AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

3-24-82
Vol. 47 No. 57
Pages 12605-12784

federal register

Wednesday
March 24, 1982

Notice to agencies

Beginning April 1, 1982, agencies are required to include a list of index terms in rule and proposed rule documents submitted for publication in the Federal Register (1 CFR 18.20, 46 FR 7162, January 22, 1981).

For further information contact: Carol Mahoney, Office of the Federal Register, 523-5266.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Contents

Federal Register
Vol. 47, No. 57
Wednesday, March 24, 1982

The President
PROCLAMATIONS
12605 Pan American Day and Pan American Week, 1982 (Proc. 4911)

Executives Agencies

Administrative Conference of United States
PROPOSED RULES
12631 Federal grant programs; procedures for resolving disputes
NOTICES
Meetings:
12647 Interagency Coordination Committee

Agricultural Marketing Service
RULES
12609 Filberts grown in Oreg. and Wash. and imported; grade requirements

Agriculture Department
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service.
RULES
Conduct standards:
12607 Ethics in Government Act of 1978; employment and financial disclosure statements
NOTICES
Meetings:
12649 Rural Development National Advisory Council
12649 Privacy Act; systems of records

Animal and Plant Health Inspection Service
RULES
Animal and poultry import restrictions:
12612 Denmark; removal from list of countries free of rinderpest of foot-and-mouth disease; interim
PROPOSED RULES
Animal and poultry import restrictions:
12633 Harry S. Truman Animal Import Center; cooperative and trust fund agreement revision and use of letter of credit method for deposit payment in special authorization cases
NOTICES
Animal and poultry import restrictions:
12647 Cattle; Harry S. Truman Animal Import Center; applications for special authorization receipt deadline and fee schedule

Arts and Humanities, National Foundation
NOTICES
Meetings:
12703 Humanities Advisory Panel

Civil Aeronautics Board
NOTICES
12650 Communter fitness determinations
Hearings, etc.:
12650 Northeastern International Airways
12651 Pacific East Air, Inc., Subpart Q authority
12651 SouthCentral Air, Inc.
12651 Mail rates for international service

Commerce Department
See International Trade Administration.

Conservation and Renewable Energy Office
PROPOSED RULES
12740 Geothermal reservoir confirmation projects, loans

Customs Service
RULES
12620 Aircraft, private, arriving from areas south of U.S.; notice of intended arrival via Gulf of Mexico and Atlantic Coasts and landing requirements; interim

Defense Department
PROPOSED RULES
Veterans vocational rehabilitation and education:
12640 Post-Vietnam era veterans' educational assistance program; implementation of legislation

Economic Regulatory Administration
NOTICES
Petroleum allocation and price regulations:
12659 Puerto Rican naphtha entitlements; benefits received by petrochemical producers; stay of decision, etc.

Energy Department
See Conservation and Renewable Energy Office; Economic Regulatory Administration; Federal Energy Regulatory Commission.

Environmental Protection Agency
RULES
Air pollution; standards of performance for new stationary sources; etc.:
12626 Mississippi; authority delegation
Air quality implementation plans; approval and promulgation; various States, etc.:
12625 Michigan
NOTICES
Pesticide registration, cancellation, etc.:
12681 Ethion
Pesticides; experimental use permit applications:
12679 Dow Chemical Co. et al.
Pesticides; temporary tolerances:
12679 Acetochlor

Federal Communications Commission
RULES
Radio services, special:
12628 Emergency radio service; additional systems on a secondary basis
NOTICES
Meetings:
12681 American Telephone & Telegraph Co. consent decree; en banc meeting
12712 Meetings; Sunshine Act (2 documents)

Federal Emergency Management Agency
RULES
Flood insurance; special hazard areas:
12627 Arizona et al.; correction

12627 Michigan et al.

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act; ceiling prices for high cost natural gas produced from tight formations; various States:
12618, 12619 Texas (2 documents)
12620 Wyoming
NOTICES
Hearings, etc.:
12679 South Carolina Public Service Authority
Natural Gas Policy Act:
12665, 12674 Jurisdictional agency determinations (2 documents)

Federal Maritime Commission
NOTICES
Casualty and nonperformance, certificates:
12682 Schiffahrtsgesellschaft MS Berlin Beteiligungs—GmbH & Co. et al. (2 documents)

Federal Procurement Policy Office
PROPOSED RULES
Federal Acquisition Regulation (FAR):
12646 Contracts, supply; preparation of invitations for bids and transportation considerations

Federal Trade Commission
RULES
Prohibited trade practices:
12613 Grolier, Inc., et al.

Fish and Wildlife Service
NOTICES
12683 Endangered and threatened species permit applications

Foreign Claims Settlement Commission
NOTICES
12682 Privacy Act; systems of records

General Accounting Office
RULES
12607 Waiver of claims for erroneous payment of pay and allowances; report of investigation required for minimum claims of $100, etc.

General Services Administration
NOTICES
Meetings:
12683 Advisory Board

Indian Affairs Bureau
NOTICES
Educational facilities; closure and transfers:
12683 North Dakota, Oklahoma, and Alaska; hearings; correction

Interior Department
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Reclamation Bureau; Surface Mining Reclamation and Enforcement Office.

International Trade Administration
NOTICES
Grants; availability, etc.:
12653 Small business international marketing programs
Scientific articles; duty free entry:
12652 Brookhaven National Laboratory
12652 Johns-Hopkins University
12652 National Bureau of Standards
12657 Rocky Mountain Eye Foundation
12657 Sandia National Laboratories
12658 University of Delaware
12658 University of Kentucky
12658 University of Wisconsin

International Trade Commission
NOTICES
Import investigations:
12701 Airtight cast-iron stoves
Import investigations:
12701 Audiovisual games and components, coin-operated (Rally-X and Pac-Man)
12702 High-precision solenoids and components
12702 Hot air poppers and components
12703 Nuts, bolts, and screws from Japan

Interstate Commerce Commission
NOTICES
Motor carriers:
12690, 12695 Permanent authority applications (2 documents)
Railroad services abandonment:
12696–12700 Consolidated Rail Corp. (29 documents)

Justice Department
See also Foreign Claims Settlement Commission.
NOTICES
Committees; establishment, renewals, terminations, etc.:
12703 Justice-Treasury Advisory Committee on State and Local Law Enforcement Training

Land Management Bureau
NOTICES
Alaska native claims selections; applications, etc.:
12683 Solomon Native Corp. et al.
Closure of public lands:
12688 Oregon; correction (2 documents)
Coal leases, exploration licenses, etc.:
12689 Utah; Sunedco Energy Development Co.
12687 Wyoming; Rocky Mountain Energy Corp. (2 documents)
Environmental statements; availability, etc.:
12689 Glenwood-Dotsero Springs Unit, Colorado River water quality improvement program, Colo.; scoping meetings
12688 Lower Gila North Planning Area, Ariz.; grazing management program; hearings, etc.
Exchange of public lands for private land:
12686 Nevada
Geothermal resources lease sales:
12686 Dunes, Glamis, Ford Dry Lake, Little Horse Mountain, Love Lady Ridge, Lake City and Surprise Valley, Calif.
Management framework plans, review and supplement, etc.:
12686 New Mexico

Motor vehicles, off-road, etc.; area closures and openings:
12687 Utah
Organization and functions:
12689 Tuscaloosa Office, Ala.; location change

Management and Budget Office
See also Federal Procurement Policy Office.
NOTICES
12750 Budget rescissions and deferrals
Senior Executive Service:
12705 Bonus awards schedule

National Science Foundation
NOTICES
Meetings:
12704 Advisory Council

National Transportation Safety Board
NOTICES
12712 Meetings; Sunshine Act

Nuclear Regulatory Commission
PROPOSED RULES
Production and utilization facilities; domestic licensing, etc.:
12639 Emergency preparedness level required for protection of communities near nuclear reactors; rulemaking petition
NOTICES
Applications, etc.:
12705 Carolina Power & Light Co.
12705 Houston Lighting & Power Co.
Meetings:
12704 Reactor Safeguards Advisory Committee

Pension Benefit Guaranty Corporation
RULES
Multiemployer plans:
12622 Special withdrawal liability rules extension; procedures for approval of plan amendments

Reclamation Bureau
NOTICES
Environmental statements; availability, etc.:
12689 Central Arizona Project, Ariz.; water allocations and service contracting

Securities and Exchange Commission
NOTICES
Hearings, etc.:
12705, 12707 John Hancock Mutual Life Insurance Co. et al. (2 documents)
12708 Massachusetts Financial High Income Trust et al.
12711 Northeast Utilities et al.
12713 Meetings; Sunshine Act

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent and interim regulatory programs:
12760 Explosives use; blasting schedules, preblasting surveys, airblast monitoring requirements, and ground vibration
12779 Explosives use or blasting; training, examination and certification of blasters
Permanent program submission; various States:
12639 Colorado; hearing cancelled

Textile Agreements Implementation Committee
NOTICES
Cotton, wool, or man-made textiles:
12659 Mauritius

Trade Representative, Office of United States
NOTICES
Import quotas and exclusions, etc.:
12737 Furniture; tariff rate reductions
International trade agreements; application determinations; various countries, etc.:
12737 Philippine; supply access for rattan

Treasury Department
See also Customs Service.
NOTICES
Committees; establishment, renewals, terminations, etc.:
12703 Justice-Treasury Advisory Committee on State and Local Law Enforcement Training
Notes, Treasury:
12711 Q–1984 series

Veterans Administration
PROPOSED RULES
Vocational rehabilitation and education:
12640 Post-Vietnam era veterans' educational assistance program; implementation of legislation
NOTICES
Meetings:
12711 Educational Allowances Station Committee

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

1 CFR
Proposed Rules:
Ch. III 12631

3 CFR
Proclamations:
4911 12605

4 CFR
92 12607

7 CFR
0 12607
982 12609
999 12609

9 CFR
94 12612
Proposed Rules:
92 12633

10 CFR
Proposed Rules:
50 12639
70 12639
795 12740

16 CFR
13 12613

18 CFR
271 (3 documents) 12618–12620

19 CFR
6 12620

29 CFR
2645 12622

30 CFR
Proposed Rules:
715 12760
780 12760
816 12760
817 12760
850 12779
906 12639

38 CFR
Proposed Rules:
21 12640

40 CFR
52 12625
60 12626
61 12626

44 CFR
65 (2 documents) 12627

47 CFR
90 12628

48 CFR
Proposed Rules:
14 12646
47 12646

Federal Register
Vol. 47, No. 57
Wednesday, March 24, 1982

Presidential Documents

Title 3—

The President

Proclamation 4911 of March 22, 1982

Pan American Day and Pan American Week, 1982

By the President of the United States of America

A Proclamation

This fifty-first observance of Pan American Day invites us to celebrate the common heritage that inspires and guides our unique regional approach to problem solving through the Organization of American States.

The OAS has fostered hemispheric friendship and well-being through its peacekeeping efforts, peaceful settlement of disputes, protection of individual rights and human dignity, promotion of industry and trade, and sponsorship of meaningful cultural exchanges. Its humanitarian concerns are evident in the programs of such specialized agencies as the Inter-American Children's Institute, the Pan American Health Organization, and the Inter-American Institute for Cooperation in Agriculture.

Through programs such as these and through the Inter-American Development Bank, which it helped to found in 1961, the OAS has greatly enhanced the economic development of its members.

Peace, prosperity, and freedom throughout the Americas continue to be the most deep-seated desires of the nations and peoples of this hemisphere. The OAS has symbolized these desires through a permanent system of regional inter-American cooperation. It has provided a forum where members meet freely in friendship, cooperation, and mutual respect to address common problems and differences.

During this special week, the people of the United States extend cordial greetings to their brothers and sisters throughout the hemisphere. We reaffirm our commitment to the spirit of solidarity and to the ideals and goals of the inter-American system. And we express our strong support for the Organization of American States as a strong vehicle for translating that commitment into reality.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Wednesday, April 14, 1982, as Pan American Day and the week beginning April 11, 1982, as Pan American Week; and I urge the Governors of the fifty states, the Governors of the Commonwealth of Puerto Rico, and officials of the other areas under the flag of the United States of America to honor these observances with appropriate activities and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of March, 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. 82-8081
Filed 3-23-82; 11:29 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 47, No. 57
Wednesday, March 24, 1982

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

GENERAL ACCOUNTING OFFICE

4 CFR Part 92

Waiver of Claims for Erroneous Payment of Pay and Allowances; Investigation, Report of Investigation

AGENCY: General Accounting Office.

ACTION: Final rule.

SUMMARY: This amendment to Part 92 of title 4, Code of Federal Regulations, will increase the minimum amount of claim from $25, set in June 1972, to $100 below which an agency need not conduct a report of investigation for waiver requests and will clarify that such authority extends to overpayments involving members of the military services. The cost of conducting a report of investigation exceeds $100 for the vast majority of Government agencies and thus exceeds the value of many claims which are being considered for waiver. This amendment will improve the efficiency of the Government's waiver processing operations.

Measures of inflation, such as the Consumer Price Index or average cost of Government salaries, have increased substantially since June 1972. Increasing the minimum would be warranted on that basis alone. Also, available evidence from some agencies indicates that the cost of investigation ordinarily exceeds $100. Moreover, agencies have gained vast experience in processing waiver requests over the years and should be better able to recognize those types of overpayments which eventually would be waived after conducting a report of investigation.

EFFECTIVE DATE: March 25, 1982.

FOR FURTHER INFORMATION CONTACT: Chris Farley, Jr., U.S. General Accounting Office, Accounting and Financial Management Division, Claims Group, Room 5031, 441 G Street, NW., Washington, DC 20548, (202) 275–5440.

SUPPLEMENTARY INFORMATION: Under the current authority of 4 CFR 92.2(c), agencies are not required to conduct detailed reports of investigation in making waiver determinations on claims involving amounts of $25 or less. Such claims may be waived where there is no indication in the record of fraud, misrepresentation, fault or lack of good faith on the part of the employee or any other person having an interest in obtaining a waiver of the claim.

The $25 minimum was set in June 1972 in recognition that the cost of a full investigation of such claims could reasonably be assumed to exceed the amount to be considered for waiver.

Measures of inflation, such as the Consumer Price Index or average cost of Government salaries, have increased substantially since June 1972. Increasing the minimum would be warranted on that basis alone. Also, available evidence from some agencies indicates that the cost of investigation ordinarily exceeds $100. Moreover, agencies have gained vast experience in processing waiver requests over the years and should be better able to recognize those types of overpayments which eventually would be waived after conducting a report of investigation.

It is emphasized that the authority to waive erroneous payments under $100 without a report of investigation is discretionary and is not intended as a blanket authorization to waive all claims of less than that amount. We expect that the authority will not be exercised on claims, regardless of amount, in which there is a reasonable presumption that the employee or member had complicity in the creation of the overpayment or had knowledge of the overpayment.

In addition, the words "or member" are added to 4 CFR 92.2(c) to avoid any possible confusion as to whether the provision applies to overpayments involving members of the military services.

List of Subjects in 4 CFR Part 92

Accounting, Administrative practice and procedure, Claims, General Accounting Office, Government employees, Investigations, Military personnel, Wages.

PART 92—PROCEDURE

Accordingly, 4 CFR Part 92 is amended as follows:

§ 92.2 [Amended]

4 CFR 92.2(c) is amended by deleting the amount of "$25" and replacing it with "$100" and by adding the words "or member" immediately after the phrase "on the part of the employee".

Dated: March 17, 1982.

Charles A. Bowsher,

Comptroller General of the United States.

[FR Doc. 82-7871 Filed 3-23-82; 8:45 am]
BILLING CODE 1610-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 0

Employee Responsibilities and Conduct

AGENCY: Office of the Secretary USDA.

ACTION: Final rule.

SUMMARY: This document amends the conduct regulations of the Department of Agriculture to reflect the requirement that certain employees must file statements of employment and financial interests pursuant to the Ethics in Government Act of 1978, as amended (Pub. L. 95–521, Title II, 5 U.S.C. App.).

EFFECTIVE DATE: March 24, 1982.

FOR FURTHER INFORMATION CONTACT: Peter Sleight (Office of Personnel), United States Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250, (202) 447–7654.

SUPPLEMENTARY INFORMATION: Title II of the Ethics in Government Act of 1978, as amended (Pub. L. 95–521, Title II, 5 U.S.C. App.), mandated that certain Federal employees should submit financial disclosure statements which will be available to the public, under the general supervision of the Office of Government Ethics. These amendments change the Department of Agriculture's financial disclosure regulations to reflect the requirements of the law by adding § 0.735–44 to outline the new disclosure requirements for covered employees and by making corresponding changes in §§ 0.735–31, 0.735–32 and 0.735–34 to remove the affected employees from the

reporting requirements of Executive Order 11222.

Since this rule relates solely to internal agency management, pursuant to 5 U.S.C. 553 it is found that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to agency personnel management, it is exempt from the provisions of Executive Order 12291. Lastly, this action is not a rule as defined by Pub. L. 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act. Accordingly, 7 CFR Part 0 is amended as follows:

PART 0—EMPLOYEE RESPONSIBILITIES AND CONDUCT

1. § 0.735–31 is amended by revising the heading, by removing paragraphs (a) and (b), by redesignating paragraphs (c) through (g) as (a) through (e) respectively, and by revising paragraphs (a) through (e) as redesignated to read as follows:

§ 0.735–31 Employees required to submit statements under the Executive order.

Except as provided in § 0.735–32, the following employees shall submit a statement of employment and financial interests on USDA Form AD–392 in accordance with this part:

(a) Employees classified at GS–13 through 15 under 5 U.S.C. 5332, or at a comparable pay level under other authority who are in positions the basic duties and responsibilities of which require the incumbent to exercise judgment in making a Government decision or in taking Government action on contracting or procurement, administering or monitoring grants or subsidies, regulating or auditing private or other non-Federal enterprise, or other activities where the decision or action has an economic impact on the interests of any non-Federal enterprise;

(b) Employees classified at GS–13 through 15 under 5 U.S.C. 5332, or a comparable pay level under other authority, who are in positions which the Agency has determined have duties and responsibilities which require that the incumbents report their employment and financial interests in order to avoid involvement in a possible conflict-of-interest situation and carry out the purpose of law, Executive Order, Part 735 of the Office of Personnel Management's regulations, this part, and applicable Agency regulations;

(c) Employees classified below GS–13 under 5 U.S.C. 5332, or at a comparable pay level under other authority, where the Agency has determined that they are in positions which otherwise meet the criteria in paragraphs (a) and (b) of this section, and that statements from them are essential to protect the integrity of the Government and avoid employee involvement in a possible conflict-of-interest situation, provided such determination has been approved in writing by the Office of Personnel Management; and

(d) All employees regardless of grade, pay level or type of appointment who perform any function or duty under the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95–87) unless he or she files a financial disclosure report under the provisions of the Ethics in Government Act of 1978 (see § 0.735–32(a)).

(e) An employee who refuses to file a statement for reasons other than that the duties and responsibilities of the position do not come within the criteria for reporting as set forth in this part, or who refuses to file after a final determination that the duties and responsibilities of the position do come within the criteria, will be subject to appropriate disciplinary action.

2. § 0.735–32 is revised to read as follows:

§ 0.735–32 Exceptions.

(a) Employees covered under § 0.735–44 are not required to file employment and financial interest statements under § 0.735–31.

(b) Employees in positions that meet the criteria in § 0.735–31(a) may be excluded from the reporting requirement when the Department Counselor determines that:

(1) The duties of a position are such that the likelihood of the incumbent's involvement in a conflict-of-interest situation is remote, or

(2) The duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government.

(c) Exceptions will be considered by the Department Counselor at the request of the Agency Head.

(d) An employee shall be afforded the opportunity for a review, through the Departmental grievance procedure as described in Chapter 771 of the Department Personnel Manual; of the designation of his or her position as one requiring the submission of a statement of employment and financial interests.

3. § 0.735–34 is amended by removing paragraph (b), by revising paragraph (a), by redesignating paragraphs (c) and (d), as (b) and (c) respectively, and by revising paragraphs (b) and (c) as redesignated to read as follows:

§ 0.735–34 Time and place for submission of employees' statements.

(a) When a decision is reached to make an appointment to a position requiring submission of a statement of employment and financial interests, the prospective employee should be informed.

(b) Employees covered under § 0.735–31 will submit statements to the Agency Head or to an employee designated by him or her.

(c) Agencies are responsible for assuring that persons subject to the reporting requirements are notified of those requirements and are provided the necessary forms and instructions.

4. § 0.735–44 is added to read as follows:

§ 0.735–44 Financial disclosure under the Ethics in Government Act.

(a) The following individuals are covered by the financial reporting requirements of the Ethics in Government Act of 1978 and shall submit a financial disclosure report on Office of Personnel Management Standard Form 278 in accordance with this section:

(1) Members of the Senior Executive Service and other officers or employees in the executive branch, including a special Government employee as defined in 18 U.S.C. 202, whose position is classified at GS–16 or above of the General Schedule prescribed by 5 U.S.C. 5332, or the rate of basic pay for which is fixed at a rate equal to or greater than the minimum rate of basic pay for GS–16;

(2) Employees who are administrative law judges appointed pursuant to 5 U.S.C. 3105;

(3) Employees not described in paragraph (a)(2) of this section who are in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policy making nature;

(4) The Designated Agency Ethics Official; and

(5) Employees on detail to a position normally occupied by an individual described in paragraphs (a)(1) through (a)(4) of this section, irrespective of the detailed employee's actual grade level or compensation, if the detail can reasonably be expected to last for more than 60 days in a calendar year.

(b) Financial disclosure reports required under this section shall be submitted to the Designated Agency Ethics Official at USDA (the Director of Personnel) or his or her designee. Reports are due as follows:

(1) Within 30 days of assuming a position or office described in paragraphs (a) of this section—unless the employee has already filed a current Standard Form 278 either for a similarly covered position which he or she has left within 30 days of assuming the duties of the new one, or has filed as a nominee for the position assumed;

(2) Within 30 days of termination of employment from a position or office described in paragraph (a) of this section, unless the employee enters a similarly covered position within 30 days of such termination; and

(3) On or before May 15 of each calendar year during the incumbency of an employee in a covered position, when he or she has served more than 60 days in such position during the previous calendar year.

(c) Instructions covering the types of information to be provided on a Standard Form 278 are included with the form. The basic categories of information required are: income from and interests in property; purchases, sales and exchanges; gifts and reimbursements; liabilities; positions held; and relations with other employers.

(d) Financial disclosure reports submitted under the provisions of this section shall be reviewed by the Director of Personnel as the Designated Agency Ethics Official, or by those individuals delegated authority for that purpose as Deputy Ethics Officials (subject to the restrictions of 5 CFR 738.204).

(e) The official responsible for reviewing the disclosure statement shall either approve it, or make an initial determination that a conflict or appearance thereof exists, or may determine that additional information is needed to resolve potential problems. The reporting individual shall be afforded the opportunity for written or oral response to any initial determinations other than approval, and should a final determination of a conflict be made, shall be afforded the opportunity for a personal consultation where practicable. If after these steps have been taken the reviewing official determines that a conflict or appearance of a conflict continues to exist, the reporting individual shall be notified in writing of what steps must be taken to resolve the problems. Failure to take any required remedial actions will result in appropriate disciplinary action against the individual involved in accordance with the provisions of 5 CFR 734.604(b)(6).

(f) Financial disclosure reports filed under the Ethics in Government Act of 1978 shall be made available for public inspection within 15 days of their receipt within the parameters established in 5 CFR 734.603.

(g) The Ethics in Government Act of 1978 provides that the Office of Government Ethics, Office of Personnel Management, shall be responsible for developing rules and regulations affecting financial disclosure procedures under the Act. These regulations are found in 5 CFR Part 734. Employees with questions concerning this section may consult the complete regulations in 5 CFR Part 734, ask their servicing personnel office, or address their inquiries directly to the Designated Agency Ethics Official, Director of Personnel, Room 16–W, U.S. Department of Agriculture, Washington, D.C. 20250.

(5 U.S.C. 301; Title II of Pub. L. 95–521, 92 Stat. 1836, as amended, 5 U.S.C. app.; E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR, 1965 Supp.; 5 CFR 734.103)

Dated: March 18, 1982.

John R. Block,

Secretary of Agriculture.

[FR Doc. 82-7809 Filed 3-23-82; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Parts 982 and 999

Filberts Grown in Oregon and Washington and Filbert Imports; Grade Requirements for Domestic and Imported Filberts

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rules.

SUMMARY: These rules amend the grade requirements under Marketing Order No. 982 for domestic shelled filberts, and the grade requirements for imported shelled filberts under § 999.400. These amendments are to assure the quality of shelled filberts consumed in the United States.

EFFECTIVE DATE: May 24, 1982.

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

SUPPLEMENTARY INFORMATION: These final rules have been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified "designated non-major" rules.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated nine handlers and approximately 20 importers.

Notice was published in the April 8, 1981, issue of the Federal Register (46 FR 21017) to change the grade requirements for domestic shelled filberts by amending § 982.101 of Subpart—Grade and Size Regulation (7 CFR 982.101; 45 FR 73634). This subpart is issued under the marketing agreement and Order No. 982, both as amended (7 CFR Part 982; 46 FR 26037), regulating the handling of filberts grown in Oregon and Washington. The marketing ageement and order are referred to collectively in this document as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act". The order is locally administered by the Filbert/Hazelnut Marketing Board (hereinafter referred to as the "Board").

That notice also contained a proposal to change the grade requirements for imported shelled filberts by amending § 999.400(b)(2) and (Exhibit A) of § 999.400. That section is authorized by section 8e (7 U.S.C. 608e–1) of the act.

The notice contained proposals submitted by the Board and an association representing filbert importers (hereinafter referred to as the "association"), and the Department. In response to a request by the association, the comment period was extended from May 15 to July 15, 1981, by notice published in the May 8, 1981, issue of the Federal Register (46 FR 25626).

The April 8 notice contained a detailed chronology of the events in this rulemaking action, beginning with the amendment of section 8e September 29, 1977, to include filberts in that section, and culminating with that notice. The chronology also concluded an explanation of the various authorities in the order and the act for the issuance of grade regulations on domestic and imported shelled filberts.

Comments were received from the Board, filbert importers, the association, the Office of Management and Budget, members of Congress, the Embassy of Turkey, Commercial users of filberts, producers and handlers of domestic filberts, organizations representing them, consumers and consumer groups.

Section 982.101 was issued pursuant to § 982.45(a) and establishes the minimum grade standards for domestic

shelled filberts as Oregon No. 1 whole and broken under the Oregon Grade Standards for Filbert/Hazelnut Kernels. The standards currently effective pursuant to § 982.101 were issued by the State of Oregon in 1976 as an amendment of previous standards, and have been applied continuously under that section to domestic shelled filberts since October 4, 1976. These requirements allow a five percent tolerance for serious defects including not more than a one percent tolerance for kernels which have mold, rancidity or insect injury. These same requirements were applied to imported shelled filberts December 29, 1977. Effective August 1, 1980, the State of Oregon revised its standards to include decay in the one percent tolerance along with mold, rancidity and insect injury, and defined decay to mean that any portion of the kernel is decomposed.

A number of commentators noted that earlier Oregon standards for shelled filberts included specific reference to decay, and the August 1980 action merely restored the term which was inadvertently omitted in an amendment prior to 1976. Under earlier standards, Oregon No. 1 Grade consisted of filbert kernels which, among other requirements, were free from "bitter flavor and decay". Oregon Broken Grade was defined to consist of filbert kernels which met the requirements of Oregon No. 1 Grade, except that they could be broken or mechanically damaged, and there were no variety or size requirements.

One commentator contended that decay is evidence of serious damage, and the strictest tolerance level should apply, and must be associated with mold, rancidity, and insect injury. The commentator cited a study by the U.S. Department of Agriculture involving another tree nut and showing that high moisture levels can attract toxic fungi.

The Board and several other commentators favored a tolerance of one percent for the four defects because any higher tolerance would ultimately affect sales and be detrimental to both, the industry and the American consumer. Unlike numerous other commentators who expressed the need for high quality shelled filberts for the U.S. market without recommending a specific tolerance level, the Board and others said the tolerance should be one percent, which could be achieved by the domestic industry.

Comments in opposition to the Board's recommendation for that tolerance for domestic shelled filberts under the marketing order grade standard came from the association and others who supported one of the two proposals submitted by the association and published in the April 8 notice. The association previously had proposed that the tolerance for decay be established as follows: (1)(a) For shelled filberts which are mechanically dried and held in refrigerated storage, one percent for mold, rancidity, decay and insect injury, and (b) for shelled filberts which are solar dried and/or held in non-refrigerated storage, three percent for mold, rancidity, decay and insect injury; or in the alternative, (2) a one percent tolerance for mold, rancidity and insect injury and two percent for decay.

In its comment, the association indicated that it "favored" the second of its two proposals. Because the association and other commentators failed to support the establishment of the association's first alternative, it will not be considered further in this document.

The association and other commentators opposing the Board's proposal argue that its primary objective is to exclude foreign competition. They stated that the Board's proposal can be met by the domestic filbert industry without difficulty, but that it would permit entry of only about half of the current level of the imported foreign shelled filberts (primarily from Turkey). The significance of proposed domestic standards to importers and users of imported shelled filberts is that, once established, these or comparable standards also should apply to imported shelled filberts pursuant to section 8e of the act.

These commentators also contend that the Board's proposal would result in a shortage of shelled filberts in U.S. markets because the U.S. industry can supply only half of the current U.S. needs for shelled filberts. This would promote higher prices, benefiting U.S. growers and shippers and penalizing U.S. consumers. The association contends that the Board's recommendation would remove the freedom of U.S. consumers to select shelled filberts of the type, flavor, origin, quality, and corresponding price level they may desire.

The association and others state that the association's proposal would "strengthen and tighten" quality standards. Also, since the association's proposed standards are stricter than those currently in effect, U.S. consumers should not be displeased with the quality of imported filberts meeting those standards and stop buying them. On the other hand it was also contended that the quality of imported filberts currently is high enough to satisfy the needs of U.S. users of imported shelled filberts, some of whom prefer imported filberts for their special characteristics. In addition, some of the commentators indicated that they were satisfied with the quality level of imported shelled filberts, and that there should be no change in the grade standards for them. The association contends that this lack of any problem should be given paramount consideration in determining whether or not the standards for imported shelled filberts should be changed.

Finally, the association contends that the Board's proposal is unnecessary because the decay level of domestic filberts is so low that it would not result in the elimination of any domestic shelled filberts from the markets. Thus, it questions whether the Board's recommendation would result in greater U.S. consumption of shelled filberts.

Decay is a deterioration or decline of the plant tissues involving decomposition which is induced by fungi, bacteria, and similar organisms, and which is of a complete and progressive nature. Thus, from the standpoint of wholesomeness of any commodity for human consumption, decay is as serious a defect as mold, rancidity, and insect injury.

Among other nuts for which U.S. Standards exist—e.g., almonds, peanuts, pecans, and walnuts—decay is included with mold, rancidity, and insect injury (other highly objectionable defects). These standards include decay in the definitions of "very serious damage" or "serious damage".

The need to improve the quality of shelled filberts in order to expand consumption has long been recognized by the domestic industry. In 1959, the order was amended to provide authority for establishment of minimum grades for domestic shelled filberts. The recommended decision issued on this amendment stated, in part, as follows: "It was testified that the grade as now written was so liberal that it would not be effective in eliminating low-grade shelled filberts from the market if it were used as a required minimum standard in its present form and that the expense of inspecting all shelled filberts against such grade would be disproportionate to the very small benefits that would be realized. Despite the lack of a satisfactory standard at this time, the industry recognizes the growing importance of the shelled filbert market and favors authority to put a minimum quality requirement into operation at such time as the details of the requirement can be agreed upon and established. * * * Establishment of an appropriate minimum standard of

quality for shelled filberts would tend to promote orderly marketing of shelled filberts since it would require that only acceptable quality filberts would be permitted to be handled and consumers and users could depend on the quality of each shipment." (24 FR 4169). The standard referred to in that decision was the standard cited earlier in this document as "earlier Oregon standards for shelled filberts".

While the standard proposed by the Board is consistent with the findings of the 1959 recommended decision, insufficient evidence was presented to justify, specifically or precisely, a one percent tolerance for the four defects for domestic shelled filberts, or that such one percent tolerance was in fact, necessary to achieve the domestic industry's stated objective of expanding consumption. Nor did it justify need for an abrupt adjustment of this magnitude; the proposed level would require an immediate reduction of as much as 80 percent in the tolerance for decay, without documented support for such urgency. However, there is a need to establish a tighter standard than currently in effect. Imposition of a two percent tolerance for the four defects appears to be a reasonable new tolerance level so long as it includes the current one percent tolerance for mold, rancidity and insect damage. This achieves the domestic industry's objective of providing overall improved quality to the consumer by tightening the tolerance for decay, albeit not as abruptly as proposed by the Board. Also, this standard would not result in any disruption in trade and would present minimal, if any, difficulties to the importation of shelled filberts. At the same time, it retains the current quality level for the remaining three defects (mold, rancidity, and insect damage) which has been in effect for domestic shelled filberts since October 1976, and for imported shelled filberts since December 1977. Also, this one percent tolerance for the three defects was contained in both the Board's and the association's proposals. The association's proposal is not realistic in that it seeks to separate decay from mold, rancidity, and insect injury, and it has failed to justify that decay is any less serious a defect than the other three defects, either for domestic or imported shelled filberts.

Under section 8e of the act, the same or comparable standards must apply to imported filberts as are applicable to domestic filberts regulated under the order. Comments were offered that stated that Turkish shelled filberts differ sufficiently from Oregon shelled filberts to warrant a comparable standard because Turkish filberts (1) have a distinct taste and flavor, (2) are higher in oil and moisture, (3) are smaller and have darker pellicles, and (4) are not inspected until seven weeks to four months after shelling.

Under the act, the criteria for establishing a standard for imports which is different than the domestic standard for reasons of comparability are limited to variations in characteristics between the domestic and the imported commodity. The fact that imported shelled filberts are not inspected until seven weeks to four months after shelling would not warrant a comparable standard. With respect to other stated differences, no conclusive information was submitted that any of these attributes would cause variations in characteristics between domestic and imported shelled filberts. Thus, there is no basis warranting the establishment of a different standard for imported shelled filberts because of comparability.

The information and data available in this rulemaking proceeding justify and support the tolerances hereinafter set forth. It is recognized that the shelled filbert industry, as are most agricultural commodity industries, is subject to continual change. Accordingly, the tolerances hereinafter set forth will be effective May 24, 1982, and continue in effect until July 31, 1983. During this period, interested parties may review and evaluate the effects of this regulation on quality improvement, trade, and consumption, and such material will be reviewed to determine whether further reduction of the tolerance levels is justified.

One commentator stated that the USDA should stay the rulemaking proceedings to complete the necessary economic cost benefit analysis required by Executive Order 12291. The Department is not required to complete such analysis under this Executive Order.

As a conforming change, § 999.400(b)(2) should be revised by deleting the second sentence. That sentence cites the requirements for Oregon No. 1 whole and broken grade for shelled filberts, but is no longer needed since this action deletes such references in § 982.101.

After consideration of all relevant matter presented, including that in the notice, the recommendations of the Board, and the petition of the association, the comments received, and other available information, it is found that to amend the grade and size regulation for shelled filberts grown in Oregon and Washington, and the regulation for imported shelled filberts, shall be as hereinafter set forth.

Therefore, §§ 982.101 and 999.400, for domestic and imported filberts, respectively, are amended as follows:

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

1. Section 982.101 of Subpart—Grade and Size Regulation (7 CFR 982.101) is revised to read as follows:

§ 982.101 Grade requirements for shelled filberts.

(a) Pursuant to § 982.45(a), no handler shall handle any shelled filberts unless such filberts meet the grade requirements for shelled filberts as contained in Exhibit A of this section.

(b) Pursuant to §§ 982.50(a) and 982.51(b), a handler may declare and withhold shelled filberts in lieu of merchantable filberts in satisfaction of the handler's restricted obligation. Shelled filberts so declared and withheld shall, in lieu of the standards prescribed in § 982.50(a)(3), meet the grade requirements contained in Exhibit A of this section.

Exhibit A

Grade Requirements for Shelled Filberts

Filbert kernels or portions of filbert kernels shall meet the following requirements:

(1) Well dried and clean;

(2) Free from foreign material, mold, rancidity, decay or insect injury; and

(3) Free from serious damage caused by serious shriveling, or other means.

Tolerances

In order to allow for variations incident to proper grading and handling the following tolerances, by weight, are permitted as specified:

(1) For Foreign Material: 0.02 of one percent, for foreign material.

(2) For Defects: Five percent for kernels or portions of kernels which are below the requirements of this grade, including not more than the following: Two percent for mold, rancidity, decay or insect injury: *Provided,* That not more than one percent shall be for mold, rancidity, or insect injury. The two percent tolerance shall be in effect until July 31, 1983.

Definitions

(1) "Well dried" means that the kernels are firm and crisp, not containing more than 6 percent moisture.

(2) "Clean" means practically free from plainly visible adhering dirt or other foreign material.

(3) "Foreign material" means any substance other than the filbert kernels, or portions of kernels. (Loose skins, pellicles or corky tissue which have become separated from the kernels shall not be considered as foreign material, provided that this material does not exceed .02 of one percent by weight.)

(4) "Serious damage" means any specific defect described in this section, or any equally objectionable variation of any one of these defects, or any other defects, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual portion of the kernel or of the lot as a whole. The following defects shall be considered as serious damage.

(i) "Serious shriveling" means when the kernel is seriously shrunken, wrinkled and tough.

(ii) "Mold" means that there is a visible growth of mold either on the outside or inside of the kernel.

(iii) "Rancidity" means that the kernel is noticeably rancid to the taste. An oily appearance of the flesh does not necessarily indicate a rancid condition.

(iv) "Decay" means that any portion of the kernel is decomposed.

(v) "Insect injury" means that the insect, frass or web is present, or the kernel or portion of kernel show definite evidence of insect feeding.

PART 999—FILBERT IMPORTS

§ 999.400 [Amended]

2. Section 999.400(b)(2) is amended by removing the second sentence.

3. Exhibit A of § 999.400 is revised to read as follows:

Exhibit A

Grade Requirements for Shelled Filberts

Filbert kernels or portions of filbert kernels shall meet the following requirements:

(1) Well dried and clean;

(2) Free from foreign material, mold, rancidity, decay or insect injury; and

(3) Free from serious damage caused by serious shriveling, or other means.

Tolerances

In order to allow for variations incident to proper grading and handling the following tolerances, by weight, are permitted as specified:

(1) For Foreign Material: 0.02 of one percent, for foreign material.

(2) For Defects: Five percent for kernels or portions of kernels which are below the requirements of this grade, including not more than the following: Two percent for mold, rancidity, decay or insect injury: *Provided,* That not more than one percent shall be for mold, rancidity, or insect injury. The two percent tolerance shall be in effect until July 31, 1983.

Definitions

(1) "Well dried" means that the kernels are firm and crisp, not containing more than 6 percent moisture.

(2) "Clean" means practically free from plainly visible adhering dirt or other foreign material.

(3) "Foreign material" means any substance other than the filbert kernels, or portions of kernels. (Loose skins, pellicles or corky tissue which have become separated from the kernels shall not be considered as foreign material, provided that this material does not exceed .02 of one percent by weight.)

(4) "Serious damage" means any specific defect described in this section, or any equally objectionable variation of any one of these defects, or any other defects, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual portion of the kernel or of the lot as a whole. The following defects shall be considered as serious damage.

(i) "Serious shriveling" means when the kernel is seriously shrunken, wrinkled and tough.

(ii) "Mold" means that there is a visible growth of mold either on the outside or inside of the kernel.

(iii) "Rancidity" means that the kernel is noticeably rancid to the taste. An oily appearance of the flesh does not necessarily indicate a rancid condition.

(iv) "Decay" means that any portion of the kernel is decomposed.

(v) "Insect injury" means that the insect, frass or web is present, or the kernel or portion of kernel show definite evidence of insect feeding.

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

Dated: March 18, 1982 to become effective May 24, 1982.

Charles R. Brader,

Director, Fruit and Vegetable Division.

March 18, 1982.

[FR Doc. 82-7917 Filed 3-23-82; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 82-031]

Change in Disease Status of Denmark Because of Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document removes Denmark from the list of countries declared to be free of rinderpest and foot-and-mouth disease. This action which prohibits the importation of cattle, sheep, or other ruminants, or swine or fresh, chilled, or frozen meats of such animals into the United States from Denmark is necessary because the existence of foot-and-mouth disease has been confirmed in that country. This action is necessary as an emergency measure in order to protect the livestock of the United States from the threat of introduction or dissemination of foot-and-mouth disease into the United States.

DATES: Effective date: March 18, 1982. Comments on or before: May 24, 1982.

ADDRESS: Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Room 821, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8530.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This final action is issued in conformance with Executive Order 12291 and has been determined to be "not major."

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

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291.

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

The emergency, discussed above, makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act impracticable. Since this action may have a significant economic impact on a substantial number of small entities, a final regulatory flexibility analysis addressing the issues required by section 604 of Pub. L. 354, the Regulatory Flexibility Act, will be prepared.

On March 18, 1982, the Department was notified that foot-and-mouth disease was confirmed on the Isle of Fyn (part of Denmark). Foot-and-mouth disease, Type O, was confirmed on a farm which contained 66 cattle and no swine.

