1201	1502320180		103		HARKINS "A" #1	SO ST FRANCIS GAS ARE	10.0	PEOPLES NATURAL G
-NORTHERN NATURAL GAS PROD				RECEIVED:	02/01/82	JA: KS			
8216743	K81-1267	1518920534		103		MUELLER #1 UNIT #2	WALKMEYER	100.0	NORTHERN NATURAL
-PETROLEUM INC				RECEIVED:	02/01/82	JA: KS			
8216738	K 81-1061	1509500000		108		EVANS "A" #1	SPIVEY GRABS	12.0	KANSAS POWER AND
8216740	K81-1063	1509500000		108		GRABER "B" UNIT #2	SPIVEY GRABS	12.0	KANSAS POWER & LI
8216739	K 81-1062	1509500000		108		SHEPHERD "C" #1	SPIVEY GRABS	12.0	KANSAS POWER & LI
-S & G OIL CO INC				RECEIVED:	02/01/82	JA: KS			
8216746	K81-1273	1507720623		103		RYAN #9	SPIVEY-GRABS	14.6	CITIES SERVICE OI
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	02/01/82	JA: KS			
8216722	K 81-1241	1509500000		108		W YOUNG #1	SPIVEY GRABS	12.0	KANSAS POWER & LI
-TENNECO OIL COMPANY				RECEIVED:	02/01/82	JA: KS			
8216735	K 81-0630	1505720097		102-4		BARNGROVER #3-26	WILROADS	75.0	CITIES SERVICE GA
-TUCKER PRODUCTION CORP				RECEIVED:	02/01/82	JA: KS			
8216737	K 81-1060	1511920467		103		BENDER #1	STEVENS	180.0	PANHANDLE EASTERN
-TXO PRODUCTION CORP				RECEIVED:	02/01/82	JA: KS			
8216718	K81-1230	1509720738		102-2		THOMPSON "H" #1	GREENSBURG EAST	73.0	
-WOODMAN-IANNITTI OIL CO				RECEIVED:	02/01/82	JA: KS			
8216747	K81-1274	1509521106		103		TWEITMEYER #1	BROADWAY EXT	63.9	PEOPLES NATURAL G

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LOUISIANA OFFICE OF CONSERVATION

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-AMINOIL OF LOUISIANA				RECEIVED:	02/02/82	JA: LA			
8216690	81-2217	1707522379		103		S/L 2028 #11 LW 23 RANVU	LAKE WASHINGTON	40.0	SOUTHERN NATURAL
-CARMET OIL INC				RECEIVED:	02/02/82	JA: LA			
8216688	81-2215	1703121435		103		BOISE SOUTHERN #5	GRAND CANE	30.0	LOUISIANA INTRAST
8216689	81-2216	1703121206		103		BOISE SOUTHERN A #1	GRAND CANE	30.0	LOUISIANA INTRAST
-CHEVRON U S A INC				RECEIVED:	02/02/82	JA: LA			
8216672	81-2191	1707720234		107-DP		RIVERLAKE #1 19800 TUSC RB SUS	FALSE RIVER	760.0	
-CRYSTAL OIL COMPANY				RECEIVED:	02/02/82	JA: LA			
8216686	81-2212	1701521544		103		KEOUN #1	ARKANA	227.0	ARKANSAS LOUISIAN
8216687	81-2214	1711920294		103		SEXTON #1	SHONGALOO	25.5	TEXAS GAS TRANSMI
-EXCALIBUR RESOURCES INC				RECEIVED:	02/02/82	JA: LA			
8216716	81-2208	1703121406		103		CONTINENTAL CAN CO GROUP BUTLER	GROGAN	200.0	TENNESSEE GAS PIP
-EXXON CORPORATION				RECEIVED:	02/02/82	JA: LA			
8216684	81-2210	1711320901		103		EXXON FEE-PECAN ISLAND #71	PECAN ISLAND	350.0	COLUMBIA GAS TRAN
8216682	81-2201	1711321013		103		EXXON FEE-PECAN ISLAND #82	PECAN ISLAND	450.0	COLUMBIA GAS TRAN
8216681	81-2200	1709920872		103		GOODRICH C 16D DL OPERC 8A RA SU	DUCK LAKE	700.0	UNITED GAS PIPE L
8216691	81-2203	1707522450		103		S L 2090 #14	SOUTHEAST PASS	60.0	TENNESSEE GAS PIP
-FRANKS & PETROFUNDS INC				RECEIVED:	02/02/82	JA: LA			
8216678	81-2197	1701320488		133		WOODARD WALKER M-1 HOSS B SUI	SAILES	420.0	LOUISIANA GAS PUR

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MARSHALL EXPLORATION INC				RECEIVED:	02/02/82	JA: LA			
8216674	81-2193	1703120140		103		NANCY VAUGHN #1 HOSS T RA SUC	BETHANY-LONGSTREET	25.0	ARKANSAS-LOUISIAN
8216685	81-2211	1703121033		103		T G CHANDLER #2	BELLE BOWER	329.0	TENNESSEE GAS PIP
-MIDWAY PRODUCTION CO				RECEIVED:	02/02/82	JA: LA			
8216694	81-2237	1707321598		108		LEDOUX & BROCKMAN #6	MONROE	9.0	IMC PIPELINE CO I
8216695	81-2238	1707321599		108		LEDOUX & BROCKMAN #7	MONROE	9.0	IMC PIPELINE CO I
-MIDWAY PRODUCTION CO II				RECEIVED:	02/02/82	JA: LA			
8216699	81-2221	1707321077		108		W H LEDOUX #1	MONROE	3.9	IMC PIPELINE CO I
8216700	81-2222	1707321078		108		W H LEDOUX #2	MONROE	3.9	IMC PIPELINE CO I
8216701	81-2223	1707321079		108		W H LEDOUX #3	MONROE	6.0	IMC PIPELINE CO I
8216702	81-2224	1707321125		108		W H LEDOUX #4	MONROE	6.1	IMC PIPELINE CO I
8216703	81-2225	1707321138		108		W H LEDOUX #5	MONROE	6.1	IMC PIPELINE CO I
-MIDWAY PRODUCTION CO III				RECEIVED:	02/02/82	JA: LA			
8216712	81-2234	1707321124		108		LEDOUX & BROCKMAN #3	MONROE	0.0	IMC PIPELINE CO I
8216713	81-2235	1707321192		108		LEDOUX & BROCKMAN #4	MONROE	11.0	IMC PIPELINE CO I
8216711	81-2236	1707321193		108		LEDOUX & BROCKMAN #5	MONROE	11.0	IMC PIPELINE CO I
-MIDWAY PRODUCTION CO IX				RECEIVED:	02/02/82	JA: LA			
8216705	81-2227	1707321469		108		WADDILL #1	MONROE	14.0	IMC PIPELINE CO I
8216706	81-2228	1707321471		108		WADDILL #3	MONROE	16.0	IMC PIPELINE CO I
8216707	81-2229	1707321472		108		WADDILL #4	MONROE	16.0	IMC PIPELINE CO I
8216708	81-2230	1707321613		108		WADDILL #5	MONROE	16.0	IMC PIPELINE CO I
8216709	81-2231	1707321614		108		WADDILL #6	MONROE	16.0	IMC PIPELINE CO I
-MIDWAY PRODUCTION CO V				RECEIVED:	02/02/82	JA: LA			
8216704	81-2226	1707321556		108		G R COLLIER #1	MONROE	15.2	IMC PIPELINE CO I
-MIDWAY TESTING CO INC				RECEIVED:	02/02/82	JA: LA			
8216710	81-2232	1707320613		108		LEDOUX-BROCKMAN #2	MONROE	6.5	IMC PIPELINE CO I
-PENNZOIL PRODUCING COMPANY				RECEIVED:	02/02/82	JA: LA			
8216698	81-2220	1710922410		103		CONTINENTAL LAND & FUR B #28	DEER ISLAND	125.0	UNITED GAS PIPE L
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/02/82	JA: LA			
8216677	81-2196	1703121539		102-4		MIMS A #2 HOSS RA SU I	SPIDER	365.0	SOUTHERN NATURAL
-SEVARG COMPANY INC				RECEIVED:	02/02/82	JA: LA			
8216696	81-2218	1709720641		103		A V PAVY EST #1	SAVOY	35.0	TEXAS EASTERN TRA
-SHELL OIL CO				RECEIVED:	02/02/82	JA: LA			
8216693	81-2205	1704720512		102-4		WILBERT #245 WC V RF SU	WHITE CASTLE	55.0	FLORIDA GAS TRANS
8216692	81-2204	1704720587		102-4		WILBERT #254 WC V RG SU	WHITE CASTLE	22.0	FLORIDA GAS TRANS
-SUPERIOR OIL CO				RECEIVED:	02/02/82	JA: LA			
8216673	81-2192	1711321058		107-DP		A S LAPOINT #1	KAPLAN	1500.0	
8216714	81-2206	1710922440		107-DP		R W BUCKLEY U 9 #8 VUB	FOUR ISLE DOME	600.0	UNITED GAS PIPELI
8216717	81-2209	1702321555		103		S L 2038 #35	DEEP LAKE	600.0	MICHIGAN WISCONSI
8216671	81-2190	1711321696		107-DP		W L DARTEZ #1	KAPLAN	500.0	LOUISIANA INTRAST
-TEXACO INC				RECEIVED:	02/02/82	JA: LA			
8216697	81-2219	1709720496		103		BOTANY BAY LBR CO MIN FEE TR-4 #156	PORT BARRE	110.0	CONSOLIDATED ALUM
8216676	81-2195	1707522484		103		GARDEN ISLAND BAY #856 SL 214	GARDEN ISLAND BAY	120.0	SOUTHERN NATURAL
8216675	81-2194	1707522787		103		GARDEN ISLAND BAY 860 SL 214	GARDEN ISLAND BAY	6.0	SOUTHERN NATURAL
8216679	81-2198	1770720076		103		MOUND POINT #48 SL 340	MOUND POINT	1241.0	KAISER ALUMINUM &
8216680	81-2199	1700720251		103		P R NORMAN B-9	GRAND BAYOU	2592.0	KAISER ALUMINUM &
8216683	81-2202	1709920839		103		SL 8216 #1	FAUSSE POINTE	1405.0	
-UNION TEXAS PETROLEUM				RECEIVED:	02/02/82	JA: LA			
8216715	81-2207	1706120274		102-4		HENDRICKS 28 #1 GRAY RA SUD	TERRYVILLE	1825.0	SUGAR BOWL GAS CO

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OKLAHOMA CORPORATION COMMISSION

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-APACHE CORPORATION				RECEIVED:	02/01/82	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8216785	15853	3500920440		102-2		GAINES 1-15		1095.0	EL PASO NATURAL G
-CHASE EXPLORATION CORP				RECEIVED:	02/01/82	JA: OK			
8216792	12383	3507121202		108		BERRIE #1-8	UNNAMED	0.9	CITIES SERVICE GA
8216791	12381	3507121281		108		BERRIE #2-8	UNNAMED	0.7	CITIES SERVICE GA
8216803	12385	3507121272		108		BRANDON #2-3	UNNAMED	4.5	CITIES SERVICE GA
8216804	12386	3507121036		108		BRAWNER #1-18	UNNAMED	1.1	CITIES SERVICE GA
8216775	12382	3507121895		108		BRAZELTON #1-29	UNNAMED	16.0	CITIES SERVICE GA
8216776	12384	3507120971		108		BROWN #1-26	UNNAMED	1.2	CITIES SERVICE GA
8216773	12377	3507120897		108		BROWN #2-26	UNNAMED	2.9	CITIES SERVICE GA
8216771	12378	3507120887		108		BROWN #3-26	UNNAMED	2.9	CITIES SERVICE GA
8216790	12379	3507121334		108		BROWN #4-26	UNNAMED	3.3	CITIES SERVICE GA
8216777	12409	3507120814		108		GINGERICH #1-14	UNNAMED	2.6	CITIES SERVICE GA
8216778	12410	3507121167		108		HAHN 1-14	UNNAMED	4.3	CITIES SERVICE GA
8216770	12477	3507121198		108		HORINEK #2-4	UNNAMED	2.0	CITIES SERVICE GA
8216779	12442	3507124710		108		KAHLE #1-30	UNNAMED	1.2	CITIES SERVICE GA
8216799	12447	3507121605		108		KAHLE #4-23	UNNAMED	2.4	CITIES SERVICE GA
8216798	12445	3507121896		108		KAHLE 2-10	UNNAMED	1.0	CITIES SERVICE GA
8216768	12453	3507121152		108		MEYERS #1-25	UNNAMED	2.6	CITIES SERVICE GA
8216769	12456	3507120840		108		MILLER #1-24	UNNAMED	3.5	CITIES SERVICE GA
8216802	12454	3507121195		108		MILLER #4-24	UNNAMED	2.5	CITIES SERVICE GA
8216774	12435	3507120818		108		MURET #1-30	UNNAMED	14.5	CITIES SERVICE GA
8216801	12450	3507120968		108		NEAL #1-15	UNNAMED	1.3	CITIES SERVICE GA
8216800	12448	3507121604		108		PIERCE 2-22	UNNAMED	1.2	CITIES SERVICE GA
-CHEVENNE EXPLORATION INC				RECEIVED:	02/01/82	JA: OK			
8216813	12573	3509322255		103		TRUITT #1	RINGWOOD	78.5	PANHANDLE EASTERN
-COTTON PETROLEUM CORPORATION				RECEIVED:	02/01/82	JA: OK			
8216772	16254	3505121119		107-DP		SCHMIDT #1	VERDEN S E	750.0	UNITED GAS PIPELI
-D & G GAS & OIL CO				RECEIVED:	02/01/82	JA: OK			
8216807	12353	3504722681		103		JOHNSON #3	EAST MARSHALL	240.0	AMINOIL USA INC
-ESTORIL PRODUCING CORP				RECEIVED:	02/01/82	JA: OK			
8216781	12305	3512521081		103		GUNTER "A" #1	NE TECUMSEH	2.5	TRANSOK PIPELINE
-FARMERS INVESTMENTS INC				RECEIVED:	02/01/82	JA: OK			
8216810	12365	3502720394		103		CLETU #1	NORTHWEST NORMAN	25.0	SUN GAS CO
-FUNK EXPLORATION INC				RECEIVED:	02/01/82	JA: OK			
8216789	12650	3500722090		103		AMEN #2	GREENOUGH	400.0	WESTERN INTERSTAT
-HINDMAN-COAST OIL CO				RECEIVED:	02/01/82	JA: OK			
8216806	12255	3510524990		103		HINDMAN	WOODY	25.0	A-G SYSTEMS LTD
-HOME PETROLEUM CORPORATION				RECEIVED:	02/01/82	JA: OK			
8216805	09324	3500721665		103		MYERS 27-1	UNNAMED	100.0	KANSAS-NEBRASKA N
-JET OIL COMPANY				RECEIVED:	02/01/82	JA: OK			
8216784	12605	3504721892		103		BRANSON #1	NORTH ELKHORN	55.0	AMINOIL USA INC
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	02/01/82	JA: OK			
8216815	12576	3505120766		103		HAMPTON #2	N BRADLEY	180.0	TRANSOK PIPELINE
-MALKA PRODUCTION CO				RECEIVED:	02/01/82	JA: OK			
8216796	15787	3515100000		108		COPENHAVER UNIT #1	OAKDALE NORTH CHEROKE	18.0	PANHANDLE EASTERN
-OXLEY PETROLEUM CO				RECEIVED:	02/01/82	JA: OK			
8216793	11339	3512120817		103		REASNER #2		709.0	SOUTHEAST TRANSMI
8216794	11341	3512120772		103		RICHARDS #2	BLOCKER	260.0	SOUTHEAST TRANSMI
-RIVIERA OIL CO				RECEIVED:	02/01/82	JA: OK			
8216780	12209	3514321175		103		R O C #2	SOUTH WEKIWA	0.0	COLORADO GAS COMP
-ROGER S ELLER				RECEIVED:	02/01/82	JA: OK			
8216814	12574	3511122459		103		WITHROW #1	HENRYETTA	0.7	PHILLIPS PETROLEU
-SEAGULL OPERATING CO INC				RECEIVED:	02/01/82	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8216795	12583	3512257400		103		BURNETT #2	HAMILTON SWITCH	70.0	PHILLIPS PETROLEU
-SHELL OIL CO				RECEIVED:	02/01/82	JA: OK			
8216797	16275	3505121094		107-DP		RUBY KODASEET #1-30		361.4	
-SOUTHLAND ROYALTY CO				RECEIVED:	02/01/82	JA: OK			
8216809	12358	3504321240		103		LEO HURT #1-6	S E CHESTER	220.0	PHILLIPS PETROLEU
8216808	12355	3515121052		103		MAX #1-11	N E LOVEDALE	14.6	EL GRANDE PIPELIN
-SUNRISE EXPLORATION INC				RECEIVED:	02/01/82	JA: OK			
8216783	12570	3503920179		103		MCNEILL #1-12	FAY SOUTH	300.0	TRANSOK PIPE LINE
-T F HODGE				RECEIVED:	02/01/82	JA: OK			
8216811	12571	3504722501		103		ESTER	SOONER TREND	190.0	PANHANDLE EASTERN
8216812	12572	3504722419		103		ROSS #1	SOONER TREND	90.0	PANHANDLE EASTERN
-TEXACO INC				RECEIVED:	02/01/82	JA: OK			
8216787	12642	3507321948		103		BOLLENBACH "B" #9	SOONER TREND	20.0	EASON OIL CO
8216788	12643	3507321946		103		GOLDIE OSWALD #3	SOONER TREND	7.3	EASON OIL CO
8216786	12641	3507321947		103		I K BOLLENBACH B #8	SOONER TREND	11.0	EASON OIL CO
-TEXAS INTERNATIONAL PET CORP				RECEIVED:	02/01/82	JA: OK			
8216782	12400	3512100000		108		STINE #1-4	WILBURTON	13.0	ARKLA OIL CO
WEST VIRGINIA DEPARTMENT OF MINES									
-BEREA OIL AND GAS CORPORATION				RECEIVED:	02/01/82	JA: WV			
8216650		4710720995		107-DV		DAWSON #1	UNION	1.1	CONSOLIDATED GAS
8216652		4710721011		107-DV		WM MOORE #1	UNION	1.5	CONSOLIDATED GAS
8216660		4710721011		103		WM MOORE #1	UNION	0.7	CONSOLIDATED GAS
8216651		4710721012		107-DV		WM MOORE #2	UNION	5.8	CONSOLIDATED GAS
8216659		4710721012		103		WM MOORE #2	UNION	2.9	CONSOLIDATED GAS
-BKK PROSPECTING LTD				RECEIVED:	02/01/82	JA: WV			
8216670		4707301194		107-DV		RICE-KIMBALL	RICE-RICE-RICE KIMBAL	109.5	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:	02/01/82	JA: WV			
8216664		4708100331		108		PINEY COKING COAL A-12	SLAB FORK	6.0	CABOT CORP
8216663		4708100333		108		PINEY COKING COAL A-15	SLAB FORK	4.0	CABOT CORP
8216662		4708100334		108		PINEY COKING COAL A-16	SHADY SPRINGS	4.0	CABOT CORP
8216661		4708100377		108		PINEY COKING COAL A-31	SLAB FORK	17.0	CABOT CORP
8216665		4708100448		108		T H WOOLWINE #1	TOWN	11.0	TENNESSEE GAS PIP
-DEVON CORPORATION				RECEIVED:	02/01/82	JA: WV			
8216656		4707901023		107-DV		FRANK HARDY #970	MIDWAY	15.0	ROARING FORK GAS
8216657		4707901024		107-DV		FRANK HARDY #971	MIDWAY	17.0	ROARING FORK GAS
8216655		4707901042		107-DV		FRANK HARDY #976	MIDWAY	9.0	ROARING FORK GAS
8216654		4707901031		107-DV		FRANK HARDY #978	MIDWAY	15.0	ROARING FORK GAS
8216653		4707901041		107-DV		LESTA FISHER #992	MIDWAY	13.0	ROARING FORK GAS
8216658		4707901027		107-DV		NOBLE GARNES #974	MIDWAY	10.0	ROARING FORK GAS
-DORAN & ASSOCIATES INC				RECEIVED:	02/01/82	JA: WV			
8216648		4703301918		108		L C ROBINSON #2 KL70	EAGLE	19.0	CONSOLIDATED GAS
8216647		4703301966		108		L H ROGERS KL-81	SARDIS	19.0	CONSOLIDATED GAS
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED:	02/01/82	JA: WV			
8216644		4708505129		103		MARSHALL #1	GRANT	45.0	CONSOLIDATED GAS
8216645		4708505129		107-DV		MARSHALL #1	GRANT	45.0	CONSOLIDATED GAS
-GULF OIL CORPORATION				RECEIVED:	02/01/82	JA: WV			
8216638		4701300442		108		HATHAWAY-WALTERS #1-126	SYCAMORE MILLSTONE	1.1	CABOT CORP
8216639		4701302288		108		HATHAWAY-WALTERS #2-399	SYCAMORE MILLSTONE	1.1	CABOT CORP
8216640		4704100132		108		STARK #1	VADIS	2.5	EQUITABLE GAS CO
8216641		4704100482		108		STARK "A" #1	VADIS	4.1	EQUITABLE GAS CO
8216642		4704100540		108		STARK "A" #3	VADIS	4.1	EQUITABLE GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8216643		4702102150		108		TALBOTT "B" #1	GLENVILLE WEST	0.1	EQUITABLE GAS CO
-J & J ENTERPRISES INC				RECEIVED:	02/01/82	JA: WV			
8216668		4703302452		103		B-243	UNION	0.0	CONSOLIDATED GAS
8216666		4703302247		103		B-286	EAGLE	0.0	CONSOLIDATED GAS
8216667		4700101515		103		J-399	VALLEY	20.0	CONSOLIDATED GAS
8216669		4700101529		103		J-481	VALLEY	20.0	CONSOLIDATED GAS
-JAMAR LAND CO INC				RECEIVED:	02/01/82	JA: WV			
8216634		4709901713	D	108		GLENHAYES #5	LINCOLN DISTRICT	0.0	COLUMBIA GAS TRAN
-PETRO-LEWIS CORPORATION				RECEIVED:	02/01/82	JA: WV			
8216636		4709701433		108		TKE ZIRKLE #1	UNION	2.0	PARTNERSHIP PROPE
8216637		4797014370		108		TKE ZIRKLE #2	UNION	2.6	PARTNERSHIP PROPE
-TEXAS INTERNATIONAL PET CORP				RECEIVED:	02/01/82	JA: WV			
8216635		4706700543		102-4		OLIVE CULPEPPER #2	PETERS CREEK	37.0	EQUITABLE GAS CO
-UNITED OPERATING COMPANY				RECEIVED:	02/01/82	JA: WV			
8216649		4702103403		108		IDA HINEY #2	ELLIS CREEK	0.0	CARNEGIE NATURAL
8216646		4701701901		108		M HAUGHT #1	FRED'S RUN	0.0	CONSOLIDATED GAS
** DEPARTMENT OF INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	02/01/82	JA: CO 1			
8216816	CD 0094-81	0510308066		108		PHILADELPHIA CREEK #18	PHILADELPHIA CREEK	21.0	NORTHWEST PIPELIN
-CONOCO INC				RECEIVED:	02/01/82	JA: UT 1			
8216818	CD0455-81	4304730753		107-TF		CONOCO D M ICE FRIDAY 34 #22	OURAY	256.0	MOUNTAIN FUEL SUP
8216819	CD 0094-81	4304730749		107-TF		CONOCO K SNOW KNIGHT 4 #23	OURAY	165.0	MOUNTAIN FUEL SUP
8216817	UD 0468-81	4304730734		107-TF		CONOCO TABBEE 34 #20	OURAY	146.0	MOUNTAIN FUEL SUP
** DEPARTMENT OF INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
-CHEVRON U S A INC				RECEIVED:	02/01/82	JA: LA 3			
8216620	G1-2439	1772640013		102-1		OCS-G-4123 #3	BRETON SOUND	1148.0	MISSISSIPPI POWER
-CONOCO INC				RECEIVED:	02/01/82	JA: LA 3			
8216627	G1-2235	1770340175		102-5		EAST CAMERON 42 C-1	EAST CAMERON	1223.0	TENNESSEE GAS PIP
8216622	G1-2236	1770340229		102-5		EAST CAMERON 42 C-2	EAST CAMERON	1223.0	TENNESSEE GAS PIP
-GULF OIL CORPORATION				RECEIVED:	02/01/82	JA: LA 3			
8216624	G1-2244	1770940086		102-5		EUGENE ISL BLK 238 OCS-G 0982 #F5	EUGENE ISLAND	4745.0	SEA ROBIN PIPELIN
8216632	G1-2397	1771140481		102-5		SHIP SHOAL BLK 169 OCS-G 0820 #BB-1	SHIP SHOAL	219.0	TRANSCONTINENTAL
8216621	G1-2245	1771140555		102-5		SHIP SHOAL BLK 169 OCS-G 0820 #BB-2	SHIP SHOAL	200.0	TRANSCONTINENTAL
-ODECO OIL & GAS CO				RECEIVED:	02/01/82	JA: LA 3			
8216631	G1-2421	1771340068		102-5		OCS-G-072 NO 34C	SOUTH PELTO 20 FIELD	110.0	TRANSCONTINENTAL
-SHELL OIL CO				RECEIVED:	02/01/82	JA: LA 3			
8216630	G12435	1770440523		102-1		OCS-G 4101 JA-2	EAST CAMERON	5500.0	SOUTHERN NATURAL
-SONAT EXPLORATION COMPANY				RECEIVED:	02/01/82	JA: LA 3			
8216625	G1-2187	1770340159		102-5		OCS-G-3288 A-2A	EAST CAMERON	0.0	SOUTHERN NATURAL
-AMINOIL USA INC				RECEIVED:	02/01/82	JA: TX 3			
8216628	G1-2088	4270940114		102-5		OCS-G-2712 #A-1	HIGH ISLAND BLOCK A-5	424.0	COLUMBIA GAS TRAN
8216623	G1-2089	4270940410		102-5		OCS-G-2712 #A-3	HIGH ISLAND BLOCK A-5	30.0	COLUMBIA GAS TRAN
-PENNZOIL PRODUCING COMPANY				RECEIVED:	02/01/82	JA: TX 3			
*8216626	G1-2207	4271140489		102-5		PENNZOIL OCS-G 2416 HIGH ISL #A-51	HIGH ISLAND AREA EASE	2800.0	MICHIGAN WISCONSI
-SHELL OIL CO				RECEIVED:	02/01/82	JA: TX 3			
8216633	G1-2436	4270640046		102-1		OCS-G 3738 #1	GALVESTON	1400.0	TRANSCONTINENTAL
-TENNECO OIL COMPANY				RECEIVED:	02/01/82	JA: TX 3			
8216629	G1-2407	4271540010		102-1		SABINE PASS 18 #A-3	SABINE PASS	3200.0	TENNESSEE GAS PIP
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK									
-CENTENNIAL PETROLEUM INC				RECEIVED:	02/01/82	JA: OK 8			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8216761		3511300000		103		1-A SE1/4 28-28N-10E	WEST HERD	73.0	AJAX OIL & GAS CO
-NADEL & GUSSMAN				RECEIVED:	02/01/82	JA: OK 8			
8216766		3511300000		103		BOAR 1-B	WILDCAT	52.0	PHILLIPS PETROLEU
8216765		3511300000		103		DAISY #3	WILDCAT	0.0	PHILLIPS PETROLEU
-OKLAHOMA DRILLING CORP				RECEIVED:	02/01/82	JA: OK 8			
8216767		3511300000		103		BILL PRATT #5-B	EAST HAPPY HOLLOW	14.6	PHILLIPS PETROLEU
-V J HUFF				RECEIVED:	02/01/82	JA: OK 8			
8216762		3511300000		103		E PHAROAH #4	QUAPAW	150.0	CITIES SERVICE GA
8216763		3511300000		103		E PHAROAH #5	QUAPAW	150.0	THOR ENERGY CORP
8216764		3511300000		103		E PHAROAH #6	QUAPAW	150.0	THOR ENERGY CORP

OTHER PURCHASERS VOLUME NO :598

8216626 UNITED GAS P L CO

BILLING CODE 6717-01-C

The 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 by March 11, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
Section 107–GB: Geopressured brine
Section 107–CS: Coal seams
Section 107–DV: Devonian shale
Section 107–PR: Production enhancement
Section 107–TF: New tight formation
Section 107–RT: Recompletion tight formation
Section 108: Stripper well
Section 108–SA: Seasonally affected
Section 108–ER: Enhanced recovery
Section 108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 82–4958 Filed 2–23–82; 8:45 am]
BILLING CODE 6717–01–M

Office of Hearings and Appeals

Cases Filed; Week of January 22 Through January 29, 1982

During the week of January 22 through January 29, 1982, the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,
Director, Office of Hearings and Appeals.
February 17, 1982.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Jan. 22 through Jan. 29, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 25, 1982	Leonard E. Belcher, Inc., Washington, D.C	HEG–0012	Petition for Special Redress. If granted: The Office of Hearings and Appeals would rescind the requirement that Leonard E. Belcher, Inc. maintain a letter of credit.
Jan. 26, 1982	M & M Mineral Corp., *et al.*, Jackson, Mississippi	HRD–0023	Motion for Discovery. If granted: Discovery would be granted to M & M Mineral Corp., *et al.* in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. HRO–0018) issued to the firms.
Jan. 26, 1982	M & M Mineral Corp., *et al.*, Jackson, Mississippi	HRH–0018	Motion for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by M & M Mineral Corp., *et al.* in response to the Proposed Remedial Order (Case No. HRO–0018) issued to the firms.
Jan. 27, 1982	Gulf Oil Corporation, Washington, D.C	HRX–0012	Supplemental Order. If granted Certain documents submitted to the Office of Hearings and Appeals for *in camera* inspection would be released to Gulf Oil Corporation.
Jan. 28, 1982	OSC/Texaco, Inc., Dallas, Texas	HRD–0024	Motion for Discovery. If granted: Discovery would be granted to the Office of Special Counsel in connection with the Statement of Objections submitted in response to the August 6, 1981, Proposed Remedial Order (Case No. BRO–1467) issued to Texaco, Inc.
Jan. 29, 1982	Office of Safeguards & Security/Cladouhos & Brashares/Nieter, Dixon, Whitmore, Myers & Koehlinger, Washington, D.C.	HEZ–0016	Interlocutory Order. If granted: The Office of Hearings and Appeals would schedule a hearing for the law firms of Cladouhos & Brashares and Nieter, Dixon, Whitmore, Myers & Koehlinger in reference to a Motion for Reconsideration of a Freedom of Information Appeal filed by the DOE Office of Safeguards and Security (Case No. BER–0119).

[FR Doc. 82–4920 Filed 2–23–82; 8:45 am]
BILLING CODE 6450–01–M

Cases Filed; Week of January 29, Through February 5, 1982

During the week of January 29 through February 5, 1982, the appeals and applications for exception or other relief listed in the Appendix of this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,
Director, Office of Hearings and Appeals.
February 17, 1982.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Jan. 29 through Feb. 5, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 29, 1982	True Oil Company, Casper, Wyoming	HRD-0026	Motion for Discovery. If granted: The Office of Hearings and Appeals would order the release of twelve documents claimed by the Office of Special Counsel to be privileged.
Feb. 1, 1982	Economic Regulatory Administration, Office of the Solicitor, Washington, D.C.	HRD-0027	Motion for Discovery. If granted: Mobil Oil Corporation would be compelled to produce additional documents and to provide additional answers to interrogatories in connection with the discovery responses filed by Mobil on January 14, 1982.
Feb. 1, 1982	Sauvage Gas Company, Washington, D.C.	HRD-0025	Motion for Discovery. If granted: Discovery would be granted to Sauvage Gas Company in connection with the Statement of Objections submitted in response to the November 16, 1981, Proposed Remedial Order (Case No. HRO-0007) issued to the firm.
Feb. 2, 1982	Toppino Associates, Albuquerque, New Mexico	HFA-0033	Appeal of an Information Request Denial. If granted: The Information Request Denial issued by the Albuquerque Operations Office of the Department of Energy would be rescinded and Toppino Associates would receive access to certain information relating to the presentation made by Epstein Enterprises Agency.
Feb. 4, 1982	Brasfield's Oil Company, Inc., Nampa, Idaho	HEE-0011	Exception from the Reporting Requirements. If granted: Brassfield's Oil Company, Inc. would not be required to file Form EIA-127 and EIA-9A.

NOTICES OF OBJECTION RECEIVED

[Week of Jan. 29 through Feb. 5, 1982]

Date	Name and location of applicant	Case No.
Feb. 2, 1982	Colebrook School District, Colebrook, New Hampshire	BEE-1689.
Feb. 2, 1982	Hatcher & Arthur Production, Irving, Texas	BEE-1687.
Feb. 2, 1982	Hilo Coast Processing Co	BEE-1697.
	Ka'u Sugar Company, Inc	BEE-1698.
	Davies Hamakua Sugar Co	BEE-1699.
	Mauna Loa Macadamia Nut Corp	BEE-1700.
	Olokele Sugar Company, Washington, D.C	BEE-1701.

[FR Doc. 82-4921 Filed 2-23-82; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Week of February 1 Through February 5, 1982

During the week of February 1 through February 5, 1982, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before March 16, 1982. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals.

Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 17, 1982.

Atlantic Richfield Co., Los Angeles, Calif, HRO-0027, refined products

On February 2, 1982, the Atlantic Richfield Company (Arco), 515 South Flower Street, Room 3077, Los Angeles, California 90071, filed a Notice of Objection to a Proposed Remedial Order which the DOE Pacific District Office of Special Counsel issued to the firm on November 27, 1981. Notices of Objection were also filed by the Controller of the State of California and the Attorney General of the State of Michigan on January 27, 1982.

In the PRO the Pcaific District found that during the period December 1, 1974 through December 29, 1980, Arco improperly determined its non-product costs associated with five non-product cost categories under the refiner price regulations, 10 CFR Part 212, Subpart E.

According to the PRO Arco overstated its increased non-product costs by $105,273.000.

[FR Doc. 82-4922 Filed 2-23-82; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures and solicitation of further comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for filing Applications for Refund from funds obtained from Tenneco Oil Company in settlement of enforcement proceedings brought by the DOE's Office of Special Counsel.

DATES AND ADDRESSES: Applications for refund must be postmarked on or before May 25, 1982, and should be addressed to Tenneco Oil Company Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. Comments must be postmarked, and should be addressed to the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. All applications and comments should refer to Case No. BEF-0073.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 12th St. and Pennsylvania Ave. NW., Washington, D.C. 20461, (202) 633-8377.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the

Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the decision and order set out below. The decision and order relates to a consent order between Tenneco Oil Company, a producer and refiner of crude oil, and the Office of Special Counsel of the DOE's Economic Regulatory Administration. *See* 46 FR 29499 (1981). The consent order settles nearly all disputes between the DOE and the firm with regard to Tenneco's compliance with the DOE price and allocation regulations. Under the terms of the consent order, Tenneco has deposited $5,000,000 into an escrow account. It is stipulated in the consent order that the refund amount is in settlement of possible enforcement actions based upon allegations that Tenneco violated the DOE regulations during the period March 3, 1973, through December 31, 1980.

The Office of Hearings and Appeals previously issued a proposed decision and order which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper disposition of the consent order fund. The proposed decision and order discussing the distribution of funds obtained through the Tenneco consent order was issued on November 24, 1981. 46 FR 58588 (1981).

The final decision and order, published concurrently with this notice, reflects our analysis of comments received from interested parties. As we indicate in the decision, applications for refund from the escrow fund may now be filed. Applications will be accepted provided they are postmarked no later than May 25, 1982. *See* 10 CFR 205.283. We will accept applications from all persons who claim that they have been injured by Tenneco's alleged regulatory violations during the period covered by the consent order. In order to establish entitlement to a portion of the consent order fund, a purchaser must establish, in addition to proof of purchase of the volume claimed, that the purchaser did not pass through price increases to its own customers. A party that wishes to file an application for refund based on an alleged allocation violation must have previously complained formally about the alleged violation and must furnish information to support its claim of injury. The specific information required in an application for refund is set forth in the decision and order.

The decision does not establish mechanical standards for the proper allocation of funds among successful claimants such as the *pro rata* volumetric distribution used in a number of previous refund cases. Instead, the decision discusses a number of equitable factors which will be considered in the process of allocating funds among successful claimants. The decision and order also reserves the question of the proper disposition of any remaining consent order funds until all meritorious applications for refund to be paid in the first-stage proceeding have been analyzed, since the most appropriate disposition of the funds may be determined, to a great extent, by the number and type of meritorious claims received in the first-stage proceeding. Therefore, the decision solicits further comments on the appropriate allocation of the consent order fund.

Commenting parties are requested to submit two copies of their comments. Comments should be postmarked on or before June 24, 1982, and should be addressed to the address set forth at the beginning of that notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, which will be located in Room 1111, 12th Street and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Dated: February 18, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 18, 1982.

Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Special Counsel: In the Matter of Tenneco Oil Company.

Date of Filing: August 11, 1981.

Case Number: BEF–0073.

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Special Counsel (OSC) may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V.

In accordance with these regulatory provisions, on August 11, 1981, the OSC filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with Tenneco Oil Company (Tenneco). The refunds which Tenneco agreed to make under the consent order to compensate for its alleged violations of the DOE price regulations were in the following amounts: (i) $4 million to be distributed in accordance with the directives of the OHA pursuant to special refund proceedings; (ii) $8 million to be distributed to certain direct purchasers of heating oil and propane; and (iii) $2 million to be refunded to certain direct purchaser/end-users of petroleum products who were willing to waive their private rights of action against Tenneco. *See* Consent Order, §§ 402–04, 46 FR 29499 (1981). The consent order further provided that all funds not distributed through category (iii) negotiations be deposited with the category (i) funds for disposition through special refund proceedings. Since the execution of the consent order, one million dollars of category (iii) funds were not distributed by Tenneco, and these funds have been remitted to the DOE. Consequently, a total of $5 million plus interest of about $500,000 is now being held in an escrow account under the jurisdiction of the DOE pending receipt of instructions from the Office of Hearings and Appeals regarding its final distribution.

Background

Tenneco is both a "producer" and a "refiner" of crude oil as those terms were defined in 10 CFR § 212.31. During the relevant time periods Tenneco was subject to the Mandatory Petroleum Price Regulations set forth in 10 CFR Part 212, Subparts D and E. Those Subparts governed, respectively, the maximum prices that could lawfully be charged by producers in the first sale of crude oil and by refiners in the sale of fuel oil, motor gasoline, and other covered products. In addition, Tenneco was subject to the Mandatory Petroleum Allocation Regulations set forth in 10 CFR Part 211.

In connection with its compliance activities, the OSC conducted an extensive audit of Tenneco's pricing and allocation practices, including the manner in which the firm applied the federal petroleum price and allocation regulations with respect to its importation, refining, and sale of crude oil and other covered products during the period March 3, 1973 through December 31, 1980. Following extensive negotiations, the DOE and Tenneco entered into a consent order in order to resolve all of the issues raised during the OSC's audit. Only Tenneco's compliance with the regulations regarding crude oil produced from marginal properties and newly discovered crude oil was excluded from the ambit of the consent order. The proposed consent order was executed on January 18, 1981, and it was published for public comment in the **Federal Register** on January 26, 1981. *See* 46 FR 8102 (1981). The OSC received comments from four parties and a notice of claim from Pacific Oil Company. (*1*) After the comment period had expired and the OSC had considered all of the comments which it had received, a slightly modified consent order was adopted as a final order on May 18, 1981. *See* 46 FR 29499 (1981). (*2*)

On November 24, 1981, we issued a proposed decision and order in this procedding which tentatively established a two-stage special refund procedure to be used in adjudicating claims to the Tenneco settlement funds. *See* 46 FR 58588 (1981). In the first stage, those firms who claim that they have been adversely affected by Tenneco's alleged violations of the DOE regulations would be permitted to file Applications for Refund. We specificially noted that firms claiming that they were injured by Tenneco's alleged allocation

violations could file refund applications in the same manner as firms who claimed to be overcharged as a result of alleged pricing violations. Each application would be analyzed, and determinations on the merits of each would be made. All meritorious claims would then be paid. We suggested that refunds to persons who establish an entitlement to a refund would be made on a volumetric basic, *i.e.* in the same proportion as the volume of their purchases corresponded to the total volume of Tenneco sales during the consent order period. We also proposed as the second stage of the refund process that additional refunds might be made to rate-regulated utilities or to states in which the products associated with the alleged overcharges by Tenneco were marketed. In the alternative, we suggested that in the event that distribution schemes for the second stage prove to be inappropriate because of administrative costs or the lack of accurate information, the portion of the settlement fund which would go undistributed after the payment of claims be deposited in the United States Treasury. Finally, we stated that comments concerning the Proposed Decision should be submitted within 30 days of its publication in the Federal Register, and we announced that a public hearing would be held on January 5, 1982. *See* 46 FR at 58589.

Notice of the Proposed Decision was published in the **Federal Register** on December 2, 1981, and a copy of the determination was also sent to all parties on the service list for this case. In response to our request for comments, we received submissions from, among others, Tenneco, Kern County Refinery, Inc., the State of California, Cities Service Company, and Research Fuels, Inc. A similar range of interests was represented at the February 5 hearing. *See* Transcript of January 5, 1982 Hearing, Case No. BEF–0073 (hereinafter cited as *Transcript*). We found the hearing to be extremely helpful in our analysis of this case and will likely hold similar hearings in the future in other cases of this type. Most of the commenters focused upon our proposal for the first stage of the refund proceedings.

The purposes of this decision is to establish the mechanism by which firms wishing to make a claim against the Tenneco consent order fund may file applications for refund. We shall first discuss the comments which we received concerning the first-stage refund procedures which we previously proposed in this case. Then we shall discuss in detail the application for refund procedures that we have decided to adopt. We shall not, however, discuss the second stage of the refund process in this decision. Sufficient claims have already been noticed in the present case so that if they were all meritorious, the settlement fund would be thoroughly depleted. In that event no second stage would be necessary. Moreover, our determination concerning the final disposition of any residual funds will necessarily depend on the size of the fund. *Office of Enforcement*, 9 DOE ¶ 82,508 (1981) (hereinafter cited as *Coline*). It is therefore premature for us to reach the issues raised by the commenters concerning the proposed disposition of funds remaining after all meritorious claims have been paid. (*3*)

Jurisdiction and Authority to Fashion Refund Procedures

In our November 24 proposed determination and in other recent Decisions, we have discussed at length our jurisdiction and authority to fashion refund procedures. *See* 46 FR at 58589–90; *Coline; Office of Enforcement*, 9 DOE ¶ 82,521 (1982), 47 FR 2196 (January 14, 1982) (hereinafter cited as *Alkek*). We tentatively decided in the proposed decision to exercise jurisdiction over the funds received by the DOE in settlement of the enforcement proceedings underlying the Petition for the Implementation of Special Refund Procedures in the case of Tenneco. None of the commenters have challenged the jurisdiction or authority of the Office of Hearings and Appeals to fashion refund procedures in this case. (*4*) We will therefore grant the OSC's Petition and assume jurisdiction over the distribution of the Tenneco consent order funds.

Comments on the Merits of the Proposed Two Stage Distribution

In our initial consideration of this matter, we found that "[B]ased upon our experience with Subpart V cases, we believe that the distribution of funds to overcharged persons should generally take place in two stages." 46 FR at 58590. Many of the parties submitting comments in this matter noted that the Tenneco case is different from Subpart V cases which we have previously decided because of the existence of at least one known allocation claimant. Moreover, this case involves a "global" consent order which encompasses Tenneco's sales and allocation of crude oil as well as a full slate of refined products over a seven-year period. *Compare Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers*) (involving only motor gasoline sold at non-company operated locations). Those commenters therefore suggested that the distribution of money in the Tenneco case be handled in a manner different from that proposed in the November 24 determination.

After careful consideration of the positions advanced by the commenters, we have concluded that our original proposal should be modified. In this section we shall discuss the pros and cons of the various alternative refund plans which have been advocated by the commenters. Following our discussion of all of the comments which we received, we shall outline the modified two-stage procedure which we have decided to adopt.

Many of the states that filed comments in this proceeding suggest a one-stage distribution in which the Tenneco settlement fund would either be divided among the states in proportion to Tenneco's sales of refined products in those states during the relevant period of time, or be used to purchase crude oil to be delivered to the Strategic Petroleum Reserve. *Compare Notice of Final Consent Order with Standard Oil Company of California*, 46 FR 52221 (1981). In support of their proposal the states note that an applicant filing for a refund would have great difficulty in establishing that it was actually injured by the alleged violations because it would have to show that it did not pass on the effects of those alleged violations to its customers. In addition, the State of California noted that the right of an injured purchaser to file a private action under section 210 of the Economic Stabilization Act, 12 U.S.C. 1904 note (1970) (ESA), was not affected by the consent order. The states urge that the proposed first stage therefore be abandoned as inefficient and unlikely to produce the desired results, and that we instead distribute the funds in the manner which we suggested as our proposed second stage.

We have carefully considered the states' comments and have concluded that we should nevertheless have a first stage which will permit parties to file applications for refund. The record in this proceeding already contains notices of claims from ten firms who contend that they will be able to establish that they were injured by Tenneco's alleged violations of the DOE regulations. We decline to conclude summarily without an examination of the merits of their cases that those firms' claims are not meritorious as a matter of law. The special refund process is designed to refund money to persons who were injured by actual or alleged regulatory violations. *Coline*, 9 DOE at 85,051. This purpose would be frustrated if we were to adopt the position the states urge.

At the January 5 hearing, Tenneco contended that a three-stage plan would be more appropriate in order to effectuate its view of the intent of the consent order. *Transcript* at 88–90. According to the Tenneco plan, parties claiming injury as a result of Tenneco's alleged violations of the allocation regulations would have first priority in claiming against the $1 million that was deposited in the fund pursuant to section 404 of the consent order. Successful claimants could obtain up to the $1 million reserved for them. In the second stage unsatisfied claimants from the first stage who had established a claim in excess of $1 million as well as parties having a concrete claim of injury which was based upon an act or omission of Tenneco would be permitted to file applications for refund. The unsatisfied allocation claimants and those claimants who were successful in establishing a *prima facie* case in the second stage would be paid 100 percent of the amount established. Finally, if there were any funds remaining, Tenneco suggested a third stage in which parties that had not satisfied the *prime facie* criteria would be refunded moneys using the volumetric method which we originally proposed or, in the alternative, the residual funds would be distributed to the states in Tenneco's marketing area.

As an initial matter, we reject Tenneco's contention that it was the "intent of the consent order" that the $1 million which was deposited with the Subpart V funds be reserved for allocation claims or that the Subpart V funds were in general intended to serve as a fund to satisfy "*prima facie*" claims that might otherwise be brought as private actions for damages under Section 210 of the Economic Stabilization Act of 1970. The consent order which Tenneco and the OSC signed does not contain any provision which would give any particular claimant a priority claim upon the funds or any portion

of the funds underlying the present Petition for the Implementation of Special Refund Procedures. (5) It is well recognized that the scope of a consent order must be discerned within its four corners. *United States v. Armour & Co.*, 402 U.S. 673 (1971). Moreover, our adoption of Tenneco's proposed three-stage refund procedure plan would produce delays in processing claims without adding any discernible benefits. In addition, it would involve the agency in the very same type of adjudicative effort that it sought to avoid by signing the consent order. Consequently, we shall not adopt Tenneco's three-stage proposal.

Kern County Refinery, Inc. (Kern) and Research Fuels, Inc. (RFI), two firms who have indicated that they intend to fill applications for refund based upon alleged allocation violations, have likewise proposed a refund process in which allocation claimants would be given first priority in claiming against the Tenneco settlement funds. Since the claims asserted by these two firms exceed the $5.5 million currently held in escrow, adoption of this proposal would effectively exclude all other claimants if the two firms' claims are meritorious. In the alternative, the two firms contend that all claims based upon alleged violations of the price and allocation regulations should be reduced to a dollar amount and paid. If the fund is not large enough to completely satisfy all claims, they would be paid on a pro rata basis. Inasmuch as Kern believes that allocation customers are best able to establish the dollar amount of injury, this plan would effectively give allocation customers a priority claim against the entire fund. Kern contends that first priority status for allocation claimants is warranted because "the allocation customer is one of the few people who can demonstrate precisely what his damage was as a result of the violation." *Transcript* at 39, 42.

The proposal to give allocation customers priority status in this proceeding would be inconsistent with the underlying consent order. The consent order expressly provides that "[E]xecution of this Consent Order constitutes neither an admission by Tenneco nor a finding by DOE of any violation by Tenneco of any statute or of any regulation." Consent Order at section 503. We recently discussed the nature of consent orders as it relates to the amount of settlement funds ultimately distributed through Subpart V proceedings. In *Alkek*, we noted that:

The terms contained in each consent order, including the amount of the monetary settlement, were arrived at through negotiation. Although the amount of money remitted to the DOE can be viewed as based in part upon the magnitude of the violations alleged by the government, additional factors—such as each party's views as to the probable length, expense, and success of litigation—would normally influence the size of the monetary settlement. In addition, the parties' knowledge of ongoing audits would also be reflected in the negotiated settlements. Because of these factors, each of the consent orders contains a stipulation that the DOE does not find that a violation of the regulations actually occurred. Thus, the consent orders involved in this proceeding cannot be considered to be adjudications on the merits of the violations alleged against the parties that entered them, and the amounts of the violations alleged in charging documents previously issued to the firms involved bear only an attenuated relationship to the funds obtained by the DOE.

Alkek, 47 FR at 2197. Similarly, no portion of the settlement fund to be distributed in the present proceeding can be thought to be attributable to a particular type of violation alleged in a charging document which was issued prior to the issuance of the consent order. Those documents are simply a part of the general background of this proceeding. If we were to adopt the procedure proposed by RFI and Kern, we would effectively be reopening the June 23, 1980 Proposed Remedial Order proceedings which were terminated in compliance with the terms of the consent order. This would be time-consuming and contrary to the intent of the parties to the consent order, and it would not further the goal of an equitable and administratively efficient distribution of the settlement funds. We have therefore concluded that the two allocation customers' proposal should not be adopted. However, as discussed below, we shall incorporate some of their suggestions as factors that we shall consider in determining what portion of the available funds should be paid to a successful claimant.

Comments Concerning Eligible Claimants

Several of the commenters requested that we be more specific as to which parties are eligible to file applications for refund in the first stage of the Tenneco special refund proceedings. In addition, some commenting parties suggested that certain parties be excluded from eligibility.

Many of the commenters pointed out that in our prior discussion of eligible claimants we referred primarily to Tenneco customers who were claiming injury due to alleged overcharges in sales of petroleum products. We did not intend to exclude allocation violations claims. Our intention in adopting the final procedures for the first stage is that *all* parties, with only limited exceptions to be named below, who wish to file *any* claim for a portion of the Tennco consent order fund should file an Application for Refund on or before May 25, 1982. Such parties may include firms who claim injury as purchasers of crude oil or other covered or allocated products from Tenneco during the period covered by the consent order, whether those parties are direct purchasers or downstream purchasers. Parties claiming injury due to alleged violations by Tenneco of the DOE allocation or Crude Oil Entitlement regulations may also file. No party will have a priority claim on the fund. We shall accept applications filed on behalf of groups of customers as well as individual customers.

In our November 24 discussion of eligible claimants, we stated that "[A]bsent special circumstances, those parties which already received refunds will not be eligible for further refunds." 46 FR at 58591. In response to the inquiries we have received concerning this statement, we specify that only parties who have already received refunds pursuant to the May 18, 1981 consent order that underlies this proceeding will be presumed ineligible to file, and this ineligibility will extend only to the covered product to which their refund related. For example, a firm which received a refund as a propane or kerosene jet fuel customer pursuant to sections 403 or 404 of the consent order could still file an application for refund with respect to its purchases of motor gasoline, provided it had not signed an applicable waiver.

We have determined that there is an additional class of potential claimants who may be presumed to have suffered no injury from Tenneco's regulatory practices. Those parties are firms who made only spot purchases of Tenneco crude oil or petroleum products. As we stated in *Vickers*,

Those customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of Vickers motor gasoline at increased prices unless they were able to pass through the full amount of Vickers' quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85, 396–7. We believe that the same rationale holds true in the present case. Consequently, we will not consider applications for refund from firms who made only spot purchases from Tenneco.

Kern and RFI have suggested that we exclude from eligibility any party claiming injury due to alleged allocation violations who had not previously filed a complaint with OSC concerning the alleged violation. We agree that a limitation on allocations claims is sensible. Any firm that was injured by an alleged allocation violation would have experienced some direct effect and have been more immediately aware of its injury than a firm whose purported injury was due to overcharges whose effect could be marginal. We would expect that a party who was injured by a disruption to its supply of an allocated product would immediately seek redress by either filing a complaint with or otherwise notifying the appropriate agency officials, *see* 10 CFR 205.201(a)(d), or by filing a private lawsuit under section 210 of the Economic Stabilization Act. Thus, while imposing a cut-off of claims would prevent spurious claims and promote speed and efficiency in processing applications for refund, it would present no danger that injured parties will be prevented from seeking refunds. Accordingly, we shall presume that a party who had not formally complained of alleged allocation violations by Tenneco prior to the date of the consent order does not have a meritorious claim. *See* 10 CFR 205.282(e).

Finally, we are urged by one commenter to exclude regulated firms in general and commercial airlines in particular from eligibility to file an application. The commenter maintained that due to the deregulation of many of these firms it is not clear that refunds to those parties would be passed through to their customers in the form of rate reductions. In addition, the commenter maintained that in the case of certain airlines that are currently experiencing operating losses, any refund amount would only be

used to reduce those losses rather than to reduce ticket prices.

While we believe that these factors should be included in our consideration of particular applications for refund and in structuring any mechanism for refunds, we will not exclude this group of claimants without an examination of the merits of each case. We are confident that after an examination of the circumstances in a particular case, appropriate conditions and monitoring mechanisms can be established to insure a passthrough of benefits. Consequently, regulated firms will be eligible to file applications for refund.

To summarize our discussion above, we do not intend to exclude *any* party who believes itself eligible for a refund from filing an application for refund. An applicant may, by demonstrating special circumstances, overcome any presumption that we have discussed above. We believe that a liberal approach to eligibility will best serve the purpose of refunding money to persons who may have been adversely affected by the regulatory practices followed by Tenneco.

Comments on Required Standard of Proof for Overcharge Claims

We proposed in our November 24 determination that claimants who are resellers or who are involved in the production or distribution of goods or services be required to demonstrate that, during the period covered by the consent order, they would have kept their prices for petroleum products or goods and services at the same level had the alleged overcharges not occurred. In other words, we stated that we wanted an indication that the market was having an effect on the reseller's prices, and that the reseller was not simply passing on to its customers any Tenneco price increases. We stated that a claimant should demonstrate that at the time it purchased covered products from its supplier, market conditions would not permit it to pass through the additional costs associated with the alleged overcharges. In addition, we suggested that a reseller of petroleum products must have maintained until January 28, 1981, the date on which the President decontrolled all remaining covered products, a "bank" of unrecovered product costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices. Finally, we stated that a purchaser who is an ultimate consumer and is not engaged in the sale of goods or services would not have to make a showing that it absorbed any unlawful price increases.

Some parties who submitted comments suggested certain additional classes of claimants that might be excused from showing injury at all. In addition, we received comments regarding the proposed standard of proof which ranged from assertions that the standard was too lenient to assertions that the standard would be too difficult to meet. We have previously discussed and rejected the Tenneco and Kern proposals for documenting claims because they would establish a level of proof so high as to nearly eliminate the savings in litigation and administrative resources that was a part of the agency's purpose in agreeing to the consent order. However, we continue to believe that "this inquiry into whether a claimant was injured in fact is most appropriate in a proceeding of this type where refunding moneys obtained through DOE enforcement proceedings is the primary focus." *Coline*, 9 DOE at 85,051. In establishing the standard of proof that a claimant must meet, we must strike a balance between a level so low that it would grant windfall benefits to firms who had suffered no injury and a level so high that only a few large firms would have the resources necessary to prepare an application. With this principle in mind we turn to the comments concerning what particular kind of proof of injury should be required of claimants.

Three potential claimants ask to be added to the class of claimants who would not have to offer any proof that they absorbed the alleged overcharges. Those potential claimants are The Transportation Group, an *ad hoc* organization of four trade associations whose members are regulated transportation companies; Systems Fuels, Inc., a nonprofit corporation which acts as a fuel purchasing agent for several public utilities; and the National Council of Farmer Cooperatives. Those parties contend that any overcharges which they had suffered would have been channeled to their customers by the regulatory bodies or agreements that control the prices they may charge. They also noted that any refunds which they received would automatically be passed through to their customers. They therefore contend that they should be included with the class of ultimate purchaser claimants, who need only demonstrate that they purchased a specific quantity of product which was sold by Tenneco during the relevant time period in order to qualify for refunds. In addition, Systems Fuels suggested that we substitute for the showing of injury a provision requiring a regulated refund recipient to notify the particular regulatory agency or agencies concerned of the refund. *See Office of Special Counsel*, 4 DOE ¶ 82,511 (1979).

We have decided that the regulated firms' proposal has great merit because it will assist us in distributing refunds in an efficient, cost-effective and equitable manner. *See* 10 CFR 205.282. The OSC has reviewed the operation of the agencies which regulate transportation companies and utilities and has determined that refunds are indeed factored into their rate making systems. 46 FR at 29500–01. Although there are no independent regulatory bodies which oversee cooperatives' price setting, we believe that refunds to any agricultural cooperative will likewise directly influence the refund recipient's prices. These cooperatives are owned by their customers, and the ultimate consumer of the petroleum products purchased by the cooperative will therefore receive the benefit of the refund either as a price reduction or as a distribution at the close of the cooperative's fiscal year. Consequently, we have concluded that refund applications from firms whose prices for goods or services are regulated by a government agency or by the terms of a cooperative agreement will not be required to show that they absorbed the alleged Tenneco overcharges. Instead, those applicants should supply us with a full explanation of the manner in which refunds will be passed through to their customers in the form of lower prices or better service. In addition, these applicants' receipt of refund money will be conditioned on notice to the appropriate regulatory body or membership group.

We suggested in our proposed decision a further group of purchasers that might be excused from having to document more than the fact that they purchased allocated or covered products from Tenneco during the relevant period of time. We stated that we would consider establishing a threshold level of purchases under which applicants, primarily smaller firms and individuals, would not be required to make a detailed showing of actual injury. For example, in *Vickers* we set a purchase threshold of 50,000 gallons of motor gasoline per month. Those firms with purchases below that level, or whose purchases were greater but chose to claim a refund based upon that level of purchases were not required to submit evidence concerning their banks of unrecouped product cost increases or prevailing market conditions which had prevented them from passing through the alleged overcharges. In its comments in this proceeding the National Oil Jobbers Council (NOJC) recommended that, instead of the types of evidence which we proposed, resellers of Tenneco product be invited to submit "any available evidence to demonstrate actual injury." It is the NOJC's position that any requirement that a marketer demonstrate historical market conditions is too onerous for the small businesses which it represents and that, moreover, the DOE itself already has access to market information. In the alternative, the NOJC urged that only applicants that purchased an average of more than 5 million gallons per year of Tenneco motor gasoline be required to submit evidence of injury. According to a recent survey of NOJC members, 57.6 percent of the organization's constituents would fall into this category.

On the other hand, the State of California urged us not to adopt any threshold purchase level because the State believes that we should adopt a presumption that any reseller who was overcharged would have passed through the violation amount to its customers. In addition, the State noted that Tenneco might have an incentive to build goodwill among its customers by notifying so many of them of the relaxed claims procedures that their small claims would exhaust the available settlement funds. The State contends that this would prevent any recovery by ultimate consumers who purchased fuel from the resellers.

After careful consideration we have concluded that it is in the best interests of efficient resolution of these proceedings to establish a threshold level of purchases below which a claimant need not demonstrate injury. We do not agree with the State of California that most small resellers can be presumed to have passed on all of the alleged overcharges to their customers. If, for example, Tenneco's alleged overcharges resulted in a wholesale product price that was at the high end of the range of prices in

its market area, a reseller may very well have been unable to charge its maximum lawful selling price because of market restraints. *See, e.g., U.S. Oil Co.*, 7 DOE ¶ 81,048 (1980). In addition, unless there is a severe supply shortage, a small retailer must generally set its prices competitively in order to attract its customers while larger resellers' businesses may have more price flexibility because they have more regular accounts. Newer market entrants may have adopted aggressive marketing strategies and thereby been unable to pass through overcharges. Consequently, small firms are very likely to have experienced injury as a result of the alleged Tenneco overcharges. If we were to adopt a requirement that every applicant supply full documentation of its injuries it would discourage smaller applicants since the expense of preparing such an application could well exceed the refund to be gained. We have therefore concluded that a threshold figure should be established in this refund proceeding.

However, we have decided that the 5,000,000 gallons per year figure recommended by the NOJC is too high a threshold figure. At that threshold level an applicant who purchased that full amount of products from Tenneco during the seven-year period covered by the consent order would be entitled to a refund of approximately $27,230.[6] In contrast, in *Vickers* a qualified applicant at the threshold could only garner a total volumetrically computed refund of $6,756. The NOJC threshold proposal would allow much larger firms to qualify for a substantial sum of money without any proof of injury. These larger firms should be able to assume the burden associated with a showing of market conditions. The type of market data necessary to document a claim is compiled in several publicly available sources, *e.g., Platt's Oil Price Handbook*, and the NOJC may certainly assist its membership in compiling the appropriate data. In contrast, smaller retailers of Tenneco motor gasoline may not belong to a national trade association which has the resources necessary to assist them in this proceeding.

We have decided to follow the precedent set in *Vickers* and, based on our experience in that proceeding, set the threshold figure at 50,000 gallons per month, or 600,000 gallons annually. Businesses at this level of sales will generally be individual retail outlets whose owners would not have maintained as sophisticated a bookkeeping system as a larger firm that manages several retail outlets or large consumer accounts. We continue to believe that a requirement that relatively small purchasers of motor gasoline established that they did not pass through price increases would prove so great a burden on those firms' recordkeeping and accounting capabilities that such firms might be precluded from seeking any refunds. *See Vickers*, 8 DOE at 85,396.

Now that we have enumerated those types of Tenneco customers which will not be required to demonstrate that they absorbed unwarranted price increases, we will focus upon what type of proof those parties who *are* required to make that showing will be obliged to make. Our tentative conclusion that a firm must demonstrate injury by showing both that it had sufficient "banks" and it was unable to pass on the alleged overcharges due to maket conditions was objected to by major refiners as well as small jobbers. Both types of commenters claimed that a showing of market conditions at the time of the alleged violations whould be difficult to make. Cities Service Company (Cities) and Mobil Oil Corporation (Mobil) contended that since they market petroleum products throughout the United States it would be extremely burdensome for them to offer evidence concerning market conditions for the entire seven year period covered by the Tenneco consent order. In addition, those firms maintain that even if they did pass on the overcharges to their customers, they still could have suffered injury due to lowered sales volumes that resulted from higher prices. Cities also objects to the proposed difference in the standards of proof applicable to claims submitted by large and small claimants. Reseller firms such as those represented by the NOJC have complained that, despite their smaller market areas, the burden of obtaining evidence concerning market conditions for periods in the past might well outweigh the benefits to be gained through the refund process.

The concerns which have been expressed over the proposed requirement that a claimant offer evidence concerning past market conditions appear to be based upon a misconception as to how thorough and conclusive a showing will be expected. We do not believe that the firms who file applications will find this requirement to be as difficult to apply in practice as it might appear. Since we have not as yet had extensive experience in operating the actual first stage, refund portion of Subpart V proceedings, we are not in a position to set forth all of the ways in which a claimant could make this showing. Historical information concerning prevailing market prices for covered petroleum products may be available to an applicant through its local NOJC affiliate or from a publication such as *Platt's Oil Price Handbook*. As we stated in the Proposed Decision, we would expect a more complete evidentiary showing from, for example, a large integrated refiner than from a small retailer. Despite Cities' claims that it is unfair to set a higher standard for larger business enterprises, it is our experience that larger firms are more likely to have maintained more detailed records which could be marshalled to show how their pricing decisions were made. Furthermore, those larger firms have greater resources and will likely be claiming larger refund amounts. We have therefore concluded that we shall retain as an element of the refund process a requirement that firms seeking sizeable refunds demonstrate that they did not pass through the effects of Tenneco's alleged regulatory violations to their customers.

Standard of Proof for Entitlement and Allocation Claimants

Several of the commenters noted that although we stated in the Proposed Decision that any party who wished to make a claim against the Tenneco settlement fund would be permitted to file an Application for Refund, we did not set forth any guidelines for deciding claims submitted by parties claiming injury due to alleged violations of the entitlements program regulations or the allocation regulations.

With regard to the entitlements program, 10 CFR 211.67, the consent order expressly covers Tenneco's compliance with those regulations without making any provision for a particular remedial action to be taken. Firms claiming injury due to Tenneco's alleged violations of the entitlements regulations may therefore file applications for refund. However, we doubt that any individual participant in the entitlements program can demonstrate a particularized injury to itself upon which it could base a claim to part of the general section 402 fund. If any entitlements violations by Tenneco took place, their effect would have been spread equally among all participants in the program, and, ultimately, to customers in the form of higher prices for all refined petroleum products. *See Alkek*, 47 FR at 2197–98.[7] We are therefore unable to specify a standard of proof for claims based on alleged entitlements violations other than to state that a claimant must affirmatively demonstrate that it has been injured by the alleged violation and that it should therefore receive a refund.

As for allocation claimants, we stated above that we do not intend that the refund process be used to continue the litigation of matters such as the June 23, 1980 Proposed Remedial Order, which were settled by the consent order. This process has a different focus. *See* 10 CFR 205.280. If allocation claimants wish to obtain a complete and final adjudication of their allegations that Tenneco violated its allocation obligations to them, this is not the appropriate forum in which to accomplish that goal. Instead, those parties should seek vindication of their rights through a private lawsuit.[8].

Moreover, any special refund process which purported to adjudicate liability would be flawed for two reasons. First, it would violate the DOE's agreement not to prosecute any further regulatory violation claims against Tenneco. *See* Consent Order at section 502. Second, any adjudication of rights and liabilities without the adversarial participation of Tenneco could result in an untrustworthy conclusion. Tenneco has indicated that it is extremely unlikely that it would participate in that type of process. *Transcript* at 95. Furthermore, the usual prosecutor of such actions, the OSC, is barred from participating in any proceeding against Tenneco by the terms of the consent order. The standards which we adopt for deciding claims filed by those allocation customers will, therefore, be unrelated to those used in issuing a Remedial Order.

Turning to the two potential allocation claimants' proposals, we find that Kern's suggested standard or proof, made in concert with its contention that only allocation claimants can conclusively prove that they sustained injury, is too complex and stringent.[9] For the reasons stated above, we reject any proposal which would involve us in actually adjudicating liability for a regulatory violation. RFI's proposal is closer to the purposes of Subpart V. RFI broadly

suggests that we determine the merits of an allocation claim by reference to the documentation previously supplied to DOE by the claimant, any additional documentation which the claimant may now offer, any rebutting documentation which Tenneco may have provided the DOE in the course of an investigation or may currently wish to supply any other evidence which OHA should deem relevant.

RFI Comments at 3–4. We will adopt the RFI suggestion, and accordingly, in filing an application for refund an allocation claimant need not conclusively establish all of the elements of a violation on Tenneco's part and resulting injury on the claimant's part.(*10*) Instead, an applicant should submit enough information to demonstrate that its claim is not spurious, including the best available evidence of the injury which was sustained by the claimant. An applicant should furnish the best possible evidence concerning the proportion of the claimant's supply which the withheld crude oil or petroleum product represented, the availability of substitute product at the time of the alleged violation, and the impact on the claimant's business such as decreased sales volumes or loss of customers. In addition, a claimant must also show that the injury was not passed on to its customers. Although we shall not engage in a time-consuming legal and factual analysis leading to a precise measure of damages, we wish to emphasize that the burden of establishing eligibility for a refund rests on the claimant. As we discuss in greater detail below, our determination concerning the amount to be paid an allocation applicant will be based upon a consideration of equitable factors such as, for example, whether the alleged violation had a significant deleterious impact on the claimant, and whether the applicant had the ability to protect itself by obtaining a replacement supply of the allocated product or by taking other appropriate action.

Comments Concerning Overall Procedures To Be Adopted

In addition to comments suggesting that the proposed two-stage procedure not be adopted, comments on what parties should be eligible to file applications for refund, and comments on the standard of proof for applications, several parties filed other comments that should also be discussed in this Decision. These will be addressed in this section prior to our explanation of the procedures which we have decided to adopt.

In our proposed determination, we stated that each applicant, regardless of size, would be required to demonstrate in its application that it purchased a specific quantity of product which was sold by Tenneco during the relevant time period. Several commenters maintained that Tenneco should be required to provide purchase records instead of the applicant. In addition, it was suggested that Tenneco should provide notification to all of its customers of their eligibility to file for a refund.

In the course of this proceeding, Tenneco has offered to compare its list of customers who have already received refunds with a list of those filing applications for refund in order to assist us in preventing double recoveries. In addition, the firm has been helpful by furninshing us with information upon request. The record also shows that the number of Tenneco customers who have already received refunds is substantial—approximately 55,000. (*11*). We note that Tenneco has already expended a considerable amount of resources in furtherance of the agency's restitutionary goals. Based upon these considerations, we find that any further requirement that Tenneco either furnish detailed purchase information concerning its customers or notify those customers that they might be eligible for refunds would be unwarranted. A requirement that an applicant seeking a refund furnish information establishing itself as a customer of Tenneco's should not be burdensome, especially when compared to the pecuniary gain a firm may receive for its effort. Finally, we intend to widely publicize news of the Tenneco refund procedures ourselves by publishing this Decision in the **Federal Register** and issuing a press release. Consequently, although we anticipate that we will have the continued cooperation of Tenneco where necessary, we shall not impose any additional reporting and notification obligations on the firm.

Other commenting parties asked that interest be paid on all refunds. The money which the DOE received from Tenneco has been placed into an interest bearing escrow account. Money in that account is invested in United States Treasury bills, and that interest will be distributed as a portion of all refunds approved. As we noted at the beginning of this Decision, the Tenneco fund has earned approximately $500,000 in interest as of December 31, 1981. The refund paid to each successful claimant will include a share of the interest earned by the Tenneco consent order funds.

Several parties objected to our proposal that the claims of all successful applicants would be paid on a volumetric basis, *i.e.*, based on the proportion of the product purchased by the applicant to the total amount of those products (whether motor gasoline, diesel fuel, or No. 2 fuel oil) sold by Tenneco during the relevant period. The parties who objected to this provision noted that it should not be applied to allocation claimants inasmuch as their complaints are based on their inability to purchase product. In addition, some commenters stated that it was unfair to limit firms who had been overcharged by a larger sum per gallon than others to one standard per gallon refund figure. Finally, one firm who participated in the January 5 hearing suggested that, if we decide to adopt a volumetric mechanism for refunds, we should in our final determination provide an estimate of the volumetric allocation in cents per gallon as we did in *Vickers* so that firms will be able to know the potential value of their claims prior to deciding whether they should undertake the time and expense of filing an application for refund.