Foot-and-mouth disease is a dangerous and destructive communicable disease of ruminants and

swine. The morbidity rate within a herd approaches 100 percent. Consequently, it is necessary to remove Denmark from the list of areas determined to be free of foot-and-mouth disease and rinderpest provided in the regulations. The effect of this action will be to prohibit or restrict the entry of certain animals and animal products from this area into the United States as presently provided in the regulations for countries not free of foot-and-mouth disease.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Accordingly, Part 94, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

§ 94.1 Designation of countries where rinderpest or foot-and mouth disease exists; importations prohibited.

1. In § 94.1(a)(2), the name of Denmark is removed.

§ 94.11 Restrictions on importation of meat and other animal products from specified countries.

2. In § 94.11(a), the name of Denmark is removed.

(Sec. 2, 32 Stat. 792, as amended; sec. 306, 46 Stat. 689, as amended; secs. 2, 3, 4, 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477; 38 FR 19141)

Done at Washington, D.C., this 18th day of March 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-7863 Filed 3-19-82; 2:19 pm]

BILLING CODE 3410-34-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 8879]

Grolier, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: The FTC is reissuing its Final Order in Docket No. 8879, In the Matter of Grolier, Incorporated. On March 13, 1978, the Commission issued its Order to Cease and Desist (43 FR 18652); modified December 10, 1981 (46 FR 63244). The reissued order, effective March 9, 1982, among other things, requires a New York City publisher and seller of encyclopedias and other educational materials and services, and its subsidiaries, to cease misrepresenting, failing to make relevant disclosures, or using any other unfair or deceptive methods to recruit door-to-door sales personnel, sell merchandise and services, and collect debts.

DATES: Complaint issued March 9, 1972.[1] Final order issued March 9, 1982.

FOR FURTHER INFORMATION CONTACT: FTC/PS, David C. Fix or Robert D. Friedman, Washington, D.C. 20580, (202) 724-1037.

SUPPLEMENTARY INFORMATION: In the Matter of Grolier, Incorporated, a corporation, et al. Codification appearing at 43 FR 18652 remains unchanged.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

[Docket No. 8879]

The Final Order, including further order requiring report of compliance therewith, is as follows:

Grolier, Inc., et al.; Final Order

This matter having been heard by the Commission upon remand by the United States Court of Appeals for the Ninth Circuit, and the Commission having denied a motion to disqualify Judge von Brand after allowing Grolier discovery on the matter in an Order issued August 13, 1981, and the Commission, having made certain modifications to the original cease and desist order issued on March 13, 1978, in an Order issued December 10, 1981, now reissues its Final Order, with said modifications, as follows:

It is ordered, That the following Order to Cease and Desist be, and it hereby is, entered:

Order

I

It is ordered, That respondents Grolier, Incorporated, Americana Corporation, Grolier Interstate, Inc., Grolier New Era Corp., Madison Enterprises, Inc., R. H. Hinkley Company, The Grolier Society, Inc., Spencer International Press, Inc. and The Richards Company, Inc., corporations and their successors, assigns, officers, agents, representatives and employees, directly or indirectly, through any corporation, subsidiary, division or other device, in connection with the recruitment, training, or orientation of any person to sell, rent, lease, or distribute any textbook, encyclopedia, reference or educational material, training course or teaching machine, or any other publication, merchandise or service, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, either orally or in writing, that:

(1) Any respondent is offering positions in such fields as advertising, education, public relations, marketing, interviewing, or in any field other than door-to-door sales, if door-to-door sales is included, to any extent, in the position for which persons are being recruited; or misrepresenting, in any manner, the job for which any person is being solicited;

(2) Persons will be trained as management trainees, or for other positions of responsibility concerned with administrative office functions, unless, in fact, a formal management training program is available to persons accepting employment on the basis of such representations; or misrepresenting, in any manner, the amount and type of training that will be given;

(3) Any person who may be employed will contact prospects in their homes or places of business for the purposes of conducting surveys, advertising promotions, educational instruction or other nonselling functions; or misrepresenting, in any manner, the purposes for which any person is engaged.

B. Misrepresenting, in any manner, the amount of income to be earned by any person or that may be earned by any person, the method of payment, or any condition or limitation imposed upon the compensation of any person, or the degree of ease or difficulty in performing any said condition imposed.

C. Failing to disclose, clearly and conspicuously, in all advertising offering employment in any way involving door-to-door sales:

(1) That the respondent concerned is recruiting persons for the sole purpose of soliciting or selling;

(2) That such soliciting or selling will be on an "in home" basis;

(3) That the products or services being sold are encyclopedias or services to be used in connection therewith, or in the event that encyclopedias or such related services are not being sold, the products and services being sold; and

(4) The basis for compensating persons so engaged.

D. Failing to clearly and conspicuously advise, both orally and in writing, any prospective salesperson at the initial face-to-face interview, and

[1] Complaint, Initial Decision, Opinion of the Commission and Final Order previously published at 91 F.T.C. 315.

prior to executing any employment agreement with any such person, the following information:

(1) All those disclosures set forth in Paragraph I C above;

(2) A complete and detailed description of each condition and limitation imposed upon the receipt of any compensation;

(3) Where applicable, notification that such person will not be paid for time spent during orientation and training;

(4) A complete and detailed description of any expense or expenses any such person may incur performing the required duties; and

(5) The percentage of persons holding similar positions engaged by the office offering the position during the twelve (12) months immediately preceding the offer, who have actually received an equivalent, or greater, income than that promised under the terms of any such agreement.

E. Failing to furnish to each applicant at the initial face-to-face interview and prior to executing any employment agreement with any such person, a copy of Paragraphs I, II and V of this Order together with a cover letter as set forth in Appendix A attached below.

F. Making, distributing or using any training tapes, sales manuals, or any other document, method or device which contains any representation or instruction inconsistent with any provision of Paragraph I or Paragraph II of the Order.

II

It is ordered, That respondents Grolier, Incorporated, Americana Corporation, Grolier Interstate, Inc., Grolier New Era Corp., Madison Enterprise, Inc., R. H. Hinkley Company, The Grolier Society, Inc., Spencer International Press, Inc., and The Richards Company, Inc., corporations and their successors, assigns, officers, agents, representatives, and employees, directly or indirectly, through any corporation, subsidiary, division or other device, in connection with the publishing, advertising, offering for sale, sale, rental, lease or distribution of any textbook, encyclopedia, reference or educational material, training course or teaching machine, or any other publication, merchandise or service, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated any advertisement of promotional material which solicits participation in any contest, drawing or sweepstakes, or solicits any response to any offer of merchandise, service or information, unless any such solicitation clearly and conspicuously discloses that a person who replies as requested may be contacted directly by a salesperson for the purpose of selling respondent's products, using one of the following disclosures:

1. IMPORTANT: This card will let you know of my interest and enable your [location designation, if appropriate] sales representative [contact me at home] [call or visit me] [contact me in person] with [information] [details] [facts] on how I may [purchase] [buy] [applicable product].

2. IMPORTANT: Returning this card allows me to have your [location designation, if appropriate] sales representative to [contact me at home] [call or visit me] [contact me in person] with [information] [details] [facts] on how I may [purchase] [buy] [applicable product].

3. IMPORTANT: Returning this card will enable your [location designation, if appropriate] sales representative to [contact me at home] [call or visit me] [contact me in person] with [information] [details] [facts] on how I may [purchase] [buy] [applicable product].

Upon prior approval in writing of the Assistant Director of the Division of Compliance of the Bureau of Consumer Protection, or his designee, respondent may use any other disclosure that clearly and conspicuously discloses that a person who replies as requested may be contacted directly by a salesperson for the purpose of selling respondent's products. A request for approval shall be in writing and shall be deemed granted if not disapproved within 30 days after receipt by the Assistant Director of the Division of Compliance of the Bureau of Consumer Protection.

B. Providing any return card, coupon or other device which is used to respond to any advertisement or promotional material covered by Paragraph II(A) above, unless one of the disclosures set forth in such Paragraph, or a disclosure approved by the Assistant Director of the Division of Compliance or his designee as satisfying the requirements of Paragraph II(A), clearly and conspicuously appears in immediate proximity to the space provided for a signature or other identification of the responding party. During the one (1) year period from the date this Order becomes final, respondent may submit a request to reopen these proceedings pursuant to § 2.51 of the Commission's rules of practice. Such petition shall contain information demonstrating that any proposed modifications of Paragraphs II(A) and II(B) will clearly and conspicuously disclose to potential purchasers of respondent's products that a person who replies as requested may be contacted directly by a salesperson for the purpose of selling respondent's products. The foregoing sentence shall not be construed as a limitation of respondent's submission of additional information regarding the request to reopen, including information relating to the financial impact of Paragraphs II(A) and II(B) on respondent. Should a request be submitted, the Commission shall determine whether to reopen these proceedings within one hundred-twenty (120) days of receipt of such request. The procedure to reopen the proceedings as set forth herein is in addition to, and not in lieu of, any other procedure (or time period with respect to such procedure) permitted by law or the Commission's rules of practice.

C. Failing to disclose clearly and conspicuously, at the beginning of any telephone call to any prospective customer, the fact that the individual making the call is either soliciting the sale, rental or lease of publications, merchandise or services for respondents, or is arranging for a sales solicitation to be made, and that if the prospective customer so agrees, the respondent concerned will send a salesperson to visit said prospect for the purpose of soliciting the sale, rental or lease of said publications, merchandise or services.

D. Visiting the home or place of business of any person for the purpose of soliciting the sale, rental or lease of any publications, merchandise or service, unless at the time admission is sought into the home or place of business of such person, a card 3 inches by 5 inches in dimension, with all words in 10-point bold-face type, with the following information, and none other, in the indicated order, is presented to such person:

(1) The name of the corporation;

(2) The name of the salesperson;

(3) The term "Encyclopedia Sales Representative" [or other applicable product];

(4) The terminology: "The purpose of this representative's call is to solicit the sale of encyclopedias" [or other applicable product].

Provided, however, That for one (1) year from the date this order becomes final, repondent may, in lieu of the card required by this Paragraph of the Order, substitute a business card of at least 2 inches by 3½ inches containing only the following information:

1. The name of the corporation

2. The name of the salesperson

3. The term "sales representative"

4. An address and telephone number at which the corporation or salesperson may be contacted

5. The product or the corporation logo or identifying mark.

During this one (1) year period, respondent shall comply in all other respects with the requirements of Paragraph II (D) above. Prior to the expiration of the aforesaid time period, respondent may submit a request to reopen these proceedings pursuant to § 2.51 of the Commission's rules of practice. Such petition shall contain information demonstrating that the business card required in Paragraph II (D), as modified above, is effective in communicating to potential purchasers, prior to the entry into their homes or places of business by any of respondent's sales representative, that the purpose of the sales representative's call is to solicit the sale of respondent's products. The foregoing sentence shall not be construed as a limitation on respondent's submission of additional information regarding the request to reopen, including information on the financial impact of Paragraph II (D) on respondent. Should a request be submitted, the Commission shall determine whether to reopen these proceedings within one hundred-twenty (120) days of receipt of such request. Respondent may continue to use the business card, as described by this proviso, during the time that a request to reopen these proceedings pursuant to this paragraph is pending, and, if such proceedings are reopened, until the Commission determination of the matter has become final. The procedure to reopen the proceedings as set forth herein is in addition to, and not in lieu of, any other procedure (or time period with respect to such procedure) permitted by law or the Commission's rules of practice.

E. Failing to give the card, required by Paragraph II (D), above, to each person and to provide each such person with an adequate opportunity to read the card before engaging any such person in any sales solicitation.

F. Using the words "Mothers Club" or words of similar import and meaning to represent, directly or by implication, the existence of a *bona fide* educational program, club, or business entity which provides educational services or benefits to consumers or using any trade name misrepresenting in any manner the nature or purpose of their business.

G. Representing, directly or by implication, either orally or in writing that:

(1) Any person calling on any prospective purchaser is:

(a) Engaged in or connected with "advertising", "marketing", "promotion", "education", or anything other than the sale of encyclopedias or other educational or reference materials;

(b) Conducting, taking or participating in a survey, opinion poll, interview or any other information gathering activity; or

(c) Calling on said prospect for the primary purpose of delivering or disseminating any vacation gift certificate, prize, gift, gift certificate, chance in any contest, or any other merchandise or item of chance;

(2) Only a few minutes will be required to complete the visit inside the prospective purchaser's home or place of business; or misrepresenting, in any manner, the period of time required to complete the sales or other presentation;

(3) Any person contacted has been specially selected to receive any offer; or misrepresenting, in any manner, the persons or class of persons to whom said offer is available;

(4) Any encyclopedia or other reference material is a new publication, or a publication which has not been previously available to the public unless such is the fact, or misrepresenting, in any manner, the extent of editorial revisions, in any encyclopedia or other reference material;

(5) Any offer is limited, must be accepted immediately or within a specified time period, or is a special offer, unless such is a fact; or misrepresenting, in any manner, the nature, scope or duration of any sales offer;

(6) Any publication, merchandise or service is being offered free, without cost, as a bonus, reduced in price or otherwise to any prospective purchaser of any of respondents' publications, merchandise or services agreeing to perform any advertising promotional or selling function, including but not limited to, any of the following acts or similar acts:

(a) permitting their names to be listed as local owners of the product or services;

(b) Providing the name of any person who may be interested in purchasing any publication, merchandise or service;

(c) Writing a letter evaluating the merits of any publication or other item which may be used in advertising;

(d) Displaying any publication or other item in a conspicuous location in his home;

(e) Keeping any publication or other item current by purchasing an annual yearbook or by purchasing any research service;

(f) Completing installment payments for any item in a period of time less than the period of time initially represented; or

(g) Paying a membership fee in order to participate in the Consumer Buying Educational Service, or any other program, club, service or entity which provides an opportunity for participants to purchase merchandise at a savings from the retail prices for such merchandise, or paying a fee to participate in any similar program, club, service or entity; or

(h) Misrepresenting, in any manner, that any publication, merchandise or service is being offered free, without cost, as a bonus, or reduced in price to any person;

(7) Any publication, merchandise or service is being offered free, without cost, or is given as a bonus or otherwise to any purchaser of any of respondents' publications, merchandise or services, pursuant to any agreement to purchase, rent or lease any other publication, merchandise, or service, or combination thereof, from such respondent, unless:

(a) The contract price for the purchase, rental or lease of any such other publication, merchandise, service, or combination thereof, has remained at the said price or above for at least six (6) months within the last twelve (12) months immediately preceding the time at which the representation is made;

(b) No publication, merchandise or service has been offered free, without cost or given as a bonus or otherwise with the sale, rental or lease of any such other publication, merchandise, service or combination thereof, to any person for a period of at least six (6) months within the last twelve (12) months immediately preceding the time at which the representation is made;

(c) No publication, merchandise, service, or combination thereof, of equivalent or greater value, has been eliminated by such respondent from any such other publication, merchandise, service, or combination thereof, with which the free, without cost or bonus publication, merchandise or service is being offered;

Provided however, Any such prices as are restricted by Paragraph II G (7)(a) of this Order may be altered at any time by the respondent concerned to reflect *bona fide* changes in market conditions.

H. Misrepresenting, in any manner, the terms, conditions, method, rate or time of payment actually made available to any person.

I. Representing, directly or by implication, either orally or in writing that:

(a) Any person using any research service will receive answers to questions on any subject; or misrepresenting, in any manner, the scope of, or restrictions imposed upon the use of, any such research service;

(b) Any answer provided by a research service is the product of

detailed, exhaustive or original research generated by the specific question asked by any person utilizing said service unless such is the fact; or misrepresenting, in any manner, the extent of individual attention, research, preparation or quality of any answer furnished by any such research service;

(c) Any answer provided by any research service is a suitable or acceptable substitute for any term paper, theme or other report; or misrepresenting, in any manner, the benefit or use of any answer provided by any research service;

(d) Any research service is being offered at any price or that the research service has a retail value unless such is the fact;

(e) The cost to any respondent of any research service represents a retail value.

J. (1) Failing to disclose, clearly and conspicuously, in writing on all promotional materials describing any research service, and orally during the course of any sales or other presentation relating to said service, each condition or limitation placed upon the use of such research service.

(2) Failing to disclose applicable limitations on the time within which answers will be supplied by any research service in writing on all promotional materials and orally during the course of any sales presentations relating thereto.

K. (1) Representing, directly or by implication, through the use of any oral statement, written quotation, picture or any other means that any publication, merchandise or service has received an endorsement, recommendation, or sponsorship from any educational, religious, or other institution or other entity or from any person, unless the stated endorsement is genuine and authentic in all respects, and discloses the year or edition of the publication to which such endorsements pertain, if a publication is involved.

(2) Using, publishing, or referring to any testimonial or endorsement unless (1) such use, publication, or reference is expressly authorized in writing and unless (2) respondents have good reason to believe that at the time of such use, publication, or reference, the person or organization named subscribes to the facts and opinions therein contained.

(3) Representing, in any manner, that an endorsement or testimonial has been recently executed or is current unless this is the fact.

(4) Misrepresenting, in any manner, that any person is calling on a prospective customer with the endorsement, recommendation, or sponsorship of another person or organization.

L. Failing to disclose:

(1) Clearly to the officials of any educational institution being visited, where a purpose of such visit is to obtain the institution's permission to disseminate through the institution promotional material which solicits the sale of any product to the parents of the children enrolled in the educational institution, and which is designed to secure leads for in-home sales presentations, prior to any such dissemination, that the purpose of disseminating such promotional materials is to secure leads for in-home sales presentations;

(2) Conspicuously on the face of such promotional materials within the scope of L(1) that dissemination of such promotional materials through the educational institution does not constitute an endorsement or a recommendation by the institution or its officials that such materials being promoted should be purchased unless such is the fact.

M. Representing to any person, directly or by implication, either orally or in writing that:

(1) Any price is the retail, regular, usual or words of similar import or effect, price for any publication in any binding, merchandise of service, unless the respondent concerned is making a substantial number of its unit sales for each such publication in each such binding, merchandise or service, individually, at or above the represented price;

(2) Any price is the retail, regular, usual, or words of similar import or effect, price for any set of publications in any binding and in combination with any other publication, merchandise or service, unless the respondent concerned is making a substantial number of its unit sales for each such set of publications in each such binding individually or in combination at or above the represented price;

(3) Savings may be realized by the purchase, rental or lease of any publication, merchandise or service, or any combination thereof, from any of respondents' former prices for its products unless:

(a) Such savings claims are based upon retail, regular, or usual prices, or combination prices, arrived at in accordance with Paragraph II M(1) and (2) above;

(b) Respondents clearly and conspicuously specify the publication, merchandise or service, or combination thereof, and the price from which the savings are to be realized; and

(c) The publication, merchandise or service is of comparable quality in all material respects with the publication, merchandise or service sold at the higher price;

(4) Savings may be realized by the purchase, rental or lease of any publication, merchandise or service, or any combination thereof, from comparable products of competitors unless:

(a) The respondent concerned clearly and conspicuously specifies the publication, merchandise or service, or combination thereof, from which the savings are to be realized;

(b) The price utilized for comparison purposes is the price at which a substantial number of persons have purchased the items referred to in (a) immediately above;

(c) The item referred to in (a) above is of comparable quality in all material respects to the product being sold;

(d) Respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in the trade area where the comparison is made which establishes the validity of said compared price.

N. Misrepresenting in any manner, either orally or in writing:

(1) The amount of savings to be realized by any person who enters into an agreement with any respondent for any publication, merchandise or service; or

(2) That any publication, merchandise or service is being offered free or without charge, or is given to any such person.

O. Failing to comply with any and all provisions of the Commission's Trade Regulation Rule, *Cooling-Off Period For Door-To-Door Sales* (16 CFR 429.1), which are in effect on the date this Order becomes effective, and with any modifications or changes in the aforesaid Rule which may be made. A copy of the said Rule shall be made a part of this Order for purposes of complying with other provisions hereof.

P. Initiating contact with any purchaser through any means for any reason from the time said purchaser enters into any agreement containing a NOTICE OF CANCELLATION, as required by Paragraph II O of this Order, until said buyer's cancellation period has expired.

Q. Failing to maintain a copy of each NOTICE OF CANCELLATION received pursuant to Paragraph II O of this Order, and making said documents available for inspection and copying by the Commission's staff upon reasonable notice. Any respondent receiving such

NOTICE shall maintain it for a period of three (3) years from date of receipt.

R. Failing to create adequate records, which shall be maintained for a period of three (3) years and made available to the Commission's staff for inspection and copying upon reasonable notice, from which the validity of any savings claims, retail price claims, comparative value claims, or other representations of the type described in Paragraphs II G(7), II M and II N of this Order can be determined, and making any pricing claims within the scope of this provision unless there are in existence for at least the six (6) months preceding such claims records from which the validity of such claims can be determined.

S. Failing to attach to any contract for the sale, rental or lease of any publication, merchandise, service or combination thereof a written statement that clearly and conspicuously discloses, and only discloses, the following information in the indicated order and manner:

(1) In 12-point bold-face type size the terminology:

PRICE LIST

THE FOLLOWING PRICES ARE THE ONLY AUTHORIZED PRICES AT WHICH THE LISTED ITEMS MAY BE OFFERED.

ANY PRICE NOT LISTED BELOW IS UNAUTHORIZED AND FALSE.

(2) A list of all publications, merchandise, services or combination thereof currently offered for sale, rental or lease, and in immediate conjunction thereto each price at which any respondent is authorized to offer said product or service pursuant to Paragraph II M of this Order.

(3) In 12-point bold-face type the terminology, when applicable:

FREE ITEMS

ONLY THE FOLLOWING PRODUCTS AND SERVICES MAY BE OFFERED FREE. YOU ARE PAYING FOR ANY ITEMS RECEIVED AND NOT LISTED BELOW.

(4) A list of all publications, merchandise or services currently offered as free, without cost, or as a bonus pursuant to Paragraph II G(7) of this Order.

T. Failing to orally instruct any person at the time said person signs any contract for sale, rental or lease, of any publication, merchandise, service or combination thereof, pursuant to an oral sales presentation, that a "Price List" is attached to said person's contract.

III

It is further ordered, That respondents Grolier, Incorporated, American Peoples Press, Inc., Americana Interstate Corp., Career Institute, Inc., Grolier Enterprises, Inc., and Grolier Reading Programs, Inc., corporations, and their successors or assigns, their officers, agents, representatives and employees, directly or indirectly, through any corporation, subsidiary or division, or other device, in connection with the advertising, offering for sale, sale or distribution of any textbook, encyclopedia, reference or educational material, training course or teaching machine, or any other publication, merchandise or service through the use of any program, plan, method or device, that provides or purports to provide for the sale or distribution of any of said items to any person on an approval basis, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, either orally or in writing that:

(1) Any person has the option to receive each publication, merchandise or service, separately and individually, and to accept or reject same, unless such person is allowed in all instances to receive and to purchase or reject each such publication, merchandise or service separately and individually;

(2) Any person will not receive any further publication, merchandise or service after the respondent concerned has received a timely notification of the person's cancellation of any such program, plan or method of sale or distribution, unless such is the fact; or misrepresenting, in any manner, any consequence resulting from any person's cancellation of his participation in any such program, plan, or method of sale or distribution; and

(3) Any person incurs no risk or obligation by joining or participation in any such program, plan, or method of sale or distribution; or misrepresenting, in any manner, any condition, right, duty or obligation imposed on any person.

B. Disseminating, or causing the dissemination of, any advertisement which fails to disclose in a clear and conspicuous manner:

(1) A description of the conditions and terms of any such program, plan, or method of sale or distribution, and the duties, risks and obligations of any subscriber thereto; and

(2) A description of each publication, merchandise or service to be offered for sale, the billing charge to be made therefor, the anticipated total number of publications, merchandise or services included in any such program, plan or method of sale or distribution, the number of publications, merchandise or services that will be included in each shipment of such items, and the number of and the intervals between each such shipment.

C. Failing to disclose, clearly and conspicuously, on any return coupon, order form or any other document used for responding to any such program, plan, or method of sale or distribution, the following information:

(1) The anticipated total number of publications, merchandise or services included in any such program, plan, or method of sale or distribution;

(2) The number of publications, merchandise or services that will be included in each shipment of such items; and

(3) The number of and the intervals between each such shipment.

D. Failing to disclose, clearly and conspicuously in immediate conjunction with any publication, merchandise, service or notice thereof sent to any subscriber the anticipated date on which the respondent from whom the subscriber obtained any of such items will initiate processing of the next shipment of any such item.

E. Failing to provide to any person in conjunction with each notice of any shipment of any publication, merchandise or service, a clear and conspicuous means by which said person may exercise his option or right to cancel said shipment, if such is his right.

IV

It is further ordered, That respondents Grolier, Incorporated, American Peoples, Press, Inc., Americana Corporation, Americana Interstate Corp., Federated Credit Corp., Career Institute, Inc., Grolier Interstate, Inc., Grolier New Era Corp., Madison Enterprises, Inc., R. H. Hinkley Company, Spencer International Press, Inc., The Grolier Society, Inc., and The Richards Company, corporations, and their successors, assigns, officers, agents, representatives and employees, directly or indirectly, through any corporation, subsidiary, division or other device, in connection with the collection or attempted collection of any debt allegedly due and owing pursuant to any contract or other agreement relating to the purchase or other receipt of any textbook, encyclopedia, reference or educational material, training course or teaching machine, or any other publication, merchandise or servicing, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, either orally or in writing that:

(1) Any company, corporation, or entity engaged in collection of monies allegedly due or owing to such concerns or any other company, corporation or entity has separate *bona fide* departments or divisions for legal matters, unless such are the facts; or misrepresenting, in any manner, the existence, or functions of any division or department of any company, corporation or entity;

(2) The Code of Federal Regulations, or any other federal regulation or statute, provides that any employee of the Federal Government who has any outstanding debt due or owing may be subject to dismissal from the Federal service for failure to pay said debt unless the respondent concerned can demonstrate that sufficient facts exist with regard to the employee to whom the representation was made which establish the propriety of such claims;

(3) Any person who utilizes the United States mails to obtain any publication, merchandise or service and who fails to pay or becomes delinquent in paying for any such item will be subject to prosecution for mail fraud under federal law unless the respondent concerned can demonstrate that sufficient facts exist, with regard to person to whom the representation was made, which establish the propriety of such claim; or misrepresenting, in any manner, the rights, duties or obligations of any person arising from any federal, state, or local statute, ordinance, or regulation;

(4) Any respondent utilizes the services of credit reporting companies or other entities for persons who disseminate credit information in a manner which will adversely affect the public or general credit rating of any person who has become delinquent in paying any debt unless the respondent concerned can demonstrate that sufficient facts exist, with regard to the person to whom the representation was made, which establish the propriety of such claim, or misrepresenting, in any manner, that any person's public or general credit rating will be adversely affected;

(5) Any letter, notice or other communication which has been prepared, originated or composed by any respondent has been prepared, originated or composed by any other person, firm or corporation;

(6) Suit will be instituted to recover any delinquent debt, or that any delinquent debt will be transferred to any attorney with instructions to institute suit, or that any other legal step to collect any outstanding debt will be taken, unless a definite date is set forth for such action and such are the the facts; or misrepresenting, in any manner, respondents' relationship with, or instructions to, any attorney, or the course of action that will be taken by any attorney or misrepresenting in any manner that any account has been transferred to any person or entity for collection unless those are the facts.

B. Using any correspondence forms or any written materials which appear to depict official legal process.

V

For the purpose of the following provisions of this order, the term "respondents" shall apply to each of the respondents named in Paragraphs I and II of the Order.

It is further ordered, That respondents:

A. Deliver by registered mail, a copy of this Decision and Order to each of their salesmen, agents, solicitors, or other persons engaged by respondents for the promotion, sale or distribution of any of the publications, merchandise or services included in this Order, and to any person engaged by respondents to perform such duties in the future at the time such person is so engaged;

B. Obtain from each person described in Paragraph V A, a signed statement setting forth their intention to conform their business practices to the requirements of this Order; retain said statement during the period of three (3) years thereafter; and make said statement available to the Commission's staff for inspection and copying upon reasonable notice;

C. Advise each such present and future saleman, agent, solicitor, or other person engaged by respondents for the promotion, sale or distribution of any of the publications, merchandise or services included in this Order that respondents will terminate the engagement or services of any such person, unless such person agrees to and does furnish to respondents a statement required by Paragraph V B, above; and

D. If any such person will not agree to file a statement with respondents as required by Paragraph V B above, and be bound by the provisions of this Order, the respondents shall immediately terminate the services of such person.

E. Furnish the Commission on a quarterly basis with a list, including business addresses, of those independent or outside distributors who have purchased or otherwise obtained for resale any of the publications, merchandise or services included in this Order.

VI

It is further ordered, That the respondent shall forthwith distribute a copy of this Order to each of their operating divisions.

VII

It is further ordered, That respondents shall notify the Commission at least thirty (30) days prior to any proposed change in any of the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of which may affect compliance obligations arising out of this Order.

VIII

It is further ordered, That respondents shall, within sixty (60) days after the effective date of this Order, file with the Commission a report in writing setting forth in detail, the manner and form in which they have complied with this Order.

Appendix A

Notice

Attached hereto are the *pertinent provisions* of a cease and desist order entered against Grolier, Incorporated and certain of its subsidiaries, including Grolier Interstate, Inc. by the Federal Trade Commission, an agency of the Federal Government. Violation of any provision of this Order can result in severe monetary penalties to Grolier, Incorporated and Grolier Interstate, Inc. If you are employed by Grolier, Incorporated or any of its subsidiaries, you will be *required* to observe the provisions of this Order. Violation of any provision of this Order by an employee constitutes a violation of a federal law.

You should carefully read this Order before agreeing to any employment arranged with Grolier, Incorporated or any of its subsidiary companies.

(President)

Grolier, Incorporated.

Carol M. Thomas,

Secretary.

[FR Doc. 82-7868 Filed 3-23-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-000 (Texas—3 Addition); Order 217]

High-Cost Gas Produced From Tight Formations; Texas

March 17, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions that present extraordinary risks or costs. Under section 107(c)(5) the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that an additional area of the Cisco Sandstone Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective March 17, 1982.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511 or Walter Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include an additional area of the Cisco Sandstone Formation in Texas as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued November 13, 1981 (46 FR 56820, Nov. 19, 1981) [1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703 (c) that the additional area of the Cisco Sandstone Formation be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the additional area of the Cisco Sandstone Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

[1] Comments on the rule were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553.)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective March 17, 1982.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703 is amended by revising paragraph (d)(12) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(12) *Cisco Sandstone Formation in Texas.* RM79–76 (Texas—3). (A) *Delineation of formation.* The Sallie (Cisco) Field in the Cisco Sandstone Formation is located in Sections 58, 59, 60, and 72, Block 2, T&P Survey, northeast Reagan County, Texas, and Section 42, Block 2, T&P RR Survey, southwest Sterling County, Texas.

(B) *Depth.* The top of the Cisco Sandstone Formation is at an approximate depth of 8,030 feet and is approximately 300 feet thick.

[FR Doc. 82-7872 Filed 3-23-82; 8:45 am]

BILLING CODE 6717-01-M

---

18 CFR Part 271

[Docket No. RM79-76-000 (Texas—17); Order No. 218]

High-Cost Gas Produced From Tight Formations; Texas

March 17, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5) the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Massive "A" Formation in Texas be designated as a tight formation.

EFFECTIVE DATE: This rule is effective March 17, 1982.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511 or Walter Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Massive "A" Formation in Texas as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPPR, issued December 7, 1981 (46 FR 60468, Dec. 10, 1981) [1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c) that the Massive "A" Formation be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the Massive "A" Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective March 17, 1982.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 291—CEILING PRICES

Section 271.703 is amended by adding a new paragraph (d)(73) to read as follows:

§ 271.703 Tight formation.

* * * * *

[1] Comments on the rule were inivited and none were received. No party requested a public hearing and no hearing was held.

(d) *Designated tight formations.*

* * * * *

(73) *Massive "A" Sand Formation in Texas.* RM79-76 (Texas—17). (i) *Delineation of formation.* The Massive "A" Sand Formation is found in the Chapa, East Field in southwestern Live Oak County, Texas, Railroad Commission District 2. The formation is described by a 2.5 mile radius around the Aminoil USA, Inc., El Paso Natural Gas No. 5 well located in Section 299, Hooper & Wade A-250 Survey, approximately 4 miles east of the McMullen County line.

(ii) *Depth.* The average depth to the top of the Massive "A" Sand Formation is approximately 11,600 feet and the thickness varies from 220 feet in the northwest to 560 feet in the southeast.

[FR Doc. 82-7873 Filed 3-23-82; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76-000 (Wyoming—8); Order No. 216]

High-Cost Gas Produced From Tight Formations; Wyoming

March 17, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designated certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5) the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of Wyoming Oil and Gas Conservation Commission that the Frontier Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective March 17, 1982.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511 or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Frontier Formation located north and east of the La Barge Platform area in southwest Wyoming as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued December 23, 1981 (46 FR 63321, December 31, 1981) [1] based on a recommendation by the State of Wyoming Oil and Gas Conservation Commission (Wyoming) in accordance with § 271.703(c) that the Frontier Formation be designated as a tight formation.

Evidence submitted by Wyoming supports the assertion that the Frontier Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Wyoming recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Natural Gas Policy Act of 1978, 15 U.S.C. 3101-3432; Administrative Procedure Act, 5 U.S.C. 553.)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective March 17, 1982.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703 is revised by adding new paragraph (d)(72) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(72) *Frontier Formation in Wyoming.* RM79-76 (Wyoming—8). (i) *Delineation of formation.* The Frontier Formation is found in Lincoln, Sublette, and Sweetwater Counties, Wyoming, encompassing all or parts of Townships 25 and 26 North, Range 109 West; Township 29 North, Range 111 West; Townships 26 through 31 North, Range 112 West; and Townships 28 through 31 North, Range 113 West.

[1] Comments on the proposed rule were invited and two comments supporting the recommendation were received. No party requested a hearing, and no hearing was held.

(ii) *Depth.* The Frontier Formation's vertical limits are defined by the Baxter Shale Formation above the Mowry Shale Formation below. The gross thickness of the formation varies from 50 to 150 feet. The average depth to the top of the Frontier Formation is 7,700 feet.

[FR Doc. 82-7874 Filed 3-23-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 6

[T.D. 82-52]

Private Aircraft Arriving in the United States

AGENCY: Customs Service, Department of the Treasury.

ACTION: Interim regulations.

SUMMARY: This document amends the Customs Regulations to extend the area of entry from which private aircraft arriving in the United States must furnish a notice of intended arrival to Customs. Current regulations provide for a notice of intended arrival for private aircraft arriving in the United States via the U.S./Mexican border. This amendment extends the notice requirement to private aircraft arriving in the U.S. via the Gulf of Mexico and Atlantic Coasts. The amendment further provides that the aircraft required to furnish such notice must land for Customs processing at the nearest designated airport to the crossing point. The current regulation provides for landing at any of the designated airports. The list of designated airports has been expanded.

The amendment is necessary because of the severity of the drug abuse problem, the major increase in illegal drug importations, and the need for immediate action to expand the effectiveness of drug smuggling enforcement.

EFFECTIVE DATE: April 1, 1982.

COMMENTS: The amendment is being published as an interim regulation, effective on April 1, 1982. However, written comments received before May 24, 1982 will be considered in determining whether any changes to the regulation are required before a permanent rule is published.

FOR FURTHER INFORMATION CONTACT: Sidney A. Reyes or Arnold L. Sarasky, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, (202-566-5607).

SUPPLEMENTARY INFORMATION:

Background

The National Narcotics Intelligence Consumers Committee has documented that the supply of illegal drugs to the United States market and the subsequent extent of drug abuse has reached monumental proportions. Illegal drugs generated an estimated $80 billion in retail sales in 1980, a 23 percent increase from 1979. The severity of the drug abuse problem, the preponderance of drug users and the major increases in volumes of illegal drug importations in the United States are indicated by the significant increase in drug-related deaths, medical care, arrests, and seizures.

The smuggler organization has solidified a dominant position in the United States through the penetration of strategic points in the economy. Countries to the south of the United States are major sources of illegal drugs destined for the United States. Smuggling by air is the preferred mode of transportation for low volume, high-cost narcotics. Private aircraft account for the highest volume and largest individual loads of these drugs. A Stanford Research Institute Study indicates the magnitude of the air smuggling threat at approximately 6,700 flights annually, involving approximately 1,000 private aircraft. Although recent air interdiction activities in the southeastern United States have resulted in many arrests and seizures, an end to the present situation of drug abuse in the United States is not in sight.

In order to address this national problem, it is necessary to take immediate action to expand the effectiveness of smuggling enforcement. In 1975, the Customs Regulations were amended by adding a new § 6.14 (19 CFR 6.14), to provide for a notice of intended arrival for service aircraft arriving in the United States via the United States/Mexican border. Section 6.14 further provides that such private aircraft land at one of 14 designated airports along the United States/Mexican border. Because of the magnitude of the drug problem, the notice and landing requirements are being extended to private aircraft arriving in the United States via the Gulf of Mexico and Atlantic Coasts. Additional airports are being designated. The amendment to section 6.14 is being made in direct response to Executive and Congressional directives. The amendment will provide the Customs Service positive entry control to increase enforcement capability by identifying private aircraft which may be involved in smuggling activity. Further information concerning the aircraft reporting requirements may be found in the "U.S. Customs Guide for Private Flyers" which is available from any Customs office.

Comments

Before adopting the regulation as a permanent rule, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on normal business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Customs Service Headquarters, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20299.

Inapplicability of Notice and Delayed Effective Date Provisions

Because of the severity of the drug abuse problem, the major increase in illegal drug importations, and the need for immediate action to expand the effectiveness of drug smuggling enforcement, it has been determined that, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are impracticable, unnecessary, and contrary to the public interest. For the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is being dispensed with.

E.O. 12291 and Regulatory Flexibility Act

Inasmuch as Customs does not believe that the amendment meets the criteria for a "major rule" within the meaning of section 1(b) of E.O. 12291, a regulatory impact analysis has not been prepared.

Because of the need to expedite the issuance of this regulation, Customs has not yet been able to determine if the regulation will have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601–612). However, we will continue to review this matter and will consider any comments submitted thereon before issuing a final rule.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendments to the Regulations.

Section 6.14, Customs Regulations (19 CFR 6.14), is revised as set forth below:

PART 6—AIR COMMERCE REGULATIONS

Section 6.14 is revised to read as follows:

§ 6.14 Private aircraft arriving from areas south of the United States.

(a) *Advance report of penetration of United States airspace via United States/Mexican border.* All private aircraft arriving in the United States via the United States/Mexican border from a foreign place in the Western Hemisphere south of 33 degrees north latitude and between 97 degrees and 120 degrees west longitude shall furnish a notice of intended arrival to the Customs Service at the nearest designated airport listed in paragraph (g) of this section for first landing in the United States at least 15 minutes prior to crossing the United States/Mexican border. The notice may be furnished directly to Customs by telephone, radio, or other means, or may be furnished through the Federal Aviation Administration to Customs.

(b) *Advance report of penetration of United States airspace via Gulf and Atlantic Coasts.* All private aircraft arriving in the United States via the Gulf of Mexico and Atlantic Coasts from a foreign place in the Western Hemisphere south of 31 degrees north latitude shall furnish a notice of intended arrival to the Customs Service at the nearest designated airport listed in paragraph (g) of this section for first landing in the United States. Such notice to Customs may occur anytime while aircraft is within the Gulf of Mexico Coastal or Atlantic Coastal ADIZ (Air Defense Identification Zones), but must occur at least 15 minutes prior to crossing the United States coastline. The notice may be furnished directly to Customs by telephone, radio, or other means, or may be furnished through the Federal Aviation Administration to Customs.

(c) *Notice to Customs.* The notice to Customs required by paragraphs (a) and (b) of this section shall include the following:

(1) Aircraft registration number;

(2) Name of aircraft commander;

(3) Number of United States citizen passengers;

(4) Number of alien passengers;

(5) Place of last departure (foreign);

(6) Estimated time and location of crossing United States border/coastline;

(7) Name of intended United States airport of first landing (one of the designated airports listed in paragraph (g) of this section, unless an exemption has been granted in accordance with paragraph (f) of this section); and

(8) Estimated time of arrival.

(d) *Landing requirement.* Private aircraft required to furnish a notice of intended arrival in compliance with paragraphs (a), (b), and (c) of this section shall land for Customs processing at the nearest designated airport to point of crossing as listed in paragraph (g) of this section, unless exempted from this requirement in accordance with paragraph (f) of this section. In addition to the requirements of this paragraph, private aircraft commanders must comply with all other landing and notice of arrival requirements.

(e) *Private aircraft defined.* For the purpose of this section, "private aircraft" means any aircraft other than an aircraft engaged in the transportation of passengers or cargo, or both, for hire.

(f) *Exemption from the landing requirement.* The owner or aircraft commander of a private aircraft required to furnish a notice of intended arrival in compliance with paragraphs (a), (b), and (c) of this section may request an exemption from the landing requirement specified in paragraph (d) of this section. The request shall be submitted to the Customs officer in charge of the airport of first landing at which Customs processing is required and shall be submitted at least 30 days prior to the anticipated first arrival if the request is for an exemption covering a number of flights over a period of 1 year, or at least 15 days prior to the anticipated arrival if the request is for a single flight. The request shall include the following information:

(1) Aircraft registration number;

(2) Identity of aircraft (make and model number);

(3) Names and addresses of owners of the aircraft;

(4) Names and addresses of all crewmembers;

(5) Names of usual or potential passengers to the extent possible;

(6) Name of airport of first landing in the United States; and

(7) Place or places for which the flight(s) will originate.

(g) *Designated airports.*

Location and Name
Beaumont, Tex.—Jefferson County Airport
Brownsville, Tex.—Brownsville International Airport
Calexico, Calif.—Calexico International Airport
Corpus Christi, Tex.—Corpus Christi International Airport
Del Rio, Tex.—Del Rio International Airport
Douglas, Ariz.—Bisbee-Douglas International Airport
Eagle Pass, Tex.—Eagle Pass Airport
El Paso, Tex.—El Paso International Airport
Fort Lauderdale, Fla.—Fort Lauderdale International Airport
Houston, Tex.—Hobby Airport
Key West, Fla.—Key West Airport
Laredo, Tex.—Laredo International Airport
McAllen, Tex.—Miller International Airport
Miami, Fla.—Miami International Airport
Miami, Fla.—Opa-Locka Airport
New Orleans, La.—Moissant Airport
Nogales, Ariz.—Nogales International Airport
Presidio, Tex.—Presidio-Lely International Airport
San Diego, Calif.—Brown Field
San Diego, Calif.—San Diego International Airport (Lindbergh Field)
Tampa, Fla.—Tampa International Airport
Tucson, Ariz.—Tucson International Airport
West Palm Beach, Fla.—West Palm Beach Airport
Yuma, Ariz.—Yuma International Airport

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799, as amended (19 U.S.C. 66, 1624, 49 U.S.C. 1509))

Charles C. Hackett, Jr.,

Acting Commissioner of Customs.

Approved: March 19, 1982.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-7946 Filed 3-22-82; 11:26 am]

BILLING CODE 4820-02-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2645

Extension of Special Withdrawal Liability Rules; Procedures for PBGC Approval of Plan Amendments

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This regulation prescribes procedures under which a multiemployer pension plan may request the Pension Benefit Guaranty Corporation to approve a plan amendment providing for special withdrawal liability rules similar to those applicable to the construction and entertainment industries. Under the Employee Retirement Income Security Act of 1974, as amended, a plan may establish special withdrawal liability rules if they apply to an industry that the PBGC finds has the characteristics that would make use of the special rules appropriate, and if the rules would not pose a significant risk to the PBGC insurance system. The effect of this regulation is to prescribe procedures for obtaining PBGC approval of plan amendments adopting special withdrawal liability rules.

EFFECTIVE DATE: March 24, 1982. Information collection requirements contained in this regulation (§ 2645.3) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #1212-0023.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Suite 7300, 2020 K Street NW., Washington, D.C. 20006; (202) 254-4862. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

The Statute

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, 29 U.S.C. 1001 *et seq.* (The Act as amended is hereinafter referred to as "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. The withdrawal liability rules generally apply to withdrawals occurring after April 28, 1980.

Under section 4203(a) of ERISA, a complete withdrawal is generally defined as the permanent cessation of an employer's obligation to contribute under the plan, or the permanent cessation of all covered operations under the plan. Under section 4205, partial withdrawal generally occurs when an employer reduces covered operations by seventy percent, or removes a continuing facility or bargaining unit from the plan while continuing to do the previously covered work in the area. Thus, the general rules on complete and partial withdrawal identify those events that normally result in a loss to the plan's contribution base.

However, Congress recognized that cessation of contributions by an employer in certain industries does not normally weaken the plan's contribution base unless the employer continues the same work in the same area. Construction and entertainment were identified as such industries. Congress determined that special withdrawal rules were appropriate for those industries.

The special construction rule applies if (1) the plan primarily covers employees in the building and construction industry, and (2) substantially all of the employees with respect to whom an employer has an obligation to contribute under the plan, perform work in the building and construction industry (ERISA section 4203(b)(1)). (For plans that do not cover primarily employees in the building and construction industry, the special construction rule applies only if a plan amendment is adopted which extends the rule to employers in that industry (ERISA section 4203(b)(1)(B)(ii)). The special entertainment rule applies if (1) the plan primarily covers employees in the entertainment industry, and (2) an employer's obligation to contribute for work in the entertainment industry is primarily on a temporary or project-by-project basis (ERISA section 4203(c)(1).

Under the definition in section 4203(b)(2) of ERISA, a complete withdrawal occurs only if a construction industry employer ceases to have an obligation to contribute under the plan, and the employer either continues to perform previously covered work in the area of the collective bargaining agreement or resumes such work within five years without renewing the obligation to contribute at the time of resumption. Section 4203(c)(1) applies the same special definition of complete withdrawal to the entertainment industry, except that the pertinent area is the area of the plan rather than the area of the collective bargaining agreement. In contrast, the general definition of complete withdrawal imposes liability regardless of the continued activities of the withdrawn employer.

Congress also modified the partial withdrawal liability rules for the contruction and entertainment industries. In construction, a partial withdrawal occurs "only if the employer's obligation to contribute under the plan is continued for no more than an insubstantial portion of its work in the craft and area jurisdiction of the collective bargaining agreement of the type for which contributions are required" (ERISA section 4208(d)(1)). The entertainment industry is exempt from partial withdrawal liability "except under the conditions and to the extent prescribed by the corporation by regulation" (ERISA section 4208(d)(2)).

During Congress' deliberations on the Multiemployer Act, other industries requested that the special construction and entertainment rules be extended to their plans. With respect to other industries, there were unresolved questions concerning the risks that special rules might impose on the plans and the insurance system. There were also uncertainties as to the precise rule that should apply in other industries. For these reasons, Congress gave PBGC the authority to extend special withdrawal rules to other appropriate industries on a case-by-case basis.

Section 4203(f) of ERISA provides that the PBGC may authorize plans in other industries to adopt special complete withdrawal liability rules. A special rule adopted pursuant to section 4203(f) need only be similar—not identical—to the rules established in section 4203 (b) and (c) of ERISA. The term "similar rules" includes any rule adopted by a plan that permits certain cessations of operations within the plan's jurisdiction not to constitute a withdrawal. The special withdrawal rules established by Congress for the construction and entertainment industries are illustrative of the kinds of rules plans might adopt. Section 4203(f) further provides that PBGC may permit use of special rules (1) only in industries which the PBGC determines have appropriate characteristics, and (2) only if the PBGC determines in each instance that use of such rules will not pose a significant risk to the insurance system.

Under section 4208(e)(3) of ERISA, PBGC may by regulation authorize plans to adopt special partial withdrawal liability rules, subject to approval by the PBGC upon a finding that the rules are consistent with the purposes of Title IV of ERISA. Under that authority, PBGC will permit plans to establish special partial withdrawal liability rules that are consistent with the complete withdrawal rules established by a plan pursuant to this regulation. This is done so that plans that establish special complete withdrawal rules do not continue to be subject to the potentially conflicting general partial withdrawal rules of section 4205. That would result in an anomalous situation: The general statutory rules would impose partial withdrawal liability for an employer's diminished participation under a plan, whereas under a special rule a total cessation might not constitute a complete withdrawal (*e.g.*, a 75 percent reduction in contributions would be a partial withdrawal, but a 100 percent reduction would not be a complete withdrawal).

PBGC recognizes that it may be useful to provide administrative rules and standards for applying the statutory standards established in section 4203(f) of ERISA. Toward that objective, PBGC will issue an advanced notice of proposed rulemaking to obtain public comment on what those administrative rules and standards should be. After reviewing the comments received pursuant to that notice, PBGC may issue a proposed rule amending Part 2645 to include such rules and standards. However, because of the interest expressed by plans in adopting special withdrawal rules, PBGC is issuing this regulation prescribing procedures under which a plan may request PBGC approval of plan amendments establishing special withdrawal liability rules.

The Regulation

Section 2645.2 of the regulation restates the general statutory requirements for a plan's adoption of special withdrawal rules. A plan amendment adopting such rules must be approved by the PBGC. A complete withdrawal rule adopted pursuant to this regulation must be similar to the special rules for the construction and entertainment industries described in section 4203 (b) and (c) of ERISA. A special partial withdrawal rule should be consistent with the rule the plan has adopted on complete withdrawals. Under § 2645.2 (b)(1) and (b)(2), the special rules may cover more than one industry or only a segment of an industry, and may be applied to cessations of contributions that occurred prior to the adoption of the special rule.

Section 2645.3(a) of the regulation specifies that a plan shall apply to the PBGC for approval of a plan amendment which adopts a special withdrawal liability rule. The amendment shall be submitted for PBGC approval after it has been adopted by the plan. Section 2645.3(a) further specifies that PBGC approval shall also be required for any subsequent modification of the plan amendment, other than a repeal of the amendment which results in employers being subject to the general statutory rules on withdrawal.

Section 4203(f) of ERISA requires the PBGC to determine (1) whether the industry in question is an appropriate industry for the special rule, and (2) whether the adoption of the rule by that plan will pose a significant risk to the insurance system. In order to make

these determinations, PBGC needs information concerning the characteristics of the industry (specifically with respect to employers covered by the plan) which is the subject of the plan amendment, and the financial characteristics of the plan. The information the plan must submit to PBGC is set forth in § 2645.3(d).

Section 2645.3(d)(3) provides that the plan certify that plan employers and employee organizations have been notified of the adoption of the amendment and of the request for approval filed under this part. Under § 2645.3(d)(4), a plan must indicate how the rules will operate in the event of a sale of assets by a contributing employer or the withdrawal from the plan of all employers. Pursuant to § 2645.3 (d)(5) and (d)(6), the plan must submit a copy of its most recent actuarial evaluation and, for each of the previous five plan years, information on the number of participants by category (active, retired and separated vested) and a complete financial statement. The last requirement may be satisfied by submission, for each of those years, of Form 5500, including schedule B (or other similar reports required by prior law).

Section 2645.3(d)(7) requires information on the industry which is the subject of the rule. This includes information on the effects of withdrawals on the plan's contribution base, as well as information sufficient to demonstrate the existence of industry characteristics which would indicate that withdrawals in the industry do not typically have an adverse effect on the plan's contribution base. Such industry characteristics include the mobility of employees, the intermittent nature of employment, the project-by-project nature of the work, extreme fluctuations in the level of an employer's covered work under the plan, the existence of a consistent pattern of entry and withdrawal by employers, and the local nature of the work performed.[1]

In addition to the specified information, a plan may submit any other information it feels demonstrates that the industry is appropriate for the special rule or that the rule will not pose a significant risk to the insurance system. The PBGC may also request additional information from plans.

Section 2645.4 of the regulation sets forth the procedure under which the PBGC will act on a request for approval of a plan amendment. Section 2645.4(a) provides that the PBGC shall approve a plan amendment establishing special complete and partial withdrawal liability rules, if the PBGC determines that the plan amendment (1) will apply only to an industry that has characteristics that would make use of the special withdrawal rules appropriate, and (2) will not pose a significant risk to the insurance system.

Section 2645.4(b) of the regulation provides that the PBGC will publish a notice of the pendency of a request in the **Federal Register** as soon as practicable after the PBGC has received a request containing all the required information. The notice will provide a brief description of the request, and will solicit comments from interested parties. The normal comment period will be 45 days.

After the close of the comment period, the PBGC will issue its written determination on the request. Notice of the decision will be published in the **Federal Register**. The PBGC has determined that this regulation is not a "major rule" under section 3(b) of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of $100 million or more; or cause a major increase in costs or prices; or adversely affect competition, employment, investment, productively or innovation in United States-based enterprises.

Because this regulation deals only with matters of procedure, no general notice of proposed rulemaking is required. Because of the need to provide procedures for plans that wish to submit for approval special rules adopted pursuant to sections 4203(f) and 4208(e)(3) of ERISA, and because this regulation does not require any action by plans or employers, the PBGC finds that good cause exists for making this regulation effective immediately. Further, since no general notice of proposed rulemaking is required, the Regulatory Flexibility Act of 1980 has no application to this regulation. (5 U.S.C. 601(2)).

In consideration of the foregoing, Subchapter F of Chapter XXVI of Title 29, Code of Federal Regulations, is amended by adding new Part 2645, as follows:

PART 2645—EXTENSION OF SPECIAL WITHDRAWAL LIABILITY RULES

Sec.

2645.1 Purpose and scope.
2645.2 Plan adoption of special withdrawal rules.
2645.3 Requests for PBGC approval of plan amendments.
2645.4 PBGC action on requests.

Authority: Sections 4002(b)(3), 4203(f) and 4208(e)(3), Pub. L. 93-406, 88 Stat. 829 (1974), as amended by sections 403(1) and 104 (respectively), Pub. L. 96-364, 94 Stat. 1302, 1220 and 1221 (1980) (29 U.S.C. 1302(b)(2), 1383(f) and 1388(e)(3)).

§ 2645.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to prescribe procedures whereby a multiemployer plan may, pursuant to sections 4203(f) and 4208(e)(3) of the Act, request the PBGC to approve a plan amendment which establishes special complete or partial withdrawal liability rules.

(b) *Scope.* This part applies to a multiemployer pension plan covered by section 4021 of the Act.

§ 2645.2 Plan adoption of special withdrawal rules.

(a) *General rule.* A plan may, subject to the approval of the PBGC, establish by plan amendment special complete or partial withdrawal liability rules. A complete withdrawal liability rule adopted pursuant to this part shall be similar to the rules for the construction and entertainment industries described in section 4203(b) and (c) of the Act. A partial withdrawal liability rule adopted pursuant to this part shall be consistent with the complete withdrawal rule adopted by the plan. A plan amendment adopted under this part may not be put into effect until it is approved by the PBGC.

(b) *Discretionary provisions of the plan amendment.* A plan amendment adopted pursuant to this part may—

(1) cover an entire industry or industries, or may be limited to a segment of an industry; and

(2) apply to cessations of the obligation to contribute that occurred prior to the adoption of the amendment.

§ 2645.3 Requests for PBGC approval of plan amendments.

(a) *Filing of request.* A plan shall apply to the PBGC for approval of a plan amendment which establishes special complete or partial withdrawal liability rules. The request for approval shall be filed after the amendment is adopted. PBGC approval shall also be required for any subsequent modification of the plan amendment, other than a repeal of the amendment which results in employers being subject to the general statutory rules on withdrawal.

(b) *Who may request.* The plan sponsor, or a duly authorized representative acting on behalf of the plan sponsor, shall sign and submit the request.

(c) *Where to file.* The request shall be delivered by mail or submitted by hand

[1] (*See*, Senate Labor and Finance Committees' Joint Explanation, *Congressional Record*, p. S10116 (July 29, 1980); H.R. Rep. No. 869, Pt. I, 96th Cong., 2d Sess. 75 (1980); and *Congressional Record*, p. H7900 (August 26, 1980).

to the Division of Case Classification and Control, Office of Program Operations (542), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

(d) *Information.* Each request shall contain the following information:

(1) The name and address of the plan for which the plan amendment is being submitted, and the telephone number of the plan sponsor or its authorized representative.

(2) A copy of the executed amendment, including the proposed effective date.

(3) A statement certifying that notice of the adoption of the amendment and the request for approval filed under this part has been given to all employers who have an obligation to contribute under the plan and to all employee organizations representing employees covered under the plan.

(4) A statement indicating how the withdrawal rules in the plan amendment would operate in the event of a sale of assets by a contributing employer or the cessation of the obligation to contribute or the cessation of the obligation to contribute or the cessation of covered operations by all employers.

(5) A copy of the plan's most recent actuarial valuation.

(6) For each of the previous five plan years, information on the number of plan participants by category (active, retired and separate vested) and a complete financial statement. This requirement may be satisfied by the submission for each of those years of Form 5500, including schedule B, or similar reports required under prior law.

(7) A detailed description of the industry to which the plan amendment will apply, including information sufficient to demonstrate the effect of withdrawals on the plan's contribution base, and information establishing industry characteristics which would indicate that withdrawals in the industry do not typically have an adverse effect on the plan's contribution base. Such industry characteristics include the mobility of employees, the intermittent nature of employment, the project-by-project nature of the work, extreme fluctuations in the level of an employer's covered work under the plan, the existence of a consistent pattern of entry and withdrawal by employers, and the local nature of the work performed.

(e) *Supplemental information.* In addition to the information described in paragraph (d) of this section, a plan may submit any other information it believes is pertinent to its request. The PBGC may require the plan sponsor to submit any other information the PBGC determines it needs to review a request under this part.

§ 2645.4 PBGC action on requests.

(a) *General.* The PBGC shall approve a plan amendment providing for the application of special complete or partial withdrawal liability rules upon a determination by the PBGC that the plan amendment—

(1) Will apply only to an industry that has characteristics that would make use of the special withdrawal rules appropriate; and

(2) Will not pose a significant risk to the insurance system.

(b) *Notice of pendency of request.* As soon as practicable after receiving a request for approval of a plan amendment containing all the information required under § 2645.3, the PBGC shall publish a notice of the pendency of the request in the **Federal Register.** The notice shall contain a summary of the request and invite interested persons to submit written comments to the PBGC concerning the request. The notice will normally provide for a comment period of 45 days.

(c) *PBGC decision on request.* After the close of the comment period, PBGC shall issue its decision in writing on the request for approval of a plan amendment. Notice of the decision shall be published in the **Federal Register.**

Issued at Washington, D.C. on this 22d day of February, 1982.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 82-7915 Filed 3-23-82; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2062-1]

Michigan; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: The purpose of today's rulemaking is to announce final approval of Consent Order No. 12–1981 and APC 19–1981 as revisions to the Michigan State Implementation Plan (SIP) for the Dow Chemical Company (Dow). EPA approves Consent Order APC No. 19–1981 which provides for control of sulfur dioxide (SO_2) and total suspended particulates (TSP) emissions from the company's West Side and South Side power plants in Midland County, Michigan. EPA also approves Consent Order 12–1981 which establishes a schedule for installation of TSP control devices and sets October 1, 1982 as the compliance date for TSP emissions from the liquid waste incinerator in Dow's Building 830.

EFFECTIVE DATE: This action is effective April 23, 1982.

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

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

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

Public Information Reference Unit, U.S. Environmental Protection Agency; 401 M Street, S.W. Washington, D.C. 20460.

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

SUPPLEMENTARY INFORMATION: On December 28, 1981 (46 62665) EPA proposed approval of Consent Orders 12–1981 and APC 19–1981 for the Dow Chemical Company located in Midland County, as revisions to the Michigan SIP. No comments were received on either SIP revision.

Consent Order No. 12–1981

On June 26, 1981, the State of Michigan submitted to EPA Consent Order No. 12–1981. The Consent Order provides a schedule for installation of air pollution control devices and/or other equipment to control particulate emissions from the liquid waste incinerator in Building 830 at Dow's Midland plant. The schedule establishes a final particulate emissions compliance date of October 1, 1982. By that time, particulate emissions from the incinerator must not exceed 0.1 pounds of particulate matter per every 1000 pounds of exhaust gases, corrected to 50% excess air. This emission limitation is the same as specified for liquid waste incinerators in Table 31 of Michigan R336.1331.

EPA has reviewed Consent Order No. 12–1981 and concluded that its provisions will not interfere with attainment and maintenance of the TSP primary national ambient air quality standards (NAAQS). In fact, this

revision will contribute to the State's goal of attainment and maintenance of the secondary TSP NAAQS as expeditiously as practicable and prior to Michigan's federally approved secondary attainment date of October 1, 1984. Therefore, EPA approves Consent Order No. 12–1981 for the Dow Chemical Company as part of the Michigan SIP.

Consent Order APC No. 19–1981

On August 24, 1981, the State of Michigan submitted Consent Order APC No. 19–1981 to EPA. The Order contains an alternative control strategy for particulate and (SO_2) emissions for Dow's West Side and South Side power plants. On October 16, 1981 the State of Michigan submitted a letter to EPA clarifying which sections of Consent Order APC No. 1981 were intended for rulemaking action.

EPA has reviewed Consent Order APC No. 19–1981 and has concluded that the Consent Order will provide for the attainment and maintenance of the primary TSP NAAQS by December 31, 1982, and the secondary TSP NAAQS before October 1, 1984. The Consent Order will result in substantial enforceable reductions in particulate emissions from present actual emissions. For these reasons, EPA approves Consent Order No. 19–1981 for the Dow Chemical Company, as part of the Michigan SIP.

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

This regulation was exempted from review by the Office of Management and Budget under Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before May 24, 1982. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce those requirements.

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

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: March 1, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraphs (c)(52) and (c)(53) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

* * * * *

(52) On June 26, 1981, the State of Michigan, Department of Natural Resources, submitted to EPA Consent Order No. 12–1981 for controlling particulate emissions from the liquid waste incinerator in Building 830 at the Dow Chemical Company's Midland plant. The Consent Order provides a schedule which establishes a final particulate emissions compliance date of October 1, 1982.

(53) On August 24, 1981, the State of Michigan, Department of Natural Resources, submitted to EPA Consent Order APC No. 19–1981 for controlling particulate emissions from Dow's West Side and South Side powerplants. On October 16, 1981, the State of Michigan submitted a letter to EPA clarifying specific sections intended for EPA's rulemaking action. All particulate emission sources at Dow must comply with various parts of Michigan's SIP by December 31, 1985. The Consent Order does not interfere with the attainment of the primary particulate NAAQS standard by December 31, 1982 or the secondary particulate NAAQS by October 1, 1984.

2. Section 52.1175(e) is amended by adding compliance scheduled for the Dow Chemical Company.

§ 52.1175 [Amended]

* * * * *

(e) * * *

* * * * *

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
*	*	*	*	*
Midland County				
Dow Building 830	Midland	R336.1331	June 15, 1982	Oct. 1, 1982.
Dow Chemical	Midland	R336.1301 and R336.1331	July 21, 1982	Dec. 31, 1985.
*	*	*	*	*

[FR Doc. 82–7914 Filed 3–23–82; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Parts 60 and 61

[A–4–FRL–2080–3]

Standards of Performance for New Stationary Sources National Emission Standards for Hazardous Air Pollutants; Mississippi: Delegation of Authority

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The amendments institute certain address changes for reports and applications required from operators of certain sources subject to Federal regulations. EPA has delegated to the State of Mississippi authority to review new and modified sources. The delegated authority includes the review under 40 CFR Part 60 for the standards of performance for new stationary sources and review under 40 CFR Part 61 for national emission standards for hazardous air pollutants. A notice announcing the delegation of authority was published in the Notices section of the March 22, 1982 issue of the Federal Register. These amendments provide that all reports, requests, applications, submittals, and communications previously required for the delegated reviews will now be sent to the Bureau of Pollution Control, Department of Natural Resources, P.O. Box 10385, Jackson, Mississippi 39209.

EFFECTIVE DATE: November 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Ms. Denise W. Pack, Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courtland Street,

N.E., Atlanta, Georgia 30365, phone 404/681-3286.

SUPPLEMENTARY INFORMATION: The Regional Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on November 30, 1981, and it serves no purpose to delay the technical change of this addition of the state address to the Code of Federal Regulations.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 3(b) of that order.

(Secs. 101, 110, 111, 112, 301, Clean Air Act, as amended. (42 U.S.C. 7401, 7411, 7412, 7601))

Dated: March 3, 1982.

Charles R. Jeter,

Regional Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

In § 60.4, paragraph (b)(Z) is added as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(Z) Bureau of Pollution Control, Department of Natural Resources, P.O. Box 10385, Jackson, Mississippi 39209.

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Part 61 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

In § 61.04, paragraph (b)(Z) is added as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(Z) Bureau of Pollution Control, Department of Natural Resources, P.O. Box 10385, Jackson, Mississippi 39209.

[FR Doc. 82-7912 Filed 3-23-82; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 6261]

Notice of Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the exsiting detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of list of Communities with Minimal Flood Hazards Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood Insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood Insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the special flood hazards areas of the specified community and imposes no new requirements or regulations on participating communities.

PART 65—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State and county	Community	Date of conversion to regular program
*	* * * *	*
Michigan, Berrier.	Village of Shoreham	Feb 26, 1982
New York, Albany.	Village of Ravena	Apr. 2, 1982
New York, Monroe.	Town of Sweden	Apr. 16, 1982
Pennsylvania, Westmoreland.	Township of Washington	Apr. 16, 1982
Oklahoma, LeFlore.	Town of Spiro	Apr. 20, 1982
Texas, Polk	City of Corrigan	Apr. 20, 1982
New York, Monroe.	Village of Brockport	Apr. 23, 1982
Ohio, Cuyahoga.	City of Lyndhurst	Apr. 23, 1982
*	* * * *	

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

Issued: March 1, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-7827 Filed 3-23-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 6257]

Identification and Mapping of Special Flood Hazard Areas; Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

Correction

In FR Doc. 82-6270 appearing on page 10538 in the issue for Thursday, March

11, 1982; in the table, first line under "State and County" now reading "Arizona: Benton" should read "Arkansas: Benton".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 81-2; RM-3538; FCC 82-101]

Authorization of Additional Systems on a Certain MHz Frequency in the Special Emergency Radio Service on a Secondary Basis

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: After analyzing comments received in this proceeding concerning the authorization of stations in the Special Emergency Radio Service operating on the frequency 152.0075, the Commission has decided to amend its rules to notify applicants for that frequency that potential interference problems with radio common carriers should be investigated. Any interference cases will be handled on a case-by-case basis.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Adopted: February 25, 1982.

Released: March 12, 1982.

Introduction

1. On January 8, 1981, the Commission adopted a Notice of Proposed Rule Making, PR Docket 81-2, RM-3538, 46 FR 9143 (January 28, 1981) which proposed to amend § 90.53(b) of the Rules and Regulations to provide that all new stations authorized after June 1, 1981, on the frequency 152.0075 MHz in the Special Emergency Radio Service (SERS) would operate on a secondary basis to operations on the adjacent frequency 152.03 MHz which is utilized by Radio Common Carriers (RCCs) authorized under Part 22 of the Commission's rules (47 CFR 22.1 *et seq.*).

2. The Notice of Proposed Rule Making (NPRM) was issued in response to a Petition for Rule Making filed by Telocator Network of America (Telocator) to delete the frequency 152.0075 MHz from the Table of Frequencies available for assignment to the SERS. Telocator noted that the SERS frequency was only 22.5 kHz removed from 152.03 MHz, which is commonly called RCC channel 1, and claimed that because of the close spacing between these two frequencies, SERS paging operations on 152.0075 MHz threatened to cause harmful interference to RCC mobile and paging receivers operating on RCC channel 1. Telocator cited four instances in which it alleged that interference between RCC and SERS systems has occurred and noted that there is no interservice coordination for the use of these frequencies. Telocator also claimed that the present informal Commission procedures are not effective in preventing such interference.[1]

3. Eighty-six comments were received concerning the Petition, with only one supporting it. The major argument against the petition raised in the comments was that the deletion of the SERS frequency would require the approximately 600 licensees on 152.0075 MHz, who are mainly hospitals and medical associations, to change frequencies and equipment. The estimated costs, they argued, ranged from 3.6 to 5 million dollars.

4. In the NPRM, the Commission denied the relief Telocator requested, but did propose to make SERS stations authorized after June 1, 1981, secondary to operations on 152.03 MHz.[2] The Commission recognized that, under certain circumstances, there could be a potential for interference between users of the respective SERS and RCC frequencies. It stated that while the record indicated the number of reported interference cases, to date, has been minimal, increased nationwide usage of SERS paging systems on 152.0075 MHz could alter this. We proposed that existing stations on this frequency would remain on a primary basis and would be permitted to expand their systems without losing their primary status.

5. There were eight comments and two reply comments filed in response to the NPRM.[3] All the comments but AT&T's and Telocator's opposed the Commission's proposal. Telocator indicated it would accede to the proposal, if the rules were implemented before June 1, 1981. AT&T agreed with the secondary operation requirement, but added that 152.0075 MHz operations should also be secondary to the adjacent Telephone Maintenance Radio Service (TMRS) frequency of 151.985 MHz, and that any costs in resolving interference problems to adjacent channel users should be borne by the SERS licensee operating on 152.0075 MHz.

6. In the opposing comments, one argument presented was that the potential loss of one of the two VHF frequencies available for wide-area hospital paging systems would severely impair medical paging systems growth.[4] This view was expressed by the Delaware Valley Hospital Council, the Detroit Medical Center, and the Greater Detroit Area Hospital Council, the latter two also citing that Canadian border frequency restrictions further limit their use of paging frequencies. Telocator, in its reply comments,[5] stated that the opposition comments:

> * * * principally grumble that the proposal will further restrict the availability of paging frequencies in the SERS; that the supply of such frequencies is already inadequate to meet projected demand; and that it would be more expensive to have to utilize UHF frequencies that have been reallocated or are proposed to be allocated for SERS/private paging systems. The inadequacy of supply of paging frequencies is hardly unique to the SERS; nor is concern that it may be more expensive to operate on UHF bands. But the fact remains that neither contention, whether or not true, is germane to the present proceeding. Reasonable alternatives to 152.0075 MHz are or will be available in the SERS when and if prospective SERS licensees need additional paging channels. Accordingly, their legitimate interests are fully protected and provide no basis for refusing to take the action herein proposed.

7. We cannot agree with Telocator's reasoning on this point. While it may be true that the inadequacy of supply of paging frequencies is not unique to the SERS, it is clearly appropriate to

[1] Each authorization for 152.0075 MHz is accompanied by a letter stating that operation on the frequency may cause or be subject to adjacent channel interference from other stations in the area. The licensee is urged to contact the other adjacent channel users in his/her area to resolve any potential interference problems before paging operations begin.

[2] Secondary operation is defined in 47 CFR 90.7 as radio communications which may not cause interference to operations authorized on a primary basis and which are not protected from interference from those primary operations.

[3] Comments were submitted by the American Telephone and Telegraph Company (AT&T), Telocator Network of America (Telocator), the National Association of Business and Educational Radio, Inc. (NABER), the American Hospital Association (AHA), the Kansas City Area Hospital Association (KC), the Detroit Medical Center Cooperative Service (DMC), the Greater Detroit Area Hospital Council, Inc. (GDAHC), and the Delaware Valley Hospital Council, Inc. (DVHC). Reply comments were submitted by AT&T and Telocator.

[4] There are three VHF high band frequencies now available for hospital paging systems; 152.0075 MHz and 163.250 MHz are used in wide-area paging systems, and 157.450 MHz is for use in low power (30 watts transmitter power) systems.

[5] Reply comments of Telocator Network of America, PR Docket 81-2, RM-3538, page 3.

consider the adequacy of frequency supply in this band when deciding whether or not to delete or deny the use of a frequency. We concur with the comments that the loss of one VHF paging frequency could hamper hospital paging systems' growth. The loss of one of the two high power paging frequencies would, in many areas, certainly lead to congestion on the remaining available frequency.[6] This factor was given much consideration when we made the decision in the NPRM to deny Telocator's request that the frequency 152.0075 MHz be deleted from the SERS Table of Frequencies.[7]

8. Three of the opposition comments, those of the National Association of Business and Educational Radio, Inc. (NABER), the American Hospital Association (AHA), and the Kansas City Area Hospital Association (KC), indicated that the proposed secondary operation status of new stations authorized after June 1, 1981, is not supported by the record, since the sparcity of documented adjacent channels interference is not sufficient grounds for the proposed action.

9. NABER, AHA, and AT&T addressed the issue of adjacent channel interference and all recommended some type of frequency coordination or interservice cooperation between the services to minimize such interference. NABER stated:

> It is NABER's position that the proposed rule change is an overreaction by the agency and is not justified, given the fact that there exists the possibility that less drastic steps could be implemented prior to a change in the use of a needed frequency for use by eligibles in the Special Emergency Radio Service. Such interim steps could involve not only technical requirements regarding the use by the RCC on Channel 1 of more spectrally efficient equipment, but also frequency coordination by licensees in the Special Emergency Radio Service and some form of interservice cooperation. In this regard, NABER is aware of a proposed Commission action to consider Amendment of Subpart H of Part 90 of the Commission's Rules to allow procedures for interservice sharing of private land mobile frequency assignments.[8]

The AHA said in their comments:

> We believe that no rule changes are required in response to Telocator's petition. However, if the Commission believes that it must take some action we offer the following suggestion for a footnote addition in Section 90.53(b) for frequency 152.0075 MHz:
>
> Because this frequency is located at 22.5 kHz from frequencies in adjacent bands, it is recommended that operations on this frequency be coordinated with users on adjacent frequencies.[9]

In its comments, AT&T stated:

> In our view, prior frequency coordination between SERS and other radio services would resolve potential interference problems. However, there is no requirement in the Rules for prior frequency coordination by SERS stations as there are for other Private Radio applicants. Coordination between an existing licensee and a new applicant can best be accomplished prior to the Commission's grant of the new applicant's license. Without prior coordination, the existing licensee has no asurance that its communications will not be disrupted. Moreover, in cases where the new licensee does not informally coordinate its proposed station operation, both the existing and new licensees may suffer impaired communications and additional expenses in identifying the interference and finding an accommodation. Accordingly, we recommend that Rule Section 90.175(e)(2) be amended to require applicants for new SERS stations operating on the frequency 152.0075 MHz to coordinate frequency usage.[10]

10. After weighing the comments and considering the minimal amount of adjacent channel interference that has come to our attention to date against our interest in maximizing the use of radio spectrum, we conclude that the rules we proposed are not necessary to accomplish our objective of operational compatibility between RCC and SERS systems.

11. The major thrust of the comments has been that hospital paging systems on 152.0075 MHz and RCC operations on 152.03 MHz are operating side-by-side without harmful interference in the overwhelming majority of cases. For example, in the Chicago area six hospitals are operating on 152.0075 MHz without any complaint from the local RCC. Similar situations exist in other cities, despite the heavy use of this channel by hospitals and the particular nature of hospital paging (i.e. continuous use).

12. In particular circumstances there is a potential for interference between users of the respective SERS and RCC frequencies. But as we have already noted the number has been *de minimis* when viewed in the context of the number of persons operating on the SERS frequency. In the NPRM we did express concern, however, that increased usage of 152.0075 MHz could alter this. After reviewing the comments, we are persuaded, however, that placing future SERS users in a secondary status is an unnecessarily stringent manner to accomplish our goal. It appears that secondary status is not necessary to facilitate the use of the spectrum assigned to each service, and with cooperation adjacent channel operations on a primary status are feasible. This conclusion is supported by the comments of NABER, AHA & AT&T, and by the fact that few complaints have been received by us of adjacent channel interference since 1974 when this frequency was made available to the SERS. We feel however that applicants for 152.0075 MHz should be made aware that the adjacent channel frequencies, 151.985 MHz and 152.03 MHz, are utilized in other services and that a potential for interference to and from 152.0075 MHz may exist under certain conditions. Applicants will be urged to contact adjacent channel users to resolve potential interference problems before operations begin. A statement to this effect will be added as a footnote to the Special Emergency Radio Service Table of Frequencies as shown in the attached Appendix. Should interference occur, the licensee may be required to take necessary steps to resolve the problem. See § 90.173(b).

13. The increasing demand for radio spectrum by nearly every sector of American society makes it imperative that we allocate spectrum in a fashion that maximizes its efficient use. The result has been that over the years there has been shorter and shorter spacing between operating frequencies. Adjacent channel problems can exist in some circumstances. But, it is also true that this can be minimized by the use of state-of-the-art radio equipment. We always must balance the need to apportion the scarce radio spectrum in the satisfaction of the entire range of public needs against the potential for interference. We conclude the public interest is not served here by severely reducing the availability of this frequency for medical paging operations, as secondary operation necessarily entails.

14. In some cases, where use of the spectrum is intensive, it may be necessary to utilize radio receiving equipment that has greater adjacent channel rejection characteristics than is normally used. The record of this proceeding does not demonstrate that it is not possible to obtain receiving equipment capable of the necessary adjacent channel rejection. In fact, such

[6] While we are considering making additional paging channels available at 900 MHz, no final decisions in this matter have yet been reached for private paging systems. See Notice of Proposed Rule Making, General Docket No. 80-183, FCC 80-231, adopted April 24, 1981, released May 8, 1981, Supplemental Notice of Proposed Rule Making, General Docket No. 80-183, FCC 80-510, adopted October 21, 1980, released November 4, 1980.

[7] Notice of Proposed Rule Making, PR Docket No. 81-2, RM-3538, 46 FR 9143, January 28, 1981, para. 5.

[8] Comments of National Association of Business and Educational Radio, Inc., paragraph 5.

[9] Comments of American Hospital Association, p. 3.

[10] Comments, American Telephone and Telegraph Company, paragraph 4.

equipment may be in use in many systems already since there are over 900 assignments on the frequency 152.0075 MHz and over 350 assignments on the frequency 152.03 MHz with many being assigned in the same area. Equipment must be selected to take into account the environment in which it is to operate, if spectrum use is to be maximized for the public good. In considering this matter we note that in the past when RCC licensees have caused interference to private systems we have not accepted arguments that the frequencies available to the RCC industry be removed from availability. Rather, we have recommended resolution of the interference problem through mutual cooperation and suggested the use of radio equipment with greater unwanted signal rejection characteristics. As we noted in the NPRM, present interference problems have been minimal. While we expect private paging systems to grow, much of it will be above the 150 MHz band. The growth curve in the use of this particular channel, therefore, should not be precipitous and the normal turn-over in RCC radio equipment should substantially alleviate the potential for interference.

15. We are therefore withdrawing our proposal in the NPRM and shall leave our existing rules in effect. Particular cases of interference can be handled as they occur and future reported cases of interference will be dealt with on a case-by-case basis under existing rules.

16. Accordingly, it is ordered, effective March 15, 1982, that Part 90 of the Rules is amended as shown in the attached Appendix. The authority for this action is found in Section 4(i) and 303(r) of the Communications Act of 1934, as amended. It is further ordered that this proceeding is terminated.

17. It is further ordered that the Secretary shall cause this report and order to be published in the **Federal Register.**

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

Part 90 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 90.53(a), the Special Emergency Radio Service Frequency Table is amended as follows:

§ 90.53 Frequencies available.

* * * * *

152.0075	Base	4, 31

* * * * *

2. Paragraph (b)(31) is added to § 90.53.

* * * * *

(31) This frequency is removed by 22.5 kHz from frequencies assigned to other radio services. Utilization of this frequency may result in, as well as be subject to, possible interferences under certain operating conditions. Applicants are urged to contact adjacent channel users to resolve potential interference problems before operations begin. Should interference occur, the licensee may be required to take necessary steps to resolve the problem. See § 90.173(b).

* * * * *

[FR Doc. 82-7870 Filed 3-23-82; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 47, No. 57
Wednesday, March 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Ch. III

Resolving Disputes Under Federal Grant Programs

AGENCY: Administrative Conference of the United States.

ACTION: Request for public comments.

SUMMARY: The Administrative Conference's Committee on Grants, Benefits and Contracts has under consideration draft recommendations on agency procedures for resolving disputes that arise out of the administration of federal grant programs. Interested persons are invited to comment on the draft recommendations.

COMMENT DEADLINE: April 19, 1982.

FOR FURTHER INFORMATION CONTACT: Charles Pou, Jr., Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037, Telephone: 202–254–7065.

SUPPLEMENTARY INFORMATION: The draft recommendation focuses on the rights that agencies should provide to grantees and applicants for funds, and emphasizes the usefulness of relatively informal procedures in resolving disputes that arise. While the recommendation does not attempt to prescribe uniform procedures, it sets forth some general considerations to guide agencies in assessing the adequacy of their present methods of dealing with grievances. The proposal also calls on the Office of Management and Budget to issue a circular, consistent with the recommendation's guidelines, advising agencies of appropriate standards for resolving grant appeals.

The draft recommendation now being considered is based in part on a consultant's report to the Conference by the law firm of Boasberg, Klores, Feldesman & Tucker examining each federal agency's existing grant dispute resolution processes and evaluating the need for agency procedures to hear appeals regarding certain types of agency actions. The consultant's report currently is in draft form. Revised versions are expected to be received approximately April 15, 1982, and the revised report will be made available to the public at a charge of $15.00 per copy.

Comments pertaining to the draft recommendation should be submitted to Charles Pou, Jr. at the above address no later than April 19, 1982. The Committee likely will meet in late April 1982 to reconsider the proposal in light of comments received.

Proposed Recommendation

Resolving Disputes Under Federal Grant Programs

In prior recommendations, the Administrative Conference has called on all federal grantmaking agencies to adopt informal procedures for hearing and resolving complaints by the public that a recipient's administration of a grant fails to meet federal standards (Recommendations 71–9 and 74–2). While some agencies have carried out these recommendations, many still do not afford persons affected by the operation of federal domestic grant programs any channels for impartial consideration of their complaints. Congress has provided few directives in this area, except as to a few agencies like the Departments of Education and Labor, and actual agency practices in handling grant disputes have varied considerably.

This recommendation goes beyond the Conference's prior statements to focus on the rights that agencies should provide to grantees and applicants for grant funds. Few agencies afforded grant recipients any substantial appeal rights until the mid-1970's; some still fail to do so. In recent years, several agencies have begun to create processes to resolve some types of disputes with grantees and certain types of grant applicants. Their experience indicates that these appeal procedures, while sometimes flawed, have been useful for protecting grantee's rights and for helping agencies to avert needless and troublesome litigation, improve oversight of significant administrative problems, ensure that policies are applied fairly and consistently, and make decisions on a rational, justifiable basis.

Ensuring proper conduct of federal assistance programs has assumed increasing importance as these extraordinarily varied programs have proliferated. Federal grant spending, which now exceeds $100 billion annually, promotes major social goals. Grants, and the activities they assist, often are crucial to beneficiaries whom Congress intends to aid and to recipients who carry out program goals. For instance, over one-quarter of all expenditures by state and local governments now come from federal grants, and thousands of smaller institutions depend on these funds for their very existence.