We have previously used a volumetric method of allocating funds to claimants because it is an administratively efficient method for determining what portion of a settlement fund shall be alloted to each particular claimant. Moreover, it is a useful approximation of injury in the treatment of overcharge claimants because it offers an easy method of calculation for firms who are unable to quantify their alleged injury. However, no previous case in which we have employed this method has involved a "global" consent order such as the one underlying this proceeding, which settles alleged violations of many different aspects of the Mandatory Petroleum Price and Allocation Regulations.

This is the very first Subpart V proceeding that involves allocations claims. In addition, in other cases the fund has been large enough in proportion to the total volume of the particular product involved to yield a significant per gallon refund. For example, in *Vickers* we estimated that a successful applicant would receive approximately $.002002 per gallon of purchases. In contrast, our preliminary estimate shows that, based on Tenneco's sales (not including minor sales of crude oil) for the period covered by the consent order and assuming all $5 million of the fund be available for volumetric distribution, and applicant's possible recovery could at most be $.000778 per gallon. (*12*) We have therefore concluded that the adoption of a volumetric plan of distribution at this time would not be administratively efficient in this case.

The substitute mechanism that we will ultimately use is difficult to specify at this time because we do not as yet know how many meritorious claims there will be and which types of Tenneco customers will submit these claims. For example, if the only meritorious claims that we received were submitted by firms that purchased motor gasoline from Tenneco during the consent order period, we would be disinclined to distribute the entire fund to those claimants because doing so might unfairly exclude others who were injured by Tenneco's alleged regulatory violations. Moreover, since this is an equitable proceeding, there are various equitable condiderations which are appropriate for us to consider, such as, for example, the impact which the alleged violation had on the claimant's business and the adequacy of the various types of legal remedies which are available.

We have therefore concluded that we should delay our decision on this question until we have completed our analysis of the applications for refund which are submitted. We realize that this solution may well prove unsatisfying to parties who are considering whether to file an application for refund, but without more information as to which types of parties will file and how meritorious their claims are, we are unable to specify in greater detail that each party's share of this fund will be. Applicants must recognize the amount of money in the Tenneco consent order fund is the result of a negotiated settlement which does not contain sufficient funds to give complete restitution to all claimants who might have been injured by Tenneco's conduct during the relevant seven year period. Absence of a precise figure for what applicants will receive on a per gallon basis should not deter firms from filing claims. In fact, we wish to encourage all firms or persons who intend to file a claim against

Tenneco to submit a claim in this proceeding. We will accept further comments concerning the appropriate division of these funds for a period of 30 days after the closing date for submission of applications for refund. This comment period will end June 24, 1982. All applications for refund filed in this proceeding will be deemed to be for an amount in excess of $100 for the purposes of § 205.283 and a copy of each Application will therefore be placed in the Public Docket Room of the Office of Hearings and Appeals. (*13*) The record that exists at that time should enable us to make a more definite statement concerning the division of the available funds.

In a post-hearing submission, Tenneco asked us to consider adopting certain disclaimer provisions to insure that any record, finding or conclusion which was made in the course of the refund proceeding could not be used in either an administrative or judicial proceeding for the purpose of demonstrating liability on the part of Tenneco for alleged violations of the DOE price or allocation regulations. We believe that our previous discussion of the nature of the special refund process makes it clear that we will not permit this proceeding to be used to adjudicate Tenneco's compliance with the DOE regulations. Since our inquiry will be limited to whether an applicant's claim is valid under the standards discussed above, and since claims apparently will not be contested by Tenneco, any record or finding which we shall make would not be sufficient to sustain a claim at law. However, in order to emphasize our intent, we intend to incorporate in any order concerning an application for refund the following language:

This order operates to distrubute funds pursuant to Subpart V of the Department of Energy's procedural regulations, 10 CFR Part 205, and relates to the Consent Order between Tenneco Oil Company and the Department of Energy, effective May 5, 1981. It does not constitute an adjudication or determination of liability on the part of Tenneco for alleged violations of DOE price or allocation regulations.

Application for Refund Procedures

After having considered all the comments received concerning the first stage proceedings tentatively adopted in our Proposed Decision and Order, we have concluded that Applications for Refund should now be accepted from parties who purchased crude oil and refined petroleum products from Tenneco. We shall now discuss the specific requirements for Applications for Refund that we have decided to adopt.

Applications for Refund of a portion of the Tenneco consent order fund must be filed on or before May 25, 1982. *See* 10 CFR 205.283. We will consider all applications, although we may later impose a minimum dollar limit on claims. *See* 10 CFR 205.286(b). Applications made on behalf of a class of claimants will be considered on a case-by-case basis. An application must be in writing, signed by the applicant, and specify that it pertains to the Tenneco consent order fund, Case Number BEF–0073. If the applicant is not a direct purchaser from Tenneco, it should indicate from whom the crude oil or product was purchased and indicate what basis the applicant has for its belief that the product which it purchased originated from Tenneco.

All applications for refund will be deemed to be for an amount in excess of $100 and therefore must be filed in duplicate. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, 12th Street & Pennsylvania Avenue, NW., Washington, D.C. Any applicant who believes that his application contains confidential information must so indicate on the first page of his application and submit two additional copies of his application from which the information that the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. Each application shall indicate whether the applicant or any person acting on his instructions has filed or intends to file any other application or claim of whatever nature regarding the matters at issue in the underlying enforcement proceeding. Each application shall also include the following statement: I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief. *See* 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name, position title, and telephone number of a person who may be contacted by the OHA for additional information concerning the application. All applications should be sent to: Tenneco Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. All Applications for Refund received within the time limit specified will be processed pursuant to 10 CFR 205.284.

In order to assist applicants in establishing eligibility for a portion of the consent order funds, the following subjects should be covered by each purchaser of Tenneco products:

A. Each applicant should report its volume of purchases by calendar quarter for the period of time for which it is claiming it was injured by the alleged overcharges, if any.

B. Each applicant should specify how it used or would have used the Tenneco item *e.g.*, as a petrochemical producer, refiner, reseller or ultimate user.

C. If the applicant is a refiner or reseller, it should state whether it maintained banks or unrecouped product cost increases from the date of the alleged violation through January 27, 1981. (*14*) It should furnish the OHA with quarterly bank calculations for the entire period.

D. The applicant must state whether it or any of its affiliates have filed any other Applications for Refunds which might affect its level of banks.

E. An allocation claimant should specify the volume of product which it claims it was entitled to purchase from Tenneco, and submit any other evidence available to document its claim. The material submitted should document the amount of profits lost as a result of th alleged violation, and should discuss the actions taken by the applicant to (i) obtain a replacement supply of the allocated product; and (ii) seek relief from or against Tenneco. Allocation claimants will also be required to show that the effects of the alleged injury were not passed through to their customers, or dissipated through the operation of regulatory mechanisms such as the entitlements program, 10 CFR 211.67.

F. The applicant must submit evidence to establish that it did not pass on the alleged injury to its customers. For example, a firm may submit market surveys to show that price increases to recover alleged overcharges were infeasible.

G. The applicant should report whether it is or has been involved as a party in DOE or private, Section 210 enforcement actions. If these actions have terminated, the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. Of course, the applicant is under a continuing obligation to leep the OHA informed of any change in status during the pendency of its Application for Refund. *See* CFR 205.9(d).

It is therefore ordered that:

The refund amount provided by Tenneco Oil Company will be distributed in the manner set forth in the foregoing Decision.

Dated: February 18, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Footnotes

(*1*) The four parties who submitted comments were the Air Transport Association, the Transportation Group, the National Consumer Law Center, and Kern County Refining, Inc. These four parties and Pacific Refining Compnay have been included on the service list for this proceeding.

(*2*) The sole modification adopted by the parties was the elimination of provisions concerning Tenneco's treatment of its banks of unrecouped product cost increases. *See* 46 FR 29499 (1981).

(*3*) See, however, the discussion of similar comments in *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

(*4*) In its January 4, 1982 comments, Kern states that it:

Reiterates its position that the Consent Order entered into between the DOE and Tenneco pursuant to which the fund at issue here was established is invalid and was entered into by DOE in excess of its authority to the extent that it terminated the Proposed Remedial Order Proceedings before the Office of Hearings and Appeals ("OHA") regarding Tenneco's allocation violations against Kern without making provision for Tenneco's violations of Kern's supplier/purchaser rights.

Kern's Comments at 1. We do not consider this statement to be either a forthright challenge to the consent order, which in any case would be untimely at this late date, or a contention that we should not assert jurisdiction over these funds.

(*5*) Although Tenneco contends that a letter agreement which the firm and the OSC executed simultaneously with the consent order compels this conclusion, that letter states only that up to $1 million of the section 404 funds may be distributed to allocation

claimants. We offer no opinion as to the validity of that letter as a part of or modification to the consent order.

(6) We obtained a figure of $.000778 per gallon as the estimated per gallon recovery by dividing the $5.5 million currently held in escrow by the approximately 16,452,947,000 gallons of crude oil and petroleum products sold by Tenneco during the consent order period.

(7) Moreover, Tenneco has stated that its sales of crude oil during the period were insubstantial, since the firm refined most of the crude oil it produced. *See* February 9, 1982 Tenneco Letter.

(8) In fact, we understand that Kern has already filed an action in a federal district court in California.

(9) In fact, it would be more complex than the enforcement proceeding initiated by the June 23, 1980 Proposed Remedial Order, since that charging document did not contain a calculation of Kern's damages.

(10) An additional factor which RFI mentioned was whether Tenneco's alleged violation was the result of "willfulness." We reject this suggestion because it is in the nature of a finding of liability, which is not the focus of this proceeding.

(11) The proposed Decision incorrectly stated that the number of refund recipients was 72,000. *Transcript* at 80.

(12) See footnote 6 above.

(13) By the time that applications and comments are due to be filed, the OHA Public Docket Room will have been relocated to Room 1111, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

(14) Those resellers who did not elect to maintain bank calculations for the period May 1, 1980 through January 27, 1981, do not, of course, have to supply bank calculations for that period. *See* 45 FR 29546 (1980).

[FR Doc. 82-5000 Filed 2-23-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-257; PH-FRL-2055-7]

Certain Companies; Filing of Pesticide, Food, and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have submitted pesticide, food, and feed additive petitions to the EPA proposing that tolerances and food and feed additive regulations be established for certain pesticides in or on certain raw agricultural commodities and food and feed items.

ADDRESS: Written comments to: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number [PF-257] and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide, food, and feed additive petitions have been submitted to the agency requesting establishment of tolerances and food and feed additive regulations in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

PP 2F2623. ICI Americas Inc., Conard Pike and New Murphy Road, Wilmington, DE 19897. Proposes amending 40 CFR Part 180 by establishing tolerances for residues of the insecticide (±)cyano (3-phenoxyphenyl)methyl(±)*cis-trans* 3-(2,2-dichloroethenyl)-2,2 dimethylcyclopropane carboxylate in or on the raw agricultural commodities cottonseed at 0.5 part per million (pp,); meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm; and mild at 0.05 ppm. The proposed analytical method for determining residues is gas chromatography.

FAP 2H5334. ICI Americas Inc. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the insecticide (±)cyano (3-phenoxyphenyl)methyl(±)*cis-trans* 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate in the food item cottonseed oil at 5.0 ppm.

PP 2F2624. ICI Americas Inc., Proposes amending 40 CFR Part 180.378 by establishing tolerances for residues of the insecticide permethrin [(3-phenoxyphenyl)methyl(±)-*cis-trans* 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate] in or on the raw agricultural commodity corn grain at 0.1 ppm. The proposed analytical method for determining residues is gas chromatography.

FAP 2H5335. ICI Americas Inc. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the insecticide permethrin in corn oil at 1.0 ppm.

FAP 2H5335. ICI Americas Inc. Proposes amending 21 CFR Part 561 by establishing a regulation permitting residues of the insecticide permethrin in corn soapstock at 1.0 ppm.

PP 1F2557. Webb Wright Corp., Box 1572, Fort Meyers, FL 33902. Proposes amending 40 CFR Part 180 by establishing exemptions from the requirement of tolerances for oil of citronella, oil of eucalyptus, oil of peppermint, and *d*-Limonine when used in pesticide formulations applied to all growing crops. The proposed analytical method for determining residues is gas chromatography.

PP 2F2625. Webb Wright Corp. Proposes amending 40 CFR 180.1002 by establishing exemptions from the requirement of tolerances for the insecticide allethrin (allyl homolog of cinerin I) when used before harvest in the production of artichokes (Jerusalem); beets; beets, sugar; carrots; celery; Chinese cabbage; chickory; corn; endive; escarole; garlic; leeks; onions; parsley; parsnips; potatoes; salsify; shallots; sorghum (milo); sorghum grain; spinach; and sweet potatoes. The proposed analytical method for determining residues is gas chromatography.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: February 9, 1982.

Douglas D. Campt,

Director, Registration Division Office of Pesticide Programs.

[FR Doc. 82-4526 Filed 2-23-82; 8:45 am]

BILLING CODE 6560-32-M

[PF-259; PH-FRL-2054-5]

Certain Companies; Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed petitions proposing a food additive regulation and the establishment of tolerances for certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-259]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m.

to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following food additive and pesticide petitions have been submitted to the agency requesting establishment of a food additive regulation and tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

FAP 2H5329. Rohm and Hass Co., Independence Mall West, Philadelphia, PA 19105. Proposes amending 21 CFR 193.460 by establishing a regulation permitting residues of the fungicide coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent Zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product calculated as zinc ethylenebisdithiocarbamate) in or on the commodities milled rice at 0.2 part per million (ppm) and rice bran at 2.0 ppm involving the use of the chemical in an experimental use program. (PM–21, Henry Jacoby, 703–557–1900).

PP 2F2618. Ciba-Geigy Corp., PO Box 11422, Greensboro, NC 27409. Proposes amending 40 CFR 180.243 by establishing tolerances for the combined residues of the herbicide propazine (2-chloro-4,6-bis(isopropylamino)-*s*-triazine) and its dialkylated metabolites determined as amino-4-chloro-6-(isopropylamino)-*s*-triazine and 2,4-diamino-6-chloro-*s*-triazine in or on the raw agricultural commodities sorghum forage and fodder at 1.0 part per million (ppm); milk and eggs at 0.02 ppm; meat, fat and meat byproducts of cattle, goats, hogs, horses, and sheep (excluding liver and kidney) at 0.05 ppm; liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.10 ppm; sorghum, grain and sorghum, sweet at 0.25 ppm. The proposed analytical method for determining residues is gas chromatography using the Dohrmann chloride-specific microcoulometric detector system. (PM–25, Robert J. Taylor, 703–557–1800).

(Secs. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348))

Dated: February 8, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–4529 Filed 2–23–82; 8:45 am]

BILLING CODE 6560–32–M

[PP 1G2524/T344; PH–FRL–2055–6]

Desmedipham; Establishment of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established a temporary tolerance for residues of the herbicide desmedipham (ethyl-*m*-hydroxycarbanilate carbanilate) in or on the raw agricultural commodity sunflower seeds. This temporary tolerance was requested by Nor-Am Agricultural Products, Inc.

DATE: This temporary tolerance expires December 29, 1983.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1800).

SUPPLEMENTARY INFORMATION: Nor-Am Agricultural Products, Inc., 350 West Shuman Blvd., Naperville, IL 60566, has requested the establishment of a temporary tolerance for residues of the herbicide desmedipham (ethyl-*m*-hydroxycarbanilate carbanilate) in or on the raw agricultural commodity sunflower seeds at 0.2 part per million (ppm).

This temporary tolerance will permit the continued marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permits 2139–EUP–27 and 2139–28 which are being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The Scientific data reported and all other relevant material were evaluated, and it was determined that establishment of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been established on the condition that the pesticide be used in accordance with the experimental use permits and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permits.

2. Nor-Am must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires December 29, 1983. Residues in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the exprimental use permits and temporary tolerance. This tolerance may be revoked if the experimental use permits are revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

OMB has exempted this temporary tolerance from section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 610–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: February 8, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–4527 Filed 2–23–82; 8:45 am]

BILLING CODE 6560–32–M

[PP OG2275/T346; PH–FRL–2055–5]

Pendimethalin; Renewal or Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed temporary tolerances for the combined residues of the herbicide pendimethalin [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite 4-[(1-ethyl-propyl)amino]-2-ethyl-3,5-dinitrobenzyl alcohol in or on wheat grain and wheat straw.

DATE: These temporary tolerances expire December 22, 1982.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of August 6, 1980 (45 FR 52241) stating that temporary tolerances had been established for the combined residues of the herbicide pendimethalin [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite 4-[(1-ethyl-propyl)amino]-2-ethyl-3,5-dinitrobenzyl alcohol in or on wheat grain and wheat straw at 0.1 part per million (ppm). These tolerances were established in response to pesticide petition (PP OG2275) submitted by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540. The company has requested a 1-year renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 241–EUP–95 which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that a renewal of the temporary tolerance will protect the public health. Therefore, the temporary tolerances have been renewed on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permt.

2. American Cyanamid Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire December 22, 1982. Residues not in excess of the temporary tolerances in or on the above raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

OMB has exempted this notice from section 3 of Executive Order 12291.

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

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: February 8, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–4528 Filed 2–23–82; 8:45 am]

BILLING CODE 6560–32–M

[PF–260; PH–FRL–2057–5]

Pesticide Petitions; American Cyanamid and Chevron Chemical Co.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed pesticide petitions proposing the establishment of tolerances for certain pesticide chemicals in or on certain raw agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to identified by the document control number "[PF–260]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telehone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the Agency proposing the establishment of tolerances for certain pesticide chemicals in or on certain agricultural commodities in accordance with the Federal Food, Drug and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

PP 2F2627. American Cyanamid, Agricultural Research Div., PO Box 400, Princeton, NJ 08540. Proposes amending 40 CFR 180.395 by establishing tolerances for residues of the insecticide tetrahydro-5,5-dimethyl-2(1*H*)–pyrimidinone [3-[4-(trifluoromethyl)phenyl]-1-[2-[4-(trifluoromethyl) pheneyl]ethenyl]-2-propenylidene]hydrazone in or on all agricultural crops at 0.05 part per million (ppm). Proposed analytical method for determining residues is gas chromatography using negative ion chemical ionization mass spectrometry. (PM–15, George LaRocca, 703–557–2400).

PP 2F2632. Chevron Chemical Co., 940 Hensley St., Richmond. CA 94804. Proposes amending 40 CFR 180.108 by establishing tolerances for the combined residues of the insecticide acephate (*O,S*-dimethyl acetylphoshoramidothioate) and its cholinesteraseinhibiting metabolite *O,S*-dimethyl phosphoramidothioate in or on the raw agricultural commodities peanuts at 0.2 ppm and peanut hulls at 5.0 ppm. Proposed analytical method for determining residues is gas chromatographic procedures using a thermionic detector. (PM–16, William Miller, 703–557–2600).

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136))

Dated February 16, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–4908 Filed 2–23–82; 8:45 am]

BILLING CODE 6560–32–M

[PF–261; PH–FRL–2057–7]

Pesticide and Food Additive Petitions; Union Carbide Agricultural Products Co., Inc., et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed petitions proposing a food additive regulation and the establishment of tolerances for certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below.

Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF–261]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following food additive and pesticide petitions have been submitted to the agency requesting establishment of a food additive regulation and tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

FAP 2H5330. Union Carbide Agricultural Products Co., Inc, PO Box 12014, T.W. Alexander Drive, Research Triangle Park, NC 27709. Proposes amending 21 CFR 193.186 by establishing a regulation permitting residues of the plant growth regulator ethephon (2-chloroethyl) phosphonic acid for use on small grain (ceral) crops involving the use of the chemical in an experimental use program with tolerence limitations of 1.6 part per million (ppm) for barley hulls, wheat bran at 1.7 ppm, wheat germ at 1.0 ppm, and wheat shorts at 1.2 ppm. (PM–25, Robert Taylor, 703–557–1800).

PP 2F2626. Shell Oil Co., Suite 200, 1025 Connecticut Ave., NW, Washington, DC 20031. Proposes amending 40 CFR 180.379 by establishing tolerances for residues of the insecticide cyano(3-phenoxyphenyl) methyl-4-chloro-alpha-(methylethyl)benzeneacetate in or on the raw agricultural commodities pea vines at 25.0 ppm, almond hulls at 15.0 ppm, pea pods at 1.0 ppm, and almond nut meats at 0.2 ppm. The proposed analytical method for determining residues is by gas chromatography. (PM–17, Franklin D. R. Gee, 703–557–2690).

FAP 2H5333. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105. Proposes amending 21 CFR 193.460 by establishing a regulation permitting residues of the fungicide coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product calculated as zinc ethylenebisdithiocarbamate) involving the use of the chemical in an experimental use program with tolerance limitations of 0.1 ppm for soybean meal and soybean oil. (PM–21, Henry Jacoby, 703–557–1900).

(Secs. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: February 16, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–4909 Filed 2–23–82; 8:45 am]

BILLING CODE 6560–32–M

FEDERAL LABOR RELATIONS AUTHORITY

Notice of Prehearing Conference

AGENCY: Federal Labor Relations Authority.

ACTION: Notice of prehearing conference.

SUMMARY: This notice sets forth the time, place and purpose of a forthcoming prehearing conference of the Federal Labor Relations Authority.

DATE: Friday, February 26, 1982, 9:30 a.m.

ADDRESS: Courtroom 2, Second Floor, United States Courthouse, Constitution Avenue and John Marshall Place, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: James J. Shepard, Executive Director, Federal Labor Relations Authority, 500 C Street, S.W., Washington, D.C. 20424, (202) 382–0711.

SUPPLEMENTARY INFORMATION: On February 16, 1982, the United States Court of Appeals for the District of Columbia Circuit ordered the Federal Labor Relations Authority to hold an evidentiary hearing to determine the nature, extent, source, and effect of any and all *ex parte* contacts and other approaches that may have been made to any member or members of the Authority while the appeal from the decision of the Administrative Law Judge in Case No. 3–CO–105 was pending before the Authority. Further, the Court of Appeals ordered that the Authority obtain through the Office of Personnel Management an administrative law judge from a neutral agency to conduct the hearings ordered by the Court and to report to the Court on or before March 19, 1982. On February 19 Administrative Law Judge John M. Vittone was selected by the Office of Personnel Management to preside over the hearings ordered by the Court of Appeals.

The Court of Appeals has ordered that the presiding administrative law judge shall, on request, permit all parties to Case No. 3–CO–105, the Authority, and any member thereof, all persons alleged to have contacted any member of the Authority while the aforementioned case was pending, and any other person he considers to have an interest in the matter, to participate fully in the hearing in person or by counsel, to present evidence, and to recommend findngs. Such parties or persons who intend to participate in this special proceeding shall attend the prehearing conference and be prepared to discuss what testimony or documentary evidence, if any, they intend to offer for receipt into evidence during the course of the hearing. In addition, the prehearing conference will be concerned with all other matters relevant to this special proceeding which will aid in its conduct and disposition.

Dated: Washington, D.C., February 23, 1982.

For the Authority.

James J. Shephard,

Executive Director.

[FR Doc. 82–5145 Filed 2–23–82; 11:29 am]

BILLING CODE 6727–01–M

FEDERAL RESERVE SYSTEM

Beacon Financial Corporation, Inc.; Formation of Bank Holding Company

Beacon Financial Corporation, Inc., Jupiter, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Lighthouse National Bank, Jupiter, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 18, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of

fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-4871 Filed 2-23-82; 8:45 am]

BILLING CODE 6210-01-M

First Abilene Bankshares, Inc; Acquisition of Bank

First Abilene Bankshares, Inc., Abilene, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Eastland National Bank, Eastland, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 10, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-4872 Filed 2-23-82; 8:45 am]

BILLING CODE 6210-01-M

Florida National Banks of Florida, Inc.; Acquisition of Bank

Florida National Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Peoples Bank of St. Augustine, St. Augustine, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 13, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-4873 Filed 2-23-82; 8:45 am]

BILLING CODE 6210-01-M

Ireton Bancorp; Formation of Bank Holding Company

Ireton Bancorp, Ireton, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Security Savings Bank, Ireton, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C 1842(c)).

The application may be inspected at the offices of the Board of Govenors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 10, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board

[FR Doc. 82-4874 Filed 2-23-82; 8:45 am]

BILLING CODE 6210-01-M

League City Bancshares, Inc.; Formation of Bank Holding Company

League City Bancshares, Inc., League City, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of League City National Bank, League City, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 18, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-4875 Filed 2-23-82; 8:45 am]

BILLING CODE 6210-01-M

Security Pacific International Bank; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Security Pacific International Bank, New York, New York, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to change the location of its head office from New York, New York to Los Angeles, California, and to establish a branch in New York, New York to assume the activities of the existing head office. Security Pacific International Bank operates as a subsidiary of Security Pacific National Bank, Los Angeles, California.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than March 18, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-4876 Filed 2-23-82; 8:45 am]

BILLING CODE 6210-01-M

Southwest Missouri Bancorporation, Inc.; Formation of Bank Holding Company

Southwest Missouri Bancorporation, Inc., Carthage, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Southwest Missouri Bank, Carthage, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 18, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-4877 Filed 2-23-82; 8:45 am]

BILLING CODE 6210-01-M

United Southern Bancorp; Formation of Bank Holding Company

United Southern Bancorp, St. Petersburg, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 percent of the voting shares of United Southern Bank, St. Petersburg, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 12, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-4878 Filed 2-23-82; 8:45 am]

BILLING CODE 6210-01-M

Volunteer Bancshares, Inc.; Formation of Bank Holding Company

Volunteer Bancshares, Inc., Jackson, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Jackson National Bank, Jackson, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than March 18, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-4879 Filed 2-23-82; 8:45 am]

BILLING CODE 6210-01-M

FOREIGN CLAIMS SETTLEMENT COMMISSION

Czechoslovakia Claims Program; Commencement of Program

AGENCY: Foreign Claims Settlement Commission.

ACTION: Notice.

SUMMARY: Notice of the commencement of a program to consider additional claims against the Government of Czechoslovakia, deadline for filing claims and completion date of program, as authorized by Pub. L. 97-127, the Czechoslovakian Claims Act of 1981.

EFFECTIVE DATE: February 24, 1982.

FOR FURTHER INFORMATION CONTACT: David H. Rogers, General Counsel (Acting), Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, DC 20579; Telephone No. (202) 653-5883.

Notice of Time for Filing and Completion of Program

As required by Sec. 7 of the Czechoslovakian Claims Settlement Act of 1981, Pub. L. 97-127, approved December 29, 1981, notice is hereby given that the Foreign Claims Settlement Commission will receive, at its offices located at 1111—20th Street, NW., Washington, DC 20579, during the period beginning February 24, 1982 and ending October 31, 1982, claims of nationals of the United States against the Government of Czechoslovakia for losses resulting from the nationalization or other taking of property between August 8, 1958 and the date when the Agreement between the United States and Czechoslovakia for the Settlement of Certain Claims and Financial Issues concluded on January 29, 1982 enters into force. Claims which may be filed include those based upon any rights or interests in property owned, wholly or partially, directly or indirectly at the time of loss by nationals of the United States, where the claim arising therefrom, or an interest therein, was owned continuously by a United States national until the date of filing a claim with the Commission. Claims must be filed on the official form of the Commission numbered FCSC Form 127.

The Foreign Claims Settlement Commission will determine, in accordance with applicable substantive law, including international law and the Commission's regulations (Chapter V of Title 45 of the CFR, Parts 500 through 531), the validity and the amounts of timely filed claims.

Notice is hereby given that October 31, 1984 will be the deadline for completion of the Commission's affairs with respect to the determination of claims authorized under Secs. 5 and 6 of the Czechoslovakian Claims Settlement Act of 1981.

Details concerning the official claim form and filing may be obtained by contacting the Office of the General Counsel, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, DC 20579; Telephone No. (202) 653-5883.

Dated at Washington, DC, on February 18, 1982.

J. Raymond Bell,

Chairman.

[FR Doc. 82-4826 Filed 2-23-82; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicaid Program; Hearing; Reconsideration of Disapproval of a Michigan State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on April 19, 1982 in Chicago, Illinois to reconsider our decision to disapprove Michigan State plan amendment 81–4. This plan amendment proposes a $.50 copayment on specified brand name drugs for ambulatory recipients over 21 years of age.

CLOSING DATE: Requests to participate in the hearing as a party must be received by March 11, 1982.

FOR FURTHER INFORMATION, CONTACT: Albert Miller, Hearing Officer, Bureau of Program Policy, 1–G–5 East Low Rise, 6325 Security Boulevard, Baltimore, Maryland 21207; Telephone: (301) 597–2896.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to deny a Michigan State plan amendment 81–4.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a denial of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with additional requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins, in accordance with additional requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter relates to imposition of copayments for drugs provided to noninstitutionalized recipients. The proposed Michigan State plan amendment 81–4 would require a $.50 copayment only on specified brand name drugs for noninstitutionalized recipients over 21 years of age. It violates law and regulations because (1) it results in denial of comparability of amount, duration and scope of services between categorically needy recipients over age 21 who are institutionalized and those who are not; (2) it would provide greater services to the medically needy recipients under age 21 than to some categorically needy individuals; and (3) it results in denial of comparability in the amount of service between institutionalized and noninstitutionalized members of the same medically needy group.

The notice to Michigan announcing an administrative hearing to reconsider our denial of this State plan amendment reads as follows:

Mr. John T. Dempsey,
Director, Department of Social Services, P.O. Box 30037, Lansing, Michigan 48909.

Dear Mr. Dempsey: This is to advise you that your letter of January 9, 1982, requesting a reconsideration of the decision to disapprove Michigan State plan amendment 81–4 was received on January 18. You have requested a reconsideration of whether this amendment, which proposes a $.50 copayment on specified brand name drugs for ambulatory recipients over age 21, conforms to the requirements for approval under the Social Security Act and pertinent regulations.

I am scheduling a hearing on your request to be held on April 19, 1982 at 10:00 a.m. in the 8th floor conference room, 175 West Jackson Boulevard, Chicago, Illinois. If this date is not satisfactory, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Albert Miller to serve as the presiding official. Please let him know if these arrangements present any problems. He can be reached on (301) 597–2896.

Sincerely yours,

Carolyne K. Davis, Ph. D.

(Sec. 1116, Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance program No. 13.714, Medical Assistance Program)

Dated: February 17, 1982.

Carolyne K. Davis,
Administrator, Health Care Financing Administration.

[FR Doc. 82–5076 Filed 2–23–82; 8:45 am]

BILLING CODE 4120–03–M

Medicaid Program; Hearing; Reconsideration of Disapproval of Mississippi State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on April 20, 1982 in Jackson, Mississippi to reconsider our decision to disapprove a Mississippi State plan amendment limiting the number of participating nursing home beds in Mississippi to 100 per 1,000 Medicaid eligibles.

CLOSING DATE: Request to participate in the hearing as a party must be received by March 11, 1982.

FOR FURTHER INFORMATION, CONTACT: Lawrence Ageloff, Hearing Officer, Bureau of Program Policy, 1–H–5 East Low Rise, 6325 Security Boulevard, Baltimore, Maryland 21207; Telephone: (301) 594–8260.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to deny a Mississippi State plan amendment 80–7.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a denial of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with additional requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins, in accordance with additional requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter relates to limiting the number of Medicaid nursing home beds. The proposed Mississippi State plan amendment Transmittal No. 80–7 would have limited the number of participating nursing home beds to 100 per 1,000 Medicaid eligibles. Under the proposal, the limitation on nursing home beds would be implemented by limiting available beds to a percentage of the certifiable beds in each facility, rather than by refusing to enter into provider agreements or cancelling those agreements. HCFA contends that implementation of the proposed plan

amendment violates several Medicaid statutory and regulatory requirements, namely: (1) Section 1902(a)(8) of the Social Security Act, which requires that medical assistance be furnished with reasonable promptness; (2) section 42 CFR 440.230, which requires that furnished services be sufficient in amount, duration and scope for all eligible individuals; and (3) section 42 CFR 442.12(d), which requires that a State must either enter into a provider agreement for all certifiable beds in the facility or decline to enter a provider agreement for good cause. HCFA maintains that the State does not have the option of denying a proportion of beds in a facility.

The notice to Mississippi announcing an administrative hearing to reconsider our disapproval of State plan amendment 80–7 reads as follows:

Re: In The Matter of the Mississippi Medicaid Commission's Plan Amendment, Transmittal 80–7, Docket No. 81–1

Mr. B. F. Simmons,
Director, Mississippi Medicaid Commission, P.O. Box 16786, Jackson, Mississippi 39206.

Dear Mr. Simmons: This is to confirm the agreement reached between Mr. Ageloff, the Hearing Officer, and Mr. Phillips, your attorney.

The hearing of the Secretary's disapproval of Mississippi's proposal to limit the number of Medicaid nursing home beds will be held at 9:00 a.m., April 20, 1982 in the Central Capital Building, Room 206, Jackson, Mississippi 39205.

Sincerely yours,

Carolyne K. Davis, Ph. D.

(Sec. 1116, Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance program No. 13.714, Medical Assistance Program)

Dated: February 17, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 82–5077 Filed 2–23–82; 8:45 am]

BILLING CODE 4120–03–M

Public Health Service

National Toxicology Program; NTP Announces Availability of Cancer Bioassay Reports on 2,3,7,8-Tetrachlorodibenzo-p-Dioxin (Dermal and Gavage Studies) and Locust Bean Gum

The HHS' National Toxicology Program (NTP) today announced the availability of Technical Reports on cancer bioassays of 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD), a highly toxic impurity found in Agent Orange and certain other herbicides and chemicals, and Locust Bean Gum, a widely-used food stabilizer.

TCDD caused cancer in both the oral and dermal studies. When TCDD was administered by gavage (stomach tube) for 104 weeks, exposure caused thyroid tumors in the male rats and liver tumors in the females. Under the conditions of this test, TCDD was also carcinogenic for the mice, causing liver tumors in both males and females and thyroid tumors in the female mice.

In the second dioxin study, TCDD was painted on the skin of mice for 104 weeks. Under the conditions of this test, TCDD was carcinogenic for female mice, but was not carcinogenic for the males.

Agent Orange was a 50:50 mixture of the herbicides 2,4,5-T (2,4,5-Trichlorophenoxyacetic acid) and 2,4-D (2,4-Dichlorophenoxyacetic acid). Over 100 million pounds were used in Vietnam as a defoliant. An average of 1.8 parts per million of TCDD—and as much as 47 parts per million in one sample—were found in surplus stocks of Agent Orange.

TCDD is formed during the preparation of 2,4,5-Trichlorophenol, an intermediate in the production of 2,4,5-T and Hexachlorophene, a germicidal agent.

Since 1974, over 95 percent of all 2,4,5-T produced domestically has been used on rangelands and pastures although there is some limited use on food crops such as rice and blueberries. In 1979, the U.S. Environmental Protection Agency issued a suspension notice for the use of 2,4,5-T on pastures, forests, and rights-of-way.

Locust Bean Gum, a widely-used food stabilizer, did not cause cancer in either rats or mice in a 103-week feeding study. Locust Bean Gum is used in ice creams, sauces, salad dressings, pie fillings, jams and jellies. It is also used as a binder in processed meats and in the manufacture of pharmaceuticals, cosmetics, textiles, paper, ceramics, paint, and gun powder.

Positive results in these studies demonstrate that a chemical is carcinogenic for animals and that exposure is a potential hazard to humans. However, because of the limited experimental conditions, negative results (in which the test animals do not have a greater incidence of cancer than the controls) do not necessarily mean the chemical is not an animal carcinogen. Quantification of human risk is beyond the purview of this study.