Given the importance of these programs and the nature of the interests involved, as well as fairness considerations enunciated in constitutional decisions like "Mathews v. Eldridge," 424 U.S. 319 (1976), the Administrative Conference believes that all grantmaking agencies should create procedures to hear appeals regarding certain kinds of agency actions. For example, grantees generally have a special interest in debarment, termination, suspension, or certain kinds of renewal or entitlement situations. Also, disputes regarding some expenditure disallowances arising from audits, or other cost and cost rate determinations, may be crucial to a grantee, requiring payback of large sums. Because of the potential significance of these types of actions, and their relative infrequency, agencies should establish appeals procedures for them. On the other hand, thousands of applications for competitive discretionary grants are denied each year, and the imposition of any broad appeal hearing requirement for this type of action could be quite burdensome to some agencies.

While the variety and complexity of federal domestic grant programs (and grant disputes) ultimately renders uniform procedural prescriptions inappropriate, this recommendation set forth some general considerations that agencies should find useful to guide them in assessing the adequacy of their present methods of resolving grant appeals. In the great bulk of appeals, agencies need not match the protections required in adjudications governed by the Administrative Procedure Act, 5 U.S.C. 554–557. Relatively informal procedures should suffice to deal with

most grant disputes. Still, agencies should be aware that at least a few disputes may arise, especially in post-award cases involving contested issues with substantial funds at stake, where some kind of more formal agency review should be made available.

Recommendations

I. Scope of the Recommendations

The recommendations in Part II concern procedures for disputes involving domestic "grantees" and "vested applicants." A "grantee" may be a non-profit or community service organization, a unit of state or local government, a school corporation or an individual who has executed a grant agreement or cooperative agreement with a federal agency. A "vested applicant" is one who is entitled by statute to receive funds provided he meets certain minimal requirements; or one who applies for a noncompetitive continuation grant, and has been designated in some manner as the service deliverer for his area or is operating within a designated multi-year project period. Part III deals with agency-level processes for handling complaints by disappointed applicants for discretionary grant funds. The procedures recommended herein are not intended to displace existing hearing mechanisms already required by law in some programs.

II. Complaints by Grantees and Vested Applicants

A. Informal Review and Dispute Resolution Procedures

1. Each federal grantmaking agency should provide informal procedures under which the agency may attempt to review and resolve complaints by grantees and vested applicants without resort to formal, adjudicatory procedures. The informal procedure could take several forms, including, for example, advance notice of adverse action and the reasons for the action, opportunity to meet with the federal officials involved in the dispute, review by another or higher-level agency official, or use of an ombudsman or mediator. Attempts to resolve disputes under these informal procedures should be pursued expeditiously by the agency within a definite time frame. Notwithstanding these time limits, a complainant's invocation of more formal appeal procedures should not prevent further efforts to settle, mediate, or otherwise resolve the dispute informally.

2. The existence of informal review procedures should be made known to affected grantees and vested applicants in the manner described in paragraphs 3 and 12, below. Agencies should encourage their program and decisional officials to resolve grievances informally, and provide training to improve their abilities to do so. In undertaking such training, agencies should work with those agencies that already have begun to make use of mediation and other conciliatory approaches, such as the Departmental Grant Appeals Board in the Department of Health and Human Services, and existing groups with expertise in these methods of dispute resolution, such as the Federal Mediation and Conciliation Service.

B. Notice of Agency Action

3. Upon issuance of an agency decision which (if not appealed) could represent final agency action, each grantmaking agency should provide prompt notice of its action to the affected grantee or vested applicant. If the action is adverse to a grantee or vested applicant, the agency's notice, at a minimum, should provide a brief statement of the legal or factual basis for the action; state the nature of any sanctions to be imposed and describe any available appeal procedures, including applicable deadlines and the name and address of the agency official to be contacted in the initial stages of an appeal.

C. Administrative Appeal Procedures

4. Each federal grantmaking agency should provide the additional opportunity for some type of administrative appeal hearing in at least certain kinds of grant-related disputes. This hearing may be conducted orally or in writing, depending on the nature of the dispute, and may be expedited where appropriate. In determining whether an administrative appeal should be afforded and the form of any such appeal for particular classes of disputes, agencies should consider the probable impact of the adverse action on the complainant, the importance of procedural safeguards in each class of dispute, the probable nature and complexity of the factual and legal issues, and the financial and administrative burden that would be imposed upon the agency.

5. The Conference believes that, in light of the factors described in paragraph 4, agencies should provide the opportunity for some kind of administrative appeal hearing with regard to adverse actions involving:

a. The performance of an existing grant, including disputes involving debarment, termination, suspension, voiding of a grant agreement, cost disallowances, denials of cost authorizations, and cost rate determinations;

b. The denial of funding to applicants for entitlement grants, including disputes involving the applicant's eligibility, amount of funding to be received, and application of award criteria of pre-established review procedures; and

c. The denial of applications for noncompetitive continuation awards where the denial is for failure to comply with the terms of a previous award.

6. Where an opportunity for an administrative appeal is afforded, the agency should select from among the following forms of hearing to provide the one most appropriate to the particular case:

a. Decision based on written submission only;

b. Decision on a written record plus an informal conference or oral presentation; or

c. Full evidentiary hearing.

In addition, the agency should provide some form of expedited appeal process for disputes in which the amount in controversy is relatively small in impact on the grantee or the appellant requests expedition. In such proceedings, the agency may, for example, shorten time deadlines, curtail record requirements, or simplify procedures for oral or written presentations.

7. At a minimum, these administrative appeal procedures should afford grantees and vested applicants the following:

a. Written notice of the adverse decision (See paragraphs 3 and 12);

b. An impartial decisionmaker, with authority to conduct the proceedings in a timely and orderly fashion;

c. Reasonable opportunities for the agency, complainant and any other parties to the appeal promptly to obtain information from each other, and to present and rebut significant evidence and arguments;

d. Development of a record sufficient to reflect accurately all significant factual submissions to the decisionmaker and provide a basis for a fair decision; and

e. Prompt issuance of a written decision stating briefly the underlying factual and legal basis.

8. Agencies should determine in advance, and specify by rule, the scope of the authority delegated to the decisionmaker in administrative appeals. For example, agencies should specify in advance whether the decisionmaker has the authority to review the validity of agency regulations

or the consistency of agency actions with governing statutes.

9. Agencies should accord finality to the appeal decision, unless further review is conducted promptly pursuant to narrowly drawn exceptions and in accordance with preestablished procedures, criteria and standards of review. If the decisionmaker is delegated, or asserts, authority to review the validity of agency regulations, the agency head should retain an option for prompt final review of the decision in accordance with applicable procedures.

10. Once these administrative appeal procedures are invoked, the decisionmaker should discourage all ex parte communications relevant to the merits of the appeal unless the parties consent to such communications. Any ex parte communiciations that do occur should be promptly disclosed, and placed in the appeal record, so as to permit rebuttal by other parties. These include communiciations by a grantee or vested applicant, agency personnel other than persons under the decisionmaker's supervision, executive branch and other governmental personnel, or others.

11. Agencies should encourage prompt decision of appeals by creating time limits or other guidelines for processing grant disputes. These timetables might be fixed generically or in accordance with the complexity of particular case. Decisionmakers' compliance should be monitored by the agency pursuant to a regular caseload management system.

D. Public Notice

12. Grantmaking agencies should ensure that available informal review procedures and administrative appeal procedures are made known to grantees and vested applicants. Notice of such procedures should be published in the **Federal Register**, codified in the Code of Federal Regulations, and included in grant agreements and other appropriate documents, in addition to the individual notice described in paragraph 3.

13. Agencies should collect in a central location, and index, those written decisions made in administrative appeals. These decisions should be made available to the public except to the extent that their disclosure is prohibited by law. Whenever a grantee or vested applicant cites a previous written decision as a precedent for the agency to follow in its case, the agency should either do so, distinguish the two cases, or explain its reasons for not following the prior decision.

III. Complaints by Discretionary Grant Applicants

A. Informal Review Procedures

1. The Conference previously has called on agencies to develop criteria for judging discretionary grant applications and to adopt at least informal complaint mechanisms to ensure compliance with these criteria and other federal standards. (See Recommendations 71–9 and 74–2.) The Conference reiterates its belief that these procedures can benefit agency performance, and calls on agencies to provide informal procedures under which they may seek to review and resolve complaints by disappointed applicants for discretionary grant funds without resorting to formal adjudicatory procedures.

B. Complaints Involving Discretionary Awards

2. Upon denial of an application for a discretionary grant, the agency should promptly notify the applicant of its decision, offer to provide a brief statement of any legal or factual basis for the action, and describe any available appeal procedures, including applicable deadlines and the name and address of the agency official to be contacted in the initial stages of any appeal.

3. Each federal grantmaking agency generally should provide the opportunity for some kind of administrative appeal hearing, consistent with the guidelines set forth in Part II(C) above, with regard to denial of an application for a discretionary grant where the disappointed applicant sets forth sufficient facts to show that:

(a) The dispute is based upon the agency's alleged failure to follow preannounced selection criteria or review procedures;

(b) The dispute is based upon the agency's alleged violation of specific legal rights afforded the applicant under applicable statutes or regulations, or by the Constitution; or

(c) The dispute is based upon specific administrative findings regarding the applicant's lack of integrity or competence to receive federal funds.

C. Public Notice

4. Grantmaking agencies should ensure that available informal review procedures and administrative appeal procedures are made known to grant applicants. Notice of such procedures should be published in the **Federal Register**, codified in the Code of Federal Regulations, and included in application materials and other appropriate documents. (See also Recommendations 71–4 and 71–9.)

IV. Guidance To Agencies

The Office of Management and Budget should promulgate a circular, consistent with the above guidelines, advising agencies of appropriate standards for formulation of grant dispute resolution procedures, encouraging greater uniformity among agencies, and requiring agencies to review and report on the adequacy of existing resolution processes. Such review should seek maximum grantee participation, and public notice and comment procedures should be used to develop procedural regulations. OMB should monitor closely agencies' reviews under the circular, and the subsequent operation of their resolution processes.

Richard K. Berg,

General Counsel.

March 19, 1982.

[FR Doc. 82-8013 Filed 3-23-82; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 82-010]

Importation of Animals Through the Harry S. Truman Animal Import Center; Cooperative and Trust Fund Agreement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to (1) amend the regulations in 9 CFR 92.41(a)(1) by providing an importer the opportunity to use a letter of credit as an additional method of paying the $1,000 per animal deposit that is required when applying for special authorization to import animals into the United States through the Harry S. Truman Animal Import Center (HSTAIC) and by providing that this fee will be non-refundable if special authorization is granted; and (2) revise the Cooperative and Trust Fund Agreement ("Agreement"), which provides for importation of animals into the United States through the HSTAIC, so that an importer will be released from any financial liability for the fixed costs of operating the USDA approved embarkation facility or the HSTAIC, if none of his animal(s) qualify to enter the USDA approved embarkation facility and so that the Federal Bond is deleted as a means of paying the costs of importation under the Agreement. The

first action is being proposed in order to provide the importer with an additional, probably less expensive and easier, means of paying the $1,000 per animal deposit and to give notice to the importer that this money is non-refundable if special authorization is granted. The second action is being proposed because the method of operating the USDA approved embarkation facility and the HSTAIC has been changed and it is no longer necessary to obligate an importer to pay a portion of the fixed costs of quarantining animal(s) in these facilities if his animal(s) do not successfully qualify for entrance into the USDA approved embarkation facility. Further, the Department has found that the earlier policy of asking all importers, whether their animal(s) qualified for entrance into the USDA approved embarkation facility or not, to pay the costs of quarantine in these facilities was so undesirable with importers that they were not applying to use the HSTAIC. Therefore, it is proposed that this policy be changed so that only those importers who actually quarantine animals in these facilities shall pay quarantine costs. The Cooperative and Trust Fund Agreement would be modified to conform with these changes. The intended effect of this proposal is to provide an additional method of paying the costs of importation and to relieve the financial burden on an importer if his animals do not pass the first stage of importation, i.e., that of qualifying the animals for entance into the USDA approved embarkation facility.

DATE: Comments must be received on or before April 13, 1982.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT:
Dr. H. D. Harris, USDA, APHIS, VS, Room 821, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782 (301) 436–8530.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." This rule will not result in any significant effect on the economy; any 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.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. The proposed rules would only affect those importers interested in importing animal(s) into the United States through the HSTAIC. This is a relatively small number of entities when compared with the total number of entities which import animals into the United States through other ports annually. Specifically, conservative figures maintained by the Department show that between 10,000 and 15,000 entities import animals annually into the United States through ports other than the HSTAIC. These figures are compared with a much smaller number of importers who have applied for special authorization to import animals through the HSTAIC. Specifically, 79 individuals applied for the first importation, 6 individuals applied for the second importation and no applications were received for the third importation, although one individual applied for and was granted use of the HSTAIC on an exclusive use basis.

Dr. J. K. Atwell, Deputy Administrator, VS, APHIS, USDA, had determined that a situation exists which warrants publication of this proposed rule with a shortened comment period of twenty (20) days. This is being done because the Department wishes to have these proposed amendments in effect before the next lottery for special authorization to use the HSTAIC is held. This lottery is to be held in 60 days from the date the notice is published in the **Federal Register** and is scheduled to be not later than May 15, 1982. This lottery will be to grant special authorization to import cattle from Brazil and Europe, and should be held before May 15, 1982, in order to have the HSTAIC facility available for cattle for both importations. Specifically, the Department believes, based on past experiences, that the importers in Brazil need approximately 105 days after the lottery to select and qualify their cattle on the approved premises of origin in the country of export for entry into the USDA approved embarkation facility at Cannenia, Brazil. The cattle must enter Cannenia no later than September 1, 1982, in order for the cattle to be eligible to enter the HSTAIC by October 1, 1982. This is necessary so that the Brazilian cattle can be quarantined at the HSTAIC for the required 90 days and to allow another 30 days for the required cleanup period at the HSTAIC. This time-table is necessary so that the European cattle can enter the USDA approved embarkation facility no later than December 31, 1982. The HSTAIC must be ready to receive these animals when they enter the USDA approved embarkation facility. Animals from Europe must enter the USDA approved quarantine facility no later than December 31, 1982, in order to avoid the vaccination laws in many European countries. Vaccinated cattle are not allowed to enter the HSTAIC. Therefore, in order to meet this tight timetable required so both importations can occur, it is necessary to limit the comment period to 20 days in order to give the Department enough time to evaluate any comments received and, and publish a final rule before the scheduled lottery.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to sec. 2, 32 Stat. 792, as amended; and sec. 1, 84 Stat. 202 (21 U.S.C. 111 and 135), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations.

The existing regulations in § 92.41(a)(1) of Title, 9, Code of Federal Regulations (9 CFR 92.41(a)(1)), require that an importer submit one thousand dollars ($1,000), payable by a certified check or money order, with each application for which special authorization is requested to import animals through the HSTAIC. In the event the applicant does not receive special authorization to import animals for which he has applied, the money is returned. This document proposes to amend 9 CFR 92.41(a)(1) by adding a letter of credit as an additional means of guarantying payment of the above mentioned deposit, and to give the importer notice that if special authorization is granted, the $1,000 per animal deposit will be nonrefundable.

This is being done to give the importer more flexibility in using this money before special authorization is actually granted. Sometimes several months can pass between the time an application is submitted and special authorization granted. Additionally, a letter of credit can be a less expensive method of paying this fee and will give the Department the assurance it needs that such deposit will be paid. Further, the Department wants to make clear to importers that the $1,000 per animal deposit is non-refundable if special authorization is granted. This money will be used to pay costs incurred in qualifying an animal and in preparing quarantine facilities for entry of the

animals. It is a non-refundable deposit to discourage applicants from reserving more spaces than they intend to use. If, for some reason, the Department has to cancel the entire importation before the period for qualifying animals, the $1,000 deposit or letter of credit will be returned to the applicant.

The existing regulation in § 92.41(c) of Title 9, Code of Federal Regulations (9 CRF 92.41)(c)), spell out the provisions of the Cooperative and Trust Fund Agreement ("Agreement") which must be signed by the importer and the Department when special authorization is awarded an importer. Presently, under the terms of this Agreement the importer is liable for the fixed costs of operating the quarantine facilities at the approved embarkation facility and at the HSTAIC whether or not his animals qualify for entry into these facilities. This has been necessary in past importations in order to assure the Department that the costs of operating these facilities would be borne by all the applicants, not the United States Government. This was Congress intent in passing the Act which authorized the building of the HSTAIC (21 U.S.C. 135 et seq.). The present Agreement also provides that these fees can be paid through a letter of credit or by bond.

The Departmemt has since changed its operating procedure at the HSTAIC and at the approved embarkation facilities so that the fixed costs to the United States Government of operating these facilities can be very closely tied to the number of animals which actually enter the quarantine facilities.

The Department has found that in the past importers have been discouraged from using the HSTAIC as a means of importing animals into the United States when they knew they would be liable for the fixed costs of using the quarantine facilities regardless of whether their animals qualified to enter these facilities. Additionally, the Department found that use of bonds has been a costly and troublesome means of assuring payment of costs incurred in the importation process. It appears that bonds are more expensive, more difficult for the importer to obtain, more difficult for the importer to extend the expiration date, if necessary, and less reliable as a means of securing payment than letters of credit.

Therefore, for all of the above reasons, the Department is proposing to revise the Cooperative and Trust Fund Agreement ("Agreement") found in 9 CFR 92.41(c). The proposed revisions, described below, reflect these proposed changes in policy.

First, it is proposed that the agreement be rephrased where necessary to avoid confusion and restructured from one part into three parts. These three parts would reflect the various stages of importing an animal into the United States through the HSTAIC. Part I would contain provisions relating to the first stage of this importation process, that of "qualifying" animals on an approved farm of origin in the county of export for entry into the USDA approved embarkation facility. Part II would contain provisions relating to the second stage of this importation process, that of "quarantining" animals in the USDA approved embarkation facility and in the HSTAIC, prior to the release of animals for entry into the United States. Part III would contain some general provisions which affect the Agreement as a whole. Also, § 92.41(b)(7), which discusses the basis for fees charged in the Agreement, would be amended to reflect these proposed changes in the Agreement.

Second, the use of a bond would be deleted from the Agreement as a means of ensuring payment of costs incurred in the importation process because it has not been satisfactory for this purpose.

The proposed Agreement would allow the use of letter of credit, a certified check or money as means of depositing money to cover the costs to be incurred in the importation process.

Under the terms of the proposed Agreement, the Cooperator would be required, at the time the Agreement is signed to submit two certified checks, money orders or letters of credit to cover the anticipated variable costs and the fixed costs his animal(s) will incur in Stage I and the maximum fixed and variable costs the Cooperator could incur in Stage II of the importation process.

Part I

The amount of money that would be deposited or covered by a certified check, money order, or the first letter of credit, would be required to cover the fixed and variable costs that would be incurred during the "qualifying stage" of importation. This sum would be determined by applying the following formula:

1. Determine the total number of animals for which special authorization to enter the HSTAIC is being granted to all importers;

2. Determine the established fee per animal for the fixed and variable costs of qualifying this number of animals (determined in paragraph 1) into the USDA approved embarkation facility; and

3. Multiply the established fee per animal (determined in paragraph 2) by the specific number of animal(s) which the Cooperator has received special authorization to enter into the HSTAIC.

The term, "established fee", used in the above-mentioned formula and the formula below, refers to the schedule of fixed and variable costs which are prepared for each importation and which are published in the **Federal Register** at the same time the 60-day notice of a lottery is published. These fee schedules arrive at a cost per animal (for fixed and variable costs) figure by dividing the total number of animals to be qualified for entry by the total estimated costs to the Department of qualifying that number of animals.

Under Part I of the proposed Agreement, the Cooperator would become liable for the fixed cost portion of the above-mentioned fee at the time he signs the Agreement, regardless of the final disposition of his animals. The Cooperator, however, would only be liable for those variable costs and those costs of testing extra animals which are actually incurred. Fixed costs include items such as the cost of sending USDA personnel to the country of export to test animals. Although the Department will do whatever can be done to minimize these fixed costs, they are incurred regardless of the outcome of the test of the Cooperator's animals, and, therefore, the Cooperator is held liable for this prorata share of the overall fixed costs.

The Department would apply the $1,000 per animal deposit, required when an importer applies for special authorization, to the costs incurred in Part I, or the "qualifying" stage of importation. If the total cost of qualifying the Cooperator's animal(s) is less than $1,000, the difference would be applied to the costs of quarantining the Cooperator's animal(s), if they qualify for entry into the USDA approved embarkation facility. If the Cooperator's animal(s) do not qualify for entry into the USDA approved embarkation facility, or if less than 50 animals qualify for entry, causing the cancellation of the quarantine stage of the importation, any difference between the $1,000 per animal deposit and the cost of qualifying the Cooperator's animal(s) would be forfeited by the Cooperator to the Department. This is because the $1,000 per animal deposit is non-refundable if special authorization is granted.

The Department would bill the issuer of the letters of credit, or if certified checks or money orders are deposited in lieu of the letters of credit, render the Cooperator an accounting, for the costs incurred in qualifying the Cooperator's animal(s), including the costs of testing additional animal(s) up to the amount covered by such letters of credit or

deposit. The letters of credit or deposits mentioned above refer to the letters of credit or deposits required by 9 CFR 92.41(a)(1) (the $1,000 per animal deposit) and by Part I of the Agreement. If the costs of testing additional animals are so high as to exceed the amount of money covered by these letters of credit or deposits, the Cooperator would be billed directly for those costs exceeding the amount covered by the letters of credit or deposits. These bills would be due and payable upon receipt.

Part II

The second letter of credit or certified check or money order must also be deposited at the time the importer signs the Agreement and is intended to cover the estimated fixed and variable costs of quarantining the Cooperator's animal(s) in the USDA approved embarkation facility and at the HSTAIC if only the minimum number of animals (50) qualify for such an importation. The amount of money required to cover these fixed and variable costs would be determined by applying the following formula:

1. Determine the established fee per animal for the fixed and variable costs of quarantining 50 animals in the USDA approved embarkation facility and the HSTAIC;

2. Multiply this established fee per animal by the specific number of animal(s) for which the Cooperator has received special authorization to enter the HSTAIC.

This figure represents the maximum sum of money the Cooperator could be liable for to cover the fixed and variable costs to the Department of quarantining the Cooperator's animal(s). If there are more than 50 animals which qualify for entry into the USDA approved embarkation facility or if the Cooperator qualifies fewer animal(s) than he received special authorization for, the Cooperator's liability for his prorata share of the fixed costs would be less than the above-mentioned figure.

Under the proposed Agreement, the importer would pay fixed and variable costs of quarantining animals only on those animals he actually qualifies to enter the USDA approved embarkation facility (not to exceed the number of special authorizations the Cooperator was granted). Once the Cooperator's animal(s) are so qualified to enter, the USDA approved embarkation facility, he would become liable for his prorata share of the fixed costs of the quarantine periods regardless of the disposition of his animal(s) in the USDA approved embarkation facility or at the HSTAIC. This prorata share of the fixed costs is a percentage figure to be calculated as follows: (1) Determine the number of special authorizations awarded to the Cooperator which have been filled by animals qualified to enter the USDA approved embarkation facility; and (2) divide this figure by the total number of special authorizations that have been filled by all the Cooperators with animals qualified to enter the USDA approved embarkation facility. In no event shall the Cooperators liability for fixed costs per animal exceed the fixed cost portion of the established fee for quarantining an animal at both facilities based on 50 animals qualifying for such quarantine.

The Cooperator would be also be liable for those actual variable costs incurred in the quarantining of his animal(s) in Part II.

If less than a total of 50 animals qualify for entry into the USDA approved embarkation facility, the entire importation process at the USDA approved embarkation facility and at the HSTAIC would be cancelled and both parties shall be released from the provisions in Part II of the Agreement.

The Cooperator or issuer of the letter of credit would be billed only for fixed and variable costs incurred, up to the maximum amount reflected in the letter of credit or check or money order deposited at the time the Agreement is signed and in keeping with the terms outlined above.

Parts I and II of the proposed Agreement would both become effective on the date the Agreement is signed.

Payment for the full costs incurred in Part I and Part II will be due no later than one month (30 days) prior to the day the animal(s) are scheduled to be released from the HSTAIC. Therefore, the letters of credit to cover these costs must be in effect from the date the Agreement is signed to the date the animals are scheduled to be released from the HSTAIC or billings by the Service have been paid. This is because the Department plans to bill the Cooperator (or the issuer of the letter of credit) for these expenses only once—at the time the Cooperator's animal(s) are disqualified from entering the USDA approved embarkation facility or one month before the animal(s) are scheduled to be released from HSTAIC. Once billings have been paid, the letter of credit would be released. The Department plans to make an accounting to the Cooperator approximately one month after the animals have been released from the HSTAIC. If more money has been deposited than used, any unused money would be refunded to the Cooperator.

Where the Cooperator has put up letters of credit to cover certain costs, the issuer of the letters of credit shall be billed for those costs. Should the costs of testing additional animals be higher than the amount of money covered by the letters of credit or deposits, the Cooperator would be billed directly for the additional costs. Payment for these additional costs will be due upon receipt of the bill.

Alternatives

The alternatives considered in making this decision were: (1) Not change the regulations; and (2) amend the regulations as outlined above.

Alternative No. 1 was rejected because it has been shown, historically, that importers are unwilling to import animals through the HSTAIC if they must assume the full cost of operating the quarantine facilities even when their animals do not qualify for entry into these facilities. Further, the Department has been able to modify its operating procedures such that it is no longer necessary to obligate an importer for costs of quarantining animals at the approved embarkation facility or at the HSTAIC when the importer's animals do not enter these facilities.

Alternative No. 2 was selected because the Department believes the proposed amendment to allow an importer to use a letter of credit to pay the $1,000 application deposit per animal to be a more beneficial and less costly alternative than requiring the importer to pay the $1,000 by a money order or certified check. It is unrealistic to expect an importer to pay $1,000 for each animal for which special authorization is requested when (1) several months may pass before it is known for certain that special authorization will be granted and (2) the Department can be guaranteed that the money can and will be paid through a letter of credit. Further, the proposal to revise the Cooperative Agreement is necessary to reflect the changes being made in the way of operating the quarantine facilities. It would be unnecessary to hold importers liable for costs not actually incurred.

Therefore, the Department is proposing to amend Title 9, Code of Federal Regulations, § 92.41(a)(1) by providing that the importer may submit a letter of credit to cover the $1,000 application fee and by giving notice that the $1,000 is non-refundable if special authorization is granted. Further, § 92.41(b)(7) and the Cooperative and Trust Fund Agreement in § 92.41(c) would be amended to reflect the changes described above and by deleting references to payment by a bond, by deleting existing footnote 15

and by renumbering footnotes 16 and 17 to 15 and 16, respectively.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended as follows:

1. In § 92.41(a)(1), the fourth sentence would be revised to read:

§ 92.41 Requirements for the importation of animals into the United States through the Harry S. Truman Animal Import Center.

(a) * * *

(1) * * * Each application shall be accompanied by a certified check, money order, or letter of credit, consistent with the terms of this section and with the Cooperative and Trust Fund Agreement (9 CFR 92.41(c)), as determined by the Deputy Administrator, payable to the United States Department of Agriculture, Animal and Plant Health Inspection Service, in the amount of one thousand dollars ($1,000), for each animal for which special authorization is requested on the application; *Provided,* That if special authorization is granted, the $1,000 per head is non-refundable; *Provided further,* That if a letter of credit is utilized, the effective date on such letter of credit must run to the date the animals are scheduled to be released from the HSTAIC or billings made by the Service have been paid.* * *

* * * * *

2. Section 92.41(b)(7) is revised to read:

(b) * * *

(7) Fees in Part I of the Agreement shall be based on the number of special authorizations to import animals through the HSTAIC that have been granted to all importers. Fees in Part II of the Agreement shall be based on the number of animals, for which special authorizations were granted to all importers, which have qualified to enter the USDA approved embarkation facility.

* * * * *

3. In § 92.41(c), footnote 15 is removed and footnotes 16 and 17 are renumbered 15 and 16, respectively.

4. In § 92.41, paragraph (c), the Cooperative and Trust Fund Agreement is revised to read as follows:

Cooperative Agreement

Cooperative and Trust Fund Agreement Between Name of Importer And The United States Department of Agriculture Animal and Plant Health Inspection Service Veterinary Services.

This Agreement is made and entered into by and between (Name and address of importer) hereinafter referred to as the Cooperator, and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, hereinafter referred to as the Service.

Whereas, the Service is authorized pursuant to section 2 of the Act of February 2, 1903, as amended, and section 1 of the Act of May 6, 1970 (21 U.S.C. 111 and 135, respectively) to regulate the introduction of animals into the United States in order to prevent the introduction of animal and poultry diseases into the United States; and

Whereas, the Cooperator is interested in the importation of animals into the United States through the Harry S Truman Animal Import Center (HSTAIC), established by the Service pursuant to 21 U.S.C. 135, for a quarantine period scheduled to begin on or about———; and

Whereas, the Cooperator has requested the Service to conduct inspections, perform laboratory procedures, complete examinations, and supervise the isolation, quarantine, and care and handling of animals to insure that they meet the Department's requirements to enter a USDA approved embarkation facility in the country of origin; and

Whereas, the Cooperator has requested the Service to conduct inspections, perform laboratory procedures, complete examinations, and supervise the isolation, quarantine, care and handling of animals to insure that they meet the Department's quarantine requirements at the USDA approved embarkation facility in the country of origin and at the HSTAIC before release into the United States; and

Whereas, it is the intention of the parties hereto that such cooperation shall be for their mutual benefit and the benefit of the people of the United States.

Now, Therefore, for and in consideration of the promises and mutual covenants herein contained, the parties do hereby mutually agree with each other as follows:

Part I.—Provisions Relating to Qualifying Animals for Entry Into the USDA Approved Embarkation Facility

A. *The Cooperator Agrees:*

1.a. To deposit with the Service upon execution of this Agreement the amount of ——— [1] by certified check or money order to qualifying animal(s) in the country of origin for entry into the USDA approved embarkation facility; or

b. To deposit with the Service upon execution of this Agreement a letter of credit from a commercial bank to the Service in the amount of ———,[1] consistent with the terms of this Agreement, as determined by the Deputy Administrator, to cover the cost to the Department for qualifying animal(s) in the country of origin for entry into the USDA approved embarkation facility.

c. Payment for the costs in Part I incurred by the Cooperator will be due one month (30 days) prior to the day the animal(s) are scheduled for release from the HSTAIC. The letter of credit shall be in effect from the date special authorization is granted to the date the animal(s) are scheduled to be released from the HSTAIC or billings by the Service have been paid. The letter of credit shall be irrevocable for that period except through the mutual consent of the Service and the Cooperator. Billings will be made to the issuer of the letter of credit.

d. Upon execution of this Agreement the Cooperator shall become liable for — (which represents his prorata share of the fixed costs for qualifying his animal(s) for entry into the USDA approved embarkation facility) regardless of the disposition of the Cooperator's animal(s). These monies are necessary to qualify the animals for entry into the USDA approved embarkation facility and to prepare the USDA approved embarkation facility for receiving animals. The Cooperator shall also be liable for the variable costs and the costs of testing additional animals (see paragraph 2 of Part I) which are actually incurred by the Cooperator in qualifying his animal(s).

2. To pay the actual cost of testing each animal in excess of the number of animal(s) for which special authorization was issued. If these costs exceed the amount of money deposited or covered by letters of credit, a bill for the extra costs incurred, based on official Service accounting records, will be issued to the Cooperator by the Service and is payable upon receipt.

3. To pay for all laboratory tests deemed necessary by the Department to determine freedom from communicable animal diseases in addition to those identified in the Veterinary Services protocol for qualifying animal(s) for entry into the USDA approved embarkation facility.

4. To obtain from foreign Government officials any permits or permission required so that the Service's personnel will have free access to the approved farm of origin isolation facilities in the country of origin so they can properly assess the safety of the animal(s) regarding exposure to communicable animal diseases during the period the animal(s) are in the country of origin.

To obtain from the transporting company any necessary permission for the Service's personnel to accompany animal(s) from the approved farm of origin to the USDA approved embarkation quarantine facility.

6. That the eligibility of the animal(s) offered for entrance into the USDA approved

[1] This sum represents the Cooperator's maximum prorata share of the fixed and variable costs to the Department for qualifying animal(s) into the USDA approved embarkation facility. This sum was arrived at by applying the following formula:

1. Determine the total number of animals for which special authorization to enter the HSTAIC is being granted to all importers;

2. Determine the established fee per animal, from the applicable published schedule, for the fixed and variable costs of qualifying the number of animals (determined by paragraph 1) into the USDA approved embarkation facility; and

3. Multiply the established fee per animal (determined by paragraph 2) by the specific number of animal(s) which the Cooperator has received special authorization to enter into the HSTAIC.

embarkation facility shall be determined by the Service.

B. *The Service Agrees:*

1. To furnish the services of technical and/or professional personnel needed to conduct inspections, perform laboratory procedures, complete examinations, and supervise the isolation, quarantine, and care and handling of the animal(s) being qualified to ensure that they meet the Department's requirements before entering the USDA approved embarkation facility.

To refund to the Cooperator any part of the fees, above the $1,000 per animal deposit required by 9 CFR 92.41(a)(1), not expended in qualifying the animal(s) to enter the USDA approved embarkation facility.

Part II.—Provisions Relating to the Quarantining of Animals in the USDA approved Embarkation Facility and in the HSTAIC

A. *The Cooperator Agrees:*

1.a. To deposit with the Service upon execution of this Agreement the amount of ———[2] to cover the cost to the Department for quarantining the Cooperator's animal(s) at the USDA approved embarkation facility and the HSTAIC before their release in the United States, or;

b. To deposit with the Service upon execution of this Agreement a letter of credit from a commercial bank to the Service in the amount of ———,[2] consistent with the terms of this Agreement, as determined by the Deputy Administrator, to cover the cost to the Department for quarantining the Cooperator's animal(s) at the USDA approved embarkation facility and at the HSTAIC.

c. Payment for the costs in Part II incurred by the Cooperator will be due one month (30 days) prior to the day the animals are scheduled for release from the HSTAIC. The letter of credit shall be in effect from the date special authorization is granted to the date the animal(s) are scheduled to be released from the HSTAIC or billings by the Service have been paid. The letter of credit shall be irrevocable for the period except through the mutual consent of the Cooperator and the Service.

d. Upon qualification of any of the Cooperator's animal(s) to enter the USDA approved embarkation facility, the Cooperator shall become liable for his prorata share [3] of the total fixed costs incurred in quarantining all animals at the USDA approved embarkation facility and at the HSTAIC, regardless of the disposition of any of the Cooperator's animal(s) at either facility. In no instance shall the Cooperator's liability for the fixed costs per animal at the USDA approved embarkation facility and at the HSTAIC exceed———(equal to the fixed cost portion of the established fee for quarantining an animal at the USDA approved embarkation facility and the HSTAIC if only 50 animals qualify for such quarantine). These monies are necessary to prepare the animal(s) for entry into the HSTAIC and prepare the HSTAIC for receiving and quarantining these animal(s). The Cooperator shall also be liable for the variable costs actually incurred in quarantining his animal(s).

2. To pay for all laboratory tests deemed necessary by the Department to determine freedom from communicable animal diseases in addition to those identified in the Veterinary Service protocol for qualifying animal(s) in the USDA approved embarkation facility.

3. To pay the actual cost of treatment of any of the Cooperative's animals which require treatment to be cured of a communicable disease of livestock or poultry while at the USDA approved embarkation facility or at HSTAIC. Such payment shall be due upon receipt by the Cooperator of a bill for such treatment from the Service.

4. To obtain from foreign Government officials any permits or permission required to ensure that the Service's personnel will have free access to the USDA approved embarkation facility so they can properly assess the safety of the animal(s) regarding exposure to communicable animal diseases during the period the animal(s) are in the USDA approved embarkation facility.

5. To provide for the maintenance and operation of the USDA approved embarkation facility in the foreign country in accordance with approved standards and handling procedures for importation of animals as provided in Part 92 of 9 CFR.

6. All animals which enter the USDA approved embarkation facility and the HSTAIC will be handled on an "all-in all-out" basis. If any animal in the USDA approved embarkation facility or the HSTAIC is determined by the Service to be infected with any communicable disease of animals, the remaining animals will be considered to be exposed to such communicable disease.

7. If the Service determines that any of the animals in the USDA approved embarkation facility are infected with or exposed to foot-and-mouth disease, rinderpest or pleuropneumonia, all animals in the facility shall be refused entry into the HSTAIC and shall be disposed of at the Cooperator's expense. If the Service determines that any of the animals in the HSTAIC are infected with or exposed to foot-and-mouth disease, rinderpest or pleuropneumonia, all such animals in the facility shall be refused entry into the United States and be destroyed in accordance with such conditions as the Deputy Administrator of the Service believes necessary to prevent the dissemination of communicable diseases of animals into the United States.

8. If the Service determines that any of the animals are infected with or exposed to any other communicable disease of animals, such animals shall be treated, if possible, and if cured, become eligible for entry into the United States provided all other requirements under 9 CFR Part 92 are met. However if it is not possible to treat such animal or if such animal is not cured, then such animal shall be refused entry into the United States and shall be removed from the USDA approved embarkation facility or the HSTAIC to a country other than the United States within 10 days of the date that Cooperator is notified by the Service that such animal has been refused entry into the United States. However, at the option of the Cooperator, such animal may be disposed of in accordance with such conditions as the Deputy Administrator of the Service believes necessary to prevent the dissemination of communicable diseases of animals into the United States.

9. The Cooperator is responsible for the risk of loss for the destruction of any animal subject of this Agreement because of being infected with or exposed to communicable disease of animals or any other loss or damage to the animal.

10 That the eligibility of the animal(s) offered for entrance into the HSTAIC shall be determined by Service.

11. To obtain from the transporting company any necessary permission for the Service's personnel to accompany a shipment of animals to the HSTAIC.

12. That the eligibility of the animal(s) offered for import into the United States shall be determined by the Service.

B. *The Service Agrees:*

1. To furnish the services of technical and/or professional personnel needed to conduct inspection, perform laboratory procedures, complete examination, and supervise the isolation, quarantine, and care and handling of animal(s) being imported to ensure that they meet the Department's quarantine requirements at the USDA approved embarkation facility and the HSTAIC before release into the United States.

2. To refund to the Cooperator any part of the fees not expended at the USDA approved embarkation facility and the HSTAIC on a per animal basis.

Part III

C. *It is Mutually Understood and Agreed That:*

1. During the performance of this cooperative work, the Cooperator agrees to be bound by the Equal Opportunity and Nondiscrimination provisions as set forth in Exhibit B and Nonsegregation of Facilities provisions as set forth in Exhibit C, which are attached hereto and made a part hereof.

2. No member of or delegate to Congress or resident commissioner, shall be admitted to any share or part of this Agreement or to any benefit to arise therefrom; but this provision shall not be construed to extend to the

---

[2] This sum represents the Cooperator's maximum prorata share of the fixed and variable costs to the Department for quarantining the Cooperator's animal(s) at the USDA approved embarkation facility and at the HSTAIC. This sum was arrived at by applying the following formula:

1. Determine the established fee per animal, from the applicable published schedule, for the fixed and variable costs of quarantining 50 animals in the USDA approved embarkation facility and in the HSTAIC;

2. Multiply this established fee per animal by the specific number of animal(s) for which the Cooperator has received special authorization to enter into the HSTAIC.

[3] The Cooperator's prorate share is a percentage figure to be determined as follows:

1. Determine the number of special authorizations awarded to the Cooperator which have been filled with animals qualified to enter the USDA approved embarkation facility; and

2. Divide that number (paragraph 1) by the total number of special authorizations that have been filled by all the importer's with animals qualified to enter the USDA approved embarkation facility.

Agreement if made with a corporation for its general benefit.

3. Part I of this Agreement shall become effective upon date of final signature and shall continue until final settlement of all matters relevant to the period for qualifying animal(s) on the premises of origin in the country of export for entry into the USDA approved embarkation facility, as determined by the Service.

4. Part II of this Agreement shall become effective upon date of final signature and shall continue until final settlement of all matters relevant to the quarantine periods at the USDA approved embarkation facility and the HSTAIC, as determined by the Service; *Provided however,* that if less than a total of 50 animals qualify for entry into the USDA approved embarkation facility, the quarantine period for all animals shall be cancelled at the USDA approved embarkation facility and at the HSTAIC and both parties shall be released from the provisions in Part II.

5. This agreement may be amended by agreement of the parties in writing. It may be terminated by either party upon 30 days' written notice to the other party.

Date _____
Cooperator _____
Date _____
Director, NPPS, VS _____

Done at Washington, D.C., this 19th day of March 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-7865 Filed 3-19-82; 2:19 pm]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 70

[Docket No. PRM-50-31]

Citizens' Task Force; Filing of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of petition for rulemaking from the Citizens' Task Force.

SUMMARY: The Commission is published for public comment this notice of receipt of a petition for rulemaking filed before the Commission on December 21, 1981, by Citizens' Task Force. The petition, which has been assigned Docket No. PRM-50-31, requests that the Commission amend its regulations in 10 CFR Parts 50 and 70 with respect to the level of emergency preparedness required to protect the health and safety of citizens and communities located near nuclear reactors.