Copies of these Technical Reports—Carcinogenesis Bioassay of TCDD (dermal study) (T.R. 201), Carcinogenesis Bioassay of TCDD (gavage study) (T.R. 209), and *Carcinogenesis Bioassay of Locust Bean Gum* (T.R. 221)—are available by writing to the Public Information Office, National Toxicology Program, MD B2–04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541–3991, FTS 629–3991.

Dated: February 18, 1982.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 82–4895 Filed 2–23–82; 8:45 am]

BILLING CODE 4140–01–M

Qualified Health Maintenance Organizations; January

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs). In addition, this notice reports that a qualified HMO whose assets and liabilities were acquired by another entity surrendered its qualification status and that the Secretary granted qualification to the acquiring entity at the time of its acquisition.

FOR FURTHER INFORMATION CONTACT:

Frank H. Seubold, Ph. D., Director, Office of Health Maintenance Organizations, Park Building—Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION:

Regulations (42 CFR 110.605(b)) issued under Title XIII of the Public Health Service Act require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register**. The following entities have been determined to be qualified HMOs under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e–9(d)):

(Preoperational Qualified Health Maintenance Organization: 42 CFR 110.603(c))

1. Group Health Plan of Greater St. Louis, (Medical Group Model, see section 1310(b)(1) of the Public Health Service Act), 10822 Sunset Plaza, St. Louis, Missouri 63127. Service area: Zip codes as follows:

63001	63049	63108–12
63010–1	63069	63114
63017	63074	63116–9
63025–6	63078	63122–33
63038	63088	63139
63040	63101	63141
63043	63103–5	63143–4

Date of qualification: January 8, 1982.

(Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a))

2. Health Care, Inc., (Individual Practice Association Model, see section 1310(b)(2)(A) of the Public Health Service Act), 19 Lunar Drive, Woodbridge, Connecticut 96525. Service area: New Haven County, Connecticut, and the adjacent towns of Shelton and Middletown. Date of qualification: January 18, 1982.

3. Anchor Organization for Health Maintenance, (Staff Model, see section 1310(b)(1) of the Public Health Service Act), 1725 West Harrison Street, Chicago, Illinois 60612. Service area: DuPage County, Illinois and zip codes as follows:

City of Chicago

60601–18	60693	60644–8
60653–4	60629–32	60670–1
60684–5	60659–60	60650–1
60621–6	60634–41	60675
60656–7	60666	

Suburban Areas

60004–08	60015–8	60056
60035	60047	60093
60062	60076	60143
60103–4	60108	60191
60160	60171–2	60411
60301–5	60406	60438
60419	60425–6	60461–2
60445	60452	60525
60468–9	60475–7	60029
60558	60023	60060
60010	60053	60101
60043	60090–1	60153
60067–9	60130–1	60201–4
60106	60176	60417
60162–5	60409	60443
60401–2	60429–30	60466
60422–3	60459	60534
60448–9	60513	
60471–3	60025–6	

Date of qualification: November 1, 1981. (Transitionally qualified on December 20, 1977.)

4. U.S. Health Care Systems, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 2500 Maryland Road, Willow Grove, Pennsylvania 19090. Service area: Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pennsylvania. Date of qualification: September 23, 1981.

(Note.—(1) U.S. Health Care Systems, Inc., took over the operation of Health Maintenance Organization of Pennsylvania (HMOPA), a qualified HMO. When U.S. Health Care Systems, Inc., became a qualified HMO, HMOPA surrendered its qualification status. U.S. Health Care Systems, Inc., is doing business under the name of HMOPA. (2) The service area of U.S. Health Care Systems, Inc. has been revised as described below.)

Service Area Revision

1. U.S. Health Care Systems, Inc., 2500 Maryland Road, Willow Grove, Pennsylvania 19090. Add the following counties to the service area described above, effective October 1, 1981: Lehigh and Northampton.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 4:30 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: February 12, 1982.

Frank H. Seubold,

Director, Office of Health Maintenance Organizations.

[FR Doc. 82-4937 Filed 2-23-82; 8:45 am]

BILLING CODE 4160-17-M

Office of the Secretary

Statement of Organization, Functions and Delegations of Authority

Part A (Office of the Secretary), Chapter AD(I–X) (Office of the Regional Director) of the Statement of Organization, Functions, and Delegations of Authority (47 FR 3609, January 26, 1982) is amended to show the proper location of the Equal Employment Opportunity (EEO) function. The proper location is a subunit reporting directly to the Regional Director. This is a technical amendment to correct the previously published statement which showed the function as a subunit reporting to the Regional Administrative Support Center Director who in turn reports to the Regional Director.

1. Part A, Chapter AD(I–X) is amended as follows:

(a) Section AD.20—Functions, Subsection E.5. is deleted in its entirety and succeeding subparagraphs are renumbered to account for removal of this Subparagraph.

(b) Section AD.20—Functions, Subsection A is amended by adding a new subparagraph 11. to read as follows:

11. Provides supervision of the Regional Office of Equal Employment Opportunity. It is responsible for the establishment and maintenance of a positive program on non-discrimination in Departmental employment in the Region.

Has regional responsibility for special emphasis programs. Monitors the OS/EEO complaint system and issues proposed dispositions on all formal complaints. Prepares the Regional Annual Affirmative Action Plan. Coordinates the selection, training, and availability of EEO counselors.

Dated: February 15, 1982.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 82-4891 Filed 2-23-82; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. OR 34180]

Oregon; Designation of Beatty Creek Research Natural Area

Pursuant to the authority in 43 CFR Part 2070 and authorization from the Director dated February 3, 1982, I hereby designate the following described public land as the Beatty Creek Research Natural Area:

Willamette Meridian

T. 30 S., R. 6 W.,
Sec. 31, W½NW¼.
T. 30 S., R. 7 W.,
Sec. 25, lots 9 and 12 (E½SE¼).

The area described contains 172.89 acres in Douglas County, Oregon.

In accordance with 43 CFR 2071.4(a), this designation action is only for the purpose of identifying the Bureau's current management objectives for the area, and unto itself, has no effect upon established use or management of the lands and resources involved. The area is designated under the category of Natural Resources Experiment and Research Areas, which covers relatively small areas used for research or experimental purposes (43 CFR 2071.1(b)(4)). The primary management objectives for Beatty Creek are to maintain its quality as a significant example of natural diversity, and to facilitate its use by authorized persons and groups for nonmanipulative and nondestructive scientific research and education. The area has been determined to meet the criteria for BLM Research Natural Areas prescribed by

43 CFR 8223.0–5. It will be managed under regulations in 43 CFR 8223.1.

William G. Leavell,

State Director.

[FR Doc. 82–4938 Filed 2–23–82; 8:45 am]

BILLING CODE 4310–84–M

Preparation of Western Counties Management Framework Plan Amendment and Subsequent Wilderness Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to 43 CFR 1601.3 and 40 CFR 1501.7, notice is hereby given that the California Desert District, Bureau of Land Management, California, will prepare an amendment to the San Diego County ("Western Counties") Management Framework Plan (MFP).

This Plan will facilitate the identification of issues for preparation of (1) a Wilderness Study Report (WSR) and a (2) Environmental Impact Statement (EIS) for six Western Counties Wilderness Study Areas (WSAs) numbers CA–060–002, 020G, 021A, 027C, 028 and 029.

DATES: Land and resource management alternatives for the Western Counties WSA will be developed by April 1982, and final revisions to the plan and EIS, including public input and analysis by an interdisciplinary team, are scheduled for completion in September 1982.

FOR FURTHER INFORMATION CONTACT: For further information, or to be placed on the mailing lists for the planning effort contact David H. Eslinger, Wilderness Coordinator, Bureau of Land Management, California Desert District Office, 1695 Spruce Street, Riverside, California 92507. Telephone: (714) 351–6397.

SUPPLEMENTARY INFORMATION: The California Desert District administers, in part, those Federal land and resources in San Diego and Riverside Counties. The Plan Amendment and EIS will address the following issues on the public lands identified as WSA's in the Western Counties. Those issues identified by the California Desert District staff are livestock grazing, mining, chaparral watershed management, wilderness, off-road vehicle recreation, natural areas, endangered plant species, and retention or disposal of small tracts. The interdisciplinary team, which will complete the plan, will consist of specialists in the fields of range management, wildlife, recreation, wilderness, visual resources, and lands.

Five Wilderness Study Areas: Aqua Tibia, Beauty Mountain, Combs Peak A, Hauser Mountain C, Western Otay Mountain, and South Otay Mountain will be studied in this effort. Alternatives to be addressed are (1) all wilderness, (2) no wilderness (no action), (3) other management and (4) partial wilderness. Details of the partial wilderness alternatives will be developed during the study. In addition to the Wilderness Study Report, which will include an Environmental Impact Statement, the Management Framework Plan Amendment will make recommendations regarding wilderness suitability for final action by Congress.

Opportunities for public input and comments will be announced through the media, mail and personal contact. A public hearing will be scheduled for the wilderness aspect of the amendment. Times, dates, and location of any public meetings and the hearing will be announced through the media, mail, and the **Federal Register.**

Dated: February 16, 1982.

Ed Hastey,

State Director.

[FR Doc. 82–4939 Filed 2–23–82; 8:45 am]

BILLING CODE 4310–84–M

Prototype Oil Shale Leasing Program; Scoping Meetings and Preparation of Supplement to the Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of intent to hold scoping meetings and prepare a supplement to the environmental impact statement for the Prototype Oil Shale Leasing Program.

SUMMARY: Notice is hereby given that pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 the White River Resource Area of the Bureau of Land Management (BLM), Department of the Interior intends to begin preparation of a supplemental Environmental Impact Statement (EIS) on the completion of the leasing phase of the prototype oil shale program.

BLM has issued a Call for Expressions of Interest in six tracts located in the Piceance Creek Basin of northwestern Colorado. The data received from this call will be used to determine which of the tracts will be analyzed in this supplemental EIS.

BLM anticipates that the EIS will address the cumulative and site-specific impacts associated with the leasing and development of one or two additional tracts identified for prototype leasing as well as the alternative of no additional prototype leasing at this time (no action).

Background

In 1973, the BLM issued the final Environmental Impact Statement (EIS) for the Prototype Oil Shale Leasing Program. Following completion of that EIS, six prototype oil shale tracts were offered by BLM for lease. Four of the six tracts were leased: two in Utah and two in Colorado.

The BLM is now considering completion of the leasing phase of the prototype program in order to expand the range of technologies developed to include true *in situ* development as well as the combined development of oil shale and associated minerals in the saline zone.

Public Participation Activities

The BLM has scheduled the following public scoping meetings on this supplemental EIS:

Wednesday, March 24, 1982 at 7:00 p.m. at the Fairfield Center, 200 Main Street, Meeker, Colorado

Thursday, March 25, 1982 at 7:00 p.m. at the Ramada Inn, 718 Horizon Drive, Grand Junction, Colorado

Friday, March 26, 1982 at 2:00 p.m. at the Ramada Inn Airport, 3777 Quebec, Denver, Colorado

The purpose of these meetings will be to gather comments from the public as well as local, state, and federal agencies on a number of topics relating to the supplemental EIS including: The level of detail of the analysis to be presented; significant issues which should be addressed; alternatives which should be analyzed; and identification of relevant information available for use in the analysis. Both written and oral comments will be received at the meetings. All requests to present oral comments should be directed to John Singlaub at the address below.

BLM will also accept written comments on the same topics until March 26, 1982. All written comments should be addressed to: John Singlaub, Team Leader, Bureau of Land Management, White River Resource Area, P.O. Box 928, Meeker, Colorado 81641, 303/878–3601.

Future opportunities for public participation will include Regional Oil Shale Team meetings and public comment on the draft EIS. Public meetings will be held in August on the draft; specific locations and dates for those meetings will be announced.

General Issues

BLM has identified the following list of preliminary issues to be addressed in this supplemental EIS: cumulative impacts of energy development; effectiveness of reclamation; effects on air quality, water quantity and quality, and cultural resources; social and economic impacts; conflicts with oil and gas development; effects on wildlife; and, possible health effects.

Following the public participation activities outlined above, BLM will formulate a comprehensive list of issues and alternatives to be addressed in the EIS.

Schedule

The following schedule has been tentatively established for preparation of the EIS.

March 26, 1982—Scoping meetings completed
April 2, 1982—Alternatives formulated
July 20, 1982—Draft EIS completed
August 1982—Public meetings
September 3, 1982—End public comment on draft
November 19, 1982—Final EIS completed

Mailing List

Anyone wishing to receive future informational mailings on the prototype oil shale leasing activities should send their name, address, and who they represent to John Singluab at the above address.

Official BLM Contact

All request for further information should be directed to: Robert Leopold, Oil Shale Program Manager, Bureau of Land Management, Colorado State Office, 1037 20th Street, Denver, CO 80202, 303 837–5435 (commercial) 327–5435 (FTS).

Dated: February 17, 1982.

Bob Moore,

State Director.

[FR Doc. 82–4940 Filed 2–23–82; 8:45 am]

BILLING CODE 4310–84–M

National Park Service

Cape Cod National Seashore Advisory Commission; Notice of Committee Renewal

This notice is published in accordance with the provisions of Section 7(a) of the Office of Management and Budget Circular A63 (revised). Pursuant to the authority contained in Section 14(a) of the Federal Advisory Committee Act (Pub. L. 92–463), the Secretary of the Interior has determined that renewal of the Cape Cod National Seashore Advisory Committee is necessary and in the public interest.

The purpose of the committee is to advise the Secretary of the Interior on matters relating to the Cape Cod National Seashore.

The General Services Administration concurred in the renewal of this committee on February 16, 1982.

Further information regarding this committee may be obtained from Shirley M. Luikens, Advisory Boards and Commissions, National Park Service, Department of the Interior, Washington, DC 20240 (202–343–2012).

Dated: February 17, 1982.

Robert A. Ritsch,

Acting Associate Director, Recreation Resources, National Park Service.

[FR Doc. 82–4929 Filed 2–23–82; 8:45 am]

BILLING CODE 4310–70–M

Intention to Negotiate Concession Contract; Whiskeytown National Recreation Area, California

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice was given in the "Federal Register" of November 4, 1981, Vol. 46, No. 213, that the National Park Service is proposing to negotiate a concession contract with Thomas and Suzan Jaharis, d.b.a. Oak Bottom Marina, authorizing them to continue to provide food service, general merchandising, and marina facilities and services for the public at Whiskeytown National Recreation Area, California for a period of six (6) years from January 1, 1981, through December 31, 1986.

All interested parties were to submit their proposals on or before December 4, 1981. However, it has been decided to increase the proposed contract term from six (6) years to eleven (11) years from January 1, 1981, through December 31, 1991, in recognition of the need for additional capital expenditures to improve the floating docks and facilities. As a result of this material amendment of the original terms and conditions of the proposed new contract, the notice of intent to negotiate a concession contract is hereby readvertised for a period of thirty (30) days so that interested parties may submit proposals on the proposed contract negotiation, as amended.

To be considered and evaluated, all proposals must be postmarked or hand carried to the Regional Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, California 94102, on or before March 26, 1982.

Interested parties should contact the Regional Director at the foregoing address for information regarding the requirements of the proposed contract.

Dated: February 4, 1982.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 82–4931 Filed 2–23–82; 8:45 am]

BILLING CODE 4310–70–M

Pictured Rocks National Lakeshore Advisory Commission; Notice of Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Pictured Rocks National Lakeshore Advisory Commission will be held on Saturday, March 20, 1982, at 2:00 p.m. (EST), in the Superior Room of the Munising Community Building, Munising, Michigan.

The Commission was established by the Act of October 15, 1966, 80 Stat. 922, 16 U.S.C. 460s–3, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Pictured Rocks National Lakeshore.

The members of the Commission are as follows:

Mr. Glenn C. Gregg (Chairman), Mr. James Mueller, Mr. James Becker, Mr. Lawrence L. Lemanski, Mr. Thomas E. Husson

Matters to be discussed at this meeting include:

1. Lakeshore operational and facility improvement objectives for 1982.

2. Actions on December 18, 1981, Advisory Commission resolutions.

3. Leo Gariepy recognition ceremony at 3:30 p.m. (e.s.t.), Munising Falls Visitor Center, Munising, Michigan.

This will be the final meeting of the Pictured Rocks National Lakeshore Advisory Commission, which by law terminates this year. The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Grant A. Petersen, Superintendent, Pictured Rocks National Lakeshore, P.O. Box 40, Munising, Michigan 49862, telephone 906–387–2607.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the Pictured Rocks National Lakeshore Headquarters at Sand Point, 4 miles east of Munising, Michigan.

Dated: February 10, 1982.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 82-4928 Filed 2-23-82; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: February 19, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-F-14789, filed January 26, 1982. SCHMIDT TRUCKING, INC. (Schmidt) (502 East 8th St., Garner, IA 50438)—PUR (P)—T.F.S., INC. (TFS) (R.R. 2, South Hwy 281, P.O. Box 126, Grand Island, NE 68801). Representatives: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, and A. J. Swanson, 226 No. Phillips Ave., Suite 210, P.O. Box 1103, Sioux Falls, SD 57101. Schmidt seeks to purchase a portion of the interstate operating rights of TFS. Roger L. Schmidt controls Schmidt and seeks authority to control the involved operating rights through the transaction. The authority to be purchased authorizes common carrier operations, over irregular routes, and is contained in (a) Certificate No. MC-145743 (Sub-No. 3) which authorizes the transportation of *frozen onion products and frozen mushrooms,* and *materials, equipment and supplies* used in the manufacture of those commodities, between the facilities of Delicious Foods Co. at or near Grand Island, Hastings and Lincoln, NE, on the one hand, and, on the other points in the United States (except AK and HI); (b) that portion of Certificate No. MC-145743 (Sub-No. 25) which authorizes the transportation of *frozen inedible meat,* from Salt Lake City and Ogden, UT and Boise, Idaho Falls, and Twin Falls, ID, to points in CA, OR, WA, CO, KS, MO, NE, IA, AZ, WI, MI, IL, OH, and IN, and *animal and poultry feed* (except liquid), from Ogden, UT to points in CA, OR, WA, CO, KS, MO, NE, IA, AZ, MN, WI, ND, SD, MI, IL, OH, and IN; and (c) that portion of Certificate No. MC-145743 (Sub-No. 27) which authorizes the transportation of canned goods, from Plymouth, IN, to points in IA, NE, ND, SD, and points in that part of MN on and south of U.S. Hwy 12 (except points in the St. Paul-Minneapolis, MN, commercial zone). Schmidt is presently authorized to conduct operations as a contract carrier under Permit No. MC-149321 on behalf of Certain-Teed/Daymond Company of Ann Arbor, MI.

Note.—The application as filed erroneously identified the numerical designation assigned to Schmidt's presently held operating authority and improperly described the authority as that of a common carrier.

MC-F-14790, filed January 27, 1982. BERMAN'S MOTOR EXPRESS, INC. (Berman's) (P.O. Box 1556, Binghamton, NY 13902)—PURCHASE—NEALON TRUCKING, INC. (Nealon) (P.O. Box 1871, Binghamton, NY 13902). Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Berman's seeks to purchase all the operating rights, of Nealon. Samuel Berman, Jacob Berman, and Vivian Berman control Berman's through stock ownership and management. The authority to be purchased is contained in Certificates No. MC-40640 and sub-number (2) and (5) thereunder which authorize transportation over irregular routes of (a) General Commodities, with exceptions, between Binghamton, NY, and points within 10 miles of Binghamton; (b) *Iron and Steel Articles,* between points in NY, on the one hand, and on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, and VT; and (c) *Building Boards, Wall Boards or Insulating Boards,* from points in Bradford County, PA, to points in CO, DE, ME, MD, MA, NH, NY, NJ, OH, RI, VT, VA, WV and DC. Berman is presently authorized to operate in the states of NY, PA, MA, CT, RI, NH, VT and ME.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-4884 Filed 2-23-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the 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 and applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP3–028

Decided: February 17, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 1485 (Sub-16), filed February 8, 1982. Applicant: SCHROLL TRANSPORTATION, INC., 360 Governor St., East Hartford, CT 06108. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting *food and related products,* between points in ME, NH, VT, CT, MA, RI, NY, NJ, and PA.

MC 9644 (Sub-16), filed February 8, 1982. Applicant: HAYES TRUCK LINES, INC., 1410 Intercity Trafficway, P.O. Box 4018, Kansas City, MO 64101. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *food and related products* between the facilities of Hunt-Wesson Foods, Inc., at or near Independence, MO, on the one hand, and, on the other, points in IL and NE.

MC 31024 (Sub-41), filed February 8, 1982. Applicant: NEPTUNE WORLD WIDE MOVING, INC., 55 Weyman Ave., New Rockelle, NY 10805. Representative: S. S. Eisen, 370 Lexington Ave., New York, NY 10017, (212) 532–5100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Eastman Kodak Company, of Rochester, NY.

MC 52704 (Sub-296), filed February 10, 1982. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Altanta, GA 30345, (404) 321–1765. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 67234 (Sub-46), filed February 5, 1982. Applicant: UNITED VAN LINES, INC., One United Dr., Fenton, MO 63026, (314) 343–3900. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *house goods,* between points in the U.S., under continuing contract(s) with General Electric Company, of San Jose, CA, and its subsidiaries, Calma Company, of Milpitas, CA, and Intersil, Inc., of Cupertino, CA.

MC 67234 (Sub-47), filed February 5, 1982. Applicant: UNITED VAN LINES, INC., One United Dr., Fenton, MO 63026, (314) 343–3900. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Texas Instruments Incorporated, of Attleboro, MA.

MC 99984 (Sub-3), filed February 8, 1982. Applicant: E. F. SEMAS TRUCKING, INC., 570 Somerset Ave., Taunton, MA 02780. Representative: James F. Martin, Jr., 8 W. Morse Rd., Bellingham, MA 02019, (617) 966–2093. Transporting (1) *petroleum products,* between points in Norfolk, Suffolk, Middlesex, Bristol, and Essex Counties, MA, Cumberland County, ME, Rockingham County, NH, Providence and Newport Counties, RI, Hartford and New Haven Counties, CT, on the one hand, and, on the other, points in MA, CT, NJ, VT, RI, and ME, and (2) *road building materials,* between points in MA, RI, and NH.

MC 101134 (Sub-9), filed February 8, 1982. Applicant: ARO COACHES, INC., 107 South Wood Ave., Linden, NJ 07036. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW., Washington, DC 20005, (202) 783–3525. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, between points in the U.S., under continuing contract(s) with Allied Bus Corp., d/b/a Allied Tours, of New York, NY.

MC 105154 (Sub-14), filed February 9, 1982. Applicant: TETON STAGE LINES, INC., 1425 Lindsay Blvd., Idaho Falls, ID 83402. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *passengers and their baggage,* in special and charter operations, between points in the U.S., under a continuing contract(s) with Up With People, Inc., of Tucson, AZ.

MC 129154 (Sub-1), filed February 8, 1982. Applicant: RICHARD McCURRIE TEAMING COMPANY, 1443 W. 41st St., Chicago, IL 60609. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602, (312) 726–

9722. Transporting *food and related products*, between Chicago, IL, on the one hand, and, on the other, points in IA, IN, MI, and WI.

MC 140615 (Sub-69), filed February 10, 1982. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Terrance D. Jones, 2033 K St., N.W., Washington, DC 20006, (202) 223–8270. Transporting (1) *food and related products*, and (2) *chemicals and related products*, between points in CO, CT, IN, IL, IA, KS, MD, MA, MI, MN, MO, NE, NJ, NY, OH, OK, PA, TX, VA, WI, and DC.

MC 141334 (Sub-1), filed February 1, 1982. Applicant: GREEN VENEER, INC., YOUNG & MORGAN, INC., NORTH SANTIAM PLYWOOD CO., NORTHWEST WOOD PRODUCTS, INC., and X L TIMBER CO., d.b.a. YOUNG & MORGAN TRUCKING CO., a partnership, P.O. Box 377, Mill City, OR 97360. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *lumber and wood products*, between points in OR, WA, and CA, on the one hand, and, on the other, points in the U.S.

MC 141334 (Sub-2), filed February 8, 1982. Applicant: GREEN VENEER, INC., YOUNG & MORGAN, INC., NORTH SANTIAM PLYWOOD CO., NORTHWEST WOOD PRODUCTS, INC., and X L TIMBER CO., d.b.a. YOUNG & MORGAN TRUCKING CO., P.O. Box 377, Mill City, OR 97360. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *machinery*, between points in OR, WA, MT, ID, and those points in CA, in and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras, Amador, and El Dorado Counties, CA.

MC 144464 (Sub-1), filed February 5, 1982. Applicant: AVENTOURS TRAVEL, LTD., 801 Second Ave., New York, NY 10017. Representative: Robert M. Hausman, 1747 Pennsylvania Ave., N.W., Washington, DC 20006, (202) 785–9773. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at Boston, MA, San Francisco and Los Angeles, CA, Miami, FL, Chicago, IL, Las Vegas, NV, Houston, TX, New Orleans, LA, Salt Lake City, UT, Seattle, WA, Denver, CO, Washington, DC, and points in NY, NJ, PA, and CT, and extending to points in the U.S.

MC 145845 (Sub-2), filed February 4, 1982. Applicant: RAYMOND W. PAYNE, d.b.a. PAYNE BUS SERVICE, Route 1, Box 122, Beaverdam, VA 23015. Representative: Leonard A. Jaskiewicz, 1730 M St., N.W., Washington, DC 20036, (202) 296–2900. Transporting *passengers and their baggage*, in round-trip charter and special operations, between points in Stafford, Culpeper, and Spotsylvania Counties, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146184 (Sub-5), filed February 5, 1982. Applicant: RUSS TAYLOR TRUCKING, INC., Route 6, Box 161, Watertown, WI 53094. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *malt beverages*, between points in the U.S. under continuing contracts with (a) Blase Distributing Co., of Watertown, WI, (b) Blue Ribbon Sales, Inc., Of Oconomowoc, WI, (c) Osborn Distributing Co., Inc., of Delavan, WI, (d) R & S Distributing Co., Inc., of Watertown, WI, and (e) Wunrow Distributing Co., Inc., of Beaver Dam, WI.

MC 146184 (Sub-6), filed February 8, 1982. Applicant: RUSS TAYLOR TRUCKING, INC., Route 6, Box 161, Watertown, WI 53094. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madision, WI 53719, (608) 273–1003. Transporting *malt beverages*, between points in the U.S., under continuing contract(s) with Cold Spring Brewing Co., of Cold Spring, MN.

MC 146464 (Sub-13), filed February 4, 1982. Applicant: NEVADA GENERAL TRANSPORTATION, INC., 11560 So. State, Draper, UT 84020. Representative: Carl I. Sundeaus (same address as applicant), (801) 572–4440. Transporting (1) *textile mill products and leather and leather products*, between points in the U.S., on the one hand, and, on the other, points in Utah County, UT, (2) *transportation equipment* between points in IA and OK, on the one hand, and, on the other, points in UT and NV, (3) *rubber and plastic products*, between points in UT, on the one hand, and, on the other, points in CO, CA, ID, MT, NV and WY, (4) *such commodities* as are dealt in by retail and discount stores, between points in the U.S. (except ND, NM, SD and WY), on the one hand, and, on the other, points in Salt Lake and Utah Counties, UT, (5) *lumber and wood products*, between points in CA, ID, MT, OR, UT and WA, on the one hand, and, on the other, those points in and west of KS, NE, ND, SD and TX, (6) *building materials and metal products*, between points in CA, ID, FL, MT, MO, UT and WY, on the one hand, and, on the other, those points in and west of ND, SD, CO and NM, (7) *food and related products*, between points in CA, on the one hand, and, on the other, points in the U.S., (8) *ores, minerals, mill products, mining, milling and oil field materials and supplies*, between those points in the U.S. in and west of AR, IA, LA, MN, MO and OK, (9) *chemicals and related products*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in AZ, CT, IL, MS, OH, OR, TX and WA and (10) *metal products*, between Reno, NV, Van Buren, AR and points in Floyd County, GA, on the one hand, and, on the other, points in the U.S.

MC 146985 (Sub-18), filed February 8, 1982. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 South Main St., P.O. Box 1614, Elkhart, IN 46515. Representative: Phillip A. Renz, Suite 200—Metro Bldg., Fort Wayne, IN 46802, (219) 423–3595. 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 Economic Laboratories, Inc., of St. Paul, MN.

MC 147494 (Sub-9), filed February 10, 1982. Applicant: BOBBY KITCHENS, INC., P.O. Box 5690, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *building materials*, (1) between New Orleans, LA, on the one hand, and, on the other, points in Boone County, IL, Hinds, Madison, and Rankin Counties, MS, Union County, NJ, and Salt Lake City, UT, and (2) between points in Hinds, Rankin, and Madison Counties, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IA, KS, KY, LA, MI, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VT, VA, and DC.

MC 150795, filed February 5, 1982. Applicant: HERBERT HEFFNER, INC., R.D. 2, Box 456, Reading, PA 19605. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005, (202) 296–3655. Transporting *sand, clay, concrete or stone products*, between points in PA, NJ, DE, and MD.

MC 151785 (Sub-4), filed February 9, 1982. Applicant: CONTRACT CARTAGE CORPORATION, 1104 Merridale Blvd., Mount Airy, MD 21771. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AZ, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NV, NJ, NY, NC, OH, OK, OR,

PA, RI, SC, TN, TX, UT, VA, WA, WV, WI, WY, and DC.

MC 152604 (Sub-2), filed February 4, 1982. Applicant: SUNBELT TRANSPORT, INC., P.O. Box 20453, Atlanta, GA 30325. Representative: Robert L. Cope, Suite 501, 1730 M St., NW., Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in FL, LA, MS, AL, GA, NC, SC and TN, on the one hand, and, on the other, points in the U.S.

MC 154445, filed February 4, 1982. Applicant: JAMES P. McGEEHAN, d.b.a. B & J TRUCKING, 26460 Gene St., Hemet, CA 92343. Representative: James P. McGeehan (same address as applicant), (714) 658–1654. Transporting *mobile homes*, between points in CA, AZ and NV.

MC 158285, filed February 4, 1982. Applicant: THERMO-MATIC CORP., P.O. Box 640, Cobleskill, NY 12043. Representative: Harold O. Orlofske, 145 W. Wisconsin Ave., P.O. Box 368, Neenah, WI 54956, (414) 722–2848. Transporting (a) *such commodities* as are dealt in or used by distributors, manufacturers and fabricators of stoves, furnaces and boilers, between points in the U.S. under continuing contract(s) with National Stove Works of Cobleskill, NY, (b) *such commodities* as are dealt in or used by distributors and wholesalers of coal and/or wood burning stoves, between points in the U.S. under continuing contract(s) with Le Fleur Distributing of Grand Rapids, MI, (c) *such commodities* as are dealt in or used by chimney relining supply firms, between points in the U.S. under continuing contract(s) with American Supaflu Systems, Inc. of Grand Rapids, MI and (d) *such commodities* as are dealt in or used by chimney relining and chimney relining supply companies, between points in the U.S. under continuing contract(s) with National Supaflu Systems, Inc. of Cobleskill, NY.

MC 160415, filed February 4, 1982. Applicant: BERNIE F. BREWSTER, d.b.a. BREWSTER TOURS, 800 N. High St., Columbus, OH 43215. Representative: Langdon D. Bell, 21 E. State St., Columbus, OH 43215, (614) 228–0704. As a *broker*, at Columbus, OH, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in OH, and extending to points in the U.S.

MC 160435, filed February 5, 1982. Applicant: BENJAMIN R. SNIPES, d.b.a. SNIPES TRANSPORTATION CO., Route 4, Riverside Rd., Lancaster, SD 29720. Representative: A. W. Flynn, Jr., 314 S. Eugene St., P.O. Box 180, Greensboro, NC 27402, (919) 273–1913. Transporting *building materials* and *iron and steel articles*, between those points in the U.S. in and east of NM, IA, MO, AR, and LA.

MC 160475, filed February 8, 1982. Applicant: VERNON DEATON, d.b.a. DEATON'S TRUCKING, Route 3, Box 86, Somerset, KY 42501. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602, (502) 223–8244. Transporting (1) *rubber and plastic products*, between points in Rockcastle County, KY, on the one hand, and, on the other, points in the U.S., and (2) *lumber and wood products*, between points in Lincoln County, KY, on the one hand, and, on the other, points in the U.S.

MC 160485, filed February 8, 1982. Applicant: SOUTHERN MERCHANTS, INC., 13–26 3rd St., Fairlawn, NJ 07410. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048–0640, (212) 466–0220. 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 Ply Gem Industries, Inc., of New York, NY, Athenia Mason Supply, Inc., of Clifton, NJ, and Pacific Wood Products Co., of Carson, CA.

MC 158234 (Sub-3), filed January 7, 1982, and previously noticed in the **Federal Register** issue of January 22, 1982. Applicant: PACIFIC MOTOR TRANSPORT, INC., 13120 Tilly Rd., So., Olympia, WA 98502. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting *lime*, in bulk, between Portland, OR, and ports of entry on the international boundry line between the U.S. and Canada at points in WA, on the one hand, and, on the other, points in WA and OR.

Note.—The purpose of this republication is to correctly reflect the territorial description.

Volume No. OP4–59

Decided: February 18, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 107496 (Sub-1286), filed February 8, 1982. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, IA 50304. Representative: Kenneth L. Kessler, P.O. Box 855, Des Moines, IA 50304, (515) 245–2725. Transporting *building materials*, between points in IA, ND, SD, WI and MN.

MC 136246 (Sub-52), filed February 8, 1982. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *irrigation systems, machinery, and metal products*, between point in Clay County, NE, on the one hand, and, on the other, points in the U.S.

MC 138106 (Sub-3), filed February 8, 1982. Applicant: TIDWELL MOTOR CARRIERS, INC., Route 5, P.O. Box 639, Haleyville, AL 35565. Representative: Robert J. Birnbaum, 3636 Executive Center Drive, Suite 151, Austin, TX 78731, (512) 346–4800. Transporting *trailers, buildings, in sections, and modular homes* between points in the U.S. (except AK and HI), under continuing contract(s) with Tidwell Industries, Inc., of Haleyville, AL.

MC 143776 (Sub-44), filed February 8, 1982. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506, (800) 253–9527. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with NL Chemicals/NL Industries, Incorporated, of Hightstown, N.J.

MC 143696 (Sub-25), filed February 4, 1982. Applicant: AMERICAN INDUSTRIAL TRANSPORTATION, INC., Box 1416, Highway 259 South, Henderson, TX 75652. Representative: Hugh T. Matthews, 555 Griffin Square, Suite 850, Dallas, TX 75202, (214) 742–9175. Transporting *metal products, machinery, commodities* which because of their size or weight require the use of special handling or equipment and *Mercer commodities*, between points in CT, NY, NJ, PA and DE, on the one hand, and, on the other, points in the U.S. (except HI).

MC 143776 (Sub-43), filed February 4, 1982. Applicant: C.D.B. INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506, (800) 253–9527. Transporting *such commodities* as are dealt in or used by manufacturers of pet supplies and animal feed supplements, between points in the U.S., under continuing contract(s) with Superior Pet Products, Inc., of Boston, MA.

MC 147196 (Sub-24), filed February 8, 1982. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 10686, Jefferson, LA 70181–0686. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459, (504) 643–1700. Transporting *general*

commodities (except classes A and B explosives), between points in the U.S., under continuing contract(s) with W. R. Zanes & Co. of LA, Inc., of New Orleans, LA; The Irwin Brown Company, of New Orleans, LA; George William Rueff, Inc., of New Orleans, LA; and Robert W. Cisco, of New Orleans, LA.