DATE: Comment period expires May 24, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comment received on or before this date.

ADDRESSES: A copy of the petition for rulemaking is available for pubic inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

All persons who desire to submit written comments concerning the petition for rulemaking should send their comments to the Secretary of the Commission U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492-7086, or Toll Free: 800-368-5642.

SUPPLEMENTARY INFORMATION: The petitioner states, in part, that "* * * the [Citizens'] Task Force issued its final report * * * [which] documented a number of serious safety and health problems that could arise with the completion and operation of * * * reactor(s) stating:

It is agreed that a radiation dose low enough to produce *no* effect has not been identified. In other words, all levels or radiation may produce some effect on cells.

It is also accepted that no plant works perfectly 100 percent of the time. Intentional releases of radiation are routine. Accidental releases also occur * * *"

"The establishment of an effective notification and evacuation system around reactors is essential if the public is to have confidence in its own health and safety. Any inadequacy in the level of emergency preparedness around nuclear reactors can be ameliorated only if the regulations for the current level of preparedness are changed * * *"

The petitioner requests that the Commission amend its regulations to require the following:

1. That the present ten-mile EPZ radius be extended to twenty miles and include any towns bordering on or partially within this zone * * *

2. That all [such] communities with a population in excess of 5000 persons be provided by the respective utility with the funding to:

a. Purchase, install and operate radiological monitoring equipment, and;

b. Reach and maintain the level of emergency and radiological preparedness deemed necessary by the affected municipalities.

3. That utilities be required to finance the emergency planning efforts of the municipalities around nuclear reactors.

The petitioner states that its request is based upon the following premises:

1. Emergency planning and preparedness in support of commercial nuclear power plants is presently inadequate and incapable of providing an acceptable level of radiological and emergency preparedness.

2. Current NRC regulations governing the level of emergency preparedness will not correct the present inadequacies in a timely or acceptable manner.

Dated at Washington, DC this 18th day of March 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-7916 Filed 3-23-82; 8:45 am

BILLING CODE 7590-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

Cancellation of Public Hearing on Modified Portions of the Colorado Permanent Regulatory Program

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

ACTION: Cancellation of public hearing.

SUMMARY: OSM is announcing the cancellation of a public hearing on (1) the adequacy of program modifications submitted to satisfy conditions imposed by the Secretary of the Interior on the approval of the Colorado permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), and (2) further modifications of the Colorado program.

This notice cancels the public hearing but does not alter the time and location at which the Colorado program and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program elements.

DATE: The following hearing is cancelled: The public hearing on the proposed modifications to the Colorado program, March 23, 1982, from 1:00 p.m. to 4:00.

FOR FURTHER INFORMATION CONTACT: Robert H. Hagen, Director, New Mexico State Office, Office of Surface Mining, 219 Central Avenue, N.W., Suite 216, Albuquerque, New Mexico 87102, Telephone: (505) 766-1486.

SUPPLEMENTARY INFORMATION: On February 25, 1982, notice of the opportunity for a public hearing and for public comment on the proposed modifications to the Colorado program, was published in the **Federal Register** (47 FR 8207–8212). The proposed modifications pertain to changes required by the Secretary of the Interior in his conditional approval of the Colorado program.

The notice stated that any person interested in making an oral or written presentation at the hearing should contact Robert H. Hagen by March 18, 1982, and that if no person contacted Mr. Hagen to express an interest in participating in the hearing by the above date, the hearing would be cancelled.

Because no one expressed an interest in attending the hearing by March 18, 1982, the hearing has been cancelled.

While there will be no public hearing, interested persons may still submit written comments on the proposed program elements. Written comments must be received on or before 4:00 p.m. on March 29, 1982, to be considered in the Secretary's decision on whether to approve the proposed Colorado program amendments.

Written comments should be mailed or hand-delivered to: Robert H. Hagen, Director, New Mexico State Office, Office of Surface Mining, 219 Central Avenue, N.W., Suite 216, Albuquerque, New Mexico 87102.

Dated: March 19, 1982.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82-7817 Filed 3-19-82; 12:46 pm]

BILLING CODE 4310-05-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Veterans Education; Implementing Legislation Relating to the Post-Vietnam Era Veterans Educational Assistance Program

AGENCY: Veterans Administration and Department of Defense.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations, issued jointly by the Veterans Administration and Department of Defense, are designed to implement those provisions of the Department of Defense Authorization Act, 1981 and the Veterans' Rehabilitation and Education Amendments of 1980 which affect the Post-Vietnam Era Veterans' Educational Assistance Program. They provide for several significant changes in that program. Some of the changes are liberalizing. Some are more restrictive. Others are of a minor or technical nature. These regulations will implement the applicable provisions of these laws.

DATE: Comments must be received on or before April 22, 1982.

It is proposed that the amendment to § 21.5100(b) be made effective the date of final approval. In accordance with Pub. L. 96–342 and Pub. L. 96–466 it is proposed that the amendment to § 21.5040(a) dealing with the 24-month service requirement be made effective September 8, 1980; that the amendment to the portion of § 21.5136 dealing with the second rate increase be made effective January 1, 1981; and that all other amendments be made effective October 1, 1980.

ADDRESS: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420.

Comments will be available for inspection at the address shown above during normal business hours until May 3, 1982.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, Washington, DC 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: The proposed regulations establish an Educational Assistance Pilot Program. They extend eligibility for beneifts under chapter 32, title 38, United States Code to additional veterans. Amended provisions covering the distribution of contributions upon the death of the participant, allowing for entitlement-free pursuit of secondary education; and putting a limit on assistance under two or more programs are included. The proposed regulations eliminate mandatory counseling while permitting counseling upon request. They lower the minimum monthly contribution; and permit the participant to make lump-sum contributions to the fund.

The agencies have determined that these proposed regulations contain no major rules as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. They will not result in any major increases in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs and the Secretary of Defense hereby certify that the proposed regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexbility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these proposed regulations therefore are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reasons for these certifications are as follows:

The majority of these regulations will regulate only individual Veterans Administration benefit recipients. They will have no significant direct impact on small entities (i.e. small businesses, small private and non-profit organizations, and small governmental jurisdictions.)

Furthermore, the agencies believe that these regulations are written in accordance with the law. They do not impose any requirements in addition to those in the law.

The statutory elimination of the Predischarge Education Program will not have an impact upon small entities because there are no Predischarge Education Programs currently approved for Veterans Administration training.

(Catalog of Federal Domestic Assistance Program Number 64.120)

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding these proposed regulations to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until May 3, 1982.

Any person visiting the Veterans Administration Central Office in Washington, D.C. for the purpose of inspecting any such comments will be received by the Central Office Veterans Services unit in room 132. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

Approved: October 5, 1981.

Donald L. Custis,

Acting Administrator of Veterans' Affairs.

Approved: February 24, 1982.

R. Dean Tice,

Deputy Assistant Secretary of Defense.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

The Veterans Administration is proposing to amend Subpart G of Part 21, Code of Federal Regulations to read as follows:

1. In § 21.5021, paragraphs (e)(3) and (4), (l), (m), (n), and (o) are added to read as follows:

§ 21.5021 Definitions.

For the purpose of Subpart G and payment of chapter 32 benefits the following definitions apply:

* * * * *

(e) "Participant"—means a person who is participating in the educational benefits program established under chapter 32. This includes:

* * * * *

(3) A person who has enrolled in and is having monthly contributions to the "fund" made for him or her by the Secretary of Defense. (Sec. 903, Pub. L. 96–342, 94 Stat. 1115)

(4) A person who has made a lump-sum contribution to the fund in lieu of or in addition to monthly contributions deducted from his or her military pay. (38 U.S.C. 1622; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

(l) "Spouse"—means a person of the opposite sex who is the wife or husband of the participant, and whose marriage to the participant meets the requirements of § 3.1(j) of this chapter. (Sec. 903, Pub. L. 96–342, 94 Stat. 1115)

(m) "Surviving spouse"—means a person of the opposite sex who is a widow or widower of the participant, and whose marriage to the participant meets the requirements of § 3.1(j) or § 3.52 of this chapter. (38 U.S.C. 1624; Pub. L. 96–466, 94 Stat. 2171)

(n) "Child" (1) for the purposes of § 21.5067(a) this term means a natural child, step-child or adopted child of the participant regardless of age or marital status.

(2) For all other purposes this term means a person whose relationship to the participant meets the requirements of § 3.57 or § 3.58 of this chapter. (38 U.S.C. 1624; Pub. L. 96–466, 94 Stat. 2171)

(o) "Parent"—means a person whose relationship to the participant meets the requirements of § 3.59 of this chapter. (38 U.S.C. 1624; Pub. L. 96–466, 94 Stat. 2171)

2. Section 21.5022 is revised as follows:

§ 21.5022 Eligibility under more than one program.

An individual eligible to receive educational assistance under 38 U.S.C. chapter 32, and provisions of this Subpart G is not eligible to receive educational assistance allowance under 38 U.S.C. chapter 34. If otherwise eligible, an individual may receive vocational rehabilitation training under 38 U.S.C. chapter 31 and/or educational assistance under chapter 35, but not concurrently with benefits under chapter 32. No one may receive a combination of educational assistance benefits under 38 U.S.C. chapters 32 and 35 for more than 48 months (or part-time equivalent). No one may receive assistance under chapter 31 in combination with assistance under chapter 32 in excess of 48 months (or the part-time equivalent) unless the Veterans Administration determines that additional months of benefits under chapter 31 are necessary to accomplish the purposes of a rehabilitation program. (38 U.S.C. 1631, 1795; Pub. L. 96–466, 94 Stat. 2171)

3. In § 21.5023, paragraph (a) is revised as follows:

§ 21.5023 Nonduplication; Federal programs.

An individual may not receive educational assistance allowance under 38 U.S.C. chapter 32, if the individual is:

(a) On active duty and is pursuing a course of education which is being paid for, in whole or in part, by the Armed Forces (or by the Department of Health and Human Services in the case of the Public Health Service), or (38 U.S.C. 1641, 1781; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

4. In § 21.5040, paragraphs (a) and (b) are revised as follows:

§ 21.5040 Basic eligibility.

(a) *Individuals not on active duty.* Whether an individual not on active duty has basic eligibility under 38 U.S.C. chapter 32 for educational assistance depends upon when he or she entered the military service, the length of that service, and the character of that service. Some eligibility requirements apply to all individuals. Other eligibility requirements depend upon when the individual entered active duty.

(1) The individual—

(i) Must have entered the military service after December 31, 1976;

(ii) Must not have and must not have had basic eligibility under 38 U.S.C. chapter 34;

(iii) Must have received an unconditional discharge or release under conditions other than dishonorable from any period of service upon which eligibility is based;

(iv) Must either have—

(A) Served on active duty for at least 181 continuous days, or

(B) Been discharged or released from active duty for a service-connected disability.

(2) If the individual initially enlists after September 7, 1980, serves for at least 181 continuous days, but is not discharged or released from active duty for a service-connected disability, he or she must also meet one of the following requirements:

(i) The individual must have served 24 or more months of the initial enlistment; or

(ii) The individual must have been discharged under 10 U.S.C. 1173 (hardship discharge); or

(iii) The Veterans Administration must find that the individual is suffering from a disability which—

(A) Resulted from an injury or disease incurred in or aggravated during the period of the individual's period of enlistment, and

(B) Is not the result of the individual's intentional misconduct, and

(C) Was not incurred during a period of unauthorized absence.

(3) The Veterans Administration will consider that the veteran has an unconditional discharge or release if—

(i) The individual was eligible for complete separation from active duty on the date a discharge or release was issued to him or her, or

(ii) The provisions of § 3.13(c) of this chapter are met.

(4) The provisions of § 3.12 of this chapter as to character of discharge and § 3.13 of this chapter as to conditional discharges are applicable. (38 U.S.C. 1602, 10 U.S.C. 977; Pub. L. 96–342, 94 Stat. 1119, Pub. L. 96–466, 94 Stat. 2171)

(b) *Individuals on active duty.* To establish basic eligiblility under 38 U.S.C. chapter 32 for educational assistance an individual on active duty—

(1) Must have entered into military service after December 31, 1976. (38 U.S.C. 1602; Pub. L. 96–466, 94 Stat. 2171)

(2) Must have served on active duty for a period of 181 or more continuous days after December 31, 1976, and

(3) If not enrolled in a course, courses or a program of education leading to a secondary school diploma or equivalency certificate, must have completed the lesser of the following two periods of active duty: (38 U.S.C. 1631(b); Pub. L. 96–466, 94 Stat. 2171)

(i) The individual's first obligated period of active duty which began after December 31, 1976, or

(ii) The individual's period of active duty which began after December 31, 1976, and which is 6 years in length,

(4) If enrolled in a course, courses or a program of education leading to a secondary school diploma or equivalency certificate, the individual—

(i) Must be an enlisted member of the Armed Forces,

(ii) Must be a participant,

(iii) Must be training during the last 6 months of his or her first period of active duty, or any time thereafter, and

(5) If he or she originally enlisted after September 7, 1980, must have completed at least 24 months of his or her original enlistment. (38 U.S.C. 1631(b), 10 U.S.C. 977; Pub. L. 96–342, 994 Stat. 1119, Pub. L. 96–466, 94 Stat. 2171)

5. In § 21.5052, paragraph (a)(3) and (4) and paragraph (b) are revised and paragraphs (a)(5) and (f) are added so that the added and revised material reads as follows:

§ 21.5052 Contribution requirements.

(a) *Minimum period of participation.* Each individual who agrees to participate must do so for a minimum period of 12 consecutive months, unless the participant—

* * * * *

(3) Is discharged or released from active duty;

(4) Otherwise ceases to be legally eligible to participate; or

(5) Elects to make a lump-sum contribution which, when taken together with his or her other contributions, equals the equivalent of at least 12 months' participation. (38 U.S.C. 1621, 1622; Pub. L. 96–466; 94 Stat. 2171)

(b) *Amount of monthly contribution.* The individual shall specify the amount of his or her contribution to the fund.

(1) The contribution shall be at least $25 per month but not more than $100 per month.

(2) The contribution shall be evenly divided by five. See § 21.5292 for contributions made during the 1-year pilot program. (38 U.S.C. 1622; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

(f) *Lump-sum contribution.* After September 30, 1980 an individual may make a lump-sum contribution or contributions in place of or in addition to monthly contributions.

(1) A lump-sum contribution—

(i) Must be evenly divisible by five,

(ii) Must, when taken together with any monthly contributions the participant may have made or may agree to make, equal or exceed 12 months' participation, and

(iii) Must not exceed $2,700 when taken together with any monthly contributions the participant may have made or may agree to make.

(2) The Veterans Administration will consider the lump-sum contributions to have been made by monthly deductions from the participant's military pay at the rate of $75 per month unless the participant specifies a different rate which must be—

(i) No lower than $25 per month;

(ii) No higher than $75 per month; and

(iii) Evenly divisible by five.

(3) If otherwise eligible to make contributions, a participant—

(i) May make a lump-sum contribution to cover a retroactive period, including one which begins after December 31, 1976 and before October 1, 1980;

(ii) May make a lump-sum contribution which has the effect of increasing the amount of a monthly contribution the participant made previously, but the payment cannot have the effect of increasing the monthly contribution to an amount greater than $100;

(iii) May make a lump-sum payment to cover a period for which he or she previously obtained a refund;

(iv) May not make a lump-sum payment to cover a period during which the participant was not on active duty or will not be on active duty.

(4) A participant may make as many lump-sum contributions as he or she desires, but he or she may not make more than one lump-sum contribution per month. (38 U.S.C. 1622(d); Pub. L. 96–466, 94 Stat. 2171)

6. Section 21.5054 is revised as follows:

§ 21.5054 Dates of participation.

An individual may participate after December 31, 1976, but may not enroll to participate after December 31, 1981, unless the program is extended as provided in section 408, Pub. L. 94–502 (90 Stat. 2398). An individual was not eligible for benefits before July 1, 1977 unless discharged after January 1, 1977 for a service-connected condition. The first date on which an individual on active duty enrolled in a course, courses or a program of education leading to a secondary school diploma or an equivalency certificate may receive benefits is subject to the eligibility requirements of § 21.5040(b) (4) and (5). (38 U.S.C. 1631(a), (b); Pub. L. 96–466, 94 Stat. 2171)

7. In § 21.5058, paragraph (c) is revised as follows:

§ 21.5058 Resumption of participation.

* * * * *

(c) If a person does reenroll he or she may "repurchase" entitlement by tendering previously refunded contributions which he or she received upon disenrollment, subject to the conditions of § 21.5052(f). (38 U.S.C. 1621, 1622; Pub. L. 96–466, 94 Stat. 2171)

8. Section 21.5067 is revised as follows:

§ 21.5067 Death of participant.

(a) *Disposition of unused contributions.* If an individual dies, the Veterans Administration shall pay the amount of his or her unused contributions to the fund to the living person or persons in the order listed in this paragraph.

(1) The beneficiary or beneficiaries designated by the individual under the individual's Servicemen's Group Life Insurance policy;

(2) The surviving spouse of the individual;

(3) The surviving child or children of the individual, in equal shares;

(4) The suviving parent or parents of the individual in equal shares. (38 U.S.C. 1624; Pub. L. 96–466, 94 Stat. 2171)

(b) *Payments to the individual's estate.* If none of the persons listed in paragraph (a) of this section is living, the Veterans Administration shall pay the amount of the individual's unused contributions to the fund to the individual's estate. (38 U.S.C. 1624; Pub. L. 96–466, 94 Stat. 2171)

(c) *Payments of accrued benefits.* Educational assistance remaining due and unpaid at the date of the veteran's death is payable under the provisions of § 3.1000 of this chapter. For this purpose accrued benefits include the portion of the benefit represented by the individual's contribution as well as the portion included by the Veterans Administration and the Department of Defense. (38 U.S.C. 3021)

(9) Section 21.5071 is revised as follows:

§ 21.5071 Months of entitlement allowed.

(a) *Entitlement based on monthly contributions.* The Veterans Administration will credit an individual with 1 month of entitlement for each month he or she contributes to the fund up to a maximum of 36 months or its equivalent in part-time training. (38 U.S.C. 1631)

(b) *Entitlement based on lump-sum contributions.* If an individual elects to make a lump-sum contribution, the Veterans Administration will credit an individual with 1 month of entitlement for—

(1) Every $75 included in the lump sum, or

(2) Every amount included in the lump sum which—

(i) Is at least $25 but no more than $75,

(ii) Is evenly divisible by five, and

(iii) Is specifically designated by the individual at the time he or she makes the contribution. (38 U.S.C. 1622(d); Pub. L. 96–466, 94 Stat. 2171)

(c) *Entitlement based on both monthly and lump-sum contributions.* (1) If the individual makes both monthly and lump-sum contributions, the Veterans Administration will—

(i) Compute the entitlement due to each type of contribution separately under paragraphs (a) and (b) of this section, and

(ii) Will combine the results of the computations to determine the individual's total entitlement.

(2) In no event will an individual's entitlement exceed 36 months or its equivalent in part-time training. (38 U.S.C. 1622(d), 1631; Pub. L. 96–466, 94 Stat. 2171)

10. In § 21.5072, paragraphs (a) and (b) are revised as follows:

§ 21.5072 Entitlement charge.

The Veterans Administration shall determine the entitlement charge for each payment in the same manner for all individuals regardless of whether they are on active duty.

(a) *Residence training.* (1) A charge against the period of entitlement for a program other than one leading to a secondary school diploma or an equivalency certificate where the monthly rate is based on the individual's tuition and fees or one consisting exclusively of flight training will be made as follows:

(i) The Veterans Administration will charge an individual (other than one to whom § 21.5139(b) applies) who is a full-time student 1 month's entitlement for each monthly benefit paid to him or her. (38 U.S.C. 1631; Pub. L. 96–466, 94 Stat. 2171)

(ii) The Veterans Administration will charge an individual who is other than a full-time student 1 month's entitlement for each sum of money paid equivalent to what the individual would have been paid had he or she been a full-time student for 1 month.

(iii) The Veterans Administration will make a change against the entitlement of an individual whose educational assistance allowance is reduced under § 21.5139(b) because he or she is incarcerated. Each time the individual receives a sum of money equal to what his or her monthly rate would have been under § 21.5138(c), had the individual not been incarcerated, he or she will be charged 1 month's entitlement, if he or she is a full-time student. (38 U.S.C. 1631; Pub. L. 96–466, 94 Stat. 2171)

(2) When the computation results in a period of time other than a full month, the entitlement charge will be prorated. (38 U.S.C. 1631)

(b) *Secondary school program.* (1) The Veterans Administration will make no charge against the entitlement of an individual—

(i) Who is pursing a course, courses or a program of education leading to a secondary school diploma or an equivalency certificate, and

(ii) Whose educational assistance allowance is the monthly rate of the tuition and fees being charged to him or her for the course.

(2) The Veterans Administration will make a charge (in the same manner as for any other residence training) against the entitlement of an individual who—

(i) In pursuing a course, courses or a program of education leading to a secondary school diploma or an equivalency certificate, and

(ii) Elects to receive educational assistance allowance calculated according to § 21.5136. (38 U.S.C. 1641, 1691; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

11. In § 21.5100, paragraphs (b) and (c) are revised and paragraph (d) is added so that the revised and added material reads as follows:

§ 21.5100 Counseling.

* * * * *

(b) *Required counseling.* Counseling never is required for individuals participating in the educational benefits program established under chapter 32. (38 U.S.C. 1641)

(c) *Availability of counseling.* Counseling assistance is available for—

(1) Identifying and removing reasons for academic difficulties which may result in interruption or discontinuance of training, or

(2) In considering changes in career plans, and making sound decisions about the changes. (38 U.S.C. 1641, 1663; Pub. L. 96–466, 94 Stat. 2171)

(d) *Requested counseling.* The Veterans Administration shall provide counseling as needed for the purposes identified in paragraphs (a) and (c) of this section upon request of the individual. The Veterans Administration shall take appropriate steps (including individual notification where feasible) to acquaint all participants with the availability and advantages of counseling services. (38 U.S.C. 1641, 1663; Pub. L. 96–466, 94 Stat. 2171)

§ 21.5101 [Removed]

12. Section 21.5101 is removed.

13. Section 21.5103 is revised and the cross reference immediately following this section is deleted.

§ 21.5103 Travel expenses.

The Veterans Administration shall not pay for any costs of travel to and from the place of counseling for any individual who requests counseling under chapter 32. (38 U.S.C. 111)

14. In § 21.5132, the introductory portion of paragraph (b) preceding subparagraph (1) is revised as follows:

§ 21.5132 Criteria used in determining benefit payments.

* * * * *

(b) *Contributions.* The amount of benefit payment to an individual also depends on—

(38 U.S.C. 1631; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

15. In § 21.5134, the introductory portion preceding paragraph (a) and paragraph (a) are revised as follows:

§ 21.5134 Restrictions on paying benefits to servicepersons.

The Veterans Administration may not pay benefits to a serviceperson (other than one enrolled in a course, courses or a program of education leading to a secondary school diploma or an equivalency certificate) unless he or she—

(a) Has completed 3 months of contributions to the fund or has made a lump-sum payment which is the equivalent of at least 3 months of contributions to the fund; and

(38 U.S.C. 1621, 1631; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

§ 21.5135 [Amended]

16. Section 21.5135 is amended by removing the citation "38 U.S.C. 1780(d)(5) (B) and (C) and (6)" and inserting the citation "38 U.S.C. 1780(d)(4) (B) and (C) and (5)" in paragraph (a)(3).

17. Section 21.5136 is revised as follows:

§ 21.5136 Benefit payments—secondary school program.

(a) *Restrictions on payments.* (1) The Veterans Administration may authorize benefits to qualified enlisted servicepersons for a course, course or program of education leading to a secondary school diploma or an equivalency certificate without charge to entitlement. Payments may be made only if—

(i) The individual has contributed to the fund for at least 1 month, and

(ii) The training is received while the individual is serving—

(A) The last 6 months of his or her first enlistment after December 31, 1976; or

(B) At any time after completing his or her first enlistment.

(2) An individual who is not on active duty must have been an enlisted serviceperson while he or she was on active duty in order to receive benefits while enrolled in a course, courses or program of education leading to a secondary school diploma or an equivalency certificate. (38 U.S.C. 1631(b); Pub. L. 96–466, 94 Stat. 2171)

(b) *Monthly rate.* An individual pursuing a course, courses or a program of education leading to a secondary school diploma or an equivalency certificate will receive one of two monthly rates.

(1) Unless the individual notifies the Veterans Administration to the contrary, the monthly rate of his or her educational assistance allowance will be based upon his or her tuition and fees. The Veterans Administration will make no charge against the entitlement of the individual who is receiving benefits at this monthly rate. The monthly rate will be the rate of tuition and fees being charged to the individual for the course, not to exceed—

(i) $327 effective October 1, 1980 and $342 effective January 1, 1981 for full-time training.

(ii) $245 effective October 1, 1980 and $257 effective January 1, 1981 for three-quarter-time training.

(iii) $164 effective October 1, 1980 and $171 effective January 1, 1981 for half-time training.

(iv) $82 effective October 1, 1980 and $86 effective January 1, 1981 for quarter-time training.

(2) The individual may elect to receive educational assistance allowance at the monthly rate provided in § 21.5138. The Veterans Administration will make an appropriate charge against the individual's entitlement if such an election is made. (38 U.S.C. 1641, 1691; Pub. L. 96–466, 94 Stat. 2171)

(c) *Method of payment.* (1) If the individual's educational assistance allowance is based upon the rate as determined in paragraph (b)(1) of this section, payment shall be made in a lump sum for the term, quarter or semester at the beginning of the month in which training begins.

(2) If the individual elects to have his or her educational assistance allowance computed as provided in § 21.5138, payment will be made in the same manner as for any other residence training. (38 U.S.C. 1641; Pub. L. 96–466, 94 Stat. 2171)

18. In § 21.5138, the introductory portion preceding paragraph (a) and the introductory portions of paragraphs (a) and (b) preceding subparagraph (1) are revised as follows:

§ 21.5138 Computation of benefit payments and monthly rates.

The Veterans Administration will compute all monthly rates and benefit payments as stated in this section except for those individuals to whom § 21.5136(b)(1) or § 21.5139 applies. (38 U.S.C. 1631; Pub. L. 96–466, 94 Stat. 2171)

(a) *Computation of entitlement factor.* In computing monthly rates and benefit payments the Veterans Administration will compute an entitlement factor in all cases except for individuals in a secondary school program whose benefits are computed as provided in § 21.5136(b)(1). (38 U.S.C. 1631; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

(b) *Computation of benefit payment.* The Veterans Administration will compute benefit payments as follows for all training except for those individuals to whom § 21.5136(b)(1) or § 21.5139 applies. (38 U.S.C. 1631; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

19. Section 21.5139 is added as follows:

§ 21.5139 Computation of benefit payments for incarcerated individuals.

(a) *Benefit payments prohibited for some incarcerated individuals.* The Veterans Administration will not pay educational assistance allowance to an individual who is incarcerated in a Federal, State or local prison or jail for any course—

(1) For which there are no tuition and fees; or

(2) Where the individual's tuition and fees are being paid under—

(i) A Federal program (other than one administered by the Veterans Administration),

(ii) A State program, or

(iii) A local program. (38 U.S.C. 1641, 1780(a))

(b) *Benefit payments reduced for some incarcerated individuals.* If an individual is incarcerated in a Federal, State or local prison or jail and a portion of his or her tuition and fees are being paid under a Federal program (other than one administered by the Veterans Administration), a State program or a local program, the Veterans Administration will compute the individual's monthly rate as follows:

(1) The Veterans Administration will compute the individual's monthly rate according to § 21.5136 or § 21.5138, as appropriate.

(2) The Veterans Administration will compute the monthly rate of the tuition and fees.

(3) If the monthly rate of the tuition and fees does not exceed the individual's monthly rate, the Veterans Administration will—

(i) Subtract the monthly rate of the tuition and fees being paid under the Federal, State or local program from the amount computed under § 21.5136 or § 21.5138, and

(ii) Round the resulting figure to the nearest amount evenly divisable by three. This is the monthly rate of educational assistance allowance payable to the individual.

(4) If the monthly rate of the tuition and fees exceeds the individual's monthly rate according to § 21.5136 or § 21.5138, as appropriate, the monthly benefit payable to the individual will be the lesser of the following:

(i) The monthly rate according to § 21.5136 or § 21.5138, as appropriate, or

(ii) A monthly rate determined by subtracting the monthly rate of that portion of the tuition and fees being paid for by the Federal, State of local government from the monthly rate of the total tuition and fees for the course. (38 U.S.C. 1641, 1780(a))

(c) *Benefit payments to other incarcerated individuals.* The monthly rate of educational assistance allowance payable to an incarcerated individual to whom paragraph (a) or (b) of this section does not apply is the rate stated in § 21.5136 or § 21.5138, as appropriate. (38 U.S.C. 1641, 1780(a))

§ 21.5233 [Removed]

20. Section 21.5233 is removed.

21. A new center title and §§ 21.5290, 21.5292 and 21.5294 are added as follows:

Educational Assistance Pilot Program

Sec.

21.5290 Educational Assistance Pilot Program.
21.5292 Reduced monthly contribution for certain individuals.
21.5294 Transfer of entitlement.

Educational Assistance Pilot Program

§ 21.5290 Educational Assistance Pilot Progam.

(a) *Purpose.* The Educational Assistance Pilot Program is designed to encourage enlistments and reenlistments in the Army, Navy, Air Force and Marine Corps. (Sec. 903, Pub. L. 96–342; 94 Stat. 1115)

(b) *Outline of program.* This program allows some individuals—

(1) To participate while making contributions at a rate less than that prescribed in § 21.5052(b), and/or

(2) To transfer entitlement allowed in § 21.5071 to a spouse or child. (Sec. 903, Pub. L. 96.342, 94 Stat. 1115)

§ 21.5292 Reduced monthly contribution for certain individuals.

(a) *Qualifying for reduced monthly contributions.* Some individuals can become participants while making no contributions. To qualify for this portion of the pilot program the individual must—

(1) Enlist or reenlist in the Army, Navy, Air Force or Marine Corps after December 1, 1980 and before October 1, 1981;

(2) Elect or have elected to participate in the Post-Vietnam Era Educational Assistance Program; and

(3) Be chosen for the pilot program by the Secretary of Defense or his or her designee. (Sec. 903 Pub. L. 96–342, 94 Stat. 1115)

(b) *Monthly contributions made by the Secretary of Defense.* (1) The Secretary of Defense may pay $75 per month as the monthly contribution otherwise required under § 21.5052(b) for an individual described in paragraph (a) of this section.

(2) The individual will not be required to make a contribution for any month when the contribution otherwise required by § 21.5052(b) for that month is paid by the Secretary of Defense.

(3) The amount paid by the Secretary of Defense shall be deposited in the fund. (Sec. 903, Pub. L. 96–342; 94 Stat. 1115)

(c) *Restrictions on monthly contributions.* The Secretary of Defense may not make a payment under the pilot program on behalf of any person for any month—

(1) Before the month in which the person enlisted or reenlisted in the Army, Navy, Air Force or Marine Corps, or

(2) Before December 1980. (Sec. 903, Pub. L. 96–342, 94 Stat. 1115)

(d) *Refunds.* If an individual participating in the pilot program disenrolls, any monthly contributions made by the Secretary of Defense will be returned to the Secretary of Defense rather than refunded to the individual. (Sec. 903, Pub. L. 96–342; 94 Stat. 1115)

(e) *Application of sections to this portion of the pilot program.* (1) The following sections apply to this portion of the pilot program with amendments as noted:

(i) In § 21.5052(b) the Secretary of Defense may make contributions to the fund and may designate the amount of the contribution.

(ii) In § 21.5052(d) the Secretary of Defense may increase or decrease the amount of the contribution.

(iii) In §§ 21.5064 and 21.5065 monthly contributions made by the Secretary of Defense will be returned to him or her instead of being refunded to the veteran.

(iv) In § 21.5071 the Veterans Administration will also credit the individual with 1 month of entitlement for each month the Secretary of Defense contributes to the fund on his or her behalf.

(v) In § 21.5138 the references to the individual's contributions include those contributions made on the individual's behalf by the Secretary of Defense.

(2) Except as amended in paragraph (e)(1) of this section, §§ 21.5001 through 21.5270 and § 21.5500 apply without change to this portion of the pilot program. (Sec. 903, Pub. L. 96–342; 94 Stat. 1115)

§ 21.5294 Transfer of entitlement.

(a) *Qualifying for a transfer of entitlement.* Some participants may transfer their entitlement to their spouse or child. To qualify for this portion of the pilot program the individual must—

(1) After July 1, 1981 and before October 1, 1981 reenlist in the Army;

(2) Be a participant;

(3) Possess a critical military specialty as determined by the Secretary of Defense; and

(4) Be chosen for his portion of the pilot program by the Secretary of Defense or his or her designee. (Sec. 903, Pub. L. 96–342; 94 Stat. 1115)

(b) *Persons who may receive transferred entitlement.* An individual meeting the requirements of paragraph (a) of this section may transfer entitlement earned under § 21.5071 for the purpose of allowing another person to receive educational assistance allowance. Entitlement may be transferred only—

(1) To a spouse or child of the participant,

(2) To one person at a time,

(3) If the participant is not receiving educational assistance allowance, and

(4) When the participant states in writing to the Veterans Administration that the entitlement should be transferred. (Sec. 903(c), Pub. L. 96–342, 94 Stat. 1115)

(c) *Educational assistance allowance.* (1) The individual must specify in writing to the Veterans Administration the period of time he or she wishes the spouse or child to receive educational assistance allowance on the basis of the transfer of entitlement. The Veterans Administration will not pay educational assistance allowance to a spouse or child for training completed either before or after the period specified by the participant.

(2) The commencing date of an award of educational assistance allowance to a spouse or child will be the later of the following dates:

(i) The date of the spouse's or child's entrance or reentrance under § 21.4131;

(ii) The first day of the period authorized by the participant for the transfer of entitlement.

(3) The ending date of an award of educational assistance allowance to a spouse or child will be the earliest of the following dates:

(i) The ending date of the spouse's or child's course or period of enrollment as certified by the school;

(ii) The ending date of the participant's eligibility as determined under § 21.5041;

(iii) The ending date specified in § 21.4135;

(iv) The date of the death of the participant on whom the spouse's or child's entitlement is based;

(v) The last day of the period authorized by the participant for the transfer of entitlement. (Sec. 903, Pub. L. 96–342, 94 Stat. 1115)

(d) *Application of sections to this portion of the pilot program.* (1) Sections 21.5030(a) and (b) and 21.5040 through 21.5067 apply to the individual who is participating in this portion of the pilot program, but they do not apply to the individual's spouse or child, per se.

(2) The following sections apply to this portion of the pilot program with amendments as noted:

(i) In § 21.5022 the entitlement used by the spouse or child counts toward the 48-month limitation on receiving benefits under more than one program which is imposed on the individual.

(ii) In § 21.5072 the charge against the individual's entitlement will be made on the basis of payments made to the individual's spouse or child.

(iii) In § 21.5100 the individual's spouse or child may request counseling.

(iv) In §§ 21.5132 through 21.5139 references to payment to the individual apply equally to payments to the spouse or child.

(3) Except as amended in paragraph (d)(2) of this section the following sections apply without change to this portion of the pilot program:

(i) Sections 21.5001 through 21.5023,

(ii) Section 21.5030(c),

(iii) Sections 21.5070 through 21.5130,

(iv) The introductory portion of § 21.5131,

(v) Sections 21.5132 through 21.5270, and

(vi) Section 21.5500.

(4) Section 21.5131(a) and (b) do not apply to this portion of the pilot program. (Sec. 903, Pub. L. 96-342; 94 Stat. 1115)

[FR Doc. 82-7945 Filed 3-23-82; 8:45 am]
BILLING CODE 8320-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 14 and 47

Preparation of Invitations for Bids and Transportation in Supply Contracts

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulations.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR). Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before May 11, 1982.

ADDRESS: Obtained copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see **Federal Register** Vol. 46, No. 50, March 16, 1981, p. 16818 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist, (202)395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following parts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.

PART 14—FORMAL ADVERTISING

Subpart 14.2—Solicitation of Bids

Section 14.201—Preparation of Invitations for Bids: Section 14.201 was published for review and comment in August 1978. This is a complete rewrite of § 14.201. This section now prescribes the uniform contract format as well as solicitation provisions and contract clauses.

PART 47—TRANSPORTATION

Subpart 47.3—Transportation in Supply Contracts

This subpart prescribes policies and procedures for the application of transportation and traffic management considerations in fixed priced supply contracts. It will also be used as a guide for contract coverage of transportation and instructions to contractors to minimize transportation costs to the Government in other types of contracts.

Dated: March 18, 1982.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 82-7913 Filed 3-23-82; 8:45 am]
BILLING CODE 3110-01-M

Notices

Federal Register
Vol. 47, No. 57
Wednesday, March 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Interagency Coordination; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of two meetings of the Committee on Interagency Coordination of the Administrative Conference of the United States. Each meeting will be held at the office of O'Melveny & Myers, 1800 M Street, NW., Suite 500 South, Washington, D.C.

The Committee will meet on Friday, April 23, 1982 at 10:30 AM to discuss a draft recommendation based on Professor Richard Merrill's study of regulation of carcinogens. The Committee will also meet on Monday, April 26, 1982 at 1:30 PM to discuss a draft recommendation based on Philip Harter's study of regulatory negotiation. Further information concerning both of these projects may be found at 47 Federal Register 11024 (March 15, 1982).

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting. However, to assure full consideration by the Committee, it is requested that comments on the draft recommendations be submitted no later than Monday, April 12, 1982.

For further information contact David M. Pritzker, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202–254–7065) Minutes of the meetings will be available on request.

Dated: March 17, 1982.

Richard K. Berg,

General Counsel.

[FR Doc. 82-7787 Filed 3-23-82; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket 81-102]

Importation of Certain Animals; Harry S. Truman Animal Import Center

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of deadline for the receipt of applications for special authorization and schedule of fees for importation of cattle through the Harry S. Truman Animal Import Center.

SUMMARY: This document establishes a specific date for receipt of applications for special authorization to be drawn on a lottery basis for the allotment of quarantine space for the next two groups of cattle to be imported through the Harry S. Truman Animal Import Center (HSTAIC). It also lists the geographic areas from which cattle will be considered for importation and the schedules of fees for importation of such cattle. This action is being taken to notify potential applicants of the lottery and fee schedule in accordance with the regulations.

DATES: Deadline for receipt of applications: May 19, 1982. Date and time of drawing: May 24, 1982, at 9 a.m.

PLACE OF DRAWING: Room 643A, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

ADDRESSES: Application forms may be obtained upon request from and completed applications should be sent to Import-Export Animals and Products Staff, Veterinary Services, APHIS, U.S. Department of Agriculture, 6505 Belcrest Road, Room 815, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 821, Hyattsville, MD 20782, 301–436–8530.

SUPPLEMENTARY INFORMATION: Procedures are established in § 92.41 of Title 9, Code of Federal Regulations (9 CFR 92.41), concerning the allocation of space at the Harry S. Truman Animal Import Center (HSTAIC). These procedures include the holding of a drawing to determine from submitted applications which interested persons will have a right to qualify animals to enter the United States through HSTAIC. HSTAIC is intended to process animals from countries affected with exotic diseases and not otherwise eligible for importation into the United States.

The present regulations require that 60 days prior notice be provided in the Federal Register of the date, time, and place of the drawing, and the geographic areas from which animals will be considered for importation (9 CFR 92.41(a)91)). The Department has determined that it would be too complicated and would pose unnecessary disease risks to allow animals from both geographical areas to be combined in one importation. Therefore, animals from Europe and Brazil shall be imported in separate importations. Importers of animals from Europe are much more limited than importers from Brazil in when they can have their cattle qualified for importation into the HSTAIC. This is because of several factors including the severe winter weather and certain vaccination programs required by European countries but not found in Brazil. Animals which have been vaccinated cannot enter the HSTAIC so an importation of European cattle must occur before the animals reach an age where they must, by law, be vaccinated. Based on these factors the Department anticipates that the next importation of cattle from Brazil should be able to enter the HSTAIC on or before October 1, 1982, and cattle from Europe on or before January 31, 1983. The drawing for cattle from Brazil is scheduled for May 24, 1982, commencing at 9 a.m. in Room 643A, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. The drawing for cattle from Europe will begin immediately after the drawing for cattle from Brazil is completed.

Each applicant for importation shall complete an application for importing animals through the HSTAIC which shall be received by Veterinary Services at least 5 days prior to the date of the drawing. Application forms may be obtained upon request from and completed applications should be sent to Import-Export Animals and Products Staff, Veterinary Services, APHIS, U.S.

Department of Agriculture, 6505 Belcrest Road, Room 815, Hyattsville, MD 20782.

Each application from Brazil or Europe shall be accompanied by a certified check or money order payable to the United States Department of Agriculture, Animal and Plant Health Inspection Service, in the amount of one thousand dollars ($1,000), for each animal for which special authorization is requested on the application.

In the event the applicant does not receive special authorization for animals for which he has applied, the amount deposited with the application for each animal not so authorized will be returned. If the applicant receives special authorization, the deposited amount shall be applied against the total cost of importation of each animal.

All applicants or their designated legal agents or representatives, shall be required to appear in person at the drawing. Such designated legal agent or representative shall have a notarized statement of authority signed by the applicant. On the day of the drawing, the applicants selected or their legal representatives shall be required to execute a cooperative agreement and pay the required fee in accordance with the agreement.