MC 148326 (Sub-5), filed February 8, 1982. Applicant: THIES TRANSPORTATION, INC., P.O. Box 49, Great Bend, KS 67530. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with MBPXL Corporaton, of Wichita, KS.

MC 149576 (Sub-6), filed February 5, 1982. Applicant: TRANS-AMERICAN TRUCKING SERVICE, INC., Box 1247, Nixon Station, Edison, NJ 08818. Representative: Ronald McGraw (same address as applicant), (201) 985–2182. Transporting *construction machinery,* between points in the U.S., under continuing contract(s) with Dynapac Manufacturing, Inc., of Stanhope, NJ.

MC 150806 (Sub-7), filed February 8, 1982. Applicant: WECO, INC., 500 Scott St., P.O. Box 5128, Kansas City, KS 66119. Representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, KS 66603, (913) 232–0601. Transporting *machinery* between points in the U.S. (except AK and HI), under continuing contract(s) with Colt Industries, Inc., of Pittsburgh, PA.

Volume No. OP4–60

Decided: February 18, 1982.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 37896 (Sub-57), filed February 12, 1982. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., N.W., Washington, DC 20006, (202) 833–1170. Transporting *drugs, medicines and toilet preparations,* between points in the U.S., under continuing contract(s) with Whitehall Laboratories, Division of American Home Products Corporation, of New York, NY.

MC 15546 (Sub-5), filed February 12, 1982. Applicant: KIRCHWEHM BROS. CARTAGE CO., INC., 1700 W. Carroll Ave., Chicago. IL 60612. Representative: Ronald C. Kirchwehm (same address as applicant), (312) 226–4433. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with the Larsen Company, of Green Bay, WI.

MC 156056, filed February 9, 1982. Applicant: DWIGHT & GLENNA LEFNER D & G EXPRESS, P.O. Box 804, Bethel, AK 99559. Representative: Dwight Stephen Lefner (same address as applicant), (907) 543–2345. Transporting *general commodities* (except classes A and B explosives), between points in AK.

MC 160526, filed February 10, 1982. Applicant: DONS CLUB, 201 N. Central Ave., Phoenix, AZ 85004. Representative: Anthony L. Samson (same address as applicant), (602) 959–3256. To operate as a *broker,* at Phoenix, AZ, in arranging for the transportation of *passengers and their baggage,* between points in AZ, on the one hand, and, on the other, points in CA, UT, NV, CO, AZ, and ports of entry on the International Boundary line between the U.S. and the Republic of Mexico.

Volume No. OP5–36

Decided: February 12, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 114848 (Sub-69), filed January 29, 1982. Applicant: WHARTON TRANSPORT CORPORATION, P.O. Box 13068, Memphis, TN 38113. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355–3543. Transporting *kaolin, feldspar, talc, and silica,* between points in Alachua County, FL, Mitchell County, NC, and Nassau County, NY, on the one hand, and, on the other, points in Chesterfield County, SC.

MC 116328 (Sub-4), filed February 1, 1982. Applicant: CROSS & MURRAY, INC., 710 Third Ave., No., Minneapolis, MN 55403. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *liquid sugar and corn syrup* between points in Linn County IA, on the one hand, and, on the other, points in Woodbury County, IA, and points in NE and SD.

MC 123978 (Sub-3), filed February 1, 1982. Applicant: RICHEY & STEWART, INC., P.O. Box 235, Scottsburg, IN 47170. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *malt beverages* between St. Louis, MO, on the one hand, and, on the other, points in Scott County, IN.

MC 134369 (Sub-22), filed February 1, 1982. Applicant: CARLSON TRANSPORT, INC., P.O. Box R, Byron, IL 61010. Representative: Allan C. Zuckerman, 29 So. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *ores and minerals* between points in Valley and Richland Counties, MT, and points in WY, on the one hand, and, on the other, points in the U.S.

MC 138218 (Sub-4), filed January 25, 1982. Applicant: MID-CITY FREIGHT LINES, INC., Route 1, Sibley, MO 64088. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105–1961, (816) 221–1464. Transporting *vending machines* and *vending machine parts* between points in Fresno County, CA, on the one hand, and, on the other, points in IL, IA, KS, and MO.

MC 147228 (Sub-5), filed January 18, 1982. Initially published in the **Federal Register** on February 9, 1982. Applicant: ROBERT D. BOWHAY, d.b.a. BOWHAY TRUCK LINE, P.O. Box 150, Summerfield, KS 66541. Representative: Donald L. Stern, Suite 610, 7170 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *metal and metal products* between points in Lancaster County, NE, on the one hand, and, on the other, points in IA, SD, ND, KS, WY, CO, MO, AR, OK, IL, and IN.

Note.—This application is republished to include the State of IN.

MC 150909 (Sub-1), filed January 29, 1982. Applicant: ROBERT B. HEBERT AND REGINALD L. HEBERT, d.b.a. HEBERT BROS., R.F.D. Box 61, Madawaska, ME 04756. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101, (207) 773–5651. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Fraser Paper, Limited, of Madawaska, ME.

MC 152959, filed February 1, 1982. Applicant: MOBILE EXPRESS, INC., 6000 Gum Springs Rd., P.O. Box 8167, Longview, TX 75067. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in the U.S. under continuing contract(s) with Wal-Mart Stores, Inc.

MC 153638, filed January 15, 1982. Applicant: THE DERBY DELIVERY SERVICE, INC., 518 E. Marion St., Mishawaka, IN 46544. Representative: Alex Moore, (same address as applicant), (219) 259–1906. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., under continuing contract(s) with Amway Corporation of Ada, MI.

MC 156348 (Sub-1), filed February 2, 1982. Applicant: GREEN AERO, 2029 S. 19th, Tacoma, WA 98405. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *general commodities* in containers (except classes A and B explosives and commodities in bulk), between Seattle, WA, portland, OR, and points in Contra Costa, Alameda, Santa Clara, San Mateo, and San Francisco Counties, CA.

MC 157668, filed February 1, 1982. Applicant: B & S HAULING COMPANY, Rt. 1, P.O. Box 268, Wapakoneta, OH 45895. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *plastic articles, packaging materials, and water,* between facilities used by Absopure/Plastipak Division, Beatrice Foods Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 158389 (Sub-1), filed January 15, 1982. Applicant: JAMES C. CHILSON, d.b.a. INLAND DISTRIBUTORS, N. 4215 Willow Road, Spokane, WA 99206. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453–0312. Transporting *machinery, machinery parts, commodities which because of size or weight require special equipment, building materials, iron and steel articles, aluminum articles,* and *pipe,* between points in WA, ID, OR, MT, NV, UT, CO, CA, and WY.

MC 158739, filed October 28, 1981. Originally published in the Federal Register on November 10, 1981. Applicant: JIM RUSHING TRUCKING, INC., RT #4, P.O. Box 177, Union City, TN 38261. Representative: Ronald M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Kinkead Industries, Inc. of Downers Grove, IL.

Note.—This application is republished to show general commodities in lieu of commodities in bulk.

Volume No. OP 5–37

Decided: February 16, 1982.

By the Commission, review Board No. 3, Members Krock, Joyce, and Dowell.

MC 75369 (Sub-1), filed February 5, 1982. Applicant: ST. PAUL & SUBURBAN BUS CO., INC., 2866 White Bear Avenue, St. Paul, MN 55109. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Edina, MN 55424, (612) 927–8855. Transporting *passengers and their baggage* in same vehicle with passengers, in charter and special operations, between points in Bayfield, Ashland, Sawyer, Douglas and Washington Counties, WI, and MN, on the one hand, and, on the other, points in the U.S.

MC 106088 (Sub-13), filed February 4, 1982. Applicant: WM. O. HOPKINS, INC., RR #1, Box 16–A, Rensselaer, IN 47978. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603, (312) 236–9375. Transporting *food and related products,* between points in IN and OH.

MC 107638 (Sub-8), filed February 5, 1982. Applicant: EVERGREEN TRAILS, INC., d.b.a. EVERGREEN TRAILWAYS, 666 Stewart St., Seattle, WA 98101. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Transporting *passengers and their baggage* in the same vehicle with passengers between points in OR, WA, and ID, under continuing contract(s) with Alaska Tour & Marketing Services, Inc. of Seattle, WA.

MC 135989 (Sub-36), filed February 8, 1982. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 588, 50 South Steele St., Denver, CO 80209, (303) 322–0800. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Lamb-Weston, Inc. of Portland, OR.

MC 136379 (Sub-4), filed February 3, 1982. Applicant: JAY WATERS, INC., 1529 North Broadway, Everett, WA 98201. Representative: Gregory S. Prentice (same address as applicant), (206) 252–1005. Transporting (1) *pulp, paper, and related products,* (2) *lumber and wood products,* and (3) *food and related products,* between points in WA on the one hand, and, on the other, points in CA and AZ.

MC 146589 (Sub-5), filed February 4, 1982. Applicant: REGIONAL TRANSPORTATION CO., INC., 600 Secaucus Road, Secaucus, NJ 07094. Representative: Herbert S. Zischkau III, 7 Corporate Park Drive, White Plains, NY 10604, (914) 694–1414. Transporting *such commodities* as are dealt in by retail department stores, between points in the U.S., under continuing contract(s) with Allied Stores Marketing Corp., of New York, NY.

MC 154678 (Sub-2), filed February 8, 1982. Applicant: HAYNES MOTOR LINES, INC., 8475 Florida Blvd., Baton Rouge, LA 70806. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in AL, LA, and MS.

MC 155118 (Sub-3), filed February 8, 1982. Applicant: T.D.S. TRANSPORTATION, INC., 1700 South Wolf Rd., Des Plaines, IL 60018. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, 312–263–1600. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in the U.S. under continuing contract(s) with Teters Floral Products Inc. Bolivar, MO., and National Presto Industries, Inc. of Eau Claire, WI.

MC 155879 (Sub-1), filed February 4, 1982. Applicant: KEYSTONE EXPRESS, INC., 301 Crescent St., Scottdale, PA 15683. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, 412–471–1800. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 160389, filed February 1, 1982. Applicant: OSENGA TRANSPORT SYSTEM, INC., 192 West 155th St., South Holland, IL 60473. Representative: James C. Hardman, 33 No. LaSalle St., Chicago, IL 60602, 312–236–5944. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with South Holland Metal Finishing Co., Inc. of South Holland, IL.

MC 160408, filed February 4, 1982. Applicant: NIXON LEASING, 1060 Viking Ct., Batavia, IL 60510. Representative: Dan Nixon (same address as applicant), 312–879–2763. Transporting *plastic products,* between points in the U.S under continuing contract(s) with Handi-Kup Co., Inc. of West Chicago, IL and Metuchen, NJ.

MC 160428, filed February 5, 1982. Applicant: NORMA M. SKEELS, d.b.a. SKEELS TOURS, 1622 Ridgecrest Ave., Burlington, NC 27215. Representative: Norma M. Skeels (same address as applicant), (919) 226–3031. To operate as a *broker* at Burlington, NC, in arranging for the transportation of *passengers and their baggage,* in special and charter operations, between points in NC, SC, and GA, on the one hand, and, on the other, points in the U.S.

MC 160439, filed February 5, 1982. Applicant: INTERSTATE SYSTEM STEEL DIVISION, INC., P.O. Box 412 Murrysville, PA 15668. Representative: Michael P. Zell. P.O. Box 2389, Grand Rapids, MI 49501, (616) 774–0400. Transporting *Metallic ores, lumber or wood products, pulp, paper, and related products, chemicals and related products, plastic products, clay, concrete, glass or stone products, metal products, machinery, transportation equipment,* and *optical products,* between points in the U.S.

CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5 Room 6370.

Volume No. OP5–39

Decided: February 17, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 31389 (Sub-334), filed February 8, 1982. Applicant: McLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same address as applicant), 919–721–2433. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Kmart Corporation of Troy, MI.

MC 113059 (Sub-15), filed February 5, 1982. Applicant: KELLER TRANSPORT, INC., Route 9 Katy Lane, Billings, MT 59101. Representative: F.E. Keller (same address as applicant), 406–656–1403. Transporting *petroleum and petroleum products,* between points in MT, ID, WY, ND, and SD.

MC 120999 (Sub-9), filed February 8, 1982. Applicant: CALIFORNIA AND WESTERN STATES AMMONIA TRANSPORT, INC. d.b.a. CALIFORNIA AMMONIA TRANSPORT, INC., 415 Lemon Ave., Walnut, CA 91789. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, 213–945–2745. Transporting *commodities in bulk* (1) between points in Los Angeles County, CA, on the one hand, and, on the other, points in UT, and (2) between points in Eddy County, NM, on the one hand, and, on the other, points in AZ.

MC 143228 (Sub-36), filed February 1, 1982. Applicant: WILLIAM R. BRAUN, d.b.a. BRAUN TRUCK SERVICE, P.O. Box 33, Hecker, IL 62248. Representative: Robert T. Lwaley, 300 Reisch Bldg., Springfield, IL 62701, 217–544–5468. Transporting *alcoholic beverages,* between points in Jackson and St. Clair Counties, IL, Jefferson and St. Genevieve Counties, MO, and Ramsey County, MN on the one hand, and, on the other, St. Louis, MO, New York, NY, Baltimore, MD, Williamsburg, VA, and points in Maricopa County, AZ, Los Angeles, San Loaquin and Solano Counties, CA, Denver County, CO, Duval and Hillsborough Counties, FL, Dougherty and Effingham Counties, GA, St. Clair County, IL, Vanderburgh County, IN, Campbell County, KY, Orleans Parish, LA, Saginaw and Somerset Counties, MI, Ramsey County, MN, Essex and Mercer Counties, NJ, Fulton County, NY, Franklin and Butler Counties, OH, Shelby County, TN, Bexar, Harris and Tarrant Counties, TX, King and Thurston Counties, WA, and La Crosse and Milwaukee Counties, WI.

MC 145468 (Sub-50), filed February 8, 1982. Applicant: KSS TRANSPORATATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, 402–397–7033. Transporting (1) *pulp, paper and related products,* and (2) *printed matter,* between points in Prince Georges County, MD, on the one hand, and, on the other, points in the U.S.

MC 150339 (Sub-44), filed February 4, 1982. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same address as applicant), (301) 673–7151. Transporting *plastic products* between points in the U.S., under continuing contract(s) with Foamware Corporation of Wilson, NC.

MC 150879 (Sub-2), filed February 5, 1982. Applicant: MARVIN McINTOSH, 4614 So. 35th St., Omaha, NE 68107. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104, (712) 255–3127. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Midwest Animal Products, Inc., Pella Processing, Inc., Omaha Edible Oil, Inc., and Deli International of Omaha, Inc., all of Omaha, NE, Berkshire Foods, Inc., and Burke Meat, Inc., both of Chicago, IL, Serve-Rite, Inc., of Los Angeles, CA, Vowles Farm Fresh Foods, of El Cajon, CA, Clougherty Packing Co., of Vernon, CA, and Smittys of Arizona, of Phoenix, AZ.

MC 151749, filed February 5, 1982. Applicant: TRAYLOR TRUCKING, INC., 8108 Coach Drive, Oakland, CA 94605. Representative: Michael Leiden, 3391 Arden Road, Hayward, CA 94545, (415) 887–1970. Transporting *such commodities* as are dealt in by grocery and food business houses, between points in CA.

MC 152549, filed February 8, 1982. Applicant: BOB GARCIA d.b.a. B. GARCIA TRUCKING, 16234 Mallory Dr., Fontana, CA 92335. Representative: Bob Garcia (same address as applicant), 714–829–1525. Transporting *aluminum and aluminum scrap,* between Los Angeles, CA, and points in San Bernadino County, CA, on the one hand and, on the other, points in the U.S. under continuing contract(s) with U.S. Reduction Company of Fontana, CA.

MC 153949 (Sub-1), filed February 8, 1982. Applicant: ASSEMBLY AND DISTRIBUTION TERMINALS OF MASSACHUSETTS, INC., 2800 North Going St., Portland, OR 97217. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglasville, PA 19518, 215–385–6086. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with General Nutrition Corporation of Pittsburgh, PA.

MC 154118 (Sub-2), filed February 5, 1982. Applicant: ANDERSON & JOURGENSEN TRUCK LINE, INC., P.O. Box 6, Ennis, TX 75119. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237, (214) 339–4108. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Cargill, Inc., of Carpentersville, IL.

MC 156038 (Sub-1), filed February 8, 1982. Applicant: MERLE D. SHEFFIELD, d.b.a. SHEFFIELD & GARDNER TRUCKING, P.O. Box 3469, Logan, UT 84321. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, 801–531–1300. Transporting (1) *textile mill products,* and (2) *leather and leather products,* between points in the U.S. under continuing contract(s) with Alco Manufacturing Co. of Logan UT.

MC 157558, filed February 4, 1982. Applicant: OTTIS D. HOLWEGNER TRUCKING, P.O. Box 147, Carson, WA 98610. Representative: David A. Holwegner (same address as applicant), (509) 427–8460. Transporting *petroleum products* between points in the U.S., under continuing contract(s) with H.S.C. Logging, Inc., of Carson, WA.

MC 157848 (Sub-2), filed February 8, 1982. Applicant: O.K.T., INC., 114

Raleigh St., Hamlet, NC 28345. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, 703–442–8330. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Campbell Soup Company, of Maxton, NC.

MC 159689 (Sub-1), filed January 27, 1982. Applicant: G. DI COSTANZO, INC., 145 Longmeadow Ave., Warwick, RI 02889. Representative: Gaetano Di Costanzo (same address as applicant), (401) 737–6705. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, between points in the U.S. (except AK and HI).

MC 160379 filed February 2, 1982. Applicant: BERNARD ULINE, d.b.a. U-Line Transfer, P.O. Box 245, Spencer, OH 4427. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614) 224–3161. Transporting (1) *plastic pipe, plastic conduit,* and *plastic fittings,* and (2) *materials, equipment, supplies and accessories* used in the installation of the commodities listed in (1) above, between points in the U.S., under continuing contract(s) with Carlon Division, Indianhead Incorporated, of Cleveland, OH.

MC 160448, filed February 8, 1982. Applicant: TIMOTHY R. MARTIN, 8800 Limeridge Rd., Ravenna, OH 44266. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, 212–263–2078. Transporting *lumber and wood products,* between points in the U.S. under continuing contract(s) with Industrial Timber & Land Company of Cleveland, OH, and Norman Lumber, Inc. of Southington, OH.

MC 160449, filed February 5, 1982. Applicant: COMMERCE TRUCKING COMPANY, INC., 127 Jefferson St., Commerce, GA 30529. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133, (404) 949–7756. Transporting *such commodities* as are dealt in by distributors of tires between points in the U.S., under continuing contract(s) with Carroll Tire Co., of Mountain View, GA, and Southeastern Tire Assoc., Inc., d.b.a. Laramie Tire Co., of Atlanta, GA.

MC 160459, filed February 8, 1982. Applicant: ROCKY MOUNTAIN EXPRESS, INC., P.O. Box 509, Gordon, NE 69343. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Nebraska Beef Packers, Inc. and Romo Paco, Inc., both of Gordon, NE.

MC 160478 (Sub-1), filed February 8, 1982. Applicant: B & B TRUCKING, Rt. 1, Box 126, Tremonton, UT 84337. Representative: Irene Warr, 311 South State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting (1) *lumber and wood products,* and (2) *furniture and fixtures,* between points in the U.S., under continuing contract(s), with La-Z-Boy Chair Company, of Tremonton, UT.

MC 160479, filed February 8, 1982. Applicant: CAL-RIDGE FREIGHT LINE, INC., 243 E. Camden, Glendora, CA 91740. Representative: Fred H. Mackensen, Suite 4150, 2029 Century Park East, Los Angeles, CA 90067, 213–879–5955. Transporting *general commodities* (except classes A and B explosives), between points in CA, AZ and NV.

MC 160488, filed February 8, 1982. Applicant: BADGER TRANSPORT, INC., Route 2, Box 75, Clintonville, WI 54929. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. Transporting (1) *metal products,* between points in Brown and Waupaca Counties, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *machinery* and *transportation equipment,* between points in Waupaca County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160499, filed February 8, 1982. Applicant: LORD & WYMAN TRANSPORTATION, INC., d.b.a. L & W TRANSPORTATION, INC., Route 130 & Cooper St., P.O. Box 206, Beverly, NJ 08010. Representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., 12 South 12th St., Philadelphia, PA 19107, 215–922–1400. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in CT, NY, NJ, PA, DE, MD, VA, and DC.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-4885 Filed 2-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Decision Vol. OP3-031]

Motor Carriers; 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 broaden grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 136814 (Sub-6) (republication), filed August 5, 1981, published in the **Federal Register** issue of August 26, 1981, and republished this issue. Applicant: MATLOCK TRANSPORTATION, INC., 565 E. Redlands Blvd., San Bernardino, CA 92408. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. A Decision by the Commission, Division 2, Acting as an Appellant Division, decided February 3, 1982, and served February 9, 1982, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pulp, paper, and related products,* (2) *printed matter,* (3) *rubber and plastic products,* and (4) *such commodities* as are dealt in or used by the publishing or printing industry, between points in the United States (except Alaska and Hawaii): That applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-4886 Filed 2-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte 387 (Sub-92)]

Rail Carriers; Union Pacific Railroad Co.; Exemption for Contract Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:
Donald J. Shaw, Jr.; or
Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Union Pacific Railroad Company (UP) filed a petition on February 9, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit the second addendum to contract tariff ICC–UP–C–0003 to become effective on one day's notice. The tariff was filed to become effective on March 11, 1982. The tariff provides for the movement of cigarettes by petitioner.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. Petitioner states that the contract addendum is necessary to accommodate changes in the shipper's warehouse operations. We previously granted a request for short notice effectiveness of a similar addendum to the same contract in Ex Parte No. 387 (Sub-No. 53). No protests were filed in that instance. Early implementation of the contract addendum will again enable the petitioner to provide necessary service to a new destination. We find that to be the type of exceptional circumstance which warrants a provisional exemption.

UP's addendum to contract tariff ICC–UP–C–0003 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

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

(49 U.S.C. 10505)

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Dated: February 17, 1982.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-4887 Filed 2-23-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "Along the Ancient Silk Routes: Central Asian Art From West Berlin State Museums" (included in the list[1] filed as a part of this determination) imported from abroad for the temporary exhibit without profit within the United States are of cultural significance. These objects are imported pursuant to an agreement between the foreign lenders and the Metropolitan Museum of Art. I also determine that the temporary exhibition or display of the listed exhibit objects at the Metropolitan Museum of Art, New York, New York, beginning on or about March 22, 1982, to on or about June 20, 1982, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: February 19, 1982.

Gilbert A. Robinson,

Acting Director.

[FR Doc. 82-4910 Filed 2-23-82; 8:45 am]

BILLING CODE 8230-01-M

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

Special Immigration Status for Certain Foreign Medical Graduates

Enactment of the Immigration and Nationality Act Amendments of 1981 (Pub. L. 97–116; 95 Stat. 1611) authorizes the grant of special immigrant status to an immigrant (and accompanying spouse and children, if any) who,

(i) Has graduated from a medical school or has qualified to practice medicine in a foreign State,

(ii) Was fully and permanently licensed and was practicing medicine in a State on January 9, 1978,

(iii) Entered the United States as a nonimmigrant with an H-visa or a J-visa before January 10, 1978, and

(iv) Has been continuously present in the United States in the practice or study of medicine since the date of entry.

A Foreign Medical Graduate who meets the above requirements and who is subject to the two year foreign residence requirement of section 212(e) of the Immigration and Nationality Act, as amended, and who entered the United States for education or training on or before January 9, 1977 may obtain a waiver of the requirement in the following manner.

The Foreign Medical Graduate may obtain from his embassy in Washington, D.C. a statement declaring that the government of nationality or in which the Foreign Medical Graduate has permanent legal residence has no objection to waiver of the foreign residency requirement. The Foreign Medical Graduate may then take the statement directly to the District Office of the Immigration and Naturalization Service having jurisdiction over the Graduate's temporary place of residence in the United States. This notice constitutes the favorable recommendation of the Agency on behalf of all those Foreign Medical Graduates who have obtained a statement of no objection from their respective embassies. The cognizant District Office may issue the waiver and process the required papers for special immigrant status without referring the matter to the International Communication Agency.

Foreign Medical Graduates entering the United States between January 10, 1977 and January 9, 1978, and who meet the requirements for special immigrant status must apply directly to the International Communication Agency for a recommendation if they desire to perfect that status. Each case will be reviewed on an individual basis. All applications must be addressed to:

Mr. C. Normand Poirier, Deputy General Counsel, International Communication Agency, 1750 Pennsylvania Avenue NW., Washington, D.C. 20547

Dated: February 19, 1982.

C. Normand Poirier,

Deputy General Counsel.

[FR Doc. 82-4911 Filed 2-23-82; 8:45 am]

BILLING CODE 8230-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-105; Order 32]

Certain Coin-Operated Audiovisual Games and Components Thereof (Viz Rally-X and Pac Man); Hearing

Notice is hereby given that a hearing in the above-styled investigation will be held before Administrative Law Judge John J. Mathias at 10:00 a.m. on Monday, March 8, 1982, in Suite 201, 1010 Wisconsin Avenue, N.W., Washington, D.C.

Additionally, it is ordered that the record of this proceeding shall remain open until further notice.

The Secretary shall publish this notice in the **Federal Register.**

Issued: February 19, 1982.

John J. Mathias,

Administrative Law Judge.

[FR Doc. 82-4985 Filed 2-23-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-109]

Certain Multi-Sequential Coded Radio Pagers; Request for Comments on Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Request for public comments on proposed termination of this investigation based on a settlement agreement.

SUMMARY: On January 8, 1982, all parties to *Certain Multi-Sequential Coded Radio Pagers,* Inv. No. 337-TA-109, filed a joint motion to terminate the investigation based on a settlement agreement entered into on January 18, 1982, by complainant Motorola, Inc., of Schaumburg, Illinois ("Motorola") and respondent Nippon Electric Co., Ltd., of Tokyo, Japan ("NEC Japan"). This motion, if granted, would have the effect of terminating this investigation. This notice contains a nonconfidential synopsis of the agreement and seeks public comments thereon.

DATES: Comments will be considered if received on or before March 26, 1982. Comments should conform with Commission rule § 201.8 (19 CFR 201.8) and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-1627.

SUPPLEMENTARY INFORMATION: Notice of the institution of this investigation was published in the **Federal Register** on October 28, 1981 (46 FR 54658).

SNYOPSIS OF THE SETTLEMENT AGREEMENT: Motorola agrees for a specified sum of money to be paid over a specific period of time to grant NEC Japan and its affiliates, agents, customers, and related companies a limited license to use, lease, and sell a specified number of NEC pagers in the United States. In addition, Motorola releases, acquits, and forever discharges NEC Japan, its related companies, affiliates, agents, and customers from any and all claims for infringement of U.S. Letters Patent 4,181,893 arising prior to the effective date of the agreement.

COMMENTS REQUESTED: In light of the Commission's duty to consider the public interest in this investigation, the Commission requests written comments from interested persons concerning the effect of the termination of this investigation based upon the settlement agreement upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. Written comments must be filed with the Secretary to the Commission no later than March 18, 1982. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept such submission in confidence or return it. All nonconfidential written submissions will be open for public inspection at the Secretary's office, as is a copy of the settlement agreement with confidential information deleted.

By order of the Commission.

Issued: February 19, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-4986 Filed 2-23-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-108]

Certain Vacuum Bottles and Components Thereof; Notice of Termination of Respondent

AGENCY: International Trade Commission.

ACTION: Termination of investigation as to respondent Western Universal Mercantile, Ltd.

SUMMARY: The Commission has terminated the above-captioned investigation as to respondent Western Universal Mercantile, Ltd. (Western), on the basis of a joint motion filed by complainant Union Manufacturing Co., respondent Western, and the Commission investigative attorneys.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain vacuum bottles and components thereof. The joint motion to terminate the investigation as to Western included interrogatories and answers thereto in a related proceeding in the Federal District Court of the Southern District of New York. In the answers to the interrogatories, Western stated that it has never conducted any business and has never imported for sale the vacuum bottles in controversy.

Copies of the Commission's action and order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202-523-0161.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, telephone 202-523-0359.

By order of the Commission.

Issued: February 17, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-4987 Filed 2-23-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-108]

Certain Vacuum Bottles and Components Thereof; Termination of Respondent

AGENCY: International Trade Commission.

ACTION: Termination of investigation as to respondent T. G. & Y. Stores Co.

SUMMARY: The Commission has terminated the above-captioned investigation as to respondent T. G. & Y. Stores Co, (T. G. & Y.) on the basis of a joint motion filed by complainant Union Manufacturing Co., respondent T. G. & Y., and the Commission investigative attorneys.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain vacuum bottles and components thereof. The joint motion to terminate the investigation as to T. G. & Y. included an affidavit by H. L. Pettitt, the Group Vice President of Buying. In the affidavit, Mr. Pettitt stated that T. G. & Y. has not imported and is not currently importing vacuum bottles of the type described in the complaint. Mr. Pettitt also stated that T. G. & Y. has agreed not to import or sell the allegedly infringing vacuum bottles in the United States, unless and until there is a final decision by the Commission or a court that the vacuum bottles do not infringe any trademark owned by complainant.

Copies of the Commission's action and order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, telephone 202–523–0359.

By order of the Commission.

Issued: February 17, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–4988 Filed 2–23–82; 8:45 am]

BILLING CODE 7020–02–M

[332–73]

Release for Public Comment of Explanatory Notes to Certain Provisionally Adopted Chapters of the Harmonized Commodity Description and Coding System

AGENCY: International Trade Commission.

ACTION: Release for public comment, pursuant to Commission investigation No. 332-73, under the authority of section 332(g) of the Tariff Act of 1930, as amended, of drafts of Explanatory Notes to the following chapters of the Harmonized Commodity Description and Coding System (Harmonized System), as provisionally adopted by the Harmonized System Committee and the Nomenclature Committees of the customs Cooperation Council:

Volume 1

Chapter 1: Live animals; animal products
Chapter 2: Meat and edible meat offal
Chapter 3: Fish, crustaceans and mollusks
Chapter 4: Dairy products; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included
Chapter 5: Products of animal origin, not elsewhere specified or included
Chapter 6: Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage
Chapter 7: Edible vegetables and certain roots and tubers
Chapter 8: Edible fruit and nuts; peel of melons or citrus fruits
Chapter 9: Coffee, tea, mate and spices
Chapter 10: Cereals
Chapter 11: Products of the milling industry; malt and starches; gluten; inulin
Chapter 12: Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial and medical plants; straw and fodder
Chapter 13: Lacs; gums, resins and other vegetable saps and extracts
Chapter 14: Vegetable plaiting materials; vegetable products not elsewhere specified or included
Chapter 16: Preparations of meat, of fish, of crustaceans or mollusks
Chapter 17: Sugars and sugar confectionery
Chapter 18: Cocoa and cocoa preparations
Chapter 19: Preparations of cereals, flour, starch or milk; pastry cooks' products
Chapter 23: Residues and waste from the food industries; prepared animal fodder
Chapter 24: Tobacco and manufactured tobacco substitutes

Volume 2

Chapter 26: Ores, slag and ash
Chapter 31: Fertilizers
Chapter 35: Albuminoidal substances; glues; enzymes
Chapter 36: Explosives; Pyrotechnic products; matches; Pyrophoric alloys; certain combustible preparations
Chapter 37: Photographic and cinematographic goods
Chapter 41: Raw hides and skins (other than furskins and leather)
Chapter 42: Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)
Chapter 43: Furskins and artificial fur; manufactures thereof
Chapter 46: Manufactures of straw, of esparto or of other plaiting materials; basketware and wickerwork

WRITTEN SUBMISSIONS: Parties wishing to submit written comments should do so by filing them with the Secretary of the Commission at his office in Washington, D.C. no later than the close of business on March 10, 1982.

COPIES OF DOCUMENTS: Copies of the Explanatory Notes which are the subject of this notice are available for public inspection at the offices of the Commission, 701 E Street, NW., Washington, D.C. 20436. The Secretary will also send copies of notes to one or more of the above chapters to interested parties upon request.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, or Holm Kappler, Deputy Director, Office of Tariff Affairs, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436; telephone (202) 523–0370 or 0362.

SUPPLEMENTARY INFORMATION: In its public notices of February 8, 1980 (45 FR 9828 of February 13, 1980), March 21, 1980 (45 FR 19696 of March 26, 1980), August 15, 1980 (45 FR 55549 of August 20, 1980), June 24, 1981 (46 FR 34439 of July 1, 1981), and July 17, 1981 (46 FR 37824 of July 22, 1981), the Commission identified the 97 chapters of the Harmonized System for which texts had been provisionally adopted by the Harmonized System and the Nomenclature Committees of the Customs Cooperation Council. Views and comments of interested parties with respect to the nomenclature structure formulated in the 97 chapters were sought by those notices.

This notice is being issued pursuant to Commission investigation 332–73, instituted on January 31, 1975 (40 FR 6329), under section 332(g) of the Tariff Act of 1930. The public notice of July 17, 1981 (46 FR 37824) set forth the basis for the Commission's investigation in order to participate in technical work on, and described the structure and development of, the Harmonized System.

The draft chapters identified by the Commission contain the headings of the nomenclature as provisionally adopted. Legal notes, which have the same binding force as the headings and as the rules of interpretation of the nomenclature, are provided to define the

scope of a heading or the meaning of terms, to list articles covered by a heading or group of headings, and to list excluded articles.

Explanatory Notes, which do not form a part of the nomenclature, contain the official interpretation of the nomenclature utlimately to be adopted by the Customs Cooperation Council. The notes are arranged in the systematic order of the nomenclature and set forth information concerning the scope of each heading, including the products included and excluded, technical product descriptions, a guide for product identification, and the appearance, properties, uses, and methods of production of the products concerned.

Drafts of the above Explanatory Notes are being finally reviewed by both the Harmonized System Committee and the Nomenclature Committee. As texts of further Explanatory Notes are adopted, the Commission will issue future notices requesting public comment.

By order of the Commission.

Issued: February 16, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-4984 Filed 2-23-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Upjohn Co.; Manufacturer of Controlled Substances; Application

Correction

In FR Doc. 82-3763 appearing on page 6499 in the issue of Friday, February 12, 1982, third column, last line, third paragraph, insert "March 12, 1982." after "than".

BILLING CODE 1505-01-M

Office of Juvenile Justice and Delinquency Prevention

Extension of Dates for Notification of Providing Oral Testimony at Hearings on Valid Court Order and Coordinating Council Program Priorities for 1982

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Extension of Dates for Notification of Providing Oral Testimony at Hearings on Valid Court Order and Coordinating Council Program Priorities for 1982.

SUPPLEMENTARY INFORMATION: Part III of the Federal Register of February 9, 1982, announced hearings to be held by the Office of Juvenile Justice and Delinquency Prevention on the Valid Court Order and the Coordinating Council Program Priorities for 1982. Persons and/or agencies interested in providing oral testimony at these hearings were to notify OJJDP by February 22, 1982. This date has been extended until February 26, 1982.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 82-4941 Filed 2-23-82; 8:45 am]

BILLING CODE 4410-18-M

Bureau of Prisons

Advisory Corrections Council; Meeting

Notice is hereby given that the Advisory Corrections Council in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on March 16-17, 1982, at the Federal Law Enforcement Training Center, Glynco, Georgia.

The purpose of the meeting is to discuss agenda items related to the role of the Federal Government in Corrections.

Signed at Washington, D.C., this 16th day of February.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 82-4914 Filed 2-23-82; 8:45 am]

BILLING CODE 4410-05-M

NATIONAL SCIENCE FOUNDATION

Environmental Biology Advisory Committee, Ecosystem Studies Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Ecosystem Studies of the Advisory Committee for Environmental Biology.