Under the present regulations, if the total number of animals for which special authorizations are requested is not at least 50, there shall not be a lottery or importation and the deposits and letters of credit shall be refunded to the applicants.

If the total number of animals for which special authorization are granted is less than 50, individuals may apply for exclusive use of the HSTAIC on a first-come, first-served basis as provided in § 92.41(b) of the regulations.

It should be noted that in this issue of the **Federal Register**, the Department has published a notice of proposed rulemaking which, if adopted, would, among other things, amend 9 CFR 92.41(a)(1) to allow an importer to submit a letter of credit in the amount of $1,000 as a deposit for each animal for which special authorization is requested in lieu of payment by certified check or a money order. The proposed rulemaking would also amend the Cooperative and Trust Fund Agreement found in 9 CFR 92.41(c), which must be signed by an importer who is granted special authorization to import animals through HSTAIC, by dividing the Agreement into three parts. The first part would be applicable to the first stage of the importation process, that of qualifying animals in the country of origin for entry into the USDA approved embarkation facility. The second part would apply to the quarantine stage of the importation process, that period of time during which the animals are quarantined in the USDA approved embarkation facility and at the HSTAIC. The third part of the Agreement concerns general administrative matters affecting the Agreement. An intended effect of amending this Agreement by this proposed rulemaking document is to release the importers from financial liability for paying the fixed cost of using the USDA approved embarkation facility and the HSTAIC when his animal(s) do not qualify for entry into the USDA approved embarkation facility.

This proposed rulemaking is being published with a shortened comment period of twenty (20) days so that these proposed amendments, if adopted, or any modifications made after receiving comments, can be in effect by the date of the lottery announced in this notice.

The fee schedules presented below are graduated depending on the number of animals for which special authorizations are granted to qualify the animals for entrance into the USDA approved embarkation facility and depending upon the number of animals which go through the quarantine period at the USDA approved embarkation facility and the HSTAIC. There are two fee schedules presented. Schedule A reflects the fees as they would be under the present Cooperative Agreement and Schedule B reflects the fees as they would be under the proposal to revise the Cooperative Agreement. The fees would be as follows:

SCHEDULE A.—LAYERED RATES FOR ANIMALS FROM EUROPE

Number of cattle	Total fixed cost	Fixed cost per head	Variable cost per head[1]	Total cost per head
50 to 55	$397,999	$7,236	$1,549	$8,785
56 to 60	397,999	6,633	1,549	8,182
61 to 65	397,999	6,123	1,549	7,672
66 to 70	397,999	5,685	1,549	7,234
71 to 75	397,999	5,306	1,549	6,855
76 to 80	397,999	4,974	1,549	6,523
81 to 85	397,999	4,682	1,549	6,231
86 to 90	397,999	4,422	1,549	5,971
91 to 95	397,999	4,189	1,549	5,738
96 to 100	397,999	3,979	1,549	5,528
101 to 105	404,393	3,851	1,549	5,400
106 to 110	410,787	3,734	1,549	5,283
111 to 115	417,181	3,627	1,549	5,176
116 to 120	423,575	3,529	1,549	5,078
121 to 125	429,969	3,439	1,549	4,988
126 to 130	436,362	3,356	1,549	4,905
131 to 135	442,757	3,279	1,549	4,828
136 to 140	449,151	3,208	1,549	4,757
141 to 145	455,545	3,141	1,549	4,690
146 to 150	461,946	3,079	1,549	4,628
151 to 155	467,359	3,015	1,549	4,564
156 to 160	472,772	2,954	1,549	4,503
161 to 165	478,185	2,898	1,549	4,447
166 to 170	483,598	2,844	1,549	4,393
171 to 175	489,011	2,794	1,549	4,343
176 to 180	494,424	2,746	1,549	4,295
181 to 185	499,837	2,701	1,549	4,250
186 to 190	505,250	2,659	1,549	4,208
191 to 195	510,663	2,618	1,549	4,167
196 to 200	516,082	2,580	1,549	4,129

[1] Includes feed, bedding, supplies and 1 series of tests at HST per animal and 2 series of tests, 2 VIA tests and 2 Bluetongue tests per animal in Europe. Each additional series of test will be billed separately at $341 per series, each VIA test at $27 per test, and each Bluetongue test at $27 per test.

SCHEDULE A.—LAYERED RATES FOR ANIMALS FROM BRAZIL

Number of cattle	Total fixed cost	Fixed cost per head	Variable cost per head[1]	Total cost per head
50 to 55	$368,105	$6,692	$1,549	$8,241
56 to 60	368,105	6,135	1,549	7,684
61 to 65	368,105	5,663	1,549	7,212
66 to 70	368,105	5,258	1,549	6,807
71 to 75	368,105	4,908	1,549	6,457
76 to 80	368,105	4,601	1,549	6,150
81 to 85	368,105	4,330	1,549	5,879
86 to 90	368,105	4,090	1,549	5,639
91 to 95	368,105	3,874	1,549	5,423
96 to 100	386,108	3,681	1,549	5,230
101 to 105	376,054	3,581	1,549	5,130
106 to 110	384,003	3,490	1,549	5,039
111 to 115	391,952	3,408	1,549	4,957
116 to 120	399,901	3,332	1,549	4,881
121 to 125	407,850	3,262	1,549	4,811
126 to 130	415,799	3,198	1,549	4,747
131 to 135	423,748	3,138	1,549	4,687
136 to 140	431,697	3,083	1,549	4,632
141 to 145	439,646	3,032	1,549	4,581
146 to 150	447,599	2,983	1,549	4,532
151 to 155	454,749	2,933	1,549	4,482
156 to 160	461,899	2,886	1,549	4,435
161 to 165	469,049	2,842	1,549	4,391
166 to 170	476,199	2,801	1,549	4,350
171 to 175	483,349	2,761	1,549	4,310
176 to 180	490,499	2,724	1,549	4,273
181 to 185	497,649	2,689	1,549	4,238
186 to 190	504,799	2,656	1,549	4,205
191 to 195	511,949	2,625	1,549	4,174
196 to 200	519,108	2,595	1,549	4,144

[1] Includes feed, bedding, supplies and 1 series of tests at HST per animal and 2 series of tests, 2 VIA tests and 2 Bluetongue tests per animal in Brazil. Each additional series of test will be billed separately at $341 per series, each VIA test at $27 per test, and each Bluetongue test at $27 per test.

SCHEDULE B.—COST OF QUALIFYING ANIMALS—BRAZIL ON PREMISES OF ORIGIN

Number of cattle	Total fixed cost	In quarantine		Total cost per head
		Fixed cost per head, Brazil	Variable cost per head	
50 to 55	$53,531	$973	$396	$1,369
56 to 60	53,531	892	396	1,288
61 to 65	53,531	823	396	1,219
66 to 70	53,531	764	396	1,160
71 to 75	53,531	713	396	1,109
76 to 80	53,531	669	396	1,065
81 to 85	53,531	629	396	1,025
86 to 90	53,531	594	396	990
91 to 95	53,531	563	396	959
96 to 100	53,531	535	396	931
101 to 105	55,825	531	396	927
106 to 110	58,119	528	396	924
111 to 115	60,413	525	396	921
116 to 120	62,707	522	396	918
121 to 125	65,001	520	396	916
126 to 130	67,295	517	396	913
131 to 135	69,589	515	396	911
136 to 140	71,883	513	396	909

SCHEDULE B.—COST OF QUALIFYING ANIMALS—BRAZIL ON PREMISES OF ORIGIN—Continued

Number of cattle	Total fixed cost	In quarantine: Fixed cost per head, Brazil	In quarantine: Variable cost per head	Total cost per head
141 to 145	74,177	511	396	907
146 to 150	76,473	509	396	905
151 to 155	78,767	508	396	904
156 to 160	81,061	506	396	902
161 to 165	83,355	505	396	901
166 to 170	85,649	503	396	899
171 to 175	87,943	502	396	898
176 to 180	90,237	501	396	897
181 to 185	92,531	500	396	896
186 to 190	94,825	499	396	895
191 to 195	97,119	498	396	894
196 to 200	99,418	497	396	893

SCHEDULE B.—COST OF QUARANTINE ANIMALS—BRAZIL AND HST [1]

Number of cattle	Total fixed cost	In quarantine: Fixed cost per head [2]	In quarantine: Variable cost	Total cost per head
50 to 55	$314,574	$5,719	$1,153	$6,872
56 to 60	314,574	5,242	1,153	6,395
61 to 65	314,574	4,839	1,153	5,992
66 to 70	314,574	4,493	1,153	5,646
71 to 75	314,574	4,194	1,153	5,347
76 to 80	314,574	3,932	1,153	5,085
81 to 85	314,574	3,700	1,153	4,853
86 to 90	314,574	3,495	1,153	4,648
91 to 95	314,574	3,311	1,153	4,464
96 to 100	314,574	3,145	1,153	4,298
101 to 105	320,229	3,049	1,153	4,202
106 to 110	325,884	2,962	1,153	4,115
111 to 115	331,539	2,882	1,153	4,053
116 to 120	337,194	2,809	1,153	3,962
121 to 125	342,849	2,742	1,153	3,895
126 to 130	348,504	2,680	1,153	3,833
131 to 135	354,159	2,623	1,153	3,776
136 to 140	359,814	2,570	1,153	3,723
141 to 145	365,469	2,520	1,153	3,673
146 to 150	371,124	2,474	1,153	3,627
151 to 155	375,981	2,425	1,153	3,578
156 to 160	380,837	2,380	1,153	3,533
161 to 165	385,693	2,337	1,153	3,490
166 to 170	390,549	2,297	1,153	3,450
171 to 175	395,405	2,259	1,153	3,412
176 to 180	400,261	2,223	1,153	3,376
181 to 185	405,117	2,189	1,153	3,342
186 to 190	409,973	2,157	1,153	3,310
191 to 195	414,829	2,127	1,153	3,280
196 to 200	419,691	2,098	1,153	3,251

[1] Includes Personnel at Cannenia.
[2] At USDA approved embarkation facility and at the HSTAIC.

SCHEDULE B.—COST OF QUALIFYING ANIMALS—EUROPE ON PREMISES OF ORIGIN

Number of cattle	Total fixed cost	In country: Fixed cost per head, Europe	In country: Variable cost per head	Total cost per head
50 to 55	$84,344	$1,534	$396	$1,930
56 to 60	84,344	1,406	396	1,802
61 to 65	84,344	1,298	396	1,694
66 to 70	84,344	1,205	396	1,601
71 to 75	84,344	1,125	396	1,521
76 to 80	84,344	1,054	396	1,450
81 to 85	84,344	992	396	1,388
86 to 90	84,344	937	396	1,333
91 to 95	84,344	888	396	1,284
96 to 100	84,344	843	396	1,239
101 to 105	85,651	816	396	1,212
106 to 110	86,958	791	396	1,187
111 to 115	88,265	768	396	1,164

SCHEDULE B.—COST OF QUALIFYING ANIMALS—EUROPE ON PREMISES OF ORIGIN—Continued

Number of cattle	Total fixed cost	In country: Fixed cost per head, Europe	In country: Variable cost per head	Total cost per head
116 to 120	89,572	746	396	1,142
121 to 125	90,879	727	396	1,123
126 to 130	92,186	709	396	1,105
131 to 135	93,493	693	396	1,089
136 to 140	94,800	677	396	1,073
141 to 145	96,107	663	396	1,059
146 to 150	97,421	649	396	1,045
151 to 155	98,592	636	396	1,032
156 to 160	99,763	624	396	1,020
161 to 165	100,934	612	396	1,008
166 to 170	102,105	601	396	997
171 to 175	103,276	590	396	986
176 to 180	104,447	580	396	976
181 to 185	105,618	571	396	967
186 to 190	106,789	562	396	958
191 to 195	107,960	554	396	950
196 to 200	109,134	546	396	942

SCHEDULE B.—COST OF QUARANTINING ANIMALS—EUROPE—HST [1]

Number of cattle	Total fixed cost	In quarantine: Fixed cost/ per head	In quarantine: Variable cost/ per head	Total cost per head
50 to 55	$313,656	$5,703	$1,153	$6,856
56 to 60	313,656	5,228	1,153	6,381
61 to 65	313,656	4,825	1,153	5,978
66 to 70	313,656	4,481	1,153	5,634
71 to 75	313,656	4,182	1,153	5,335
76 to 80	313,656	3,921	1,153	5,074
81 to 85	313,656	3,690	1,153	4,843
86 to 90	313,656	3,485	1,153	4,638
91 to 95	313,656	3,302	1,153	4,455
96 to 100	313,656	3,137	1,153	4,290
101 to 105	318,742	3,036	1,153	4,189
106 to 110	323,828	2,944	1,153	4,097
111 to 115	328,914	2,860	1,153	4,013
116 to 120	334,000	2,783	1,153	3,936
121 to 125	339,086	2,713	1,153	3,866
126 to 130	344,172	2,647	1,153	3,800
131 to 135	349,258	2,587	1,153	3,740
136 to 140	354,344	2,531	1,153	3,684
141 to 145	359,430	2,479	1,153	3,632
146 to 150	364,525	2,430	1,153	3,583
151 to 155	368,767	2,379	1,153	3,532
156 to 160	373,009	2,331	1,153	3,484
161 to 165	377,251	2,286	1,153	3,439
166 to 170	381,493	2,244	1,153	3,397
171 to 175	385,735	2,264	1,153	3,357
176 to 180	389,977	2,167	1,153	3,320
181 to 185	394,219	2,131	1,153	3,284
186 to 190	398,461	2,097	1,153	3,250
191 to 195	402,703	2,065	1,153	3,218
196 to 200	406,949	2,035	1,153	3,188

[1] Includes personnel at European Quarantine Station.

Dated: March 19, 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-7864 Filed 3-19-82; 2:19 pm]

BILLING CODE 3410-34-M

Office of Rural Development Policy

National Advisory Council on Rural Development; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-163), notice is hereby given of a meeting of the National Advisory Council on Rural Development. The meeting will be held on April 14 and April 15, 1982, at the Department of Agriculture, 12th and Independence, S.W., Room 104A, Washington, DC 20250. The meetings will begin at 9:00 a.m. each day.

The purpose of the meeting will be to organize the Advisory Council, to discuss the functions of the Council, to review appropriate legislation and regulations relating to the establishment of the Council, and to discuss specific assignments for the remainder of fiscal year 1982.

The meeting will be open to the public. In order to provide opportunity for the public to comment on the work of the Council, written statements will be received two weeks prior to and two weeks following the meeting. Due to the press of business, however, public participation will be limited to written statements. Views and comments will be addressed in writing, and, when deemed appropriate by the Co-Chair, may be addressed orally at the next meeting of the Council.

Written comments, both prior to and following the meeting, should be addressed to: Mr. Willard (Bill) Phillips, Jr., Acting Director, Office of Rural Development Policy, Room 4128-S, United States Department of Agriculture, 12th and Independence, S.W., Washington, D.C. 20250 (202) 382-0044.

Dated: March 10, 1982.

Willard Phillips, Jr.,

Director, Office of Rural Development Policy.

[FR Doc. 82-7875 Filed 3-23-82; 8:45 am]

BILLING CODE 3410-07-M

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, USDA.

ACTION: Notification of new system of records under the Privacy Act of 1974.

SUMMARY: The Poultry Grading Branch, Poultry Division, Agricultural Marketing Service, has authority under the Agricultural Marketing Act of 1946 to perform voluntary grading and certification as to grade, quantity, and condition of poultry, eggs, rabbits and their products on a uniform nationwide basis. The Branch also has authority under the Egg Products Inspection Act of 1970 to perform the continuous inspection of the processing of egg products to insure they are wholesome, unadulterated, processed under sanitary conditions and properly packaged and

labeled. The system will enable the Poultry Grading Branch to monitor the performance of all licensed employees, Federal supervisors, and the plants in which the grading and/or inspection activities are performed.

EFFECTIVE DATE: April 23, 1982.

FOR FURTHER INFORMATION CONTACT: Burt C. Hawkins, Director, Administrative Services Division, Agricultural Marketing Service, 14th and Independence Ave., Room 1090–S, SW, Washington, D.C. 20250, Phone Number: (202) 447–3955.

Richard E. Lyng,

Acting Secretary of Agriculture.

March 17, 1982.

The new system is as follows:

USDA/AMS—10

SYSTEM NAME:

Poultry Grading/Inspection Monitoring system.

SYSTEM LOCATION:

USDA, Washington Computer Center, Washington, DC 20250.

CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:

Poultry Grading Branch and State employees licensed to grade and/or inspect poultry and/or poultry products.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on the condition of the plant and comparative grading and examinations performed by the grader/inspector and the supervisor. The information is taken from Poultry Division forms, Employee's Performance Record, Daily Report of Egg Drying Activities, and Daily Report of Plant Operations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C., Section 1621 et seq.), and the Egg Products Inspection Act of 1970 (84 Stat. 1620 et seq., 21 U.S.C., Sections 1031–1056).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The use of records will be limited to Poultry Division employees involved in the management of the grading/inspection programs. This includes the Branch Chief and Assistant to the Director, and the National Technical Supervisors. Selected reports will be sent to regional directors. The system will be used to identify problem areas in the grading/inspection of products. This will include employee/supervisory/plant performance on an area, regional, and national level. The system will also be used to develop percentages and statistics relating to grade standard tolerances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer disk; computer paper printouts.

RETRIEVABILITY:

Records are indexed and accessed by social security number or a selected number for a particular individual and region.

SAFEGUARDS:

Each regional office has a separate logo identification and password to the computer for input. Reports are run by the national office. Paper records and printouts will be maintained in locked file cabinets or locked offices.

RETENTION AND DISPOSAL:

Automated records will be deleted after 2 years. Printouts will be destroyed after 2 years. Daily Report of Plant Operation and Reports of Egg Drying Operations will be destroyed after 1 year. Employee's Performance Record will be destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Poultry Grading Branch, Poultry Division, USDA, AMS, Washington, DC 20250.

NOTIFICATION PROCEDURE:

Individuals may request information concerning their records by contacting the system manager.

RECORD ACCESS PROCEDURE:

Any individual may obtain information as to the procedure for gaining access to a record in the system that pertains to him/her from the system manager.

CONTESTING RECORD PROCEDURES:

Any individual may obtain information as to the procedure for contesting a record in the system that pertains to him/her from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from Federal Grading Branch employees, licensed State employees, and their Federal supervisors.

[FR Doc. 7818 Filed 3–23–82; 8:45 am]

BILLING CODE 3410–02–M

CIVIL AERONAUTICS BOARD

Commuter Fitness Determination

The Board is proposing to find the following carriers fit willing and able to provide commuter air carrier service under Section 419(c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
82–3–69	Flight America, Inc. d.b.a. Air Virginia.	Mar. 30, 1982.
82–3–88	Commuter Airlines of Colorado, Inc. d.b.a. Trans-Colorado Airlines, Inc.	Apr. 2, 1982.
82–3–93	Aviation Enterprises, Inc., d.b.a. Sunbird Express, Inc.	Apr. 6, 1982.
82–3–94	Arcata Flying Service, Inc.....	Apr. 6, 1982.

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their reponses on all persons listed in Attachment A of the respective orders and file response or additional data for Orders 82–3–93 and 82–3–94 with the Special Authorities Division, Room 915; for Order 82–3–69 and 82–3–88 with the Essential Air Services Division, Room 921, 1825 Connecticut Avenue, NW, Washington, D.C. 20428.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

FOR FURTHER INFORMATION CONTACT: For Orders 82–3–93 and 82–3–94: Mr. J. Kevin Kennedy, (202) 673–5918; for Order 82–3–88: Corinne Grant, (202) 673–5002; and for Order 82–3–69: Mr. Bernard A. Calure, (202) 673–5354, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 19, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–7876 Filed 3–23–82; 8:45 am]

BILLING CODE 6320–01–M

Northeastern International; Application for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 82–3–96 Application of Northeastern International Airways for a certificate of public convenience and necessity; Docket 40379.

SUMMARY: The Board is instituting a fitness investigation of Northeastern, an applicant for a certificate of public

convenience and necessity to engage in domestic air transportation under section 401 of the Federal Aviation Act.

DATES: Persons wishing to intervene in the Northeastern International Fitness Investigation shall file their petitions in docket 40379 by March 29, 1982, and serve on all persons listed below.

ADDRESSES: Petitions to intervene should be filed in Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. Docket 40379, Application of Northeastern International for a certificate of public convenience and necessity. In addition, copies of such filings should be served on Northeastern International Airways, Inc; and the Federal Aviation Administration.

FOR FURTHER INFORMATION CONTACT: Nicholas Lowry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; (202) 673-5345.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-3-96 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 82-3-96 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 17, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-7877 Filed 3-23-82; 8:45 am]

BILLING CODE 6320-01-M

Pacific East Air, Inc.; Application for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order instituting the *Pacific East Air Fitness Investigation*, 82-3-103, Docket 40458.

SUMMARY: The Board is instituting an investigation to determine the fitness of Pacific East Air, Inc. to engage in the interstate and overseas air transportation of persons, and the interstate and overseas air transportation of property and mail between all points in the United States, its territories and possessions, except in all-cargo service within Alaska or Hawaii.

DATES: Persons wishing to intervene in the *Pacific East Air Fitness Investigation* shall file their petitions in Docket 40458 by April 1, 1982.

ADDRESSES: Petitions to intervene should be filed in Docket 40458, and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. In addition, copies of such filings should be served on persons listed in the attachment and on any person filing petitions.

FOR FURTHER INFORMATION CONTACT: James Ransom, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5197.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-3-103 is available from our Distribution Section, Room 100, 1825 Connecticut Ave., NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82-3-103 to that address.

By the Civil Aeronautics Board: March 17, 1982.

Phyllis T. Kaylor,

Secretary.

Service List

H. Stephen Hosteler, Esq., President, Pacific East Air, Inc., 333 Bayside Drive, Newport Beach, CA 92660
Honorable Eileen Anderson; Mayor, 530 S. King Street, Honolulu, HI 96813
California Public Utilities Commission, State Building, Civic Center, 350 McAlester Street, San Francisco, CA 94102
California Transportation Commission, Aeronautics Subcommittee, 1120 N Street, Sacramento, CA 95814
Port Authority of New Jersey and New York, One World Trade Center, New York, NY 10016
Hawaii State Department of Transportation, 869 Punchbowl Street, Honolulu, HI 96813
Honorable Mayor Gibson, 920 Broad Street, Newark, NJ 07114
Honorable Tom Bradley, Mayor, City Hall, Los Angeles, CA 90012

[FR Doc. 82-7878 Filed 3-23-82; 8:45 am]

BILLING CODE 6320-01-M

SouthCentral Air, Inc.; Application for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (82-3-98).

SUMMARY: The Board is proposing to award a certificate of public convenience and necessity to SouthCentral Air, Inc. authorizing it to engage in the interstate and overseas air transportation of persons, and the interstate and overseas air transportation of property and mail between all points in the United States, its territories and possessions, except that its authority to conduct all-cargo operations within Alaska or Hawaii shall be limited to the points listed in its application. The Board has tentatively decided that SouthCentral is fit, willing, and able to provide service.

DATES: Objections: All interested persons having objections to the Board's issuing the proposed certificate or to its tentative finding of fitness shall file, and serve upon all persons listed below no later than April 12, 1982, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESSES: Objections should be filed in Docket 40326, 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 SouthCentral Air, Inc.; the mayor and airport manager of each city to which the pleading refers; and the Alaska Transportation Commission.

FOR FURTHER INFORMATION CONTACT: Charles Stohr, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5000.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-3-98 is available from our Distribution Section, Room 100, 1825 Connecticut Ave., NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82-3-98 to that address.

By the Civil Aeronautics Board: March 17, 1982.

Phillis T. Kaylor,

Secretary.

[FR Doc. 82-7879 Filed 3-23-82; 8:45 am]

BILLING CODE 6320-01-M

International Service; Order Concerning Mail Rates

Order 82-3-95, March 17, 1982, Docket 37392, establishes final international service mail rates for the first half of calendar year 1982 and temporary rates effective July 1, 1982.

Copies of the order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-7880 Filed 3-23-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Brookhaven National Laboratory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue N.W, Washington, D.C. 20230.

Docket No: 81–00141. Applicant: Brookhaven National Laboratory, Upton, New York 11973. Article: Monochromator. Manufacturer: Bird & Tole Ltd., United Kingdom. Intended use of article: See Notice on page 42895 in the **Federal Register** of August 25, 1981. Advice submitted by: National Bureau of Standards: November 30, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (September 26, 1979). Reasons: This application is a resubmission of Docket Number 80–00269 which was denied without prejudice to resubmission on November 7, 1980 for informational Deficiencies. The foreign article provides a resolution of 0.005 Angstroms at 20 Angstroms. The National Bureau of Standards advises in its memorandum dated November 30, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82–7861 Filed 3–23–82; 8:45 am]

BILLING CODE 3510–25–M

Johns Hopkins University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81–00238. Applicant: The Johns Hopkins University, Charles & 34th Streets, Baltimore, MD 21218. Article: Cathode Ray Tube Display Phosphor P4, CRT 38 cm Diagonal Magnetic Deflection Designed for use in Vision Research. Manufacturer: Joyce Electronics Ltd., United Kingdom. Intended use of article: See Notice on page 36223 in the **Federal Register** of July 14, 1981. Advice submitted by: Department of Health and Human Services: October 21, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used is being manufactured in the United States.

Reasons: The foreign article can rotate its raster from 0 to 360 degrees under the control of an applied voltage. The Department of Health and Human Services advises in its memorandum dated October 21, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82–7862 Filed 3–23–82; 8:45 am]

BILLING CODE 3510–25–M

National Bureau of Standards; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81–00274. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Displacement Measuring System, Model 1050.36 with six decade digital output and analog output. Manufacturer: Automatic Systems Lab., United Kingdom. Intended use of article: See notice on page 41543 in the **Federal Register** of August 17, 1981. Advice submitted by: Department of Health and Human Services: October 21, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article measures displacement with a resolution on one part per million, is accurate to 0.0004% of full scale, and displays temperature stability based on transistors insensitive to ambient temperatures in its operational range of 15 to 25 degrees centigrade. The Department of Health and Human Services advises in its memorandum dated October 21, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article

is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7883 3-23-82; 8:45 am]

BILLING CODE 3510-25-M

Grants for Small Business International Marketing Programs

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of new matching grants program.

SUMMARY: As required by Title III of Pub. L. 96-481, the Commerce Department's International Trade Administration has initiated a program for matching grants of up to $150,000 to defray the costs incurred in establishing Small Business International Marketing Programs. The purpose of the individual Small Business International Marketing Programs will be to increase U.S. new-to-market/new-to-export sales by providing (at the most local level practical) export assistance and services to small businesses interested in pursuing export sales. Grants totaling $1.8 million will be awarded under this program. Grant applications are now being solicited.

DATES: Grant applications must be postmarked or received on or before May 31, 1982. Mailed applications received after May 31, but before close of business June 10, will be considered on time, if mailed before May 31 as evidenced by the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. It is important to ask Postal Officials for a date stamp.

ADDRESSES: Grant applications and modifications thereof shall be enclosed in sealed envelopes with the applicant's name and address on the face of the envelope. Mailed applications should be addressed to: Peter Wilson, Small Business Grants Coordinator, Small Business Export Development Assistance Program, International Trade Administration, Room 2800A, U.S. Department of Commerce, Washington, D.C. 20230.

Hand-delivered proposals may be taken to the Small Business Grants Coordinator at the above address or to the appropriate U.S. Commercial Service District Office listed below. These will be accepted daily between 9:00 a.m. and 5:00 p.m. except Saturdays and Sundays, or Federal holidays. Proposals will *not* be accepted after 5:00 p.m. on the closing date. Receipt of proposals will be promptly acknowledged by letter.

Alabama

Gayle C. Shelton, Jr., Director, U.S. Commercial Service District Office, Suite 200-201, 908 South 20th Street, Birmingham, Alabama 35205, (205) 254-1331

Alaska

Blaine D. Porter, Director, U.S. Commercial Service District Office, 701 C Street, P.O. Box 32, Anchorage, Alaska 99513, (907) 271-5041

Arizona

Donald W. Fry, Director, U.S. Commercial Service District Office, Suite 2950, Valley Bank Center, 201 North Central Avenue, Phoenix, Arizona 85073, (602) 261-3285

Arkansas

Robert E. Kistler, Director, U.S. Commercial Service District Office, Suite 635, Savers Federal Building, 320 W. Capital Avenue, Little Rock, Arkansas 72201, (501) 378-5794

California

Paul W. Leinenbach, Director, U.S. Commercial Service District Office, Room 800, 11777 San Vicente Boulevard, Los Angeles, California 90049, (213) 824-7591

Betty D. Neuhart, Director, U.S. Commercial Service District Office, Federal Building, Box 36013, 450 Golden Gate Avenue, San Francisco, California 94102, (415) 556-5860

Colorado

Donald L. Schilke, Director, U.S. Commercial Service District Office, Room 177, U.S. Customhouse, 721 19th Street, Denver, Colorado 80202, (303) 837-3246

Connecticut

Bernard Wheeler, Trade Specialist in Charge, U.S. Commercial Service District Office, Room 610 B, Federal Office Building, 450 Main Street, Hartford, Connecticut 06103, (203) 244-3530

Florida

Ivan A. Cosimi, Director, U.S. Commercial Service District Office, Room 821, City National Building, 25 West Flagler Street, Miami, Florida 33130, (305) 350-5267

Georgia

Daniel M. Paul, Director, U.S. Commercial Service District Office, 1365 Peachtree Street, N.E., Suite 600, Atlanta, Georgia 30309, (404) 881-7000

James W. McIntire, Director, U.S. Commercial Service District Office, 222 U.S. Courthouse, P.O. Box 9746, 124-29 Bull Street, Savannah, Georgia 31412, (912) 944-4204

Hawaii

H. Tucker Gratz, Director, U.S. Commercial Service District Office, 4106 Federal Building, P.O. Box 50026, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850, (808) 546-8694

Illinois

Gerald M. Marks, Director, U.S. Commercial Service District Office, 1406 Mid Continental Plaza Building, 55 East Monroe Street, Chicago, Illinois 60603, (312) 353-4450

Indiana

Mel R Sherar, Director, U.S. Commercial Service District Office, 357 U.S. Courthouse and Federal Office Building, 46 East Ohio Street, Indianapolis, Indiana 46204, (317) 269-6214

Iowa

Jesse N. Durden, Director, U.S. Commercial Service District Office, 817 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, (515) 284-4222

Kentucky

Donald R. Henderson, Director, U.S. Commercial Service District Office, Room 636B, U.S. Post Office and Courthouse Building, Louisville, Kentucky 40202, (502) 582-5066

Louisiana

Raymond E. Eveland, Director, U.S. Commercial Service District Office, 432 International Trade Mart, No. 2 Canal Street, New Orleans, Louisiana 70130, (504) 589-6546

Maryland

Carroll F. Hopkins, Director, U.S. Commercial Service District Office, 415 U.S. Customhouse, Gay and Lombard Streets, Baltimore, Maryland 21202, (301) 962-3560

Massachusetts

Francis J. O'Connor, Director, U.S. Commercial Service District Office, 10th Floor, 441 Stuart Street, Boston, Massachusetts 02116, (617) 223-2312

Michigan

Raymond R. Riesgo, Director, U.S. Commercial Service District Office, 445 Federal Building, 231 West Lafayette, Detroit, Michigan 48226, (313) 226-3650

Minnesota

Glenn A. Matson, Director, U.S. Commercial Service District Office, 218 Federal Building, 110 South Fourth Street, Minneapolis, Minnesota 55401, (612) 725–6133

Mississippi

Mark E. Spinney, Director, U.S. Commercial Service District Office, City Center Plaza, Suite 550, 200 East Pascagoula, Jackson, Mississippi 39201, (601) 960–4388

Missouri

Donald R. Loso, Director, U.S. Commercial Service District Office, 120 South Central Avenue, St. Louis, Missouri 63105, (314) 425–3302

James D. Cook, Director, U.S. Commercial Service District Office, Room 1840, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374–3142

Nebraska

George H. Payne, Director, U.S. Comercial Service District Office, Empire State Building, 1st Floor, 300 South 19th Street, Omaha, Nebraska 68102, (402) 221–3664

Nevada

Joseph J. Jeremy, Director, U.S. Commercial Service District Office, Room 120, 777 W. 2nd Street, Reno, Nevada 89503, (702) 784–5203

New Jersey

Thomas J. Murray, Director, U.S. Commercial Service District Office, 4th Floor, Gateway Building, Market Street and Penn Plaza, Newark, New Jersey 07102, (201) 645–6214

New Mexico

William E. Dwyer, Director, U.S. Commercial Service District Office, 505 Marquette Avenue, N.W., Suite 1015, Albuquerque, New Mexico 87102, (505) 766–2386

New York

Robert F. Magee, Director, U.S. Commercial Service District Office, 1312 Federal Building, 111 West Huron Street, Buffalo, New York 14202, (716) 846–4191

Arthur C. Rutzen, Director, U.S. Commercial Service District Office, Room 3718, Federal Office Building, 26 Federal Plaza, Foley Square, New York, New York 10278, (212) 264–0634

North Carolina

Joel B. New, Director, U.S. Commercial Service District Office, 203 Federal Building, West Market Street, P.O. Box 1950, Greensboro, North Carolina 27402, (919) 378–5345

Ohio

Gordon B. Thomas, Director, U.S. Commercial Service District Office, 10504 Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202, (513) 684–2944

Zelda W. Milner, Director, U.S. Commercial Service District Office, Room 600, 666 Euclid Avenue, Cleveland, Ohio 44114, (216) 522–4750

Oregon

Lloyd R. Porter, Director, U.S. Commercial Service District Office, Room 618, 1220 S.W. 3rd Avenue, Portland, Oregon 97204, (503) 221–3001

Pennsylvania

Robert Bucalo, Acting Director, U.S. Commercial Service District Office, 9448 Federal Building, 600 Arch Street, Philadelphia, Pennsylvania 19106, (215) 597–2866

William M. Bradley, Director, U.S. Commercial Service District Office, 2002 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, (412) 644–2850

Puerto Rico

J. Enrique Vilella, Director, U.S. Commercial Service District Office, Room 659, Federal Building, San Juan, Puerto Rico 00918, (809) 753–4555 Ext 555

South Carolina

Margaret A. Patrick, Director, U.S. Commercial Service District Office, Strom Thurmond Fed. Bldg., Suite 172, 1835 Assembly Street, Columbia, South Carolina 29201, (803) 765–5345

Tennessee

Bradford H. Rice, Director, U.S. Commercial Service District Office, Room 710, 147 Jefferson Avenue, Memphis, Tennessee 38103, (901) 521–3213

Texas

C. Carmon Stiles, Director, U.S. Commercial Service District Office, Room 7A5, 1100 Commerce Street, Dallas, Texas 75242, (214) 767–0542

Felicito C. Guerrero, Director, U.S. Commercial Service District Office, 2625 Federal Building Courthouse, 515 Rusk Street, Houston, Texas 77002, (713) 226–4231

Utah

Stephen P. Smoot, Director, U.S. Commercial Service District Office, U.S. Courthouse, 350 S. Main Street, Salt Lake City, Utah 84101, (801) 524–5116

Virginia

Philip A. Ouzts, Director, U.S. Commercial Service District Office, 8010 Federal Building, 400 North 8th Street, Richmond, Virginia 23240, (804) 771–2246

Washington

Eric C. Silberstein, Director, U.S. Commercial Service District Office, Room 706 Lake Union Building, 1700 Westlake Avenue North, Seattle Washington 98109, (206) 442–5616

West Virginia

Roger L. Fortner, Director, U.S. Commercial Service District Office, 300 New Federal Building, 500 Quarrier Street, Charleston, West Virginia 25301, (304) 343–6181

Wisconsin

Russell H. Leitch, Director, U.S. Commercial Service District Office, Federal Building/U.S. Courthouse, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, (414) 291–3473

Wyoming

Lowell O. Burns, Director, U.S. Commercial Service District Office, 6022 O'Mahoney Federal Center, 2120 Capital Avenue, Cheyenne, Wyoming 82001, (307) 788–2220 X2151.

FOR FURTHER INFORMATION CONTACT: Application Kits are available from the appropriate District Office of the United States Commercial Service as listed above. For further information contact Peter Wilson (202) 337–1212.

SUPPLEMENTARY INFORMATION: The Small Business Export Development Assistance Program is established under section 302 of Pub. L. 96–481, 94 Stat. 2331 (15 U.S.C. 649b). The program is designed to test and refine the theory that a matching grant program to local entities is an effective method for encouraging the development of Small Business International Marketing Programs which will in turn provide export assistance to small business concerns interested in pursuing export sales.

Under this program the Commerce Department is authorized to make grants to a state government or agency or instrumentality thereof, any Small Business Administration designated "Small Business Development Center", any for-profit small business, any non-profit organization, any regional commission or any combination of such entities.

The International Trade Administration is now soliciting applications (proposals) for matching

grants of up to $150,000. Application kits may be obtained by contracting local U.S. Commercial Service District Offices.

The completed application package (original plus 2 copies) must include: (a) An application (Standard Form 424. The use of this form has been approved by OMB. The OMB approval number is 0625-0106. It expires May 31, 1982.); (b) a narrative description of the proposed Small Business International Marketing Program for which the application is being made; (c) proposed budgets; and (b) other supporting data.

The Small Business International Marketing Programs for which grants will be awarded under this solicitation may be (but do not have to be) independent legal entities. However, operations and records *must* be sufficiently separated from other activities to be able to facilitate the identification of expenditures made from federal grant or matching funds.

To be considered, applications must be received or postmarked no later than May 31, 1982. The review process will begin June 1, 1982. Awards will be made by the end of September, 1982. The agreement between the selected organizations and the Federal Government will be a grant.

At the time of award of grants, grantees will be required to sign standard certifications and assurances related to: equal opportunity, fair labor standards, political activity of program employees, etc. In addition, successful applicants may be required to prepare and submit other standard government grants forms.

The final decision regarding the award of grants will be made by the Assistant Secretary for Trade Development.

This solicitation does not commit the Government to pay any cost incurred in the preparation of a proposal.

General Conditions

a. Unnecessarily elaborate brochures or other presentations beyond that sufficient to present a complete and effective application are not desired and may be construed as an indication of the applicant's lack of cost consciousness. Elaborate art, work, expensive paper and bindings and expensive visual and other presentation aids are neither necessary nor wanted.

b. At the discretion of the Department of Commerce, a pre-award survey of successful applicants may be required.

Preparation of Applications and Proposal Content

The narrative element of the application shall contain a detailed discussion and description of the proposed Small Business International Marketing Program to be established under this grant including the rationale for the approach proposed. The narrative section shall be precise, factual and complete.

The Budget section of each application shall present projected expenditures for the Program including salaries, personnel benefits, consultants, contract services, travel and per diem, space costs and other rentals, supplies, postage, printing, etc. The specific format to be used is included in the Application kit.

Other information which should be included with the application:

a. Basis for estimating the value of grantee's in- kind share, if any. explanation of sources for Grantee's matching cash share.

b. Explanation of "program income", if any. See below for definition of "program income".

e. Hourly rate and estimated hours for each member of the staff.

d. Purpose, rate and means of selection for individual consultants and contracts, if any.

e. System for determining per diem rates.

f. Qualifications and experience of the Staff Director. Qualifications and experience of other professional and technical personnel to be assigned to the proposed effort, if any.

g. A description and explanation of that portion of work intended to be subcontracted, if any.

h. A statement regarding the nature and timing of expected program accomplishments and means by which such accomplishments should be measured.

i. An organization chart of the proposed organization.

Failure to Furnish Information Requested

Failure to furnish the information requested may result in the application being considered "non- responsive" and thus not eligible for evaluation and award. Such applications will be returned to the applicant.

Freedom of Information Act

The information submitted in the application or with supporting documents will be subject to the provisions of the Freedom of Information Act (FOIA) and the Privacy Act of 1974. It is intended that information concerning the identity of applicants, the number of applications, and the status of application evaluation shall not be made publicly available prior to award of grants under this program, except as may be required to be publicly released by statute (under the FOIA).

Evaluation of Applications

Each proposal shall, as a minimum, address every element in the Scope of Work. Proposals will be ranked largely on the extent of assistance to be provided, number of small business concerns that will receive assistance and potential for new-to-market/new-to-export sales.

By use of numerical and narrative scoring techniques, applications will be subjectively evaluated against the evaluation factors specified below:

a. General Quality and Responsiveness of Application 35%

(1) Potential for proposal resulting in new-to-market/new-to-export sales. Of particular interest will be those proposals having the ability to generate substantial sales within the grant priod.

(2) Responsiveness to the Scope of Work.

(3) Recognition of overall concept and objectives.

(4) Responsiveness to other requirements, and terms and conditions.

b. Organization and Personnel 20%

Evidence of good organization and management practices.

(1) Experience, education, background of the Staff Director and his/her demonstrated competence for performing or directing work set forth in the application.

(2) Experience, education, background, and record of past accomplishment of other members of the staff.

(3) Appropriateness of organizational structure to the plans and goals set forth in the Application.

(4) Quality of personnel in relationship to the salary scales.

c. Technical Approach 25%

Project Planning.

(1) Logic of approach for achieving objectives set forth in Scope of Work.

(2) Merit of applicant's suggested additions to the Scope of Work, if any.