Date and time: March 25 and 26, 1982—8:30 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St., NW, Washington, D.C. 20550.

Type of Meeting: Closed.

Contact person: Dr. James T. Callahan, Associate Program Director, Ecosystem Studies (202) 357-9596, Room 336, National Science Foundation, Washington, D.C. 20550.

Purpose of meeting: To provide advice and recommendations concerning support for research in ecosystem studies.

Agenda: To review and evaluate research proposals and projects as part of the selection process of awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

February 19, 1982.

[FR Doc. 82-4943 Filed 2-23-82; 8:45 am]

BILLING CODE 7555-01-M

NSF Advisory Council, Task Group #20; Postponement

The meeting of Task Group 20 which was scheduled to be held on February 26, 1982, has been postponed. Once a date has been rescheduled, a meeting notice will be published in the Federal Register.

For further information, please contact Mr. Joseph Danek, Staff Liaison for Task Group 20, at 202-357-7491.

The notice of this meeting was published in the Federal Register on Monday, February 8, Vol. 47, No. 26, pg. 5816.

Marian R. Winkler,

Committee Management Coordinator.

February 18, 1982.

[FR Doc. 82-4942 Filed 2-23-82; 8:45 am]

BILLING CODE 7555-01-M

PENSION BENEFIT GUARANTY CORPORATION

Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer Who Contributes to a Multiemployer Plan: Southland Corp.; Empire Cold Storage and Ice Co.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted Southland Corporation an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended, in connection with Southland's purchase of assets of the Empire Cold Storage and Ice Company. A notice of Southland's request for exemption from the requirement was

published on October 14, 1981 (46 FR 50634). The effect of this notice is to advise the public of the exemption.

ADDRESS: The request for an exemption, the comment received and the exemption letter are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street NW., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC Disclosure Officer (160) at the above address.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), 2020 K Street NW., Washington, D.C. 20006; (202) 254–4862.

SUPPLEMENTARY INFORMATION:

Background

The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96–364, 94 Stat. 1208 (the "multiemployer Act") became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974 ("ERISA"). As a result of the Multiemployer Act, an employer that withdraws or partially withdraws from a multiemployer pension plan covered under Title IV of ERISA may be liable to the plan for a portion of the plan's unfunded vested benefits. Section 4204(a)(1) of ERISA, 29 U.S.C. 1384, provides that the sale of assets of an employer that contributes to a mulitemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual of class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B). Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets, (46 FR 46127, September 17, 1981), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transaction.

Section 4204(c) requires the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

On October 14, 1981 (46 FR 50634), the PBGC published a request from the Southland Corporation ("Southland") to waive the bond/escrow requirement of section 4204(a)(1)(B) of ERISA in connection with a purchase by Southland of the operating assets of Empire Cold Storage and Ice Company ("Empire"). According to Southland's request for an exemption, Southland has assumed Empire's obligation to contribute to the United Food and Commercial Worker's International Union-Industry Pension Fund (the "Fund"). The amount of the bond Southland would be otherwise required to obtain would be $10,265.00, the amount of contributions required to be paid by Empire for the plan year ending June 1981. (The bond would be paid to the Fund if Southland withdraws from the plan or fails to make a contribution when due during the first five plan years after the sale.)

According to its audited financial statement for the fiscal year ending on December 31, 1980, Southland had net assets of $554 million. Southland's average net income for 1978, 1979 and 1980 was approximately $72.6 million. According to a subsequent unaudited statement, Southland had net assets of $572.8 million as of June 30, 1981 and net income of $31.7 million for the 6-month period ending June 30, 1981.

In response to the notice of pendency of the exemption, PBGC received only one comment. This comment, from the fund, objected to the exemption. The objection did not allege that Southland would be unable to meet its obligations to the Fund or offer any evidence to that effect. In a letter dated December 15, 1981, PBGC advised the Fund that in the absence of specific information showing that the granting of this variance request might significantly increase the risk of financial loss to the Fund, PBGC could not deny Southland's variance request. No further comment has been received from the Fund.

Based on the material submitted by Southland and after consideration of the comments filed by the Fund, PBGC has determined that exemption from the bond/escrow requirement would more effectively carry out the purposes of Title IV of ERISA and would not significantly increase the risk of financial loss to the plan. Therefore, Southland was granted an exemption from the bond/escrow requirement on February 18, 1982. The granting of an exemption or variance from the bond/escrow requirement of section 4204(a)(1)(B) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1).

Issued at Washington, D.C., on this 18th day of February 1982.

Robert E. Nagle,

Executive Director, Guaranty Corporation.

[FR Doc. 82–4880 Filed 2–23–82; 8:45 am]

BILLING CODE 7708–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12232, (812–5059)]

Delaware Treasury Reserves; Filing an Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicant From the Provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 Thereunder

February 18, 1982.

Notice is hereby given that Delaware Treasury Reserves ("Applicant"), Seven Penn Center Plaza, Philadelphia, PA 19103, an open-end, diversified, management investment company, registered under the Investment Company Act of 1940 ("Act"), filed an application on December 23, 1981, requesting an order of the Commission, pursuant to section 6(c) of the Act, exempting Applicant from the provisions of section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was established as a common-law trust under Pennsylvania law. Applicant represents that it is designed as an investment vehicle for investors, including individuals, fiduciaries and institutions seeking to earn a high level of income through investments in a managed portfolio of short-term United States Government obligations, and to minimize fluctuation in the value of their investment while retaining the flexibility to liquidate their investments at any time. Applicant's investment objective is to provide a professionally managed portfolio of such obligations. Applicant seeks to obtain maximum current income consistent with preservation of principal and maintenance of liquidity.

Delaware Management Company acts as the investment adviser to the Applicant.

Applicant seeks an order of the Commission pursuant to section 6(c) of the Act granting exemptions from the provisions of section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 under the Act in order to facilitate the Applicant's ability to maintain, to the extent possible, a per share net asset value of $10.00 by means of the "amortized cost" method of valuation.

Applicant represents that it will invest its assets in a variety of short-term securities issued or guaranteed as to principal and interest by the United States Government, its agencies or instrumentalities ("Government Securities"). The Applicant may also invest in repurchase agreements with respect to Government Securities.

Applicant represents that all securities purchased by Applicant will be securities which mature in less than one year from the date of purchase. The Applicant may invest in obligations whose original maturities were in excess of one year if at the time of purchase the remaining time to maturity is less than one year. The dollar-weighted average maturity of the Applicant's investment portfolio will at all times be 120 days or less.

The Applicant proposes to value its portfolio securities on an amortized cost basis following receipt of an order of exemption from the Commission. Applicant also represents that pending receipt of such order, it will limit its purchases of securities to instruments which at the date of purchase have maturities of 60 days or less.

Applicant asserts that it intends to declare and credit its net income as a dividend to its shareholders on a daily basis and distribute it monthly. "Net income" for this purpose will consist of all interest income accrued on the assets of the Applicant less all expenses of the Applicant. If the Applicant values its securities on the amortized cost basis there will be no calculation for realized or unrealized capital gains or losses, and since the dividend is paid daily, the Applicant per share net asset value will remain at a constant $10.00.

As here pertinent, section 2(a)(41) of the Act defines "value" to mean: (i) With respect to securities for which market quotations are readily available, the market value of such securities, and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors.

Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value and other securities and assets shall be valued at fair market value as determined in good faith by the board of directors of the investment company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that it wishes to attract sophisticated individual and institutional investors. Applicant understands that many of these investors require a short-term government obligations fund which maintains a constant net asset value per share and pays dividends which do not fluctuate on account of daily changes in the values of its portfolio securities. Applicant believes that in order to attract such investors and retain them as shareholders, it must have a stable net asset value and a constant flow of investment income.

Applicant believes that if its securities portfolio were valued using the amortized cost method for all securities maturing within one year of the date of each daily calculation of net asset value, the $10.00 offering price would remain constant and that there would normally be a negligible discrepancy between market value and the amortized cost value if Applicant's securities portfolio were maintained at a dollar average portfolio maturity which does not exceed 120 days.

The trustees of Applicant have determined in good faith that in light of Applicant's characteristics, the amortized cost method of valuation would be appropriate and would represent fair value, subject to compliance with the conditions set forth below. Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested.

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of trustees undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $10.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $10.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $10.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(c) Where the board of trustees believes that the extent of any deviation from Applicant's $10.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States Government instruments which the board of trustees determines present minimal credit risks.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 15, 1982, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notifed if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion, persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–4915 Filed 2–23–82; 8:45 am]

BILLING CODE 8010–01–M

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 18496; File No. SR-PSE-82-2]

Pacific Stock Exchange, Inc.; Proposed Rule Change

February 18, 1982.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 8, 1982, the Pacific Stock Exchange, Incorporated ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change is designed to address several questions which have been raised regarding interpretations of PSE Rule VI, "Options Trading," and floor procedures thereunder.

The first issue involves the priority, if any, that should be given to firm orders over customer orders on the opening rotation. Presently, Rule VI, section 49(c) provides that the Order Book Official ("OBO") shall attempt to match all public customer orders at a single opening price. If an imbalance of public customer orders exists he should seek Market Maker and firm participation in order to establish the opening price. The question was whether firm orders with limit prices better than the opening price established by the matching of only customer orders should be filled prior to filling existing public customer orders with limit prices worse than the firm orders. The addition of Commentary .03 to Rule VI, Section 49 and the amendment to Floor Procedure Advice G–2 is designed to clarify that firm orders with better limit prices are not entitled to priority over public customer orders on the opening rotation unless the Order Book Official has called for Market Maker and firm participation.

The second issue also involves a question of the priority status of certain orders under Rule VI, Section 49. Presently, section 49(d) grants spread, straddle, and combination orders priority over bids and offers at the same price held by the OBO. The language added to section 49(d) provides that these spread, straddle, and combination orders will be allowed priority over bids and offers in the trading crowd in the same manner as the priority they are now allowed over the Order Book. Since these orders presently receive priority over the Order Book, which in turn has priority over the trading crowd, the PSE believes that this change is simply a rational extension of the present rule. In addition, the PSE is amending the language of Floor Procedure Advice G–5 to add the term "combination order" where the term "spread and straddle orders" appears, so that the Floor Procedure comports with the present language of Rule VI, Section 49.

The third issue involves the question of when the OBO should become liable for the cancellation of market orders already in his possession for execution on the opening rotation. The amendments to Rule VI, Section 66, Commentary .02 and Floor Procedure Advice A–1 provide that the OBO is under no obligation to accept cancellations of market orders once the

opening rotation for option contracts covering the same underlying security has begun. The PSE believes that to accept cancellations after the rotation has begun would unnecessarily disrupt the OBO's handling and completion of the opening rotation in a fair and orderly manner.

The PSE believes that these proposed rule changes are consistent with the requirements of section 6(b)(5) of the Securities Exchange Act of 1934 in that they promote just and equitable principles of trade and protect investors and the public interest.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before March 17, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–PSE–82–2.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–4918 Filed 2–23–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18492; File No. SR–NYSE–82–2]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Proposed Rules for the Trading of Options on Index Stock Groups

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 8, 1982, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change provides for options on groups of 25 or more stocks whose inclusion and relative representation in a group are determined by the inclusion and relative representation of their prices in a widely disseminated stock index. Initially, the Exchange intends to permit the trading of options on stock groups constituted in accordance with the NYSE Composite Index and with the Exchange's four sector indices: The NYSE Financial Index, the NYSE Industrial Index, the NYSE Transportation Index and the NYSE Utility Index.

The Exchange currently has pending with the Commission a proposed rule change respecting Treasury security options, File No. SR–NYSE–81–5 (the "Treasury security option filing") The Treasury security option filing consists primarily of modifications of and additions to the Exchange's present 700 series rules, which pertain to the "upstairs" regulation of stock options trading. Consequently, this proposed rule change consists for the most part of changes to the Treasury security option filing that are designed to make the Treasury security option rules apply to options on index stock groups as well. In addition, minor technical corrections are made to the rules as they apply to Treasury security options.

The principal departures from the Treasury security option filing are as follows:

Cash Settlement.—Because of the practical difficulties in delivering fractional shares in accordance with the representation of each stock in an index group, the proposed rule change provides that an "index stock group option" obligates the writer (in the case of a call) or the holder (in the case of a put) to sell to The Options Clearing Corporation 100 times the "current index group value". That value is simply $1.00 times the current level of the index that reflects the current market prices of the stocks in the underlying group. Thus, for example, a call option on a stock group based on the NYSE Composite Index would entitle the holder, upon exercise of the option at a time when the NYSE Composite Index is at 85, to delivery of $8500 upon payment of the aggregate exercise price. Although the Treasury security option rules have simply been expanded to apply to options on index stock groups so that the rules characterize settlement as a typical payment-for-delivery transaction, the Exchange expects that the assignment of an exercise notice in, for example, a call option will simply result in the deposit by the delivering party of the difference between the current index group value and the aggregate exercise price.

Supervisory and Customer-Contact Rules.—The proposed rule change also provides that approval of an account for the trading of options on stocks will also constitute approval of the account for the trading of options on index stock groups. Thus, changes proposed to Rules 720 through 726 primarily involve the substitution of the newly-defined term "stock-related option," which encompasses both options on stocks and options on index stock groups, for the term "stock option." The changes do, however, apply the OCC prospectus delivery requirement to index stock group options so that either the OCC prospectus or a supplement thereto containing the requisite material regarding index group options must be delivered.

Market-Making Obligations.—The proposed rule change establishes an independent scheme of affirmative and negative obligations depending upon whether a specialist or a Competitive Options Trader is registered in Treasury security options or in index group options. Just as the Treasury security option filing makes clear that an equity specialist or a Registered Competitive Market Maker who does not register as a Treasury security options specialist or a Treasury security options Competitive Options Trader, respectively, is not required to undertake market maker obligations regarding the Treasury security options market, so too the Treasury security options specialist or Treasury security Competitive Options Trader will not be required to undertake the opligations of his counterpart registered in index group options. Relatedly, the term "related security" is not proposed to be amended to include underlying stocks, stock index futures or options on stock index futures. The Exchange has preliminarily concluded that both the vast size of the aggregated markets for the underlying stocks and the use of cash settlement forecloses any opportunity for manipulation of the markets for the underlying stocks through activity in the markets for the derivative instruments, and vice versa.

"Covered" Positions.—Because a holder of a portfolio seeking to hedge the portfolio against the risk of a market- or sector-wide change cannot be expected to hold in his portfolio every stock represented in an index, it is impractical to create the one-to-one correspondence between a long position in an underlying security and a short position in a call option thereon that is the hallmark of conventional covered writing of stock options. Accordingly, the Exchange proposes that a sub-group of the stocks represented in an index stock group constitute "covering" the sub-group stocks so long as the sub-group stocks meet specifications of the Federal Reserve Board regarding (1) the sub-group's aggregate market value relative to the current index group value, (2) the eligibility of the underlying stocks for covering purposes, (3) the minimum number of stocks in a "covering" sub-group and (4) their relative representation in the "covering" sub-group.

Position and Exercise Limits Reporting.—The Exchange has preliminarily concluded that the reasons usually proposed in support of position and exercise limits do not apply to index options settled by cash delivery, since, among other things, the deliverable supply is inexhaustible and hence there is no possibility for a "corner." The Exchange nevertheless proposes to set a 40,000-contract limit for index stock groups options. Assuming an index group value of $75, a 40,000-contract limit permits positions and exercises of contracts whose aggregate value is $300 million ($75X100X40,000). This amount appears sufficient to permit the hedging of portfolios of institutions. The Exchange does propose to apply to index stock group options the 200-contract reporting threshold currently applicable to stock options.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* The purpose of the proposed rule change is to permit the Exchange to establish a market for options on stock groups constituted in accordance with widely-disseminated stock indices. The proposed options on market groups and sector groups will provide a tool to holders of broad stock portfolios that permits them to transfer the risk of market- or sector-wide changes in stock prices. Aggregate price movements of the stocks in a diversified portfolio tend to correlate with the changes in an index derived from a stock group that includes those stocks. Thus, the index group contracts will generally afford a better "fit" for the market or sector price movements than would either options on some of the individual portfolio stocks or options on a small stock group comprised in part of stocks other than those in the portfolio.

Specific purposes of the various changes to the Treasury security option filing made by the proposed rule change are noted in Item I above.

(2) *Statutory Basis.* The proposed rule change relates to section 6(b)(1) of the Act in that it would provide a regulatory framework for a market on the floor in options on index stock groups. The proposed rule change would give the Exchange the capacity to carry out the purposes of the Act, to comply with the provisions of the Act, the rules and regulations thereunder and the rules of the Exchange, and to enforce compliance therewith by Members and persons associated with Members.

Except for the changes necessary to accommodate index group options trading on the Floor, the Exchange's existing rules, and hence the same bases and policies underlying those rules, apply to the Exchange's proposed market in index stock group options. Thus, the proposed rule change contemplates the application to Exchange trading of index stock group options of long-established regulatory principles and techniques that are designed to assure the fairness, orderliness and quality of the Exchange's stock and bond markets. In addition, except for changes necessitated by the particular characteristics of the underlying stock groups and the markets in the underlying stocks, the new modifications to the 700 series rules substantially preserve the famework recently approved by the Commission in respect of Treasury security options and therefore have a common basis with the Treasury security option filing in the Act and in the rules and regulations thereunder.

In particular, the proposed rule change would create rules designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest in connection with transactions in index stock group options, all as required by section 6(b)(5) of the Act. The Exchange believes that its proposed market for options on index stock groups will be consistent with the standards of section 6(b)(5), since the Exchange expects such a market to provide the same increased investment flexibility with respect to portfolios of stocks as the present options markets on other national securities exchanges provide with respect to single stocks. Consequently, the Exchange believes the public interest will be advanced by Exchange trading of index stock group options.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or apopropriate in furtherance of the purpose of the Act. Quite to the contrary, the Exchange believes that significant benefits will flow to the U.S. economy, to market professionals and to investors from the creation of a free and open market for the trading of standardized options on index stock groups. The Exchange believes that the proposed rule change will permit the creation of such a market—a market designed to prevent fraudulent and manipulative acts and practices, to permit just and equitable principles of trade, to protect investors and the public interest and to provide appropriate disciplinary procedures applicable to its members and persons associated with its members who violate the rules of the Exchange.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not received or solicited written comments from members or other interested parties. The Exchange is forming a users advisory committee to assist it in designing its market in options on index stock groups and will incorporate any appropriate comment suggested by the committee into the proposed rule change by amendment.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before March 31, 1982 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 12, 1982.

For the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

February 17, 1982.

[FR Doc. 82-4917 Filed 2-23-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12231; (812-5063)]

Standard Chartered Bank Limited; Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicant From all Provisions of the Act

February 18, 1982.

Notice is hereby given that Standard Chartered Bank Limited ("Applicant"), 10 Clements Lane, London EC4N 7AB, filed an application on December 24, 1981 for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is an English banking corporation formed in 1969 through the merger of two established banking institutions, The Standard Bank Limited ("Standard") and The Chartered Bank ("Chartered"). Applicant was established as a holding company whose sole assets were the shares of its two subsidiaries. In 1975, however, the business of Standard and Chartered in the United Kingdom was transferred to the Applicant, and branches in Europe and the United States were subsequently also transferred to or established by the Applicant. Applicant's principal United States business is the provision of retail, wholesale and international banking services, and comprises operations in its own name in New York, Seattle, Chicago, Miami, and Houston; in California the Applicant operates Union Bank through a wholly owned subsidiary incorporated in Delaware, Union Bancorp, as well as an agency of its subsidiary Chartered.

Applicant states that Standard was established in 1862 in British South Africa, while Chartered was incorporated in 1853 and operated primarily in India and the Far East. Both extended their geographical base through acquisition following the Second World War. Standard does business primarily through subsidiaries, while Chartered primarily utilizes branches. Although both institutions function as a part of Applicant, in some areas Standard and Chartered retain their separate identities and trade under their individual names or local subsidiary derivatives for various legal and marketing reasons. A proposed merger between Applicant and the Royal Bank of Scotland in the United Kingdom is presently pending before the Monopolies and Mergers Commission. If approved, that merger will create a banking group comprising over 900 domestic branches and 1500 offices in over sixty countries.

Applicant states that it and its consolidated subsidiaries constitute the largest independent British overseas banking organization, and are principally engaged in wholesale and retail banking activities. As of December 31, 1980, Applicant had total assets of approximately $36.8 billion. Securities held by Applicant constitute approximately 8% of total assets, and income attributable to interest on securities accounted for approximately 14% of total operating income. These securities are generally held to meet liquidity or regulatory requirements in the United Kingdom and overseas. Total liabilities on December 31, 1980 were approximately $34.6 billion, of which 99.2% consisted of deposits.

Applicant states it conducts a commercial banking business in more than sixty countries and most of its operations are subject to the reserve requirements and controls imposed by the central banks and other authorities in those countries. Applicant further states that it is subject to extensive supervision and regulation by the Bank of England, the Government-owned central bank of the United Kingdom. Under the Bank of England Act 1946, the Bank of England has broad power to request information from and make recommendations to the United Kingdom banks. Her Majesty's Treasury has general statutory power to issue directives to the Bank of England, and to authorize the Bank of England to require compliance by banks with its requests and recommendations. Applicant states that it is unaware of this power ever having been used. The Banking Act 1979 ("1979 Act"), which supplemented the Bank of England's general supervisory power, requires deposit-taking institutions to meet general statutory criteria of management, solvency, and scope of services provided in order to obtain recognition as a bank or a license to enable it to operate as a licensed institution.

Applicant states that regulation of the United Kingdom banking system is based largely on informal cooperation between the Bank of England and United Kingdom banks and operates through accepted but generally uncodified practices and standards that have been developed over time. Banks file regular, detailed reports and periodic statistical returns prescribed by the Bank of England. The reports Applicant files with the Bank of England are designed to enable the Bank of England to analyze liquidity and exposure to asset-related and other risks, and include information with respect to the composition of loans and advances, the maturity structure of assets and liabilities, sterling and foreign currency assets and liabilities and foreign exchange activities. In accordance with the 1979 Act, the Bank of England is in the process of introducing formalized codes relating to the adequacy of capital, liquidity and foreign exposure. It is contemplated that

the Bank of England will continue to operate a flexible system of controls in these and other areas of supervision. In addition to the periodic reports, senior executives of the Applicant meet from time to time with the Bank of England to discuss such matters as the capital and liquidity position of the Applicant and its major operating units, the type of business undertaken, the interest and maturity composition of sterling and foreign currency assets and liabilities, loan portfolios, the structure of income and expense, and profitability.

Applicant states that it is also subject to banking regulation at the federal and state level in the United States. Applicant is registered as a bank holding company under, and has principally been subject to federal regulation pursuant to the Bank Holding Company Act of 1956, as amended, under which the Board of Governors of the Federal Reserve System regulates, *inter alia*, the types of activities in which a foreign bank holding company may engage in the United States, and requires the filing of annual reports regarding its operations. The International Banking Act of 1978 also subjects Applicant to federal supervision and regulation.

Applicant proposes to offer, issue and sell in the United States commercial paper (the "Notes") in bearer form and denominated in United States dollars. It is asserted that the Notes will be in denominations of $100,000 or more, will mature in no more than 270 days from the date of issue, and will not be payable on demand or include any provision of extension, renewal, or automatic "roll-over" at the option of either the holders or Applicant. Applicant intends to sell the Notes without registration under section 5 of the Securities Act of 1933, as amended (the "Securities Act"), in reliance upon an opinion of Applicant's United States counsel that the offering will qualify for the exemption from the registration requirements of the Securities Act provided for certain short-term commercial paper by section 3(a)(3) thereof. Applicant will not proceed with its proposed offering until it has received such an opinion. Applicant does not request Commission review or approval of such an opinion and the Commission expresses no opinion as to the availability of any such exemption. Applicant is not subject to the reporting requirements of the Securities Exchange Act of 1934, as amended, and will not become subject to such requirements in connection with the issuance and sale of the notes. Any issuance and sale of the Notes and any future public issue of securities will be conditioned upon the receipt, prior to issuance, of one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations. In connection with the preparation by United States Counsel of the opinion referred to above, Applicant will advise such counsel in writing that the rating has been received. Proceeds of the Notes will be used for "current transactions" within the meaning of section 3(a)(3) of the Securities Act.

The Notes will be offered and sold by Applicant to a registered broker-dealer of securities in the United States, which will reoffer the Notes as principal to institutional and other comparable investors in the United States which normally purchase commercial paper. The Notes will not be advertised or otherwise offered for sale to the general public. Applicant agrees to secure an undertaking from the dealer that it will provide each offeree which has indicated an interest in the Notes, prior to any sale of Notes to such offeree, with a memorandum describing the business of Applicant and containing Applicant's most recent publicly available annual financial statements (including a balance sheet, profit and loss account, statement of source and application of funds, and notes thereto) audited in accordance with United Kingdom accounting principles and its most recent publicly available unaudited semi-annual balance sheet and summary profit and loss account. Such memorandum will describe the material differences between United Kingdom accounting principles applicable to United Kingdom banks and "generally acepted accounting principles" applicable to United States commercial banks. Such memorandum will also be at least as comprehensive as those customarily used in offering commercial paper in the United States and will be updated periodically to reflect material changes in Applicant's business and financial condition. As direct liabilities of Applicant, the Notes will rank *pari passu* among themselves and equally with all other unsecured indebtedness of Applicant, including deposit liabilities, and ahead of its share capital.

Applicant will appoint a bank in the United States as its authorized paying agent and a corporation resident in the United States as its agent to accept any process which may be served in any action based on the Notes or any securities it may offer in the future and instituted in any state or Federal court by the holder thereof. Applicant will expressly accept the jurisdiction of any state or Federal court in the City and State of New York in respect of any such action. Such appointment of an authorized agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due with respect to the Notes have been paid by Applicant. Applicant will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Notes or otherwise. No such submission to jurisdiction or appointment of agent for service of process will affect the right of any holder of a Note to bring suit in any court which shall have jurisdiction over Applicant by virtue of the offer and sale of the Notes or otherwise. The authorized agent will not be, or be obligated to act as, a trustee for the noteholders.

Applicant represents that it may, in the future, wish to offer long-term debt securities, either directly or through a U.S. bank subsidiary, the obligations of which would be guaranteed by the Applicant. Prior to a public offering of such securities, Applicant states that it will file a registration statement under the Securities Act with the Commission and that it will not sell such securities until the registration statement has been declared effective by the Commission. In the case of any offering of long-term debt securities not requiring registration under the Securities Act, Applicant states that it will undertake to provide to any offeree to whom it offers such securities in the United States a memorandum at least as comprehensive in its description of Applicant as memoranda customarily used in such offerings of long-term debt securities in the United States. The memorandum will also include a description of material differences between United States and United Kingdom generally accepted accounting principles. In the event of subsequent offerings, the memorandum would be updated at the time thereof to reflect material changes in Applicant financial position. In making any such offering, Applicant's will take into consideration the doctrine of integration referred to in Securities Act Release Numbers 4434, 4552 and 4708 and various no action letters made public by the Commission. Applicant consents to having any order granting the relief requested under section 6(c) of the Act expressly conditioned on Applicant's compliance with the aforementioned undertakings concerning disclosure documents.

Section 3(a)(3) of the Act defines investment company to mean any issuer which engages or proposes to engage in

the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis. Applicant states that it is applying to the Commission because of uncertainty as to whether foreign commercial banks may be deemed investment companies under the Act and thereby prohibited, *inter alia*, from the public issuance and sale in the United States of commercial paper and long-term debt securities without first registering under the Act and without complying with the rules and regulations promulgated thereunder.

Section 6(c) provides that the Commission, by order upon application, may exempt any person from the provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to section 6(c) of the Act exempting it from all provisions of the Act. Applicant represents that compliance with a number of the substantive provisions of the Act would conflict with its commercial banking practices and that Applicant would be precluded from selling securities in the United States if it were required to register as an investment company. Applicant also represents that it is subject in the United Kingdom and other countries where it operates to comprehensive supervision and regulation comparable in effect to the United States laws and regulation applicable to United States banking institutions. Applicant concludes that granting an exemptive order pursuant to section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-4916 Filed 2-23-82; 8:45 am]

BILLING CODE 8010-01-M

SELECTIVE SERVICE SYSTEM

Privacy Act for 1974; System of Records; Proposed Revision of Routine Uses

AGENCY: Selective Service System.

ACTION: Proposed revision of a System of Records.

SUMMARY: The Selective Service proposes to revise a system of records necessitated by the enactment of section 916(c) of Pub. L. 97–86. The system pertains to information on the Registration Card Furnished by a registrant who registers after 1979.

COMMENT DATE: Comments are due on or before March 26, 1982.

ADDRESS: Selective Service System. ATTN: Records Manager Washington, D.C. 20435.

FOR FURTHER INFORMATION CONTACT: C.E. Boston, Records Manager, Selective Service System, Washington, D.C. 20435. Phone (202) 724–0683

SUPPLEMENTARY INFORMATION: This System of Records (System Number SSS–10) appears at 45 FR 30587 (May 8, 1980).

The proposed revision of routine uses of records maintained in the system, including categories of users and the purposes of such uses as they pertain to the Department of Defense are revised to read as follows: Department of Defense—for exchange of information concerning registration, classification, enlistment, examination and induction of individuals, availability of Standby Reservists, and identification of prospects for recruiting.

Thomas K. Turnage,

Director of Selective Service.

February 19, 1982.

[FR Doc. 82-4992 Filed 2-23-82; 8:45 am]

BILLING CODE 8015-01-M

DEPARTMENT OF STATE

[Public Notice 793]

In accordance with section 4314(c)(1) through (5) of the Civil Service Reform Act of 1978 (Pub. L. 95–454), the Executive Resources Board of the Department of State has appointed the following additional persons to the State Department Performance Review Board Register, and in so doing amends accordingly Department of State Public Notice No. 703 (45 FR 6877–6878, January 30, 1980), effective February 12, 1982:

Ronald J. Bettauer, Assistant Legal Adviser, Office of the Legal Adviser;

Jack D. Jenkins, Executive Director, Bureau of Economic and Business Affairs;

Joseph H. Linnemann, Director, Office of Financial Systems, Office of the Comptroller.

The following names as announced in Department of State Public Notice No. 703 (45 FR 6877–6878, January 30, 1980), No. 754 (46 FR 25746, May 8, 1981) and No. 773 (46 FR 45233, September 10, 1981) are removed from the Department of State Performance Review Board Register:

George H. Aldrich, U.S. Member of the International Law Commission;

Paul H. Boeker, Director, Foreign Service Institute;

Wreatham E. Gathright, Member, Policy Planning Staff;

Charles J. Henkin, Deputy Director, Office of Disarmament and Arms Control, Bureau of Politico-Military Affairs;

Ginger Lew, Deputy Assistant Secretary, Bureau of East Asian Affairs;

Thomas R. Pickering, Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs.

Dated: February 12, 1982.

Joan M. Clark,

Director General of the Foreign Service and Director of Personnel.

[FR Doc. 82-4944 Filed 2-23-82; 8:45 am]

BILLING CODE 4710-15-M

[Public Notice 795]

Claims Against Iran: Rules of Procedure of the Iran-United States Claims Tribunal

This notice concerns the procedures applicable to the adjudication of claims before the Iran-United States Claims Tribunal at The Hague. It supplements information provided in Public Notices 789 (47 FR 1063, January 8, 1982), 783 (46 FR 58631, December 2, 1981) and prior notices. For further information, contact David P. Stewart, Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Telephone (202) 632–5040.

On February 13, the Tribunal completed its draft rules of procedure. The text of the draft rules, which are based on the UNCITRAL Arbitration Rules, was received by the Department of State on February 21. Interested parties may obtain copies by contacting the Office of Iranian Claims. The final rules of procedure will be available from the Registrar of the Tribunal, as well as the Office of Iranian Claims, after they have been formally adopted.

Although the rules have now been completed, the Tribunal has invited the Governments of Iran and the United States to submit any final substantive comments on the draft rules for consideration at the Tribunal's next session, beginning March 8. The Tribunal has advised, however, that it will consider modifications to the rules *only* in respect of the most fundamental matters. Claimants and other interested parties wishing to offer suggestions concerning the rules are invited to do so in writing to the Office of Iranian Claims but are requested to confine their comments to matters of major substantive concern. To comply with the Tribunal's request, comments must be received no later than Friday, March 5.

The Department has also received the text of the Tribunal's decision in Case A/2, concerning the question whether the Tribunal has jurisdiction over claims by the Islamic Republic of Iran directly against U.S. nationals. As previously indicated in Public Notice 789 (47 FR 1063, January 8, 1982), the Tribunal determined that it does not have jurisdiction over such claims. Copies of the decision in Case A/2, which was rendered on December 21, 1981 and signed on January 18, 1982, may be obtained from the Office of Iranian Claims.

The Tribunal's three Chambers are proceeding to assign time limits for filing statements of defense and to issue related procedural orders and decisions in claims pending before them. The Office of Iranian Claims will provide copies of those orders and decisions to the concerned claimants and legal representatives as they are received from the Registrar of the Tribunal. Claimants are requested in the first instance to direct inquiries concerning such matters to the Office of Iranian Claims rather than the Agent of the United States to the Tribunal at The Hague.

Dated: February 22, 1982.

David P. Stewart,

Administrator for Iranian Claims.

[FR Doc. 82-5109 Filed 2-23-82; 9:36 am]

BILLING CODE 4710-08-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Dept. Circ., Public Debt Series—No. 5-82]

Treasury Notes, Series P-1984; Interest Rate

Washington, February 18, 1982.

The Secretary announced on February 17, 1982, that the interest rate on the notes designated Series P-1984, described in Department Circular—Public Debt Series—No. 5-82 dated February 11, 1982, will be 15⅛ percent. Interest on the notes will be payable at the rate of 15⅛ percent per annum.

Supplemental Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 82-4881 Filed 2-23-82; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 37
Wednesday, February 24, 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).

CONTENTS

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FEDERAL COMMUNICATIONS COMMISSION

FCC to Hold a Special Open Meeting Wednesday, February 24, 1982

The Federal Communications Commission will hold a Special Open Meeting on the subject listed below on Wednesday, February 24, 1982 at 1:30 p.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Common Carrier—1—*Title:* Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board, CC Docket No. 80-286. *Summary:* The Commission will consider whether to adopt, in whole or in part, two Federal-State Joint Board recommended decisions. The first would provide that, as an interim measure pending adoption of final rule changes, the subscriber plant factor (SPF) now used to allocate costs of non-traffic sensitive exchange plant between the interstate and intrastate jurisdictions be frozen as of January 1, 1982. The second would provide for the phase out of customer-premises equipment from the separations process over a five-year period.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: February 17, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-276-82 Filed 2-22-82; 10:03 am]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

FCC to Hold a Special Open Commission Meeting Thursday, February 25, 1982

The Federal Communications Commission will hold a Special Open Meeting on the subjects listed below on Thursday, February 25, 1982, which is scheduled to commence at 2:00 p.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Private Radio—1—*Title:* Allocation of frequencies in the 72-76 MHz band for use by operational-fixed stations in the Automobile Emergency Radio Service RM-3964. *Summary:* The FCC will consider whether to adopt a Notice of Proposed Rule Making which will allocate frequencies in the 72-76 MHz band for use by eligibles in the Automobile Emergency Radio Service.

Private Radio—2—*Title:* Amendment of Part 90 of the Commission's Rules concerning the authorization of additional systems on the frequency 152.0075 MHz in the Special Emergency Radio Service on a secondary basis. PR Docket 81-2, RM-3538 *Summary:* The FCC will consider whether to adopt a Memorandum Opinion and Order concerning the authorization of 152.0075 MHz which is allocated to the Special Emergency Radio Service.