(3) Logic for utilization of personnel and other resources, including resources available through existing trade development programs.

d. Cost 20%

Economic Efficiency.

(1) Cost effectiveness.

(2) Reasonableness of individual and overall cost estimates, fees, etc.

(3) Costs as related to budgetary limitations.

(4) Potential that project will become self sustaining at the end of the grant period.

Definitions

(a) *Small Business:* A small business concern for the purpose of this solicitation is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation for which it is submitting this application.

(b) *New-to-Market/New-to-Export:* New-to-Export sales are sales by a firm which has not sold its product(s) or service(s) in any foreign country. A firm already engaged in exporting is considered as being "New-to-Market" each time it successfully enters a new country market. "Entry" is accomplished through the sale of product(s)/service(s), or the appointment of a sales agent or distributor. However, occasional sales resulting from unsolicited orders or sales made by another firm acting on its own behalf rather than on behalf of or at the direction of the firm in question, do not constitute "entry". Although a firm can be New-to-Market any number of times, it can be New-to-Market in a particular country sales resulting from unsolicited orders or sales made by another firm acting on its own behalf rather than on behalf of or at the direction of the firm in question, do not constitute "entry". Although a firm can be New-to-Market any number of times, it can be New-to-Market in a particular country only once.

Specific Restrictions

a. Not more than one-third of federal funds awarded this solicitation may be used for personnel salaries and benefits. A larger portion of the grantee's matching share may be used for personnel salaries and benefits.

b. No portion of any federal funds awarded under this solicitation may be used to directly underwrite any small business participation in foreign trade missions abroad.

c. A sum equal to the amount of the grant awarded under this solicitation must be provided from sources other than the Federal Government and this non-federal additional amount known as the matching share shall not include any amount of direct or indirect costs or in-kind contributions paid for under any other federal program. Nor shall indirect costs or in-kind contributions from other non-federal sources exceed 50 percent of the matching share—stated otherwise, at least 50% of the matching share must be in cash.

d. No portion of the federal funds or the matching share may be used to pay salaries or expenses of the nine member advisory board.

e. Members of the advisory board may not simultaneously be clients and/or paid consultants of the Small Business International Marketing Program.

Other Regulations

State and local governments will be subject to the Uniform Administrative Requirements for Grants-in-Aid as set forth in Office of Management and the Budget (OMB) Circular A–102 Revised. All other applicants will be subject to the Uniform Administrative Requirements for Grants-in-Aid as set forth in OMB Circular A–110. The budget should be prepared in accordance with the appropriate Office of Management and the Budget Cost Principles. OMB Circular A–87 shall be used for state and local governments and OMB Circular A–21 for educational institutions. OMB Circular A–122 shall be used by all other applicants. However, notwithstanding the provisions of OMB Circular A–122, for-profit organizations are limited to an indirect cost rate of 100%. Free copies of the above circulars are available on request from the Small Business Grants Coordinator at the above address or by telephone at (202) 377–1212.

OMB Circular A–95

OMB Circular A–95 which deals with reporting requirements to Federal Clearinghouses does not apply to this solicitation.

Program Income

Grantees may charge for assistance and services provided to small business concerns participating in the program but such income may *not* be used to reduce the matching share. Such income must be limited to and collected on the basis of an appropriate percentage of export income generated as a direct result of participation in the program. If applicants expect to generate program income, the basis for such income must be fully explained in the application including rates to be charged. Funds so collected must be accounted for the reported on. All such program income earned during the grant period and for twelve months thereafter that is attributable to assistance provided under the grant shall be retained by the grantee and added to the funds committed to the program and shall be used to further program objectives. Provided that, if the program income is not expended within eighteen months after the expiration of the grant, it shall be remitted to the Government in proportion to the Government's financial contribution to the total project cost. If participants are to be charged, applicants should include projections of amounts to be collected in the grant period.

Restrictions on Purchase of Non-Expendables

Grantees may not use federal or matching share funds for the purchase of non-expendables such as real property, vehicles or other capital assets or furniture, office equipment, etc. However, grantees may use funds from other sources to purchase equipment or other non-expendables and the fair-market rental value may be included as part of their matching share in-kind contribution.

Other Funding Sources

Federal-share funds granted for this program shall not be used to replace any financial support previously provided or assured from any other source. The grantee must agree that the existing level of expenditure by the grantee for small business export assistance shall be maintained and not reduced as a result of the Federal-share funds received under this grant.

Payments

Upon signing of the Grant Agreement, grantees will be eligible to request the initial payment. Subsequent payments will be based on reports detailing expenditures against and progress related to the proposed budget and program as set forth in the Grant Agreement.

Furnished Property

No material, equipment, labor, or facilities will be furnished by the Department of Commerce for the purposes of performance under this program.

Reporting

Program and financial reports will be required quarterly during the grant period. Grantees will be required to furnish such information as deemed appropriate to complete the Congressionally required program evaluation. Such evaluation and information required shall be limited to that information necessary for: (a) Determining the impact of "small business international marketing programs" on those small businesses assisted; (b) determining the amount of new-to-market/new-to-export sales generated by small businesses assisted through such programs; and (c) making recommendations concerning continuation and/or expansion of the programs and possible improvements in

the program structure. Ninety days prior to the end of the grant period, grantees will be provided with instructions on how to complete the final report.

Fees and Profits

Applicants may not charge the Federal Government a fee or profit under the grant award.

Scope of Work

The Scope of work is intended as the basic minimum guideline for responses from each applicant. Each proposal should speak to every element in the following Scope of Work:

The purpose of the individual Small Business International Marketing Programs established under Pub. L. 96–481 is to increase U.S. new-to-market/new-to-export sales by providing export assistance and services at the most local level practical. In view of the above and in concert with other requirements set forth in the legislation each Small Business International Marketing Program shall:

(1) Develop a Program which can deliver the services required by the legislation—specifically:

(a) Counseling of small businesses interested in pursuing export sales, including providing information concerning available financing, credit insurance, tax treatment, potential markets and marketing assistance, export pricing, shipping, documentation, and foreign financing and business customs;

(b) Providing market analyses of the export potential of small business concerns; and

(c) Developing contacts with potential foreign customers and distributors for small businesses and their products, including arrangements and sponsorship of various overseas trade promotion activities, foreign trade missions, trade fair participation, etc., through which small business concerns can meet with identified potential customers, distributors, sales representatives, and organizations interested in licensing or joint ventures.

(2) Appoint a full-time staff director to manage program activites.

(3) Have access to export specialists to counsel and to assist small business clients in international marketing when such expertise is not available in-house.

(4) Identify the geographical area to be served.

(5) Identify the number of firms to be assisted and nature of assistance to be given.

(6) No later than the first of November 1982, establish an advisory of nine members to be appointed by the staff director of the program, not less than five members of whom shall be small business persons or representative of small business associations. Each advisory board shall elect a chairman and shall advise, counsel, and confer with the staff director of the program on all policy matters pertaining to the operation of the program (including who may be eligible to receive assistance, ways to promote the sale of United States products and services in foreign markets or to encourage tourism in the United States, and how to maximize local and regional private consultant participation in the program).

(7) Implement and operate the program proposed in the grantee's application for assistance for 12 months commencing no later than October 1, 1982.

William H. Morris, Jr.,

Assistant Secretary for Trade Development.

[FR Doc. 82-7866 Filed 3-23-82; 8:45 am]

BILLING CODE 3510-25-M

Rocky Mountain Eye Foundation; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5: 00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00228. Applicant: Rocky Mountain Eye Foundation, 2405 Broadway, Boulder, CO 80302. Article: Ophthalmo-Microsurgical Unit-Type A. Manufacturer: Optische Werke GmbH., West Germany. Intended use of article: See Notice on page 36222 in the **Federal Register** of July 14, 1981. Advice submitted by: Department of Health and Human Services: October 21, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (September 19, 1980). Reasons: The foreign article is an ambulatory unit with coordinated table and chair permitting complete ophthalmological microsurgery. The Department of Health and Human Services advises in its memorandum dated October 21, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7884 Filed 3-23-82; 8:45 am]

BILLING CODE 3510-25-M

Sandia National Laboratories; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81–00370. Applicant: Sandia National Laboratories, P.O. Box 5800, Albuquerque, NM 87185. Article: Laser, Model TE 292–K and Accessories. Manufacturer: Lumonics, Inc., Canada. Intended use of article: See Notice on page 50814 in the **Federal Register** on October 15, 1981. Advice submitted by: National Bureau of Standards: February 10, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: the foreign article is a krypton fluoride laser with high pulse energy (1.5 joule) and short pulse width (20 nanoseconds). The National Bureau of Standards advises in its memorandum dated February 10, 1982 that (1) the capabilities of the foreign article described above are

pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7885 Filed 3-23-82; 8:45 am]

BILLING CODE 3510-25-M

University of Delaware; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00363. Applicant: University of Delaware, Evans Hall, Room 229, Newark, Delaware 19711. Article: STEM attachment for Model EM 400 Electron Microscope. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: See Notice on page 48279 in the **Federal Register** of October 1, 1981. Advice submitted by: Department of Health and Human Services: December 18, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes. We are advised by the Department of Health and Human Services in its memorandum dated December 18, 1981 that the accessory is pertinent to the applicant's intended uses and that it knows of no comparable domestic article.

The Department of Commerce knows of no similiar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7886 Filed 3-23-82; 8:45 am]

BILLING CODE 3510-25-M

University of Kentucky; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00359. Applicant: University of Kentucky, Biochemistry Department, University of Kentucky Medical Center, Lexington, KY 40536. Article: Nanosecond Fluorometer System 2000 with Accessories. Manufacturer: Photochemical Research Associates, Canada. Intended use of article: See Notice on page 48279 in the **Federal Register** of October 1, 1981. Advice submitted by: Department of Health and Human Services: December 18, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a thyrotron triggered (rather than free running) light source with adjustable intensity for counting rates required by the single photon counting method. The Department of Health and Human Services advises in its memorandum dated December 18, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7887 Filed 3-23-82; 8:45 am]

BILLING CODE 3510-25-M

University of Wisconsin; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00354. Applicant: University of Wisconsin, H4/540 Clinical Science Center, 600 Highland Avenue, Madison, WI 53792. Article: Prototype Spectrophotometric Instrument for Determining O_2 Dissociation. Manufacturer: Rheinisch-Westfalische Technische, West Germany. Intended use of article: See Notice on page 48278 in the **Federal Register** of October 1, 1981. Advice submitted by: Department of Health and Human Services: December 18, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a computer-controlled apparatus using spectrophotometric sensing (rather than an oxygen electrode) to measure a plot oxygen dissociation. The Department of Health and Human Services advises in its memorandum dated December 18, 1981 that (1) the capability of the foreign article described above is pertinent to

the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7888 Filed 3-23-82; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Level for Certain Cotton, Wool and Man-made Fiber Textile Products From Mauritius

March 18, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing an import restraint level of 57,500 dozen for cotton, wool and man-made fiber knitwear apparel products in Categories 338, 339, 345, 438, 445, 446, 638, 639, 645, and 646, as a group, produced or manufactured in Mauritius and exported to the United States during the six-month period beginning on April 1, 1982 and extending through September 30, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463) August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), and February 9, 1982 (47 FR 5926)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 5, 1981 between the Governments of the United States and Mauritius establishes a six-month level of restraint for cotton, wool and man-made fiber knitwear apparel products in Categories 338, 339, 345, 438, 445, 446, 638, 639, 645, and 646, as a group, beginning on April 1, 1982 and extending through September 30, 1982. The agreement includes provisions for carryover of unfilled balances from the previous agreement year and for carryforward; however, there will be no carryover from the six-month period which began on October 1, 1981 and extends through March 31, 1982 to the six-month period beginning on April 1, 1982 and extending through September 30, 1982. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United states for consumption and withdrawal from warehouse for consumption of textile products in Categories 338, 339, 345, 438, 445, 446, 638, 639, 645, and 646, as a group, produced or manufactured in Mauritius and exported during the six-month period begining on April 1, 1982 and extending through September 30, 1982, in excess of 57,500 dozen.

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: April 1, 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).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 5, 1981, as amended, between the Governments of the United States and Mauritius; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 1, 1982 and extending through September 30, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in Categories 338, 339, 345, 438, 445, 446, 638, 639, 645, and 646, as a group, in excess of 57,500 dozen.

In carrying out this directive entries of textile products in Categories 338, 339, 345, 438, 445, 446, 638, 639, 645 and 646, as a group, which have been exported to the United States on and after October 1, 1981 and extending through March 31, 1982, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the six-month period which began on October 1, 1981 and extends through March 31, 1982. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The level set forth above is subject to adjustment in the future according to the provisions of the bilateral agreement of October 5, 1981 between the Governments of the United States and Mauritius, which provide, in part, that (1) the level may be exceeded by 7 percent for carryforward and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of TSUSA 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).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mauritius and with respect to imports of cotton, wool and man-made fiber textile products from Mauritius have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 7824 Filed 3-23-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-R-81-09]

Adjustment of Naphtha Entitlement Benefits Received by Puerto Rican Petrochemical Producers

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Decision and notice of stay.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues its response to comments and its decision in the pending proceedings, in which it was proposed to adjust the level of naphtha entitlement benefits received

by Puerto Rican petrochemical producers under the Puerto Rican Naphtha Entitlements Program. After reviewing the comments filed by interested parties, ERA still believes that the proposed adjustments, which would require Puerto Rican petrochemical producers to refund excessive naphtha entitlements received during certain months of the program, are correct under the regulations in effect at the time. However, ERA has determined to stay the effect of its decision for 30 days after publication and to transfer the record of this proceeding to the Office of Hearings and Appeals (OHA) as the basis for the initiation of exception proceedings on behalf of the Puerto Rican firms under 10 CFR Part 205, Subpart D.

If some or all of the Puerto Rican firms confirm their intention to seek exception relief by notifying OHA by letter, the decision will be further stayed with respect to those firms pending conclusion of the OHA proceedings. The decision will be effective 30 days after publication with respect to those firms that do not notify OHA of their intention to seek exception relief.

FOR FURTHER INFORMATION CONTACT:
David Welsh (Office of Fuels Programs), Economic Regulatory Administration, Room 6318, 2000 M Street NW., Washington, D.C. 20461, (202) 653–3453
William Funk or Christopher Was (Office of General Counsel), Department of Energy, Room 6A–113, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6736 (Funk); 252–6744 (Was).

SUPPLEMENTARY INFORMATION:

I. Background
II. Response to Comments
III. Disposition

I. Background

On September 2, 1981, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued a Notice of its intent to issue a decision adjusting the level of naphtha entitlement benefits received by Puerto Rican petrochemical producers under the Puerto Rican Naphtha Entitlements Program, 46 FR 45151 (September 10, 1981). The proposed adjustments were intended to correct an error by ERA in applying the reduction factor in former section 211.67(d)(5)(iii) of the regulations in certain months the program was in effect. As a result of the misapplication of the regulations, ERA determined that Puerto Rican petrochemical producers had received excessive naphtha entitlement benefits during the months of October 1976 through October 1977 and January through March 1978. We proposed issuance of a final decision requiring the adjustments to be reflected as obligations of the Puerto Rican firms on the final Entitlements "Clean-up" Notice to be published pursuant to 10 CFR 211.69. *See* 46 FR 36092 (July 13, 1981).

We received written comments from seven firms on our proposal. In general, three of the firms (Sun Petroleum Products Company, an on-island refiner producing naphtha for sale to the Puerto Rican petrochemical producers, the Gulf Oil Corporation and The Coastal Corporation) supported our proposal, while four firms (Commonwealth Oil Refining Company, Inc., Phillips Puerto Rico Core, Inc., Union Carbide Caribe Inc., and Puerto Rico Olefins Company, all of which are petrochemical producers that would be required to refund excessive naphtha entitlement benefits) opposed the proposal. Our response to the comments received is set forth below.

II. Response to Comments

A. ERA's Authority to Make the Proposed Adjustments

Phillips and Union Carbide Caribe argue that ERA lacks authority to make the proposed adjustments to the Puerto Rican firms' entitlement obligations because the proposed adjustments are not authorized under the entitlements regulations, 10 CFR 211.67. To support this proposition, they rely upon the decisions of the Office of Hearings and Appeals (OHA) in "Sierra Anchor Refining Company," 3 DOE ¶ 80,114 (1979) and "Huntway Refining Company," 6 DOE ¶ 81,256 (1980). In those decisions, OHA held that ERA lacked authority under the entitlements regulations to adjust firms' deemed old oil receipts to reflect beginning crude oil inventories of new refineries (the so-called "starting inventory adjustment").

The argument is without merit, because the starting inventory adjustments declared beyond ERA's regulatory authority in the "Sierra Anchor" and "Huntway" decisions are distinguishable from the proposed adjustments in this proceeding. In those cases, OHA found that the starting inventory adjustments made by ERA were not based upon any regulatory provision, but rather constituted "modifications of the Entitlements Program," as follows:

> Consequently, the adjustments which the ERA has made to reflect the opening inventories of new refineries amount to modifications of the Entitlements Program. Although legitimate policy considerations might well exist that would warrant such modifications, the ERA is bound by the applicable regulations, and those regulatory provisions do not permit it to make those modifications in a discretionary manner.

See, Sierra Anchor Refining Company, 3 DOE ¶ 80,114 at p. 80,585. Under those circumstances, the starting inventory adjustments were beyond ERA's regulatory authority.

In contrast, the adjustments proposed to be made in *this* proceeding reflect the application of the reduction factor specified in former § 211.67(d)(5)(iii) of the regulations in accordance with its terms. OHA's decisions in "Sierra Anchor" and "Huntway" in no way limit ERA's authority to correct a past error *based upon the regulatory provisions in effect at the time.* The adjustments proposed to be made in this proceeding obviously do not constitute "modifications" of the program, but rather, as indicated in our Notice of Intent, are to ensure "* * * that the application of the regulations that were in effect was consistent with their terms." *See* 46 FR at 45154.

There can be no doubt that the adjustments proposed to be made in this proceeding are based on the regulations in effect during the months in question. Section 211.67(a)(1) specified that refiners shall be issued entitlements calculated by multiplying a refiner's "crude oil runs to stills" for that month by the "national domestic crude oil supply ratio" (the "DOSR") for the month, both of which are defined terms in § 211.62 of the regulations. Section 211.67(d) specified adjustments required to be made to refiners' "crude oil runs to stills," and § 211.67(d)(5) permitted the number of eligible barrels of Puerto Rican naphtha to be added to "(t)he volume of a refiner's crude oil runs to stills * * * for purposes of the calculations in subparagraphs (1) of paragraph (a) (relating to the issuance of entitlements) * * * and the (calculation of the DOSR) * * *" Insofar as the reduction factor in former § 211.67(d)(5)(iii) should have limited the number of eligible barrels of imported naphtha to be included in the volume of Puerto Rican firms' runs to stills in certain months, it affected the calculation of the DOSR and the issuance of entitlements for all firms. Thus, our proposal to adjust the entitlements obligations of the Puerto Rican firms to apply the reduction factor in former § 211.67(d)(5)(iii) in accordance with its terms is, in fact, founded upon and authorized by the regulations.[1]

[1] Puerto Rico Olefins and Union Carbide Caribe argue that the proposal constitutes invalid retroactive rulemaking. We reject the attempt to characterize our proposal as a rulemaking. We have

Phillips and Union Carbide Caribe also claim that the so-called entitlements clean-up rule does not provide a means of implementing the proposed adjustments. That claim is incorrect. 10 CFR 211.69(d)(3) provides that claims or obligations resulting from administrative or judicial decisions issued prior to the final clean-up list are to be incorporated on that list. The discussion in the preamble to the clean-up rule of this provision makes clear that adjustments made on the basis of ERA determinations are to be included on the clean-up list, as follows:

> The limitation of the "reporting period" will not apply to administrative orders or judicial decisions. Included in the clean-up list will be all such orders and decisions, other than as a result of entitlements enforcement actions, not reflected on a regular entitlements list that are issued before issuance of the clean-up list. As was proposed, *we will include on the final clean-up list any claims and obligations resulting from ERA*, OHA and FERC *decisions* even though these decisions still might be subject to further administrative or judicial review.

See 46 FR at 36093 (emphasis added). This point, that the clean-up list is intended to include adjustments resulting from ERA determinations such as involved in this proceeding, is further reinforced by the fact that the *post-clean-up provision*, § 211.69(h), expressly excludes ERA determinations, as noted in the preamble:

> This post-clean-up provision does not apply to determinations by ERA, which should be completed by publication of the clean-up list. Therefore, only claims resulting from OHA, FERC and judicial determinations will result in this section being applicable.

Thus, the conclusion reached by Phillips and Union Carbide Caribe, that the proposed adjustments cannot be included on the clean-up list, is simply inconsistent with the language of the regulation and the preamble to the final rule.[2]

B. The Effect of Consent Orders

Both Phillips and the Commonwealth Oil Refining Co., Inc. (CORCO) argue that consent orders entered into with the DOE's Office of Special Counsel for periods of time that include the months in which the firms purportedly received excessive naphtha entitlement benefits bar the proposed adjustments in this proceeding with respect to those firms. Phillips argues that its consent order, which covers the months in question here, resolves "* * * [a]ll pending and potential claims, demands, liabilities, causes of action, or other proceedings by DOE regarding Phillips' compliance with federal petroleum price and allocation requirements * * *."

The matters addressed by the consent orders clearly are separate and distinct from what is involved in this proceeding. The proposed adjustments have not placed in issue firms' *compliance* with the regulations in the applicable months. Rather, the adjustments have been proposed to correct an error in the manner in which the regulations were applied by ERA. As such, the terms of the consent orders simply do not apply to this proceeding. By the consent orders, DOE agreed not to prosecute Phillips and CORCO for violations of the regulations during the periods of time covered by those orders; however, the consent orders did not guarantee that the firms' entitlement obligations could never be modified for any reason, such as the correction of a miscalculation by the agency proposed here.

C. CORCO's Liability to Refund Excessive Naphtha Entitlement Benefits

The comments of Gulf Oil Corporation took issue with our interpretation of OHA's decision in "Commonwealth Oil Refining Co., Inc.," 5 DOE ¶82,561 (1980) (the "1980 Decision"), as precluding the recovery of excessive naphtha entitlement benefits received by CORCO for months after January 1977. In its 1980 Decision, OHA determined that CORCO should not be required to refund approximately $38 million of naphtha entitlement benefits in excess of the single runs credit cap received by the firm due to the misapplication by ERA of exception relief granted in "Commonwealth Oil Refining Co., Inc.," 5 FEA ¶83,132 (1977) (the "1977 Exception").[3] The 1977 Exception was in effect for CORCO's runs to stills from February 1977 through July 1979, and thus was in effect for several of the months covered by our review in this proceeding (February through October 1977, and January through March 1978). In the Notice, we interpreted the prohibition against requiring CORCO to refund naphtha entitlement benefits in excess of a single runs credit contained in the 1980 Decision to apply to the recovery of excessive naphtha entitlement benefits propose in this proceeding for those months in which the 1977 Exception was in effect. Accordingly, we proposed to require CORCO to refund excessive naphtha entitlements as a result of this proceeding only for those months covered by our review in which the 1977 Exception was not in effect, i.e. October 1976 through January 1977.

Gulf points out that the prohibition in the 1980 Decision addressed only those months in which CORCO received naphtha entitlement benefits *in excess of the single runs credit cap.* Gulf asserts that the error addressed by the 1980 Decision is separate and distinct from the error sought to be remedied in this proceeding, the receipt by CORCO and the other Puerto Rican firms of excessive naphtha entitlements in months when the reduction factor applied but was miscalculated by ERA. This is so, according to Gulf, because CORCO would have received naphtha entitlements in excess of a single runs credit only in months when CORCO's naphtha cost differential (after substituting CORCO's actual naphtha costs pursuant to the 1977 Exception) *exceeded* a runs credit, months when

---

not proposed any change in the regulation or any new standard that was not in effect during the months in question that alters parties' rights and obligations. The proposal merely seeks to correct ERA's misapplication of the regulations in effect at the time. Because the proposal obviously does not constitute a rulemaking, the notice and comment requirements of section 501 of the Department of Energy Organization Act are not applicable.

[2] Union Carbide Caribe argues that the proposed adjustments are barred by the doctrines of equitable estoppel and laches. That argument amounts to an assertion that DOE cannot act to correct the error identified in this proceeding resulting from a miscalculation inconsistent with the regulations.

The case law is clear that the government cannot be estopped by the unauthorized, erroneous, or illegal acts of its agents. "Atlantic Richfield Co. v. Hickel", 432 F.2d 587 (10th Cir. 1970); "Oil Shale Corp. v. Morton", 370 F. Supp. 108, 125 (D. Colo. 1973); "Pacific Shrimp Co. v. U.S. Dept. of Transp." 375 F. Supp. 1036 (D. Wash. 1974). In the "Atlantic Richfield" case, which involved an action to recover underpaid back royalties for a 13 year period, the court rejected the defense of estoppel, stating that: "As harsh as the tenet is under practical application, an administrative determination running contrary to law will not constitute an estoppel against the federal government." 432 F. 2d at 592. The rule that the government cannot be estopped by the unauthorized actions of its agents applies even if the agent was unaware of the limitations on his authority imposed by regulation. "Federal Crop Ins. Co. v. Merril," 332 U.S. 380, 384 (1947); *see also* "United States v. San Francisco", 310 U.S. 16 (1940). None of the authorities cited by Union Carbide Caribe stand for the proposition that the government may be estopped from correcting prior administrative action that was unauthorized because it conflicted with the regulations. Accordingly, ERA is not estopped from making the proposed adjustments, because they correct an error in calculation by the Entitlements Program Office that was not authorized under the regulations.

Finally, the proposed adjustments are not barred by laches because the DOE has not unreasonably delayed action to correct its past error, once the misapplication of the regulations by the Entitlements Program Office was brought to the attention of the appropriate departmental officials.

[3] The 1977 Exception permitted CORCO to substitute its actual naphtha cost for the weighted average per barrel naphtha cost of all Puerto Rican firms in applying the reduction factor § 211.67(d)(5)(iii). The 1977 Exception did not, however, grant any relief from the single runs credit limitation on the value of a naphtha entitlement. ERA misapplied the 1977 Exception and permitted CORCO to receive naphtha entitlement benefits in excess of a single runs credit in certain months while the exception relief was in effect.

the reduction factor would *not* have applied. In other words, the reduction factor would only have been misapplied by ERA in those months when CORCO's naphtha cost differential was *less* than a runs credit, months in which CORCO could not have received naphtha entitlements benefits in excess of a runs credit.

There is merit in Gulf's position. Moreover, the validity of that position is not vitiated by the fact that ERA's miscalculation involved multiplying the volume of naphtha imports by an improperly dervied "naphtha ratio," expressed as the naphtha cost differential divided by the entitlements price for the month. *See* 46 FR at 45152. ERA could have failed to impose the one runs credit cap only when CORCO's improperly derived "naphtha ratio" exceeded the DOSR, which could have occurred only when CORCO's naphtha cost differential exceeded the runs credit, as asserted by Gulf. In months when CORCO's naphtha cost differential was less than the runs credit, the single runs credit limitation could not have applied. We have reviewed the months in question covered by our review, and have determined that CORCO's naphtha cost differential exceeded the runs credit (which would have triggered the applicability of the single runs credit cap) only in the months of January–March 1978. For the months of February–October 1977, CORCO's naphtha cost differential was less than the runs credit, and thus CORCO could not have received naphtha entitlement benefits in excess of a runs credit.[4]

Based on the analysis set forth above, it would appear that ERA is not precluded by the OHA's 1980 Decision from recovering excessive naphtha entitlements received by CORCO in the months of February–October 1977 as a result of ERA's misapplication of the reduction factor. Accordingly, when this decision is issued, CORCO will be notified by letter of our calculation of excessive naphtha entitlement benefits received by the firm in each of the months during the February–October, 1977 period. As a result of this proceeding, CORCO will be required to refund exessive naphtha entitlement benefits for October 1976–January 1977 (which CORCO was previously notified of by letter) as well as February–October 1977.

On the other hand, the same considerations that led OHA to conclude in the 1980 Decision that CORCO should not be required to refund naphtha entitlements exceeding the runs credit cap would also appear to apply to CORCO's potential liability in this proceeding. CORCO's liability for the excessive naphtha entitlement benefits has resulted from ERA's mistake, not from acts undertaken by CORCO. CORCO relied on the receipt of the level of naphtha entitlement benefits calculated, albeit mistakenly, by ERA. Imposition of an obligation to refund the excessive naphtha entitlement benefits would have a further adverse impact relating to a period in which OHA has found that CORCO was experiencing severe financial difficulties. *See* 5 DOE ¶82,561 at p. 85,267–68.

In the 1980 Decision, OHA determined that CORCO should not be required to refund $38 million in naphtha entitlement benefits exceeding a single runs credit that the firm received "* * * during the period June 1976 through July 1979 * * *" because of the serious hardship that would be imposed upon the firm. *Id.* In making that determination, OSA's analysis assumed the receipt by CORCO of naphtha entitlement benefits *less than* the runs credit cap in that three year period, including the receipt of those benefits resulting from ERA's misapplication of the reduction factor in certain months. Thus, an argument could be made that CORCO should not be required to refund the excessive naphtha entitlement benefits *less than* the runs credit cap received in the months that are at issue in this proceeding. However, these are equitable considerations that are beyond ERA's authority in this proceeding, which is to give effect to the reduction factor in the regulations.[5]

D. The Claim That Puerto Rican Petrochemical Producers Are Entitled to Additional Relief Under the Regulations

The Puerto Rican petrochemical producers claim that they should have received *more* naphtha entitlement benefits over the life of the program because the single runs credit cap should have been calculated by excluding the small refiner bias under § 211.67(e) and the adjustment for residual fuel oil imported for sale on the East Coast under § 211.67(d)(4) (the so-called "modified runs credit"). In making that argument, they focus on a sentence contained in the preamble to the 1976 rule that established the Puerto Rican Naphtha Entitlements Program, rather than on the language of the regulations.

The argument is incorrect because it ignores the language of the regulations and the manner in which the Entitlements Program operates. Under the Entitlements Program, the number of entitlements issued was calculated by multiplying a refiner's crude oil runs to stills by the DOSR. *See* 10 CFR 211.67(a)(1). In granting entitlement benefits to Puerto Rican petrochemical producers, the regulations permitted them to add the number of eligible barrels of Puerto Rican naphtha imports to the volume of crude oil runs to stills reported to DOE. *See* 10 CFR 211.67(d)(5)(i). This provision of the regulations is the embodiment of the single runs credit cap, i.e. a barrel of naphtha could not count for more than a barrel of crude oil in a refiner's reported volume of crude oil runs to still. Pursuant to former subparagraph (d)(5)(i), the number of barrels of naphtha included in the volume of crude oil runs to stills was calculated *without reference* to either the naphtha cost differential or the modified runs credit. *See generally* the discussion of the operation of § 211.67(d)(5) in 42 FR 61853 (December 7, 1977).

Former § 211.67(d)(5)(iii), the reduction factor, was the only regulatory provision that made reference to the calculation of the naphtha cost differential and the modified runs credit. It provided that the number of barrels of naphtha included in the volume of crude oil runs to stills under § 211.67(d)(5)(i) was to be *reduced* by the application of the ratio of the naphtha cost differential divided by the modified runs credit. Thus, the number of barrels of naphtha to be included in crude oil runs to stills was to be *reduced* in months when the naphtha cost differential was less than the modified runs credit, which had the effect of reducing naphtha entitlement benefits on a *total* barrels of naphtha

[4] Gulf also argues that the prohibition contained in ordering paragraph 6 of the 1980 Decision applies only to preclude further action against CORCO in Remedial Order proceedings. We disagree with that interpretation of the language of ordering paragraph 6 for two reasons. First, the prohibition in the first sentence did not apply only to Remedial Order proceedings because the question of CORCO's liability for the naphtha entitlements in excess of the runs credit cap did not arise as a result of enforcement proceedings brought by the agency, but rather a supplemental proceeding initiated by OHA. *See* 5 DOE ¶82,561 at p. 85,266. Second, we believe that the reference in the second sentence to "* * * any other matters involving CORCO's compliance with DOE Regulations" was intended only to make explicit that CORCO was not excused from liability under the regulations for matters other than the receipt of excessive naphtha entitlements as a result of ERA's misapplication of the 1977 Exception.

[5] Puerto Rico Olefins argues that it should be excused from the proposed adjustment for the same reasons that CORCO was relieved of any obligation to refund the $38 million in excessive naphtha entitlement benefits in OHA's 1980 Decision. While it may be appropriate to make that argument before OHA, ERA has no discretion other than to apply the regulations in accordance with their terms. Only OHA has authority to relieve a firm of an otherwise applicable regulatory requirement.

basis below a full crude oil runs credit. In months when the ratio of the naphtha cost differential to the modified runs credit was greater than one, the reduction factor in § 211.67(d)(5)(iii) by its terms did not apply.

In months when the naphtha cost differential exceeded the modified runs credit, the naphtha entitlement benefits received by Puerto Rican firms were limited to a full crude oil runs credit for each barrel of naphtha included in crude oil runs to stills under § 211.67(d)(5)(i). In other words, in those months the ratio expressed in the reduction factor in § 211.67(d)(5)(iii) did not apply to increase the volume of naphtha included in crude oil runs to stills, and nothing in § 211.67(d)(5)(i) suggests that eligible barrels of Puerto Rican naphtha imports were to receive more than the full *regular* crude oil runs credit. The naphtha entitlement benefits of Puerto Rican firms thus were *capped* under the regulations at a single regular crude oil runs credit in those months. Accordingly, we reject the claim of the Puerto Rican firms that they should have received naphtha entitlement benefits in excess of a single regular crude oil runs credit under the former regulations [6] because it is without foundation in the regulations.

E. The Alleged Inequitable Effect of the Reduction Factor

CORCO and Union Carbide Caribe argue that the operation of the reduction factor provided for in former paragraph (d)(5)(iii) is contrary to the intent of the rule. The firms claim that in the months in which the reduction factor applied (i.e., the naphtha cost differential was less than a modified runs credit) its application had the effect of reducing firms' Puerto Rican naphtha entitlement benefits below the actual cost differential. The firms argue that this result is inconsistent with the following language of the preamble to the rule as originally promulgated:

> Entitlements would be issued with respect to each such barrel of imported naphtha on the same basis as for a barrel of crude oil included in a refiner's volume of crude oil runs for that month, unless the weighted average imported naphtha costs of firms reporting imports into Puerto Rico for this purpose exceeded the imputed cost of domestically produced naphtha for that month by less than the per barrel crude oil entitlement value. *In this latter case, the entitlement value for each barrel of imported naphtha would be equal to this differential.* (Emphasis added) 41 FR at 303233 (July 23, 1976)

Under the regulations, the reduction factor, by utilizing a larger number in the denominator (the modified runs credit, calculated by excluding the small refiner bias and the adjustment for East Coast residual fuel oil imports) reduced the value of a naphtha entitlement *below* the naphtha cost differential (because the ratio applied to the number of barrels of naphtha to be included in crude oil runs to stills became smaller).[7] Therefore, the firms are correct that to apply the reduction factor as required by the regulation is inconsistent with the effect described in the preamble.[8] Even assuming, however, that the preamble language accurately described ERA's intent with respect to the reduction factor, it is impossible to construe the regulatory language to achieve that intent. Because ERA is bound to give effect to the regulatory language, unless it is modified by rule, ERA is unable in this proceeding to apply the reduction factor in a manner inconsistent with the regulation itself.

III. Disposition

Our review of the comments filed has not changed our preliminary view that the proposed adjustments are correct based on the application of the regulations in effect during the months in question. However, we recognize that the effect of the literal application of the reduction factor in the months in question, when Puerto Rican firms were already receiving less than a runs credit, would further reduce naphtha entitlement benefits received by Puerto Rican firms and would appear to be inconsistent with the purposes to be achieved by the program. In some of those months, ERA has previously determined the Puerto Rican firms were not receiving sufficient naphtha entitlement benefits.[9] Thus, there is a strong equitable argument that the reduction factor should not be literally applied so as to reduce naphtha entitlement benefits below the naphtha cost differential in months when the value of a naphtha entitlement already was less than a single runs credit. However, this is not an equitable proceeding and the ERA lacks authority to act other than in strict compliance with the regulations.

Accordingly, the naphtha entitlement benefits for the Puerto Rican petrochemical firms during the period October 1976–October 1977, and January–March 1978 (for CORCO, from October 1976–October 1977) have been recalculated and reduced based on the correct application of the reduction factor provided for in former § 211.67(d)(5)(iii). Each of the firms has been notified by letter of the monthly and total excessive naphtha entitlement benefits which it received. As we proposed, in addition to any other claims or obligations of the four Puerto Rican petrochemical producers included for purposes of any Entitlements "Clean-up" List issued pursuant to 10 CFR 211.69(g), each of the firms shall have an obligation under 10 CFR 211.69(d)(3) in the amount of the total excessive naphtha entitlement benefits which each received as determined in this proceeding.

However, we have determined to stay the effect of the decision in this proceeding for 30 days after its publication in the Federal Register (April 23, 1982) and to transfer the record of this proceeding to OHA as the basis for this initiation of exception proceedings on behalf of the affected Puerto Rican petrochemical firms. In order to perfect filing under Subpart D of Part 205, the firms will be required only to notify OHA by letter of their intention to seek exception relief from the application of the reduction factor in former § 211.67(d)(5)(iii) that results in the adjustments proposed in this proceeding. Publication of this Notice will be deemed to satisfy the notice requirements under 10 CFR 205.53 (a) and (b).

In the event some or all of the Puerto Rican petrochemical firms notify OHA within 30 days and perfect their filing for exception relief, this decision will be further stayed with respect to those firms pending conclusion of the OHA proceedings. The decision will be effective 30 days after publication with respect to those firms that do not notify OHA of their intention to seek exception relief.

This decision is issued pursuant to Subpart G, 10 CFR Part 205. Any person

[6] Effective with respect to runs to stills in January 1981, the regulations were amended to permit Puerto Rican firms to receive naphtha entitlement benefits in excess of a single runs credit. *See* 46 FR 5722 (January 19, 1981).

[7] The effect of the reduction factor can be demonstrated by another example. In a given month, it would have been possible for the naphtha cost differential to be slightly greater than the regular runs credit, but less than the modified runs credit as provided in the denominator of the reduction factor (a larger number). Under these circumstances, Puerto Rican firms could be expected to realize the full crude oil runs credit, yet under the regulations the reduction factor should have applied, reducing the level of naphtha entitlement benefits *below* a runs credit.

[8] Moreover, as pointed out by Puerto Rico Olefins and Union Carbide Caribe in their comments, the effect of our proposed decision would be to reduce further naphtha entitlement benefits in months when DOE has acknowledged Puerto Rican firms were not receiving sufficient naphtha entitlement benefits (until the factor used to derive the imputed cost of domestic naphtha was revised downward from 120 percent to 108 percent in December 1977). *See* 42 FR 61853 (December 7, 1977).

[9] *See* n. 8, *supra.*

aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed within 30 days following publication of this decision in the **Federal Register** (April 23, 1982).

Issued in Washington, D.C. on March 11, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82-7867 Filed 3-23-82; 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 17, 1982.