Common Carrier—1—*Title:* Interconnection Arrangements Between and Among the Domestic and International Record Carriers. *Summary:* The Commission will consider whether or not to adopt a Notice of Proposed Rulemaking solicting comments on the manner of record carrier interconnection mandated by the Record Carrier Competition Act of 1981.

Broadcast—1—*Title:* Petition for Waiver or Other Special Relief from Subsection 73.658(k)(3) of the Rules. *Summary:* The Commission will consider a staff recommendation for disposition of a petition filed by CBS Inc. for a waiver of the Prime Time Access Rule, 47 CFR 73.658(k)(3).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: February 18, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-277-82 Filed 2-22-82; 10:03 am]

BILLING CODE 6712-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, March 1, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: February 22, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-284-82 Filed 2-22-82; 3:31 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 1, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Request for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: February 22, 1982.

Federal Deposit Insurance Corporation.

Hoyle, L. Robinson,

Executive Secretary.

[S–285–82 Filed 2–23–82; 8:45 am]

BILLING CODE 6714–01–M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 7800, Monday February 22, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, February 25, 1982.

PLACE: Board Room, sixth floor, 1700 G Street, N.W., Washington D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall; (202)–377–6679.

CHANGES IN THE MEETING: The following item was placed back on the open portion of the Bank Board meeting. It was sent over with an error in the spelling. This is the correct spelling of the item.

Wrong Spelling—Service Corporation *Activity*

Correct Spelling—Service Corporation Activities

[No. 13, February 22, 1982]

[S–280–82 Filed 2–22–82; 12:57 pm]

BILLING CODE 6720–01–M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

February 17, 1982.

TIME AND DATE: 10 a.m., Wednesday, February 24, 1982.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Consolidation Coal Company, Docket No. PENN 81–106–R; Petition for Discretionary Review. (Issues include whether judge erred in modifying a section 104(d)(1) order to a section 104(d)(1) citation.)

2. Delmont Resources, Inc., Docket No. PENN 80–268–R; (Issues include whether judge erred in finding that a violation of 30 CFR 75.200 was not "significant and substantial").

3. American Materials Corporation, Docket No. LAKE 79–9–M; (Issues include whether judge erred in finding a violation of 30 CFR 56.20–11).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen; (202) 653–5632.

[S–283–82 Filed 2–22–82; 2:17 pm]

BILLING CODE 6820–12–M

7

NATIONAL COUNCIL ON THE HANDICAPPED

DATE: March 1, 2, 3, 1982.

PLACE: Holiday Inn Georgetown, 2101 Wisconsin Ave., NW., Washington, D.C. 20007.

STATUS: Open meeting.

AGENDA: Council Committee will hold working sessions on March 1, 1982. The agenda for the morning of March 2, includes reports by the Commissioner of RSA, Director of NIHR and various Standing Committees and Task Forces of the Council. On Tuesday afternoon, March 2, a panel will discuss the review and modification of Section 504 regulations and guidelines, followed by a report and discussion of budget proposals for programs in 1983 and the years beyond. The meeting will conclude at 12:30 p.m. on March 3.

Please Note.—Any individual requiring an interpreter or other special services, please contact NCH staff immediately.

CONTACT PERSON FOR MORE INFORMATION: Hilda Gay Legg, National Council on the Handicapped, Staff Assistant; Phone: (202) 245–3498 or 245–3499.

[S–278–82 Filed 2–22–82; 10:04 am]

BILLING CODE 4000–01–M

8

NATIONAL TRANSPORTATION SAFETY BOARD

[NM–82–4 and 5]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: 47 FR 7048, February 17, and 47 FR 7368, February 18, 1982.

CHANGE IN MEETINGS: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of the February 25 meeting and to cancel the meeting announced for February 26 and that no earlier announcement was possible. The revised agenda follows:

STATUS: The first three items will be open to the public; the remaining two will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Pipeline Accident Report:* Pacific Gas & Electric Company Natural Gas Pipeline Puncture, San Francisco, California, August 25, 1981, and Recommendations.
2. *Marine Accident Report:* Collision of the Washington State Ferry *Klahowya* and the Liberian Freighter *Sanko Grain* in Seattle Harbor, Washington, January 13, 1981, and *Recommendations* to the U.S. Coast Guard and Washington State Ferries.
3. *Recommendation* to the Federal Aviation Administration regarding takeoff and landing minimums and associated visibility observations. (Calendared at the request of Acting Chairman Burnett, Member Goldman, and Member Bursley.)
4. *Opinion and Order:* Administrator v. Moore, Dkt. SE-4776; disposition of Administrator's appeal. (Calendared at the request of Acting Chairman Burnett.)
5. *Opinion and Order:* Administrator v. Tracy, Dkt. 5194; disposition of respondent's appeal. (Calendared at the request of Acting Chairman Burnett.)

CONTACT PERSON FOR INFORMATION: Sharon Flemming 202-382-6526.

February 19, 1982.

[S-275-82 Filed 2-19-82; 4:16 pm]

BILLING CODE 4910-58-M

9

NUCLEAR REGULATORY COMMISSION

DATE: Week of February 22, 1982 (revised) and Week of March 1, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Thursday, February 25:

4:00 p.m.:
Affirmation/Discussion Session (public meeting) (items revised)
Items to be affirmed and/or discussed:
a. Export and Import of Nuclear Equipment and Material: Proposed Amendments to NRC's Regulations (postponed from February 19)
b. Final Rule for Eliminating need for Power and Alternative Energy Sources as Issues in OL Proceedings
c. FOIA Appeal (81-A-21)

Friday, February 26:

9:30 a.m.:
Discussion of Management-Organization and Internal Personnel Matters (closed meeting) (as announced)

2:00 p.m.:
Discussion of Revised Licensing Procedures (closed meeting) (as announced)

Monday, March 1:

2:00 p.m.:
Discussion of Clinch River Breeder Reactor (open/closed status to be determined)

Thursday, March 4:

10:00 a.m.:
Briefing and Possible Vote on Staff Recommendations on Diablo Canyon Program Plan and Independence of Audit (public meeting) (rescheduled from February 25)

2:00 p.m.:
Briefing on Draft Final Rule Requiring Documentation of Deviations from the Revised Standard Review Plan (public meeting) (approximately 2 hours)

4:00 p.m.:
Affirmation/Discussion Session (public meeting)
Items to be affirmed and/or discussed:
a. Proposed Rule Change on Technical Specifications
b. Final Rule (1) to Eliminate Requirements with Respect to Financial Qualifications for Power Reactor Applicants, and (2) to Require Power Reactor Licensees to Maintain Property Damage Insurance
c. Request for Direct Certification of ASLB Order in Diablo Canyon Proceeding

ADDITIONAL INFORMATION: The Affirmation/Discussion Session scheduled for February 19 was cancelled. Discussion of Regulatory Reform Task Force Proposals, announced for February 26, has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,
Office of the Secretary.

February 22, 1982.

[S-282-82 Filed 2-22-82; 1:27 pm]

BILLING CODE 7590-01-M

10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on March 11, 1982.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell; (202) 634-4015.

Dated: February 22, 1982.

[S-287-82 Filed 2-22-82; 4:00 pm]

BILLING CODE 7600-01-M

11

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on March 18, 1982.

PLACE: Room 1101, 1825 K Street, NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell; (202) 634-4015.

Dated: February 22, 1982.

[S-286-82 Filed 2-22-82; 4:00 pm]

BILLING CODE 7600-01-M

12

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on March 25, 1982.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634-4015.

Dated: February 22, 1982.

[S-288-82 Filed 2-22-82; 4:00 pm]

BILLING CODE 7600-01-M

13

POSTAL SERVICE

(Board of Governors)

Notice of Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings on Monday, March 1, at 2:00 p.m., and at 9:00 a.m., March 2, 1982, in the Benjamin Franklin Room, 11th Floor, 475 L'Enfant Plaza SW, Washington, D.C. The Tuesday meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

On February 8, 1982, the Board of Governors of the United States Postal Service voted to close to public observation its meeting of March 1, 1982, which is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Hughes, Jenkins and

Sullivan; Postmaster General Bolger, Deputy Postmaster General Benson; Secretary of the Board Cox; Counsel to the Governors Califano; and Assistant Postmaster General Cummings. The meeting will consist of a discussion of Postal strategic planning.

Agenda

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General.
   (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
3. Report on Legislative Developments.
   (Mr. Horgan, Assistant Postmaster General for Government Relations, will report on recent and anticipated Congressional developments affecting the Postal Service.)
4. Report on Law Department.
   (Mr. Cox, General Counsel, will brief the Board on developments in the Law Department.)
5. Temporary Classification change re Flexible Acceptance Times for Express Mail.
   (Under the Postal Reorganization Act (39 U.S.C 3641 (e)), if the Postal Rate Commission does not transmit a recommended decision on a change in the Domestic Mail Classification schedule to the Governors of the Postal Service within ninety days after the Postal Service has submitted to the Commission a request for such a recommended decision, the Postal Service, upon ten days notice in the Federal Register, may place into effect temporary changes in the Domestic Mail Classification Schedule in accordance with proposed changes under consideration by the Commission. The Postal Service requested a recommended decision on November 10, 1981, to change the Domestic Mail Classification Schedule to allow acceptance of Express Mail at times that differ from the current 5 p.m. cut-off time. The Board will consider the question of whether the Postal Service should place the proposal into effect on a temporary basis.)
6. "50% Requester" requirement for Second-Class Mail.
   (The Board will consider whether to authorize a filing with the Postal Rate Commission for a change in the Domestic Mail Classification Schedule to eliminate the requirement in section 200.0110 f. that publications must have a legitimate list of persons who request the publication to be eligible as second-class mail *or*, in the alternative, to set an effective date for this requirement. The Classification Schedule currently states that subsection f. will not be effective prior to March 20, 1982; the Board has not previously determined the date on which this subsection shall become effective.)

Louis A. Cox,

Secretary.

[S-279-82 Filed 2-22-82; 10:04 am]

BILLING CODE 7710-12-M

14

SECURITIES AND EXCHANGE COMMISSION

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 meetings during the week of March 1, 1982, in Room 825, 500 North Capitol Street, Washington, D.C.

Open meetings will be held on Wednesday, March 3, 1982, at 10:00 a.m., and on Thursday, March 4, 1982, at 2:30 p.m. A closed meeting will be held on Thursday, March 4, 1982, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Wednesday, March 3, 1982, at 10:00 a.m., will be:

1. Consideration of applications of Ralph M. Nordstrom, Theordore Saltzman, Marvin S. Bernstein, and Lawrence R. Turel for relief from disqualifications imposed in connection with administrative proceedings.
2. Consideration of whether to adopt, on a permanent basis, three forms under the Investment Company Act of 1940: (1) Form N-6F, a notice of intent to elect to be regulated as a business development company, (2) Form N-54A, a notification of election to be regulated as a business development company and Form N-54C, a notification of withdrawal of such election. The Commission adopted, on an interim basis, the three forms in substantially the same form in Investment Company Act Release No. 11703 (March 26, 1981). For further information, please contact Kathleen A. Jackson at (202) 272-2115 or Eric H. Pookrum at (202) 272-2118.
3. Consideration of whether to propose for public comment Rule 17f-5 under the Investment Company Act of 1940 which would permit a management investment company to authorize a qualified bank custodian or sub-custodian to place and maintain the company's foreign securities in foreign banks and foreign securities depositories under certain conditions. For further information, please contact Elizabeth K. Norsworthy at (202) 272-2028.
4. Consideration of whether to amend 17 CFR 201.22(e), 230.403(a), 240.12b-12(a) and (b), 250.22(d), 260.7a-12, 270.8b-12(a) and (b), and 275.04(b), to require the use of 8½ x 11 inch paper for all statements, applications, reports, documents and amendments thereto filed with the Commission. For further information, please contact Douglas J. Scheidt at (202) 272-2454.
5. Consideration of whether to adopt new Regulation D and related amendments governing certain offers and sales of securities without registration under the Securities Act of 1933 and a uniform notice of sales form to be used for all offerings under the regulation. The regulation replaces three exemptions and four forms, all of which are being rescinded. The new regulation is designed to simplify and clarify existing exemptions, to expand their availability, and to achieve uniformity between federal and state exemptions in order to facilitate capital formation consistent with the protection of investors. For further information, please contact David B. H. Martin at (202) 272-2573.
6. Consideration of whether to authorize publication of a release describing the results of the 1981 Proxy Statement Disclosure Monitoring Program, which surveys disclosures about the composition and functioning of boards of directors and director compensation practices. For further information, please contact Gregory H. Mathews at (202) 272-2589.

The subject matter of the closed meeting scheduled for Thursday, March 4, 1982, at 10:00 a.m., will be:

Access to investigative files by Federal, State, or Self-Regulatory authorities.
Formal orders of investigation.
Institution of injunctive actions.
Institution of administrative proceeding of an enforcement nature.
Freedom of Information Act appeal.

The subject matter of the open meeting scheduled for Thursday, March 4, 1982, at 2:30 p.m., will be:

The Commission will meet with members of the Financial Accounting Standards Board with respect to the Board's Conceptual Framework project and other matters. For further information, please contact Clarence Staubs at (202) 272-2133.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272-2178.

February 22, 1982.

[S-281-82 Filed 2-22-82; 1:26 pm]

BILLING CODE 8010-01-M

federal register

Wednesday
February 24, 1982

Part II

Consumer Product Safety Commission

Standards for the Flammability of Clothing Textiles and Vinyl Plastic Film; Final Rule and Extension of Time for Receipt of Written Comments on Proposed Amendments

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1610 and 1611

Standards for the Flammability of Clothing Textiles and Vinyl Plastic Film; Amendments to Implementing Regulations

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission amends regulations implementing the flammability standards for clothing textiles and vinyl plastic film to exempt plastic film used as the outer layer of disposable diapers from any requirement for separate testing, provided that a full-thickness of the assembled article passes the test in the applicable standard. The Commission issues these amendments to prescribe a single procedure for testing multi-layer fabrics which have an outer layer of plastic film or plastic-coated fabric and are used in disposable diapers, thereby eliminating inconsistencies in testing which might otherwise result from application of the standards and implementing regulations to such fabrics.

EFFECTIVE DATE: April 26, 1982.

FOR FURTHER INFORMATION CONTACT: Elizabeth Gomilla, Division of Regulatory Management, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492–6400.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 28, 1981 (46 FR 28665), the Commission proposed several amendments to the regulations implementing the flammability standards for clothing textiles (16 CFR Part 1610) and vinyl plastic film (16 CFR Part 1611). (*14*) [1]

The Commission began this rulemaking proceeding after receiving a petition (FP 79–1) from the Procter & Gamble Company (P&G) which requested issuance of a separate flammability standard for disposable diapers, a product manufactured by P&G. (*2*) The standard requested by P&G incorporated the basics of the test method set forth in the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) but contained specific language to the effect that only the full thickness of a disposable diaper would be tested. Consequently, if the product were manufactured with an outer layer of plastic film, that outer layer would not be tested separately. The standard for disposable diapers requested by the petition from P&G contained other modifications to the clothing textiles standard, which P&G claimed would make it more realistic and suitable for testing disposable diapers.

A major concern expressed by P&G in the petition was the manner in which the Commission staff applied the flammability standards for clothing textiles and vinyl plastic film and regulations implementing those standards to disposable diapers. The petition cited letters and depositions from various members of the Commission staff to the effect that the answer to the question of whether the standards and implementing regulations required the outer layer of plastic film used in a disposable diaper to be tested separately, or whether a full thickness of the product including the outer layer of film should be tested, depends upon the construction of the product. The petition expressed the view that a new standard is needed which could be applied consistently to all types of disposable diapers. (*2*)

Proposal of May 28, 1981

After consideration of the petition (*2*), a staff briefing package concerning the petition (*1, 3–10*), and other information concerning the petition (*11, 12*), the Commission voted to deny the petition. (*13*) The Commission concluded that in view of the small number of flammability incidents involving disposable diapers, issuance of a separate flammability standard for that product would not be a reasonable use of the Commission's resources. However, the Commission also decided that the regulations implementing the flammability standard for clothing textiles and vinyl plastic film should be amended to specify that when testing disposable diapers, the test specimen shall consist of a swatch from the full thickness of the product, and that any outer layer of plastic film or coated fabric need not be tested separately. (*13*) Additionally, the Commission decided to propose clarifying amendments to those regulations to resolve questions which had arisen about interpretation of the standards and their applicability to various products, including multi-layer fabrics with an outer layer of film, or coated fabric, such as those used for disposable diapers. (*13*) A detailed explanation of the proposed amendments appears in the notice published on May 28, 1981. (*14*)

In the notice of May 28, 1981, the Commission stated that it anticipated that the major effect of the proposal would be to relieve manufacturers of disposable diapers from any requirement to test separately any outer layer of plastic film or coated fabric used in the product, thereby decreasing the cost imposed by the standards. The Commission also stated that other portions of the regulations implementing the two standards were "not expected to result in any substantial change in existing practices" by manufacturers of items subject to either the clothing textiles or vinyl plastic film standards.

See 46 FR 28665 at 28670. For these reasons, the Commission certified that the amendments proposed on May 28, 1981, if issued on a final basis, would not have a significant economic effect on a substantial number of small businesses. (*14*)

Industry Interpretation of Standards

After publication of the proposed amendments, the Commission received informal, preliminary comments from garment manufacturers and associations representing those manufacturers to the effect that the proposed amendments, if issued on a final basis, would require testing of the full thickness of an assembled garment, in addition to tests of each uncovered or exposed layer of fabric, film or coated fabric to determine compliance with the flammability standards for clothing textiles or vinyl plastic film in the garment.

However, these preliminary comments stated that the industry as a whole has interpreted the standards to require only testing of any uncovered or exposed layers of fabric in a garment, and not full thickness testing for garments having multiple layers of fabric. The preliminary comments stated that the proposal of May 28, 1981, could have the effect of substantially increasing manufacturers' costs of testing under the two standards, resulting in an adverse economic impact on industry and consumers.

As indicated above, when the Commission published the proposal of May 28, 1981, it intended to relieve a requirement for separate testing of any outer layer of plastic film or coated fabric used in disposable diapers, and to clarify other provisions of the regulations implementing the flammability standards for clothing textiles and vinyl plastic film. It did not intend to increase the amount of testing required to be performed by industry, or to add substantially to the costs imposed on industry by the two standards. (*14*)

[1] Numbers in parentheses identify reference documents listed in the Bibliography at the end of this notice. Requests for inspection of any of these documents should be made at the Commission public reading room, 1111 18th Street, NW., 8th floor, Washington, D.C. 20207, or by calling the Office of the Secretary at (301) 492–6800.

After considering these preliminary comments on the proposal of May 28, 1981, the Commission published a notice in the **Federal Register** of July 30, 1981 (46 FR 38931) to divide the rulemaking proceeding initiated by the proposal of May 28, 1981, into two parts. In the notice of July 30, the Commission announced that it would suspend further action on those parts of the proposal of May 28, 1981, related to the issue of whether full-thickness testing of garments is required by the Flammable Fabrics Act and the two standards, and would establish a new comment period and schedule a new date for oral presentations concerning that part of the proposal of May 28. (*15*)

The notice of July 30, 1981, also extended the period for receipt of written comments on all other aspects of the proposal of May 28, 1981, including the proposed exemption from separate testing for any outer layer of plastic film or coated fabric used for disposable diapers, until August 31, 1981, and scheduled a public hearing to receive oral views on all remaining aspects of the proposal for August 7, 1981. (*15*)

Comments on Proposals

In response to the notice of July 30, 1981, the Commission received five written comments on issues raised by the proposal of May 28, 1981, as modified by the notice of July 30. (*17–21*) One other written comment concerned issuance of new or amended flammability standards, a topic not covered by the proposed amendments. (*16*) No person or firm requested the opportunity to make an oral presentation to the Commission concerning the proposal of May 28, 1981, as modified by the notice of July 30, 1981.

After consideration of all relevant written comments and the requests for extension of the comment period, the Commission has decided to issue on a final basis, with some revision, those portions of the proposal of May 28, 1981, which provide that test specimens of a disposable diaper manufactured with an outer layer of plastic film shall be taken from a full thickness of the assembled article, and exempt plastic film used as the outer layer of a disposable diaper from any requirement for separate testing. The reasons for this decision are set forth below under the heading, "Testing of Plastic Film or Coated Fabric Used in Disposable Diapers."

The Commission has also granted a request for a 90-day extension of the period for receipt of written comments on the remainder of the proposal of May 28, 1981. In the proposed rules section of this issue of the **Federal Register**, the Commission has published a notice extending the date for receipt of written comments on all remaining portions of the proposal of May 28, 1981, including issues related to the question of whether full-thickness testing of garments is required by the Flammable Fabrics Act and the standards in question, until May 25, 1982. That notice also schedules a public hearing for oral presentations on all remaining portions of the proposal of May 28, 1981, at 9:30 a.m., May 3, 1982, in the Commission's hearing room, third floor, 1111 18th Street, NW., Washington, D.C.

Testing of Plastic Film or Coated Fabric Used in Disposable Diapers

In the notice of May 28, 1981, (46 FR 28665 at 28670–2) (*14*) and the notice of July 30, 1981, (46 FR 38931 at 38933–4) (*15*) the Commission proposed to amend the regulations implementing the standards for clothing textiles and vinyl plastic film by adding new paragraphs concerning testing of disposable diapers to existing §§ 1610.36 and 1611.36. The portions of the proposal intended to exempt plastic film used as the outer layer of a disposable diaper from any requirement for separate testing were proposed on May 28, 1981, and republished on July 30, 1981 as follows:

§ 1610.36 Application of act to particular types of products.

* * * * *

(f) *Multilayer fabric and wearing apparel with a film or coating on the uncovered or exposed surface.* The following procedure shall be used to determine whether the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) applies to multilayered fabrics which have a film or coating on a surface which will be uncovered or exposed when the fabric is used in wearing apparel, and to garments made of such fabrics:

(1) [Reserved]

(2) [Reserved]

(3) Disposable diapers constructed with an outer layer of plastic film or plastic-coated fabric are exempt from the requirements of §§ 1610.32 and 1611.32 that the fabric or film of the uncovered surface of an article of wearing apparel must be tested, provided that such diapers would pass a full thickness test of the assembled article under the standard otherwise applicable to the outer fabric or film when the flame is applied to the exposed or uncovered surface.

(Identical language was used in the proposed amendment of § 1611.36.) (*14*)(*15*)

The Commission received three written comments concerning the language in the proposed amendments, all from manufacturers of disposable diapers.

A comment from Kimberly-Clark Corporation supported the language in the proposal exempting the outer layer of plastic film used in disposable diapers from any requirement for separate testing. This comment observed that full-thickness testing of disposable diapers will assure the safety of that product because such testing approximates actual use conditions. This comment also observes that consumers do not use the outer layer of film of a disposable diaper by itself, and for that reason, separate testing of the film is not relevant to a determination of the flammability of the entire diaper. (*19*)

A comment from P&G favored the proposed amendments to exempt plastic film used as the outer layer of a disposable diaper, but expressed concern that the language of proposed §§ 1610.36(f)(3) and 1611.36(f)(3) exempting the outer layer of plastic film from any requirement for separate testing might conflict with other provisions in the proposed §§ 1610.36(f) and 1611.36(f) concerning determination of whether a disposable diaper is subject to the standard for clothing textiles (Part 1610) or the standard for vinyl plastic film (Part 1611). This comment suggested specific language to avoid the perceived conflict. (*17*)

A comment from Kendall Company objected to proposed §§ 1610.36(f) and 1611.36(f) because they indicate that the disposable diaper is a garment subject to the standard for clothing textiles or the standard for vinyl plastic film, whereas the commenter believes that only the fabric or film used in a garment is subject to the standards. (*20*)

Without conceding the applicability of the standards in question to garments as well as to fabric and film from which garments are made, the Commission believes that the language of proposed §§ 1610.36(f)(3) and 1611.36(f)(3) could be revised to eliminate the potential conflict with other portions of the proposal foreseen by P&G, and also overcome the objection expressed by the Kendall Company.

As issued below, those sections have been reworded to state that "plastic film or plastic-coated fabric used, or intended for use, as the outer layer of disposable diapers" is exempted from any requirement for separate testing, "provided that a full thickness of the assembled article passes" the test in the applicable standard.

Therefore, for the reasons set forth above, Parts 1610 and 1611 of Title 16 of the Code of Federal Regulations are amended as follows:

PART 1610—STANDARD FOR THE FLAMMABILITY OF CLOTHING TEXTILES

1. A new paragraph (f) is added to 16 CFR 1610.36, to read as follows:

§ 1610.36 Application of act to particular types of products.

* * * * *

(f) *Multilayer fabric and wearing apparel with a film or coating on the uncovered or exposed surface.* The following procedure shall be used to determine whether the standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) applies to multilayered fabrics which have a film or coating on a surface which will be uncovered or exposed when the fabric is used in wearing apparel, and to garments made of such fabrics:

(1) [Reserved]

(2) [Reserved]

(3) Plastic film or plastic-coated fabric used, or intended for use, as the outer layer of disposable diapers is exempt from the requirements of the standard, provided that a full thickness of the assembled article passes the test in the standard otherwise applicable to the outer fabric or film when the flame is applied to the exposed or uncovered surface.

PART 1611—STANDARD FOR THE FLAMMABILITY OF VINYL PLASTIC FILM

2. A new paragraph (f) is added to 16 CFR 1611.36, to read as follows:

§ 1611.36 Application of act to particular types of products.

* * * * *

(f) *Multilayer fabric and wearing apparel with a film or coating on the uncovered or exposed surface.* The following procedure shall be used to determine whether the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) applies to multilayered fabrics which have a film or coating on a surface which will be uncovered or exposed when the fabric is used in wearing apparel, and to garments made of such fabrics:

(1) [Reserved]

(2) [Reserved]

(3) Plastic film or plastic-coated fabric used, or intended for use, as the outer layer of disposable diapers is exempt from the requirements of the standard, provided that a full thickness of the assembled article passes the test in the standard otherwise applicable to the outer fabric or film when the flame is applied to the exposed or uncovered surface.

(Sec. 4, 5, 67 Stat. 112, 113, as amended, 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194); sec. 30(b), 86 Stat. 1207 (15 U.S.C. 2079(b))

Effective date: These amendments shall be effective on April 26, 1982.

Dated: February 18, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Bibliography

1. Transmittal memorandum and attached briefing package concerning petition 79–1, requesting establishment of a flammability standard for disposable diapers, from Elaine A. Tyrrell, OPM, to Commission; 12 pages; May 7, 1980. (The Tabs are listed separately as documents below.)

2. TAB A, Petition for Disposable Diaper Standard from Procter & Gamble Company to Consumer Product Safety Commission, with attachments; 83 pages; November 22, 1978.

3. TAB B, chronology of events associated with petition 79–1; 3 pages.

4. TAB C, Memorandum from Beatrice Pitkin, OGC, to Sadye E. Dunn, Secretary, concerning request for issuance of flammability standard for disposable diapers; 2 pages; December 4, 1978.

5. TAB D, memorandum from Allen F. Bruaninger, C&E, to Elaine Tyrrell, OPM, concerning response to petition from Procter & Gamble Company, and attached draft **Federal Register** notice; 34 pages; March 28, 1980.

6. TAB E, memorandum from Patricia A. Fairall, ESEM, to Roy Deppa, OPM, concerning Procter & Gamble petition for disposable diapers; 13 pages; April 16, 1980.

7. TAB F, three documents. (1) Memorandum from Deborah Kale, HIEA, to Elaine A. Tyrrell, OPM, concerning petition 79–1 for Commission action to develop a flammability standard for disposable diapers; 2 pages; September 11, 1979. (2) Memorandum from Charles A. Nicholls, HIEA, to Douglas Noble, OPM, concerning petition 79–1; 1 page; November 28, 1979. (3) Memorandum from Bea Harwood and Debbie Kale, HIEA, to Elaine Tyrrell, OPM, concerning petition 79–1; 2 pages; December 12, 1979.

8. TAB G, memorandum from Julia Clones and Eileen Gallagher, HICP, concerning economic considerations related to Procter & Gamble petition on disposable diapers; 5 pages; October 1, 1979.

9. TAB H, three documents. (1) Letter from Roger B. Bognar, American Paper Institute, Tissue Division, to David Schmeltzer, C&E, concerning petition FP 79–1; 2 pages; June 30, 1979. (2) Letter from Roger B. Bognar, American Paper Institute, Tissue Division, to Sadye Dunn, Secretary, concerning petition 79–1; 1 page; September 6, 1979. (3) Letter from Robert E. Freer, Jr., Kimberly-Clark Corporation, to Sadye E. Dunn, Secretary, concerning petition FP 79–1; 3 pages; January 28, 1980.

10. TAB I, three documents. (1) Log of meeting on July 10, 1979, of Commission staff members with representatives of Procter & Gamble Company; 2 pages. (2) Log of meeting on November 20, 1979, of Commission staff members with representatives of Procter & Gamble Company; 2 pages. (3) Memorandum of telephone conversations on November 8 and 9 of Douglas Noble and Commission staff with James O'Reilly and other representatives of Procter & Gamble Company; 2 pages.

11. Vote sheet and memorandum from Harleigh Ewell, OGC, to the Commission, concerning briefing package on petition FP 79–1 to establish a flammability standard for disposable diapers; 12 pages; May 14, 1980.

12. Memorandum from Douglas Noble, OPM, to the Commission, transmitting additional information related to petition FP 79–1 requesting flammability standard for disposable diapers, with attachments; 87 pages; June 11, 1980.

13. Minutes of Commission meeting of June 12, 1980; 2 pages; June 16, 1980.

14. **Federal Register** notice, "Standards for the Flammability of Clothing Textiles and Vinyl Plastic Film; Proposed Interpretations, Clarifications, and Exemption; 8 pages; May 28, 1981.

15. **Federal Register** notice, "Standards for the Flammability of Clothing Textiles and Vinyl Plastic Film; Proposed Interpretations, Clarifications, and Exemptions; 4 pages; July 30, 1981.

16. Comment from Robert E. Kelly, State of Montana, concerning proposal of May 28, 1981; 1 page; June 23, 1981.

17. Comment from James T. O'Reilly, Procter & Gamble Company, concerning proposal of May 28, 1981; 3 pages; June 30, 1981.

18. Comment from Arnold M. Snooke, Burlington Industries, Inc., concerning proposals of May 28, and July 30, 1981; 2 pages; August 18, 1981.

19. Comment from Robert Freer, Jr., Kimberly-Clark Corporation, concerning proposals of May 28, and July 30, 1981; 4 pages; August 31, 1981.

20. Comment from E. E. Hinds, Kendall Company, concerning proposals of May 28, and July 30, 1981; 5 pages; August 17, 1981.

21. Comment from William E. Fisher, International Fabricare Institute, on proposals of May 28, and July 30, 1981; 4 pages; August 31, 1981.

22. Request from Fred Shippee, American Apparel Manufacturers Association, for extension of comment period; 2 pages; August 24, 1981.

23. Request from Peter M. Phillipes, Levi, Strauss & Co., for extension of comment period; 1 page; August 26, 1981.

24. Request from H. Adams, Jr., Man-made Fiber Producers Association, Inc., for extension of comment period; 1 page; August 27, 1981.

25. Request from O'Jays Niles, American Textile Manufacturers Association, for extension of comment period; 1 page; August 28, 1981.

26. Request from Robert B. Cleaver, National Cotton Council of America, for extension of comment period; 2 pages; August 27, 1981.

27. Letter from James T. O'Reilly, Procter & Gamble Company, to Harleigh Ewell, OGC, concerning request for extension of comment period; 1 page; August 28, 1981.

[FR Doc. 82-4866 Filed 2-23-82; 8:45 am]

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1610 and 1611

Standards for the Flammability of Clothing Textiles and Vinyl Plastic Film; Extension of Time for Receipt of Written Comments on Proposed Amendments to Implementing Regulations

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time for submission of written comments on proposed amendments to regulations.

SUMMARY: The Commission extends the period for receipt of written comments on proposed amendments to regulations implementing the flammability standards for clothing textiles and vinyl plastic film until May 25, 1982. The amendments were proposed on May 28, 1981, and July 30, 1981. This extension of the comment period is made in response to requests from a garment manufacturer and from three associations of garment and textile manufacturers stating that additional time for preparation of written comments is needed in view of the complexity of issues which the proposals present to the regulated industry.

DATES: (1) Interested parties may submit written comments on the proposals until May 25, 1982; (2) If requested, a public hearing providing for presentation of oral data, views, or arguments will be scheduled for May 3, 1982 at 9:30 a.m. in the Commission's hearing room, third floor, 1111 18th Street, NW., Washington, D.C. Those wishing to make oral presentations at the public hearing should notify Sheldon Butts at the Office of the Secretary in writing by April 22, 1982. A summary or copy of the testimony is requested to be submitted to the Office of the Secretary by April 26, 1982.

PROPOSED EFFECTIVE DATE: The Commission proposes that any final amendments based on the proposals shall become effective 60 days after publication in the **Federal Register** on a final basis.

ADDRESSES: Written comments should be addressed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Received comments on the proposals are available for inspection at the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, NW., 8th Floor, Washington, D.C. Requests for inspection of the staff briefing package or any other document listed in the Bibliography at the end of this notice should be made at the Office of the Secretary, 1111 18th Street, NW., 8th Floor, Washington, D.C., or by calling the Office of the Secretary at (301) 492–6800.

FOR FURTHER INFORMATION CONTACT: L. James Sharman, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, Telephone: (301) 492–6557.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 28, 1981 (46 FR 28665), the Commission proposed several amendments to the regulations implementing the flammability Standards for clothing textiles (16 CFR Part 1610) and vinyl plastic film (16 CFR Part 1611). (*14*)[1]

The Commission began this rulemaking proceeding after receiving a petition (FP 79–1) from the Procter & Gamble Company (P & G) which requested issuance of a separate flammability standard for disposable diapers, a product manufactured by P & G. (*2*) The standard requested by P & G incorporated the basics of the test method set forth in the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) but contained specific language to the effect that only the full thickness of a disposable diaper would be tested. Consequently if the product were manufactured with an outer layer of plastic film, that outer layer would not be tested separately. The standard for disposable diapers requested by the petition from P & G contained other modifications to the clothing textiles standard, which P & G claimed would make it more realistic and suitable for testing disposable diapers.

A major concern expressed by P & G in the petition was the manner in which the Commission staff applied the flammability standards for clothing textiles and vinyl plastic film and regulations implementing those standards to disposable diapers. The petition cited letters and depositions from various members of the Commission staff to the effect that the answer to the question of whether the standards and implementing regulations required the outer layer of plastic film used in a disposable diaper to be tested separately, or whether a full thickness of the product including the outer layer of film should be tested, depends upon the construction of the product. The petition expressed the view that a new standard is needed which could be applied consistently to all types of disposable diapers. (*2*)

After consideration of the petition (*2*), a staff briefing package concerning the petition (*1, 3–10*), and other information concerning the petition (*11, 12*), the Commission voted to deny the petition (*13*). The Commission concluded that in view of the small number of flammability incidents involving disposable diapers, issuance of a separate flammability standard for that product would not be a reasonable use of the Commission's resources. However, the Commission also decided that the regulations implementing the flammability standard for clothing textiles and vinyl plastic film should be amended to specify that when testing disposable diapers, the test specimen shall consist of a swatch from the full thickness of the product, and that any outer layer of plastic film or coated fabric need not be tested separately (*13*). Additionally, the Commission decided to proposed clarifying amendments to those regulations to resolve questions which had arisen about interpretation of the standards and their applicability to various products, including multilayer fabrics with an outer layer of film or coated fabric, such as those used for disposable diapers (*13*). A detailed explanation of the proposed amendments appears in the notice published on May 28, 1981 (*14*).

In the notice of May 28, 1981, the Commission stated that it anticipated that the major effect of the proposal would be to relieve manufacturers of disposable diapers from any requirement to test separately any outer layer of film or coated fabric used in the product, thereby decreasing the cost imposed by the standards. The Commission also stated that other portions of the regulations implementing the two standards were "not expected to result in any substantial change in existing practices" by manufacturers of items subject to either the closing textiles or vinyl plastic film standards. See 46 FR 28665 at 28670. For these reasons the Commission certified that the amendments proposed on May 28, 1981, if issued on a final basis, would not have a significant economic effect on a substantial number of small businesses. (*14*)

Industry Interpretation of Standards

After publication of the proposed amendments, the Commission received informal, preliminary comments from garment manufacturers and associations representing those manufacturers to the effect that the proposed amendments, if issued on a final basis, would require

[1] Numbers in parentheses identify reference documents listed in the Bibliography at the end of this notice. Requests for inspection of any of these documents should be made at the Commission public reading room, 1111 18th Street, N.W., 8th Floor, Washington, D.C. 20207, or by calling the Office of the Secretary at (301) 492–6800.

testing of the full thickness of an assembled garment, in addition to tests of each uncovered or exposed layer of fabric or film to determine compliance with the flammability standards for clothing textiles or vinyl plastic film.

However, these preliminary comments stated that the industry as a whole has interpreted the standards to require only testing of any uncovered or exposed layers of fabric in a garment, and not full thickness testing for garments having multiple layers of fabric. The preliminary comments stated that the proposal of May 28, 1981, could have the effect of substantially increasing manufacturers' costs of testing under the two standards, resulting in an adverse economic impact on industry and consumers.

As indicated above, when the Commission published the proposal of May 28, 1981, it intended to relieve a requirement for separate testing of any outer layer of plastic film or coated fabric used in disposable diapers, and to clarify other provisions of the regulations implementing the flammability standards for clothing textiles and vinyl plastic film. It did not intend to incease the amount of testing required to be performed by industry, or to add substantially to the costs imposed on industry by the two standards. (*14*)

After considering these preliminary comments on the proposal of May 28, 1981, the Commission published a notice in the **Federal Register** of July 30, 1981 (46 FR 38931) to divide the rulemaking proceeding initiated by the proposal of May 28, 1981, into two parts. In the notice of July 30, the Commission announced that it would suspend further action on those parts of the proposal of May 28, 1981, related to the issue of whether full-thickness testing of garments is required by the Flammable Fabrics Act and the two standards, and would establish a new comment period and schedule a new date for oral presentations concerning that part of the proposal of May 28. (*15*)

Comments on Proposals

In response to the notice of July 30, 1981, the Commission received six written comments on the proposed amendments of the regulations implementing the standards. (*16–21*) The Commission also received requests from one garment manufacturer and from three associations representing garment and textile manufacturers for a 60-day extension of the comment period. (*22–25*) Another association requested a 90-day extension of the comment period. (*26*)

The requests for extension of the comment period stated that the regulated industry needed additional time to prepare comments on the proposals because of the wide range of products which might be affected, and because of the complexity of issues presented by the proposals.

The Commission received no request from any person for an opportunity to make an oral presentation concerning the proposals.

After consideration of all comments on the proposals of May 28, and July 30, 1981, and the requests for extension of the comment period, the Commission hereby grants the request for a 90-day extension of the period for receipt of written comments on all aspects of the proposals of May 28 and July 30, 1981, except for those portions which exempt plastic film or coated fabric used as the outer layer of disposable diapers from the requirement for separate testing.

The Commission also schedules a public hearing at 9:30 a.m. on May 3, 1982, in the Commission's hearing room, third floor, 1111 18th Street, N.W., Washington, D.C. 20207, to provide opportunity for interested parties to make oral presentations of data, views, arguments, and opinions concerning all portions of the amendments proposed on May 28, and July 30, 1981, except those exempting plastic film or coated fabic used as the outer layer of disposable diapers from the requirement for separate testing.

Testing Plastic Film or Coated Fabric Used for Diapers

In the final rules section of this issue of the **Federal Register**, the Commission has published a notice issuing on a final basis amendments which add new §§ 1610.36(f)(3) and 1611.36(f)(3) to provide that when testing multilayer fabric with an outer layer of plastic film or plastic-coated fabric, used for disposable diapers, the outer layer of plastic film or plastic-coated fabric is exempt from any requirement for separate testing, provided that a full-thickness of the assembled article passes the test in the applicable standard.

As stated above, this notice grants the request for a 90-day extension of the comment period, until May 25, 1982 on all remaining portions of the proposals of May 28 and July 30, 1981, including issues related to full-thickness testing of garments.

Issues Related to Full-Thickness Testing of Garments

With regard to the question of whether full-thickness testing of garments is required by the Flammable Fabrics Act and the standards, the Commission observes that in their present form, §§ 1610.32 and 1611.32 state the following:

> No article of wearing apparel or fabric subject to the act and regulations shall be marketed or handled if such article or fabric, when tested according to the procedures prescribed in section 4(a) of the act, is so highly flammable as to be dangerous when worn by individuals.

The notice of May 28, 1981, proposed to make editorial revisions of the text of §§ 1610.32 and 1611.32; to redesignate existing §§ 1610.32 and 1611.32 as §§ 1610.32(a) and 1611.32(a), respectively; and to add new paragraphs to each sections. Proposed §§ 1610.32(b) and 1611.32(b) contained the following provisions:

> (b) *Uncovered surfaces, exposed surfaces, and full thickness of articles of apparel subject to testing.* When testing an article of wearing apparel subject to the Standard, the following parts of the article of wearing apparel shall be individually tested:
>
> (1) The fabric of the uncovered, or outer, surface of the article of wearing apparel, with the flame applied to the uncovered surface;
>
> (2) The fabric of any other surface which could be exposed when the article of wearing apparel is worn, with the flame applied to the exposed surface; and
>
> (3) The full thickness of the article of wearing apparel, with the flame applied to the uncovered or exposed surface(s).

Additionally, the notice of May 28, 1981, proposed to revoke existing §§ 1610.34 and 1611.34. Those sections state:

> In determining whether an article of wearing apparel is so highly flammable as to be dangerous when worn by individuals, only the uncovered or exposed part of such article of wearing apparel shall be tested according to the applicable procedures set forth in section 4(a) of the act.

Alternatives to Previous Proposals

One way to overcome some of the objections expressed in the preliminary comments on the proposal of May 28, 1981, would be to withdraw proposed §§ 1610.32(b) and 1611.32(b) and the proposed revocation of §§ 1610.34 and 1611.34. Such action would have the effect of continuing without change existing provisions in those sections of the regulations applicable to testing of garments. The Commission solicits comments on the question of whether those sections should be retained in their present form.

As noted above, provisions of §§ 1610.34 and 1611.34 state that "only the uncovered or exposed part" of an article of wearing apparel shall be tested to determine compliance with the standard for clothing textiles or vinyl

plastic film. If §§ 1610.34 and 1611.34 are retained, additional questions arise as to whether they should make reference to the exemption from the requirement for separate testing of plastic film used as the outer layer of disposable diapers, and whether the phrase "uncovered or exposed part" of an article of wearing apparel is sufficiently precise. For these reasons, the Commission also solicits comments from interested parties on whether those sections should be revised. Such a revision might take the following form:

In determining whether an article of wearing apparel is so highly flammable as to be dangerous when worn by individuals, only the uncovered or exposed layer of fabric or film of such article of wearing apparel shall be tested according to the applicable procedures set forth in section 4(a) of the act. (Note: plastic film or plastic-coated fabric used, or intended for use, as the outer layer of disposable diapers is exempt from the requirements of the standard, provided that a full thickness of the assembled article passes the test in the standard otherwise applicable to the outer fabric or film when the flame is applied to the exposed or uncovered surface. See §§ 1610.36(f)(3) and 1611.36(f)(3).)

Conclusion

Accordingly, the Commission hereby extends the period for receipt of written comments on all aspects of the proposal of May 28, 1981, and the notice of July 30, 1981, (except for §§ 1610.36(f)(3) and 1611.36(f)(3) which have been issued on a final basis) until May 25, 1982.

For the convenience of all interested parties, the Commission is republishing the amendments to 16 CFR Part 1610 and 1611 previously proposed on May 28, 1981, and July 30, 1981, below, with the following alterations:

1. The text of existing §§ 1610.32, 1611.32, 1610.34 and 1611.34 has been published within the proposed amendments and are shown in a smaller type size than the proposed versions of these sections.

2. An example of alternative language for existing §§ 1610.34 and 1611.34 discussed above, has been inserted to facilitate comparison with the text of those sections in their present form.

3. Some technical changes have been made to the wording of proposed § 1610.32(c) concerning interpretation of test results of raised-fiber surface fabrics to correct errors and omissions discovered by the Commission staff after publication of the proposals of May 28, and July 30, 1981.

4. Sections 1610.36(f)(3) and 1611.36(f)(3), which have been issued on a final basis, are published below to place proposed §§ 1610.36(f) (1), (2), and 1611.36(f) (1), (2) in context.

Parts 1610 and 1611 of Title 16 of the Code of Federal Regulations are proposed to be amended, as follows:

PART 1610—STANDARD FOR THE FLAMMABILITY OF CLOTHING TEXTILES

1. Section 1610.32 is revised to read as follows:

§ 1610.32 Flammability requirements.

(a) *General requirement.* No item of fabric which is subject to the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610), and no article of wearing apparel subject to the Standard which is made of such fabric, shall be marketed or handled if such item of fabric or article of wearing apparel exhibits rapid and intense burning when tested in accordance with § 1610.3 of that Standard.

(b) *Uncovered surfaces, exposed surfaces, and full thickness of articles of apparel subject to testing.* When testing an article of wearing apparel subject to the Standard, the following parts of the article of wearing apparel shall be individually tested:

(1) The fabric of the uncovered, or outer, surface of the article of wearing apparel, with the flame applied to the uncovered surface;

(2) The fabric of any other surface which could be exposed when the article of wearing apparel is worn, with the flame applied to the exposed surface; and

(3) The full thickness of the article of wearing apparel, with the flame applied to the uncovered or exposed surface(s).

(c) *Interpretation of test results.* The provisions of § 1610.4(g)(7) of the Standard for the Flammability of Clothing Textiles, relating to results of testing, shall be applied to tests of fabrics and articles of wearing apparel subject to the Standard. To compute the average time of flame spread for each set of five specimens, at least two of the specimens must ignite and burn the stop cord for the specimen. However, if fewer than two specimens of any given set of five ignite and burn the entire length of the specimen, test results shall be interpreted according to the provisions of paragraph (c)(1) through (c)(4) of this section.

(1) If no specimen ignites and burns the stop cord, the results of that test shall be regarded as Class 1 (passing).

(2) If only one of five specimens of a plain surface fabric ignites and burns the stop cord with a time of 3.5 seconds or more, the results of that test shall be regarded as Class 1 (passing).

(3) If only one of five specimens of a raised-fiber surface fabric ignites and burns in less than 4 seconds, but the base fabric does not ignite or fuse, the results of that test shall be regarded as Class 1 (passing). If only one of five specimens of a raised-fiber surface fabric ignites or burns in more than 4 seconds, regardless of whether the base fabric ignites or fuses, the results of that test shall be regarded as Class 1 (passing).

(4) If only one specimen ignites and burns the stop cord in less than 3.5 seconds for plain-surface fabrics or less than 4.0 seconds for raised-fiber surface fabrics where the base fabric ignities or fuses, test another set of five specimens (see § 1610.4(g)(i)). If one or more of the second set of specimens ignite and burn the stop cord, average the results from all specimens which ignited and burned the stop cord. See §§ 1610.3(a)(3) and 1610.4(g)(7). If no specimen from the second set of five ignites and burns the stop cord, the test is inconclusive, and the Commission will take no enforcement action on the basis of that test. The Commission may conduct additional testing of the fabric or article of wearing apparel, but the results of any inconclusive test shall not be averaged with results obtained from any other test.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

§ 1610.34 [Reserved]

2. Section 1610.34 is revoked, removed, and reserved.

3. As an alternative to the proposals set forth in paragraphs 1 and 2, above, the Commission is considering withdrawal of proposed §§ 1610.32 (a) and (b), and retention of existing §§ 1610.32 and 1610.34 in their present form. The text of those sections is as follows:

§ 1610.32 General requirements.

No article of wearing apparel or fabric subject to the act and regulations shall be marketed or handled if such article or fabric, when tested according to the procedures prescribed in section 4(a) of the act, is so highly flammable as to be dangerous when worn by individuals.

§ 1610.34 Only uncovered or exposed parts of wearing apparel to be tested.

In determining whether an article of wearing apparel is so highly flammable as to be dangerous when worn by individuals, only the uncovered or exposed part of such article of wearing apparel shall be tested according to the applicable procedures set forth in section 4(a) of the act.

4. As discussed above, the Commission is also considering whether to retain and revise § 1610.34, to read as follows:

§ 1610.34 Only uncovered or exposed parts of wearing apparel to be tested.

In determining whether an article of wearing apparel is so highly flammable as to be dangerous when worn by individuals, only the uncovered or exposed layer of fabric or film of such article of wearing apparel shall be tested according to the applicable procedures set forth in section 4(a) of the act.

Note.—Plastic film or plastic-coated fabric used, or intended for use, as the outer layer of disposable diapers is exempt from the requirements of the standard, provided that a sample taken from a full thickness of the assembled article passes the test in the standard otherwise applicable to the outer fabric or film when the flame is applied to the exposed or uncovered surface. See §§ 1610.36(f)(3) and 1611.36(f)(3).)

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

5. The heading in § 1610.35 and paragraph (a) are revised to read as follows:

§ 1610.35 Procedures for testing special types of textile fabrics under the standard.

(a) *Fabric not customarily washed or dry cleaned.* (1) Except as provided in paragraph (a)(2) of this section, any textile fabric or article of wearing apparel which, in its normal and customary use as wearing apparel, would not be dry cleaned or washed, need not be dry cleaned or washed as prescribed in §§ 1610.4(d) and 1610.4(e) when tested under the standard if such fabric or article of wearing apparel, when marketed or handled, is marked in a clear and legible manner with the statement: "Fabric will be dangerously flammable if dry cleaned or washed." An example of the type of fabric referred to in this paragraph is bridal illusion.

(2) Section 1610.4(a)(4), which requires that certain samples shall be dry cleaned or washed before testing, shall not apply to fabrics and garments intended for one-time use, such as disposable diapers and disposable hospital or surgical gowns in adult sizes. Additionally, such fabrics and garments intended for one-time use shall not be subject to the labeling requirements set forth in paragraph (a)(1) of this section.

* * * * *

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

6. Section 1610.35(d) is revised to read as follows:

* * * * *

(d) *Items less than six inches wide.* Any article of wearing apparel subject to the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) which is less than six inches in width shall be tested for compliance with the Standard in a lengthwise direction only.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

7. Section 1610.36 is amending by adding new paragraphs (f) (1) and (2), as follows. Section 1610.36(f) introductory text and (f)(3) are issued on a final basis in this issue of the **Federal Register** to become effective on April 26, 1982, and are printed below for context:

§ 1610.36 Application of act to particular types of products.

* * * * *

(f) *Multilayer fabric and wearing apparel with a film or coating on the uncovered or exposed surface.* The following procedure shall be used to determine whether the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) applies to multilayered fabrics which have a film or coating on a surface which will be uncovered or exposed when the fabric is used in wearing apparel, and to garments made of such fabric:

(1) If the uncovered or exposed surface is a film that completely separates from other layers or parts of the multilayered fabric when the specimens are cut and prepared for testing, test the separated uncovered or exposed film layer of the fabric or garment, and the full thickness of the fabric or garment, in accordance with the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611). See § 1611.32 for application of the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) to the uncovered or exposed layer of film from such fabric and garments, and to the full thickness of such fabric or garments. When testing the full thickness of the fabric or garment, the item shall be tested with the uncovered or exposed layer facing the flame.

(2) If the uncovered or exposed layer of the fabric of garment has a film or coating (other than a nitrocellulose coating) which adheres to other layers or parts of the multilayer fabric or garment when the specimens are cut and prepared for testing, the adhered uncovered or exposed layers of the fabric or garment, and the full thickness of the garment, comply with the act if they meet the flammability requirements of either the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611). See §§ 1610.33 and 1611.33. In testing under either standard, the uncovered or exposed adhered film or coating of the fabric or garment, and the full thickness of the garment, will be tested with the flame applied to the exposed or uncovered surface(s). When testing under Part 1610, the uncovered or exposed adhered film or coating of the fabric or garment, and the full thickness of the garment, will be considered a coated fabric. See § 1610.35(b). However, if the conditioning procedures required by § 1610.4(f) of the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) would damage, or alter the physical characteristics of the film or coating, both the uncovered or exposed layer and the full thickness of the garment shall be tested in accordance with the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611).

(3) Plastic film of plastic-coated fabric used, or intended for use, as the outer layer of disposable diapers is exempt from the requirements of the standard, provided that a full thickness of the assembled article passes the test in the standard otherwise applicable to the outer fabric or film when the flame is applied to the exposed or uncovered surface.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

PART 1611—STANDARD FOR THE FLAMMABILITY OF VINYL PLASTIC FILM

§ 1611.32 Flammability requirements.

(a) *General requirements.* No item of film or coated fabric which is subject to the standarad for the Flammability of Vinyl Plastic Film (16 CFR Part 1611), and no article of wearing apparel subject to the Standard which is made of such film or coated fabric, shall be marketed or handled if, when tested in accordance with that Standard, it does not meet the requirements of § 1611.3 of that Standard.

(b) *Uncovered surfaces, exposed surfaces, and full thickness of articles of apparel subject to testing.* When testing an article of wearing apparel subject to the Standard, the following parts of the article of wearing apparel shall be individually tested:

(1) The film or coated fabric of each uncovered, or outer, surface of the article of wearing apparel with the flame applied to the uncovered surface;

(2) The film or coated fabric of any other surface which could be exposed when the article of wearing apparel is

worn, with the flame applied to the exposed surface; and

(3) The full thickness of the article of wearing apparel, with the flame applied to the uncovered or exposed surface(s).

(c) *Test results.* (1) In the application of the requirements of § 1611.3 of the Standard to any item of film, coated fabric, or wearing apparel, compute the average burn rate from five specimens burned transverse to the direction of processing and the average burn rate from an additional five specimens burned lengthwise to the direction of processing. If either the average burn rate from the five specimens burned transverse or the average burn rate from the five specimens burned lengthwise exceeds 1.2 inches per second, the test results shall be interpreted as a failure.

(2) To compute the average burn rate for each set of five specimens, at least two of the specimens must ignite and burn the stop cord for the specimen. However, if fewer than two specimens of any given set of five specimens ignite and burn the stop cord for the specimen, the test results shall be interpreted according to the provisions of paragraphs (c)(2)(i) through (c)(2)(iii) of this section:

(i) If no specimen ignites and burns the stop cord, the test results of that set of specimens shall be regarded as passing.

(ii) If only one specimen of the set of five specimens ignites and burns the stop cord with passing results, the results of that set of specimens will be regarded as passing.

(iii) If only one specimen of the set of five specimens ignites and burns the stop cord with failing results, test another set of five specimens from the same direction of processing. If one or more specimens from the second set of five specimens ignite and burn the stop cord, average the results from all specimens of the two sets which ignited and burned the stop cords. If no specimen of the second set of five specimens ignites and burns the stop cord, the test is inconclusive and the Commission will take no enforcement action based on the results of that test. The Commission may conduct additional testing of the film, coated fabric, or article of wearing apparel, but the results of any inconclusive test shall not be averaged with results obtained from any other test.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

§ 1611.34 [Reserved]

9. Section 1611.34 is revoked, removed, and reserved.

10. As an alternative to the proposals set forth in paragraphs 8 and 9, above, the Commission is also considering withdrawal of proposed §§ 1611.32 (a) and (b), and retention of existing §§ 1611.32 and 1611.34 in their present form. The test of those sections is as follows:

§ 1611.32 General requirements.

No article of wearing apparel or fabric subject to the act and regulations shall be marketed or handled if such article or fabric, when tested according to the procedures prescribed in section 4(a) of the act, is so highly flammable as to be dangerous when worn by individuals.

* * * * *

§ 1611.34 Only uncovered or exposed parts of wearing apparel to be tested.

In determining whether an article of wearing apparel is so highly flammable as to be dangerous when worn by individuals, only the uncovered or exposed part of such article of wearing apparel shall be tested according to the applicable procedures set forth in section 4(a) of the act.

11. As discussed above, the Commission is also considering whether to retain and revise § 1611.34 to read as follows:

§ 1611.34 Only uncovered or exposed parts of wearing apparel to be tested.

In determining whether an article of wearing apparel is so highly flammable as to be dangerous when worn by individuals, only the uncovered or exposed layer of fabric or film of such article of wearing apparel shall be tested according to the applicable procedures set forth in section 4(a) of the act.

(Note.—Plastic film or plastic-coated fabric used, or intended for use, as the outer layer of disposable diapers is exempt from the requirements of the standard, provided that a full thickness of the assembled article passes the test in the standard otherwise applicable to the ourter fabric or film when the flame is applied to the exposed or uncovered surface. See §§ 1610.36(f)(3) and 1611.36(f)(3).)

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194)

12. Section 1611.35 is revised to read as follows:

§ 1611.35 Testing certain classes of fabric and film.

An item subject to the Standard which is less than nine inches in width shall be tested for compliance with the Standard in a lengthwise direction only.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

13. Section 1611.36 is amended by adding new paragraphs (f) (1) and (2), as follows: Section 1611.36(f) introductory text and (f)(3) are issued on a final basis in this issue of the **Federal Register** to become effective April 26, 1982 and are printed below for context:

§ 1611.36 Application of act to particular types of products.

* * * * *

(f) *Multilayer fabric and wearing apparel with a film or coating on the uncovered or exposed surface.* The following procedure shall be used to determine whether the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) applies to multilayered fabrics which have a film or coating on a surface which will be uncovered or exposed when the fabric is used in wearing apparel, and to garments made of such fabric:

(1) If the uncovered or exposed surface is a film that completely separates from other layers or parts of the multilayered fabric when the specimens are cut and prepared for testing, test the separated uncovered or exposed film layer of the fabric or garment, and the full thickness of the fabric or garment, in accordance with the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611). See § 1611.32 above for application of the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) to the uncovered or exposed layer of film from such fabric and garments and to the full thickness of such fabric or garments. When testing the uncovered or exposed film or coating or the full thickness of the fabric or garment, the item shall be tested with the uncovered or exposed surface facing the flame.

(2) If the uncovered or exposed layer of the fabric or garment has a film or coating (other than a nitro-cellulose coating) which adheres to other layers or parts of the multilayer fabric or garment when the specimens are cut and prepared for testing, the adhered uncovered or exposed layer of the fabric or garment and the full thickness of the garment shall meet the flammability requirements of either the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611). See §§ 1610.33 and 1611.33. In testing under either standard, the uncovered or exposed adhered film or coating of the fabric or garment, and the full thickness of the garment, will be tested with the flame applied to the exposed or uncovered surface(s). When testing under Part 1610, the uncovered or exposed adhered film or coating of the fabric or garment, and the full thickness

of the garment, will be considered a coated fabric. See § 1610.35(b). However, if the conditioning procedures required by § 1610.4(f) of the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) would damage, or alter the physical characteristics of, the film or coating, the uncovered or exposed layer and the full thickness of the garment shall be tested in accordance with the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611).

(3) Plastic film or plastic-coated fabric used, or intended for use, as the outer layer of disposable diapers is exempt from the requirements of the standard, provided that a full thickness of the assembled article passes the test in the standard otherwise applicable to the outer fabric or film when the flame is applied to the exposed or uncovered surface.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

Proposed effective date: The Commission proposes that these amendments shall become effective 60 days after the final amendments are published in the **Federal Register**.

Dated: February 18, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Bibliography

1. Transmittal memorandum and attached briefing package concerning petition 79–1, requesting establishment of a flammability standard for disposable diapers, from Elaine A. Tyrrell, OPM, to Commission; 12 pages; May 7, 1980. (The Tabs are listed separately as documents below.)

2. TAB A, Petition for Disposable Diaper Standard from Procter & Gamble Company to Consumer Product Safety Commission, with attachments; 83 pages; November 22, 1978.

3. TAB B, chronology of events associated with petition 79–1; 3 pages.

4. TAB C, memorandum from Beatrice Pitkin, OGC, to Sadye E. Dunn, Secretary, concerning request for issuance of flammability standard for disposable diapers; 2 pages; December 4, 1978.

5. TAB D, memorandum from Allen F. Brauninger, C & E, to Elaine Tyrrell, OPM, concerning response to petition from Procter & Gamble Company, and attached draft **Federal Register** notice; 34 pages; March 28, 1980.

6. TAB E, memorandum from Patricia A. Fairall, ESEM, to Toy Deppa, OPM, concerning Procter & Gamble petition for disposable diapers; 13 pages; April 16, 1980.

7. TAB F, three documents. (1) Memorandum from Deborah Kale, HIEA, to Elaine A. Tyrrell, OPM, concerning petition 79–1 for Commission action to develop a flammability standard for disposable diapers; 2 pages; September 11, 1979. (2) Memorandum from Charles A. Nicholls, HIEA, to Douglas Noble, OPM, concerning petition 79–1; 1 page; November 28, 1979. (3) Memorandum from Bea Harwood and Debbie Kale, HIEA, to Elaine Tyrrell, OPM, concerning petition 79–1; 2 pages; December 12, 1979.

8. TAB G, memorandum from Julia Clones and Eileen Gallagher, HICP, concerning economic considerations related to Procter & Gamble petition on disposable diapers; 5 pages; October 1, 1979.

9. TAB H, three documents. (1) Letter from Roger B. Bognar, American Paper Institute, Tissue Division, to David Schmeltzer, C & E, concerning petition FP 79–1; 2 pages; June 30, 1979. (2) Letter from Roger B. Bognar, American Paper Institute, Tissue Division, to Sadye Dunn, Secretary, concerning petition 79–1; 1 page; September 6, 1979. (3) Letter from Robert E. Freer, Jr., Kimberly-Clark Corporation, to Sadye E. Dunn, Secretary, concerning petition FP 79–1; 3 pages; January 28, 1980.

10. TAB I, three documents. (1) Log of meeting on July 10, 1979, of Commission staff members with representatives of Procter & Gamble Company; 2 pages. (2) Log of meeting on November 20, 1979, of Commission staff members with representatives of Procter & Gamble Company; 2 pages. (3) Memorandum of telephone conversations on November 8 and 9 of Douglas Noble and Commission staff with James O'Reilly and other representatives of Procter & Gamble Company; 2 pages.

11. Vote sheet and memorandum from Harleigh Ewell, OGC, to the Commission, concerning briefing package on petition FP 79–1 to establish a flammability standard for disposable diapers; 12 pages; May 14, 1980.

12. Memorandum from Douglas Noble, OPM, to the Commission, transmitting additional information related to petition FP 79–1 requesting flammability standard for disposable diapers, with attachments; 87 pages; June 11, 1980.

13. Minutes of Commission meeting of June 12, 1980; 2 pages; June 16, 1980.

14. **Federal Register** notice, "Standards for the Flammability of Clothing Textiles and Vinyl Plastic Film"; Proposed Interpretations, Clarifications, and Exemption; 8 pages; May 28, 1981.

15. **Federal Register** notice, "Standards for the Flammability of Clothing Textiles and Vinyl Plastic Film"; Proposed Interpretation, Clarifications, and Exemptions; 4 pages; July 30, 1981.

16. Comment from Robert E. Kelly, State of Montana, concerning proposal of May 28, 1981; 1 page; June 23, 1981.

17. Comment from James T. O'Reilly, Procter & Gamble Company, concerning proposal of May 28, 1981; 3 pages; June 30, 1981.

18. Comment from Arnold M. Snooke, Burlington Industries, Inc., concerning proposals of May 28, and July 30, 1981; 2 pages; August 18, 1981.

19. Comment from Robert Freer, Jr., Kimberly-Clark Corporation concerning proposals of May 28, and July 30, 1981; 4 pages; August 31, 1981.

20. Comment from E. E. Hinds, Kendall Company, concerning proposals of May 28, and July 30, 1981; 5 pages; August 17, 1981.

21. Comment from William E. Fisher, International Fabricare Institute, on proposals of May 28, and July 30, 1981; 4 pages; August 31, 1981.

22. Request from Fred Shippee, American Apparel Manufacturers Association, for extension of comment period; 2 pages; August 24, 1981.

23. Request from Peter M. Phillipes, Levi, Strauss & Co., for extension of comment period; 1 page; August 26, 1981.

24. Request from H. Adams, Jr., Man-Made Fiber Producers Association, Inc., for extension of comment period; 1 page; August 27, 1981.

25. Request from O'Jay Niles, American Textile Manufacturers Association, for extension of comment period; 1 page; August 28, 1981.

26. Request from Robert B. Cleaver, National Cotton Council of America, for extension of comment period; 2 pages; August 27, 1981.

27. Letter from James T. O'Reilly, Procter & Gamble Company, to Harleigh Ewell, OGC, concerning request for extension of comment period; 1 page; August 28, 1981.

[FR Doc. 82-4845 Filed 2-23-82; 8:45 am]

BILLING CODE 6355-01-M

federal register

Wednesday
February 24, 1982

Part III

Office of Management and Budget

Budget Rescission Report

OFFICE OF MANAGEMENT AND BUDGET

Proposed Budget Rescission

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report a revision to a rescission proposal previously reported decreasing the amount proposed for rescission by $2.0 million.

The amended rescission proposal affects the Mine Safety and Health Administration of the Department of Labor.

The details of the revised rescission proposal are contained in the attached report.

Ronald Reagan.

THE WHITE HOUSE, February 19, 1982.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission #	Item	Budget Authority
	Department of Labor Mine Safety and Health Administration	
R82-23A	Salaries and expenses.....	2,095

Summary of Special Messages for FY 1982
(in thousands of dollars)

	Rescissions	Deferrals
Ninth special message		
New items.....	---	---
Changes to amounts previously submitted.....	-2,000	---
Effect of ninth special message.....	-2,000	---
Previous special messages.....	10,763,768	7,810,692 1/
Total amount proposed in special messages.....	10,761,768	7,810,692

1/ This amount represents budget authority except for $6,287 thousand in one general revenue sharing deferral of outlays only (D82-23).

R82-23A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Rescission No. R82-23, transmitted to the Congress on February 5, 1982.

This amendment reduces the amount proposed for rescission in connection with now-prohibited activities of the Mine Safety and Health Administration at the surface of certain mines, from $4,095,000 to $2,095,000. This revision will allow an additional $2,000,000 to be made available for reprogramming to finance additional coal mine inspections.

Rescission Proposal No: R82-23A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Labor	New budget authority (P.L. 97-92) $ 149,313,000 1/
Bureau Mine Safety and Health Administration	Other budgetary resources 1,225,495
Appropriation title & symbol: Salaries and Expenses 1621200	Total budgetary resources 150,538,495
	Amount proposed for rescission $ 2,095,000 2/*
OMB identification code: 16-1200-0-1-554	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:* The Mine Safety and Health Administration (MSHA) is responsible for enforcing the Federal Mine Safety and Health Act of 1977 in coal and other mines. The Continuing Resolution, P.L. 97-92, prohibits the obligation or expenditure of any funds to enforce the Act in connection with the surface mining of stone, clay, colloidal phosphate, sand, or gravel; with respect to certain construction activities on the surface area of coal or other mines; and related to mines owned and operated by States or their political subdivisions. Of the $4,095,000 associated with these activities, $2,095,000 are proposed for rescission and $2,000,000 are to be reprogrammed to support coal mine inspections.

Estimated Effects: Since the funds cannot be expended for these activities, no program effects are expected as a result of the rescission.

Outlay Effects: These funds would lapse in the absence of the rescission; no outlay effects are expected as a result of its enactment.

1/ This represents the annual amount expected to become available. Of this amount, $80,861,000 is available from October 1, 1981, through March 31, 1982.

2/ The entire amount, $2,095,000, is attributable to the period October 1, 1981, through March 31, 1982.

* Revised from previous report.

DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION

Eighth 1982 Special Message on Rescissions and Deferrals	Heading	1982 Rescission Request Pending	1982 Proposed Amendment	1982 Revised Rescission Request
Rescission R82-23	Salaries and expenses	$4,095,000	-$2,000,000	$2,095,000

(In the rescission language under the above heading, delete "$2,953,000" and insert in lieu thereof $2,095,000 and delete ", and in any subsequent Public Law providing appropriations for fiscal year 1982 beyond March 31, 1982, $1,142,000 are rescinded." and insert in lieu thereof . .)

This amendment reduces the amount proposed for rescission in connection with now-prohibited activities to allow an additional $2,000,000 to be available for reprogramming to finance additional coal mine inspections.

[FR Doc. 82-5074 Filed 2-23-82; 8:45 am]
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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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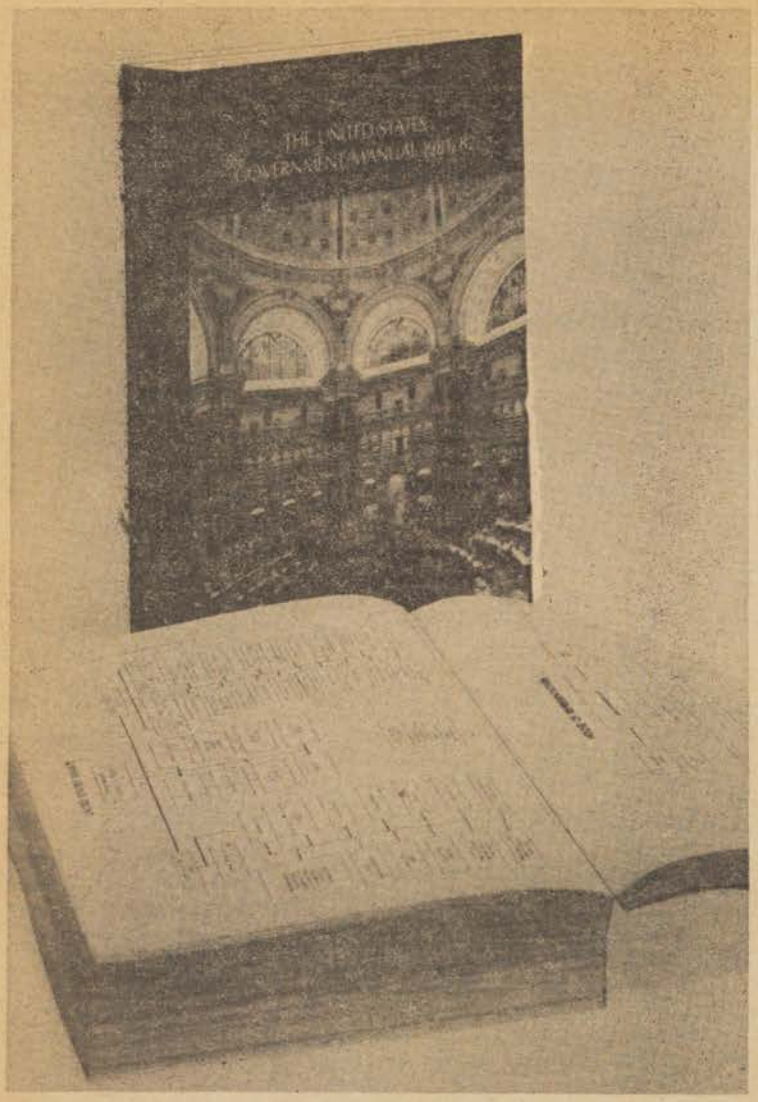
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing February 18, 1982



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