JD NO	JA TXT	API NO	F	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-KULKA & SCHMIDT INC				RECEIVED:	02/23/82	JA: MI			
8220212		2107900000		103		NASH UNIT #1-13	KALKASKA "13"	95.0	CONSUMERS POWER C
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	02/23/82	JA: MI			
8220215		2103534331		103		HAMILTON UNIT #12-3	HAMILTON	5.0	DOW CHEMICAL CO
8220214		2103534330		103		HAMILTON UNIT #18-3	HAMILTON	7.0	DOW CHEMICAL CO
8220216		2114334477		103		NELLIST-SCHWALM UNIT #2	ST HELEN	19.0	DOW CHEMICAL CO
8220213		2114334041		103		NORWICH UNIT #6-18	NORWICH	1.0	DOW CHEMICAL CO
8220217		2108734600		103		RICH WEST UNIT #9-1	RICH	0.2	SOUTHEASTERN MICH
8220218		2114334647		103		ST HELEN UNIT #15-42	ST HELEN	5.0	DOW CHEMICAL CO
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-ABARTA OIL & GAS INC				RECEIVED:	02/23/82	JA: NY			
8220208	2481	3102914878		103		ABARTA E81-106 BERRETT #1	LAKE SHORE	12.0	NATIONAL FUEL GAS
-AMERICAN PENN ENERGY INC				RECEIVED:	02/24/82	JA: NY			
8220232	2594	3102915809		103		BALLARD DAIRY FARMS #1 #1497	NORTH COLLINS	10.0	NATIONAL FUEL GAS
8220228	2565	3101316250		103		CARTER UNIT #1 (1471)	DEWITTVILLE	25.0	COLUMBIA GAS TRAN
8220230	2563	3101315787		103		GNAGY UNIT #1 (#1468)	DEWITTVILLE	25.0	COLUMBIA GAS TRAN
8220229	2564	3101315786		103		GNAGY UNIT #2 (#1469)	DEWITTVILLE	25.0	COLUMBIA GAS TRAN
8220233	2593	3102915810		103		USYK-SPENGLER UNIT #2 #1493	NORTH COLLINS	10.0	NATIONAL FUEL GAS
-AURELIUS GAS CO INC				RECEIVED:	02/23/82	JA: NY			
8220187	2557	3101116123		103		ADAMS #1	WEST AUBURN	0.0	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	02/24/82	JA: NY			
8220227	2310	3101316217		103		NYS REF #10 - WELL #4	GERRY	25.0	COLUMBIA GAS TRAN
-CLOVER OIL CO				RECEIVED:	02/23/82	JA: NY			
8220192	1620	3103712180		108		DARIEN DEVELOPMENT CO #1	ALDEN - LANCASTER	4.5	NATIONAL FUEL GAS
8220190	1618	3103711609		108		H KOHLHAGEN #1	ALDEN - LANCASTER	3.6	NATIONAL FUEL GAS
8220191	1619	3103711974		108		H KOHLHAGEN #2	ALDEN - LANCASTER	4.1	NATIONAL FUEL GAS
-CLOVER OIL CO				RECEIVED:	02/24/82	JA: NY			
8220220	1606	3103704175		108		L TRYBUSKIEWICZ #1	ALDEN-LANCASTER	2.7	NATIONAL FUEL GAS
8220221	1607	3103705542		108		L TRYBUSKIEWICZ #2	ALDEN-LANCASTER	9.4	NATIONAL FUEL GAS
8220219	1608	3103704932		108		V LABENSKI #1	ALDEN - LANCASTER	5.3	NATIONAL FUEL GAS
-CONSOLIDATED EXPLORATION & GATHERIN				RECEIVED:	02/23/82	JA: NY			
8220195	2485	3102916373		103		BLEY UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
8220197	2489	3102916302		103		LASOTA UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
8220210	2493	3102916300		103		RIZZO UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
8220196	2486	3102916292		103		VACCO UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
8220211	2492	3102916451		103		VFW UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
-DON-BESS ENERGY DEVELOPMENT CO				RECEIVED:	02/24/82	JA: NY			
8220223	2642	3100316293		103		FORMAN #1	BOLIVAR	0.0	NATIONAL FUEL GAS
8220222	2644	3100316338		103		FORMAN #2	BOLIVAR	0.0	NATIONAL FUEL GAS

JD NO	JA DAT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8220245	2643	3105316441	103		FORMAN #3	BOLIVAR	0.0	NATIONAL FUEL GAS
-ECLIPSE MANAGEMENT ASSOCIATES INC			RECEIVED:	02/23/82	JA: NY			
8220198	1770	3101315015	108		WEISE #1 #3144	LAKE SHORE	9.1	NATIONAL FUEL GAS
-ECLIPSE MANAGEMENT ASSOCIATES INC			RECEIVED:	02/24/82	JA: NY			
8220235	1771	3101314636	108		VASTAGH #1 #3142	LAKE SHORE	15.0	NATIONAL FUEL GAS
8220234	1790	3101314348	108		WARNSHIUS VI #3114	LAKE SHORE	7.0	NATIONAL FUEL GAS
-LENAPE RESOURCES CORP			RECEIVED:	02/24/82	JA: NY			
*8220237	2768	3112113581	108		LRC #12-A WALLACE #1	LEICESTER	5.3	NEW JERSEY NATURA
*8220238	2769	3112113567	108		LRC #13-E HUNN #1	LEICESTER	0.6	NEW JERSEY NATURA
*8220239	2770	3112113968	108		LRC #24-W GUTHRIE #1	LEICESTER	0.9	NEW JERSEY NATURA
*8220240	2771	3112113969	108		LRC #25-W GUTHRIE #2	LEICESTER	0.5	NEW JERSEY NATURA
*8220236	2767	3112113556	108		LRC #6-MILLIGAN BROTHERS #1	LEICESTER	7.4	NEW JERSEY NATURA
-MAYNARD OIL COMPANY			RECEIVED:	02/23/82	JA: NY			
8220188	2566	3102916599	103		ALICO #1	WILDCAT	0.0	NATIONAL FUEL GAS
-MAYNARD OIL COMPANY			RECEIVED:	02/24/82	JA: NY			
8220231	2559	3102916600	103		MEADOWS #1	WILDCAT	0.0	NATIONAL FUEL GAS
-OILMARK & CO INC			RECEIVED:	02/24/82	JA: NY			
8220244	2742	3101313710	108		BRISKY #1	LAKESHORE	4.0	NATIONAL FUEL GAS
8220243	2743	3101313795	108		FEINEN #1	LAKESHORE	6.0	NATIONAL FUEL GAS
8220242	2744	3101313756	108		GEIBEN #1	LAKESHORE	3.0	NATIONAL FUEL GAS
8220250	2745	3101313910	108		LEONE #1	LAKESHORE	12.0	NATIONAL FUEL GAS
8220241	2746	3101313911	108		LEONE #2	LAKESHORE	7.0	NATIONAL FUEL GAS
8220249	2747	3101314473	108		OWENS #1	LAKESHORE	20.0	NATIONAL FUEL GAS
8220248	2748	3101313909	108		ROSS #1	LAKESHORE	6.0	NATIONAL FUEL GAS
8220247	2749	3101314383	108		RUCH #1	LAKESHORE	5.0	NATIONAL FUEL GAS
8220246	2750	3101313912	108		WOLFF #1	LAKESHORE	11.0	NATIONAL FUEL GAS
-P & S DRILLING INC			RECEIVED:	02/23/82	JA: NY			
8220199	2003	3102914257	108		RAKOCZY #1	COWLESVILLE	1.2	NATIONAL FUEL
8220209	911	3100913609	108		SCHNEGGENBURGER #1	(WILDCAT) SKINNER HOL	13.4	NATIONAL FUEL GAS
-RESOURCE EXPLORATION INC			RECEIVED:	02/23/82	JA: NY			
8220204	2108	3101312160	108		C & J R HUDSON #1	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
8220200	2106	3101311798	108		D GLEASON 1 #3	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
8220206	2110	3101311732	108		E E & E L VERGITH #1	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
8220202	2104	3101311799	108		J & D GLEASON #5	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
8220207	2107	3101311213	108		J & L GLEASON #7	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
8220201	2105	3101312159	108		M M BRITTON ETAL #1	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
8220203	2103	3101312084	108		S & C GLEASON #6	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
8220205	2109	3101312196	108		S & N MARING #1	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
-SCG GAS QUEST INC			RECEIVED:	02/24/82	JA: NY			
8220226	2541	3102914268	108		KASINSKI #1	EDEN-EVANS MEDINA	15.0	TENNESSEE GAS PIP
8220225	2542	3102914271	108		VEREERSTRAETEN #1	EDEN-EVANS MEDINA	15.0	TENNESSEE GAS PIP
8220224	2540	3102914260	108		WILLIAM A BLAKELY #1	EDEN-EVANS MEDINA	15.0	TENNESSEE GAS PIP
-SHAWNEE EXPLORATION INC			RECEIVED:	02/23/82	JA: NY			
8220193	2547	3102916522	103		R TAYLOR #1	BRANT	15.0	SCG GAS QUEST INC
8220194	2546	3102916512	103		RENALDO UNIT #1	BRANT	15.0	SCG GAS QUEST INC
-SINCLAIRVILLE PETROLEUM CORP			RECEIVED:	02/23/82	JA: NY			
8220189	2573	3102915985	103		DELMONTE #1	WILDCAT	0.0	NATIONAL FUEL GAS

****

OKLAHOMA CORPORATION COMMISSION

****

-AMOCO PRODUCTION CO			RECEIVED:	02/22/82	JA: OK			
8220307	15232	3506130029	107-PE		SLOAN UNIT #1	KINTA	142.6	OKLAHOMA GAS & EL
-ANR PRODUCTION CO			RECEIVED:	02/22/82	JA: OK			

JC NO	DA T	API NO	SEC(1)	SEC(2)	WELL NAME
8220308	15770	3514920099	107-DP		MARIE HAMBURGER #1
-ARTHUR FINSTON			RECEIVED:	02/22/82	JA: OK
8220265	12809	3508300000	103		ELLIS #2
-BARUCH-FOSTER CORP			RECEIVED:	02/22/82	JA: OK
8220261	12798	3503723211	103		WOODROW CHILDERS #1
-BIG HOPE OIL & GAS INC			RECEIVED:	02/22/82	JA: OK
8220298	10907	3510321178	103		MARTIN #1
-BOBBY J DARNELL			RECEIVED:	02/22/82	JA: OK
8220283	12784	3508321693	103		BRANSON#1
-BOGERT OIL CO			RECEIVED:	02/22/82	JA: OK
8220262	12812	3507323117	103		CHLOUBER 1-15
-BROCK HYDROCARBONS INC			RECEIVED:	02/22/82	JA: OK
8220310	16086	3504520921	102-2		MCCORKLE #1-18
-C-E OPERATING CO			RECEIVED:	02/22/82	JA: OK
8220299	11827	3503700000	108		AMES 1
-CANADIAN EXPLORATION CORP			RECEIVED:	02/22/82	JA: OK
8220281	12764	3501721998	103		SHAVER #15-1
-CHASE EXPLORATION CORP			RECEIVED:	02/22/82	JA: OK
8220289	12766	3507122356	103		HYND #2-25
8220282	12765	3507121813	103		KING #29
8220273	12532	3507120972	108		SCHMIDT #1-26
8220274	12534	3507121164	108		SCHULZ #1-3
8220275	12539	3507121274	108		SCHULZ #2-3
8220290	12767	3507122205	103		STATE 3-16
8220291	12768	3507122355	103		SWAIM 3-25
8220268	12543	3507120974	108		THAIN #1-28
8220267	12541	3507120973	108		THAIN #2-27
8220272	12525	3507121207	108		VOEGELE #2-21
8220277	12521	3507121619	108		VOEGELE 4-21
-CHEVENNE EXPLORATION INC			RECEIVED:	02/22/82	JA: OK
8220260	12797	3509322217	103		WALCH #29-1
-CITIES SERVICE COMPANY			RECEIVED:	02/22/82	JA: OK
8220312	16697	3505121149	107-DP		CLIFFORD BALL A #1
-CLIFFORD RESOURCES INC			RECEIVED:	02/22/82	JA: OK
8220266	12816	3509300000	103		SCHMIDT #1-32
-DLB ENERGY CORP			RECEIVED:	02/22/82	JA: OK
8220313	14645	3507323361	102-4	103	MELODY #1
-EAGLE MINERALS INC.			RECEIVED:	02/22/82	JA: OK
8220286	16900	3511921674	102-4		SHELTON #1
-EASON OIL COMPANY			RECEIVED:	02/22/82	JA: OK
8220309	16080	3507321047	107-PE		GLAESLINE BRIIX #3
-EL PASO NATURAL GAS COMPANY			RECEIVED:	02/22/82	JA: OK
8220253	12835	3500920243	108		EVANS #1
-ENERGY SERVICES INC			RECEIVED:	02/22/82	JA: OK
8220314	12777	3507322796	103		ALBERTA HOLSTINE #1
8220315	12779	3507322763	103		DOROTHY LEITNER #1
-FLUOR OIL & GAS CORP			RECEIVED:	02/22/82	JA: OK
8220320	12928	3513921497	103		BLANKENSHIP #1
-FUTURE RESOURCES LTD			RECEIVED:	02/22/82	JA: OK
8220296	12755	3512521004	103		FEDERAL "A" #1
-GRAHAM OIL & GAS LTD			RECEIVED:	02/22/82	JA: OK
8220293	12773	3515121105	103		MORSE #1
-GULF OIL CORPORATION			RECEIVED:	02/22/82	JA: OK

VOLUME 612 PAGE 003

FIELD NAME	PROD	PURCHASER
N W COLONY	1000.0	
EAST GUTHRIE LAKE C S	400.0	CITIES SERVICE GA
WEST SHAMROCK	10.0	CITIES SERVICE GA
	0.0	ARCO OIL & GAS CO
N W GUTHRIE	36.0	EASON OIL CO
SOONER TREND	450.0	PHILLIPS PETROLEU
WILDCAT	0.0	
GLENN	11.0	PHILLIPS PETROLEU
NORTHWEST MUSTANG	36.0	DELHI GAS PIPELIN
UNNAMED	1.1	CITIES SERVICE GA
UNNAMED	1.0	CITIES SERVICE GA
UNNAMED	4.5	CITIES SERVICE GA
UNNAMED	2.5	CITIES SERVICE GA
UNNAMED	1.0	CITIES SERVICE GA
UNNAMED	1.1	CITIES SERVICE GA
UNNAMED	114.4	CITIES SERVICE GA
UNNAMED	4.3	CITIES SERVICE GA
UNNAMED	0.2	CITIES SERVICE GA
UNNAMED	1.5	CITIES SERVICE GA
UNNAMED	1.1	CITIES SERVICE GA
WEST ORIENTA	118.6	UNION TEXAS PETRO
GOLDEN TREND (W BRADL	332.0	MICHIGAN WISCONSI
MENO	50.0	PANHANDLE EASTERN
SOONER TREND	365.0	PHILLIPS PETROLEU
	0.0	COLORADO GAS COMP
	71.0	TRANSOK PIPELINE
ELK CITY ATOKA C	3.0	EL PASO NATURAL G
SOONER TREND	91.3	PHILLIPS PETROLEU
SOONER TREND	73.0	PHILLIPS PETROLEU
GUYMON-HUGOTON	0.0	MAPCO PRODUCTION
MORVIN	2.5	ARCO OIL & GAS CO
S DACOMA	401.5	MICHIGAN WISCONSI

VOLUME 612 PAGE 004

JD NO	DA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8220316	12781	3501121529		103		COFFEY #1-14	OMEGA SOUTH	7.0	ONG WESTERN INC
-H L WIRICK JR				RECEIVED:	02/22/82	JA: OK			
*8220280	12761	3513321322		103		REED TRUST #1	REED FARM	113.0	
-HAWKINS OIL & GAS INC				RECEIVED:	02/22/82	JA: OK			
8220258	12792	3513921342		103		I L R C #1-28	S TRIUMPH	9.1	PHILLIPS PETROLEU
8220259	12793	3504520943		103		STATE OF OKLAHOMA #1-24	SOUTHEAST HARMON	547.0	PANHANDLE EASTERN
-HESTON OIL CO				RECEIVED:	02/22/82	JA: OK			
8220276	07333	3509321765		102-4		BERTHA 8-1	NE FAIRVIEW	38.5	PIONEER GAS PRODU
-J WALTER DUNCAN JR				RECEIVED:	02/22/82	JA: OK			
8220292	12770	3507322880		103		LEO V WIESE #1	WEST DUNLAP	146.0	PHILLIPS PETROLEU
-JOHN A TAYLOR				RECEIVED:	02/22/82	JA: OK			
8220294	10357	3508730080		102-4		PIERSON #1	N DIBBLE	0.0	SUN GAS CO
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	02/22/82	JA: OK			
8220256	12893	3513900000		108		HOEME #1	HOOKER SOUTHWEST	8.0	NATURAL GAS PIPEL
8220257	12894	3513900000		108		S W WHITE #1	HOOKER SOUTHWEST	4.0	NATURAL GAS PIPEL
-KENNEDY & MITCHELL INC				RECEIVED:	02/22/82	JA: OK			
8220301	16056	3515121189		102-4		SCHAEFFLER #38-408	UNDESIGNATED C E /2 S	450.0	NORTHERN NATURAL
-KETAL OIL PRODUCING CO				RECEIVED:	02/22/82	JA: OK			
8220295	12692	3501721891		103		MCCARTHY #1	SOUTH OKARCHE	21.9	
-L & T OIL & GAS INC				RECEIVED:	02/22/82	JA: OK			
8220269	12738	3508121350		103		HICKS #1	SOONER TREND	84.0	
-LUBELL OIL CO				RECEIVED:	02/22/82	JA: OK			
8220305	15204	3509100000		107-PE		GLASBY #1-8	WEST HANNA	40.0	PUBLIC SERVICE CO
8220304	15203	3509100000		107-PE		MCCLELLAN #1-5	WEST HANNA	42.0	PUBLIC SERVICE CO
8220306	15205	3512100000		107-PE		VAUGHAN #1-35	ULAN WEST	36.0	PUBLIC SERVICE CO
-MAGIC CIRCLE ENERGY CORP				RECEIVED:	02/22/82	JA: OK			
8220270	12783	3507322858		103		CLARK #1	SOONER TREND	120.0	
-MARLIN OIL CORPORATION				RECEIVED:	02/22/82	JA: OK			
8220255	12876	3501100000		108		MATLI #1	LAVERNE	3.0	OKLAHOMA GAS & EL
-NAVAJO DRILLING CO INC				RECEIVED:	02/22/82	JA: OK			
8220288	16004	3510920531		102-4	103	SHANBOUR #1	E PRARIE BELL	0.0	PHILLIPS PETROLEU
-PERKINS PRODUCTION CO				RECEIVED:	02/22/82	JA: OK			
8220251	15122	3513700000		108		THOMASSON #1	SHO-VEL-TUM	11.1	LONE STAR GAS CO
-PETRO-ENERGY EXPLORATION INC				RECEIVED:	02/22/82	JA: OK			
8220263	12805	3512120808		103		MOODY #1-4	WEST CROWDER	100.0	ARKANSAS LOUISIAN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/22/82	JA: OK			
8220300	12702	3508720574		103		BURFORD "C" #1		0.0	TRANSOK PIPELINE
8220284	12785	3507322567		103		SCHAEFER A #1	W OKARCHE	0.0	OKLAHOMA NATURAL
-PORTS OF CALL OIL CO				RECEIVED:	02/22/82	JA: OK			
8220311	16674	3512920677		107-DP		MOORMAN #31-1	EAST REYDON	200.0	EL PASO NATURAL G
8220271	12790	3510920487		103		SOUTHERN #7-1	EAST YUKON	300.0	MOBIL OIL CORP
-RICKS EXPLORATION CO				RECEIVED:	02/22/82	JA: OK			
8220252	12829	3515112112		103		ROSE 23A	S E WAYNOKA	216.0	AMINOIL USA
-SAMEDAN OIL CORPORATION				RECEIVED:	02/22/82	JA: OK			
8220287	16903	3508520442		102-2		BANKS #1	NO NAME	7.0	AMINOIL USA INC
-SENTRY PETROLEUM CORP				RECEIVED:	02/22/82	JA: OK			
8220285	13618	3511921329		102-4	103	DAWES-BLACK KETTLE #2	E INGALLS	4.0	ENTERPRISE DEVELP
-SINGLETERRY OIL & GAS INC				RECEIVED:	02/22/82	JA: OK			
8220278	12759	3504921587		103		BRENT #1	WHITEBEAD SOUTHWEST	0.0	WARREN PETROLEUM
8220279	12760	3504921605		103		BRENT #2	WHITEBEAD SOUTHWEST	0.0	WARREN PETROLEUM
-SOUTHPORT EXPLORATION INC				RECEIVED:	02/22/82	JA: OK			
8220303	14573	3504520941		102-4		MICHAEL #1-21	E LAKE VINCENT	719.0	PRODUCER'S GAS CO
-STOVE MOUNTAIN CORP				RECEIVED:	02/22/82	JA: OK			

JD #	JA DKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8220254	12875	3511121490	108		COLEMAN-KIZER UNIT D-1	EAST BRYANT	16.9	PHILLIPS PETROLEU
-TEXACO INC			RECEIVED:	02/22/82	JA: OK			
8220297	12756	3507323120	103		J J GRELLNER #1	OKARCHE N E	18.0	CONOCO INC
-TEXAS AMERICAN OIL CORP			RECEIVED:	02/22/82	JA: OK			
8220302	13026	3504722367	102-4		CLARENCE GIGOUX #1	SOONER TREND	420.0	UNION TEXAS PETRO
-TEXAS OIL & GAS CORP			RECEIVED:	02/22/82	JA: OK			
8220264	12806	3504321171	103		DEDRICK "B" #1	PUTNAM	370.0	
-TOM F MARSH			RECEIVED:	02/22/82	JA: OK			
8220319	12833	3502500000	108		FLEMING #1		0.0	COLORADO INTERSTA
-VULCAN ENERGY CORP			RECEIVED:	02/22/82	JA: OK			
8220317	12786	3507322895	103		MUSICK #1	SOONER TREND	146.0	EASON OIL CO
8220318	12787	3507322990	103		STEELE #1	SOONER TREND	219.0	PHILLIPS PETROLEU
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
-ADOBE OIL & GAS CORPORATION			RECEIVED:	02/22/82	JA: PA			
8220110	10438	3703321129	103		EARNEST ANDERSON #1	CURWENSVILLE	25.0	
8220108	10345	3706325843	103		J RAYMOND RHINE #1-C	BRUSH VALLEY	24.0	COLUMBIA GAS TRAN
8220109	10346	3706326445	103		JOHN C ALWINE "E" #1	BUFFINGTON	26.0	COLUMBIA GAS TRAN
-APPALACHIAN ENERGY INC			RECEIVED:	02/22/82	JA: PA			
8220144	10351	3704920814	107-TF		ADRIAN SORENSON #1 AE-55	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220166	10383	3704921009	107-TF		ARCHIE BISHOP #1 AE-66	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220146	10353	3704921271	107-TF		ARCHIE BISHOP #2 AE-190	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220151	10358	3704921010	107-TF		BERNARD WILSON #1 AE-81	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220150	10357	3704921029	107-TF		BLANCHARD WARNER #1 AE-65	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220164	10381	3704920826	107-TF		CHARLES KENNEDY #2 AE-100	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220170	10389	3704920980	107-TF		DAVID WIGGERS #1 AE-59	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220143	10350	3704921273	107-TF		DENNIS WADE #1 AE-172	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220148	10355	3704921268	107-TF		DOROTHY WIGGERS #1 AE-199	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220167	10384	3704921007	107-TF		FRANCIS ROSS #1 AE-153	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220163	10380	3704920862	107-TF		HERBERT MORTON #1 AE-125	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220141	10348	3704920815	107-TF		HERMEY BENNINK #1 AE-48	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220140	10347	3704920817	107-TF		JAMES MERRY #1 AE-54	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220168	10387	3704921000	107-TF		JAN HOWARD #1 AE-152	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220020	10392	3704920825	107-TF		JENNIE DANKS #1 AE-52	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220160	10377	3704921272	107-TF		KENNETH FAY #1 AE-195	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220153	10360	3704921005	107-TF		KENNETH LOVELAND #1 AE-151	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220149	10356	3704921206	107-TF		L EVAN WING #1 AE-165	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220156	10364	3704920964	107-TF		LAWRENCE WADE #1 AE-123	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220161	10378	3704920953	107-TF		LEO SPITMAN #1 AE-130	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220165	10382	3704921028	107-TF		LLOYD MEERDINK #1 AE-57	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220145	10352	3704920981	107-TF		MORRIS WICKWIRE #1 AE-62	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220155	10363	3704920982	107-TF		NANCY REDMOND #1 AE-61	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220157	10365	3704920852	107-TF		ORLO WATROUS #1 AE-58	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220154	10362	3704921003	107-TF		PAUL SUTTON #1 AE-115	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220169	10388	3704920983	107-TF		PAULINE MCINTYRE #1 AE89	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220172	10391	3704920970	107-TF		PETER BAKER #1 AE-139	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220152	10359	3704921008	107-TF		R K FARVER #1 AE-56	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220147	10354	3704921270	107-TF		REX WARNER #1 AE-198	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220021	10393	3704920813	107-TF		RICHARD FARVER #1 AE-86		30.0	COLUMBIA GAS TRAN
8220162	10379	3704920868	107-TF		RODNEY WATROUS #2 AE-102	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220171	10390	3704920978	107-TF		ROGER MARSH #1 AE-83	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220159	10369	3704920816	107-TF		ROYAL NICKERSON #1 AE-49	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN

VOLUME 612 PAGE 006

JD NO	DA PKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8220158	10368	3704921053		107-TF		WAYNE WILSON #1 AE-132	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8220142	10349	3704921269		107-TF		WILLARD MCCRAY #1 AE-173	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED:	02/22/82	JA: PA			
8220023	10244	3703921238		102-2		K & C ZIRKLE #1	RICHMOND	25.0	COLUMBIA GAS TRAN
8220027	10243	3703921238		107-TF		K & C ZIRKLE #1	RICHMOND	25.0	COLUMBIA GAS TRAN
8220022	10242	3703921202		102-2		L HUTCHINSON #1	RICHMOND	0.4	COLUMBIA GAS TRAN
8220026	10241	3703921202		107-TF		L HUTCHINSON #1	RICHMOND	0.4	COLUMBIA GAS TRAN
8220025	10248	3703921226		102-2		R MCCLELLAN #1	WOODCOCK	25.0	COLUMBIA GAS TRAN
8220029	10247	3703921226		107-TF		R MCCLELLAN #1	WOODCOCK	25.0	COLUMBIA GAS TRAN
8220024	10246	3703921200		102-2		W HOLLAND #1	WILDCAT	0.4	COLUMBIA GAS TRAN
8220028	10245	3703921200		107-TF		W HOLLAND #1	WILDCAT	0.4	COLUMBIA GAS TRAN
-C & N CO				RECEIVED:	02/22/82	JA: PA			
8220030	10337	3706323112		108		NICOLA JOHNSON #6	WHITE	14.6	PEOPLES NATURAL G
-C W BEECHER				RECEIVED:	02/22/82	JA: PA			
8220112	10427	3712900000		108		GUMBERT #2	OKLAHOMA	3.8	PEOPLES NATURAL G
8220111	10426	3700500000		108		MANSFIELD #1	CROOKED CREEK	4.2	PEOPLES NATURAL G
-CABOT OIL & GAS CORP				RECEIVED:	02/22/82	JA: PA			
8220033	10313	3703921292		102-2		CLARK DUNCAN #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8220039	10314	3703921292		107-TF		CLARK DUNCAN #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8220034	10315	3703921295		102-2		CLYDE PETERSON #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8220040	10316	3703921295		107-TF		CLYDE PETERSON #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8220032	10311	3703921283		102-2		ELIZABETH MCFATE #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8220038	10312	3703921283		107-TF		ELIZABETH MCFATE #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8220035	10317	3703921310		102-2		JAMES PETERSON #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8220041	10318	3703921310		107-TF		JAMES PETERSON #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8220031	10309	3703921209		102-2		PAUL DYGERT #1	EAST FALLOWFIELD	50.0	TENNESSEE GAS PIP
8220037	10310	3703921209		107-TF		PAUL DYGERT #1	EAST FALLOWFIELD	50.0	TENNESSEE GAS PIP
8220036	10319	3703921312		102-2		VIRGIL ROCHE #1	EAST MEAD	50.0	TENNESSEE GAS PIP
8220042	10320	3703921312		107-TF		VIRGIL ROCHE #1	EAST MEAD	50.0	TENNESSEE GAS PIP
-CARDINAL OIL CO				RECEIVED:	02/22/82	JA: PA			
8220044	10101	3703920623		107-TF		ADEN MILLER #80-20 PA PER CRA-20623	CONNEAUT	0.0	COLUMBIA GAS TRAN
8220043	10093	3703920911		107-TF		M LANNY BUNTING #80-44 PA CRA-20911	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CASTLE GAS CO INC				RECEIVED:	02/22/82	JA: PA			
8220115	10233	3706326272		103		H GREEN #1 C-637 IND-26272	GREEN TOWNSHIP	70.0	COLUMBIA GAS TRAN
8220114	10232	3706326273		103		H GREEN #2 C-638 IND-26273	GREEN TOWNSHIP	65.0	COLUMBIA GAS TRAN
-CENTER BAR GAS CO				RECEIVED:	02/22/82	JA: PA			
8220116	10429	3703920556		108		E KLIMKO #1-PA PER CRA-20556	CONNEAUT	3.9	COLUMBIA GAS TRAN
8220117	10430	3703420558		108		SERBIAN EAST ORTHODOX #1 CRA-20558	CONNEAUT	11.1	COLUMBIA GAS TRAN
8220118	10432	3703920571		108		SERBIAN EAST ORTHODOX #3 CRA-20591	CONNEAUT	2.9	COLUMBIA GAS TRAN
-DOC-NCC SERVICE CO				RECEIVED:	02/22/82	JA: PA			
8220120	10442	3712921905		103		M L KOMENDA 429-2	E HUNTINGTON	30.0	TEXAS EASTERN TRA
-DORAN & ASSOCIATES INC				RECEIVED:	02/22/82	JA: PA			
8220119	8026	3712921351		108		A G BORTZ #1 K-2	UPPER DEVONIAN SANDS	20.0	T W PHILLIPS GAS
-ENVIROGAS INC				RECEIVED:	02/22/82	JA: PA			
8220050	10343	3704921497		107-TF		A ROSE #2	WATERFORD	18.0	COLUMBIA GAS TRAN
8220051	10344	3704921387		107-TF		A WETHLI #1	WATERFORD	18.0	COLUMBIA GAS TRAN
8220047	10340	3704921494		107-TF		C BENDIG #1	WATERFORD	18.0	COLUMBIA GAS TRAN
8220046	10339	3704921445		107-TF		J MAZUR #1	WATERFORD	18.0	COLUMBIA GAS TRAN
8220049	10342	3704921362		107-TF		PRESQUE ISLE BEAGLE CLUB #2	WATERFORD	18.0	COLUMBIA GAS TRAN
8220048	10341	3701321498		107-TF		R ORMSBEE #1	WATERFORD	18.0	COLUMBIA GAS TRAN
8220045	10338	3704921482		107-TF		W MCCARTNEY #1	WATERFORD	18.0	COLUMBIA GAS TRAN
-FOX OIL & GAS INC				RECEIVED:	02/22/82	JA: PA			
8220056	10262	3706325978		103		G & P BERRINGER #1	GREEN	25.5	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8220057	10263	3706326360		103		GERALD FLEMMING #1	GREEN	25.5	COLUMBIA GAS TRAN
8220054	10260	3706326139		103		GILBERT SIMMONS #1	CHERRYHILL	25.5	COLUMBIA GAS TRAN
8220058	10264	3706326359		103		H DONALD ALLISON	GREEN	25.5	COLUMBIA GAS TRAN
8220052	10258	3706326407		103		HARRY JONES #1	GREEN	25.5	COLUMBIA GAS TRAN
8220055	10261	3706326078		103		HARVEY SHANK #2	CHERRYHILL	25.5	COLUMBIA GAS TRAN
8220122	10413	3706325897		102-A		J GASTON #3	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8220121	10412	3706326142		102-A		J GASTON #4	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8220123	10445	3706326444		103		JOHN A SHEFFO #1	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
8220053	10259	3706326030		103		MIKE CHILENSKI #1	CHERRYHILL	25.5	COLUMBIA GAS TRAN
-GOE PRO INC				RECEIVED:	02/22/82	JA: PA			
8220060	10288	3703921171		103		BERNARD & MARY BARANSKI #1	SPRINGBORO WEST	0.0	NATIONAL FUEL GAS
8220066	10287	3703921171		107-TF		BERNARD & MARY BARANSKI #1	SPRINGBORO WEST	0.0	NATIONAL FUEL GAS
8220059	10266	3704921379		103		E KRIZO #1	SPRINGBORO	0.0	COLUMBIA GAS TRAN
8220065	10265	3704921379		107-TF		E KRIZO #1	UNION	0.0	COLUMBIA GAS TRAN
8220063	10293	3704921329		103		FRANK SISAK #1	LUNDYS LANE EAST	0.0	COLUMBIA GAS TRAN
8220069	10294	3704921329		107-TF		FRANK SISAK #1	LUNDYS LANE EAST	0.0	COLUMBIA GAS TRAN
8220062	10291	3704921440		103		GEORGE KIRIK #1	UNION CITY-NORTH	0.0	COLUMBIA GAS TRAN
8220068	10292	3704921440		107-TF		GEORGE KIRIK #1	UNION CITY-NORTH	0.0	COLUMBIA GAS TRAN
8220064	10295	3704921260		103		NEAL EMMONS #1	UNION	0.0	COLUMBIA GAS TRAN
8220070	10296	3704921260		107-TF		NEAL EMMONS #1	UNION	0.0	COLUMBIA GAS TRAN
8220061	10290	3704921436		103		ROBERT D SCHENK #1	UNION CITY	0.0	COLUMBIA GAS TRAN
8220067	10289	3704921436		107-TF		ROBERT D SCHENK #1	UNION CITY	0.0	COLUMBIA GAS TRAN
8220173	10267	3704921396		103		WILLIAM ABALNAP #1	LUNDY'S LANE-EAST	0.0	COLUMBIA GAS TRAN
8220174	10268	3704921396		107-TF		WILLIAM ABALNAP #1	LUNDY'S LANE-EAST	0.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED:	02/22/82	JA: PA			
8220071	10253	3706326429		103		A B WHITE III #1	N MAHONING	0.0	CONSOLIDATED GAS
8220078	10335	3706521381		108		R & P #1	MCCLAMONT	18.0	CONSOLIDATED GAS
8220076	10333	3706521383		108		R & P #12	MCCALMONT	18.0	CONSOLIDATED GAS
8220077	10334	3706521372		108		R & P #2	MCCALMONT	18.0	CONSOLIDATED GAS
8220073	10330	3706521366		108		R & P #25	MCCALMONT	18.0	CONSOLIDATED GAS
8220074	10331	3706521382		108		R & P #7	MCCLAMONT	18.0	CONSOLIDATED GAS
8220075	10332	3706521374		108		R & P #9	MCCALMONT	18.0	CONSOLIDATED GAS
8220124	10443	3703320991		103		R & P COAL CO #9 (46A)	BRADY	0.0	COLUMBIA GAS TRAN
8220072	10336	3706326174		103		TODD R BODEN #1	WHITE	0.0	T W PHILLIPS GAS
-KRIEBEL WELLS 81				RECEIVED:	02/22/82	JA: PA			
8220125	10435	3706326571		103		CERANKOSKI #4	ROCHESTER MILLS	31.0	
-MERIDIAN EXPLORATION CORP				RECEIVED:	02/22/82	JA: PA			
8220127	10437	3704921248		102-2		E SHERRED UNIT #562-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8220126	10436	3703921333		102-2		V MAHAN #570-1	EDINBORO NORTH	30.0	NATIONAL FUEL GAS
-MONROE RESOURCES LTD				RECEIVED:	02/22/82	JA: PA			
8220079	10326	3712328029		107-TF		CARLSON #1	SUGAR GROVE	60.0	COLUMBIA GAS TRAN
8220131	10424	3712328591		107-TF		JAMES GOURLEY #1	SUGAR GROVE	30.0	COLUMBIA GAS TRAN
8220132	10425	3712328592		107-TF		JAMES GOURLEY #2	LOTTSVILLE	40.0	COLUMBIA GAS TRAN
8220130	10423	3712328588		107-TF		JAMES GOURLEY #3	LOTTSVILLE	50.0	COLUMBIA GAS TRAN
8220128	10329	3712328593		107-TF		JAMES GOURLEY #4	LOTTSVILLE	40.0	COLUMBIA GAS TRAN
8220081	10328	3712328019		107-TF		SWEENEY #1	SUGAR GROVE	20.0	COLUMBIA GAS TRAN
8220129	10422	3712328386		107-TF		SWEENEY #2	SUGAR GROVE	65.0	COLUMBIA GAS TRAN
8220080	10327	3712328129		107-TF		WARNER #1	SUGAR GROVE	65.0	COLUMBIA GAS TRAN
-NEA CROSS CO				RECEIVED:	02/22/82	JA: PA			
8220175	10507	3704921138		102-2		B BUREK #1	MILL VILLAGE	10.0	NATIONAL FUEL GAS
8220180	10506	3704921138		107-TF		B BUREK #1	MILL VILLAGE	10.0	NATIONAL FUEL GAS
8220082	10299	3704921154		102-2		G MITCHELL #2	MILL VILLAGE	15.0	NATIONAL FUEL GAS
8220091	10300	3704921154		107-TF		G MITCHELL #2	MILL VILLAGE	15.0	NATIONAL FUEL GAS

JD NO	JA DAT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8220178	10518	3704921369		102-2		I O MURPHY #1	EDINBORO	20.0	NATIONAL FUEL GAS
8220183	10519	3704921369		107-TF		I O MURPHY #1	EDINBORO	20.0	NATIONAL FUEL GAS
8220176	10515	3704921302		102-2		JAMES GLOVER #1	UN-NAMED	20.0	COLUMBIA GAS TRAN
8220181	10514	3704921302		107-TF		JAMES GLOVER #1	UN-NAMED	20.0	COLUMBIA GAS TRAN
8220084	10303	3704921130		102-2		JOHN & MARY SALCHAK	EDINBORO	15.0	NATIONAL FUEL GAS
8220093	10304	3704921130		107-TF		JOHN & MARY SALCHAK	EDINBORO	15.0	NATIONAL FUEL GAS
8220086	10509	3704921049		102-2		KENNETH WISE #4	UN-NAMED	20.0	NATIONAL FUEL GAS
8220095	10508	3704921049		107-TF		KENNETH WISE #4	UN-NAMED	20.0	NATIONAL FUEL GAS
8220177	10516	3704921301		102-2		LLOYD LOPER #1	UNNAMED	15.0	NATIONAL FUEL GAS
8220182	10517	3704921301		107-TF		LLOYD LOPER #1	UN-NAMED	15.0	NATIONAL FUEL GAS
8220179	10522	3704921324		102-2		MARY ZYWIEC #1	UNNAMED	25.0	NATIONAL FUEL GAS
8220184	10523	3704921324		107-TF		MARY ZYWIEC #1	UN-NAMED	25.0	NATIONAL FUEL GAS
8220090	10527	3704921115		102-2		ROBERT EARL & DONALD ORR #1	EDINBORO	10.0	NATIONAL FUEL GAS
8220099	10526	3704921115		107-TF		ROBERT EARL & DONALD ORR #1	EDINBORO	10.0	NATIONAL FUEL GAS
8220087	10511	3704921313		102-2		V MALINOWSKI #1	WATERFORD	10.0	NATIONAL FUEL GAS
8220096	10510	3704921313		107-TF		V MALINOWSKI #1	WATERFORD	10.0	NATIONAL FUEL GAS
8220085	10306	3704921126		102-2		VALENTINE OSTERMAN #1	MILL VILLAGE	15.0	NATIONAL FUEL GAS
8220094	10305	3704921126		107-TF		VALENTINE OSTERMANN #1	MILL VILLAGE	15.0	NATIONAL FUEL GAS
8220083	10301	3704921076		102-2		VERE O WOODS #1	EDINBORO	20.0	NATIONAL FUEL GAS
8220092	10302	3704921076		107-TF		VERE O WOODS #1	EDINBORO	20.0	NATIONAL FUEL GAS
8220089	10525	3704921333		102-2		W & J WURST #1	UNNAMED	12.0	NATIONAL FUEL GAS
8220098	10524	3704921333		107-TF		W & J WURST #1	UN-NAMED	12.0	NATIONAL FUEL GAS
8220088	10513	3704921114		102-2		WILLIAM H HIGGINS #1	EDINBORO	10.0	NATIONAL FUEL GAS
8220097	10512	3704921114		107-TF		WILLIAM H HIGGINS #1	EDINBORO	10.0	NATIONAL FUEL GAS
-OILMARK & CO INC				RECEIVED:	02/22/82	JA: PA			
8220100	10254	3712327697		107-TF		CORNISH #1	SUGARGROVE	30.0	COLUMBIA GAS TRAN
-P & C ASSOCIATES				RECEIVED:	02/22/82	JA: PA			
8220185	10521	3704921535		102-2		DELOS PORT #2	UN-NAMED	20.0	COLUMBIA GAS TRAN
8220186	10520	3704921535		107-TF		DELOS PORT #2	UN-NAMED	20.0	COLUMBIA GAS TRAN
-PHILLIPS PRODUCTION CO				RECEIVED:	02/22/82	JA: PA			
8220133	9857	3702120134		103		HENRY CARPINELLO #1	ELDER	90.0	
8220134	8523	3706323904		108		JENNIE B ADAMS EST #2	ELDER	18.0	COLUMBIA GAS TRAN
8220135	8529	3706324337		108		WARREN R ZUNDEL #1	ELDER	7.0	COLUMBIA GAS TRAN
-PLEASANT VALLEY OIL & GAS CO INC				RECEIVED:	02/22/82	JA: PA			
8220103	9620	3700522476		108		ROWE 1272G	GILPIN	1.7	APOLLO GAS CO
-R. WESLEY SMITH & W. G. SHANER				RECEIVED:	02/22/82	JA: PA			
8220136	10224	3700520411		107-TF		STATE PERMIT NUMBER ARM-411	GILPIN TOWNSHIP	522.0	PEOPLES NATURAL G
-ROBERT BRACE				RECEIVED:	02/22/82	JA: PA			
8220113	10446	3704921431		102-2		MCCALL #2	UN NAMED	15.0	NATIONAL FUEL GAS
-TURM OIL INC				RECEIVED:	02/22/82	JA: PA			
8220137	10433	3700522558		103		J FRANK & KATHRYN SCHRECENGOST #1	BRYAN	50.0	T W PHILLIPS GAS
-UNION DRILLING INC				RECEIVED:	02/22/82	JA: PA			
8220138	10439	3706326195		103		ROBERT W WIESERMAN #1 0626	CHERRYHILL TOWNSHIP	0.0	COLUMBIA GAS TRAN
8220139	10440	3706326227		103		RONALD CRAMER #1 0747	CHERRYHILL TOWNSHIP	0.0	COLUMBIA GAS TRAN
-US ENERGY DEVELOPMENT CORP				RECEIVED:	02/22/82	JA: PA			
8220105	10322	3712323835		107-TF		DAVID CURTIS #2	COLUMBUS	20.0	NATIONAL FUEL GAS
8220107	10324	3704921198		107-TF		SCOT'S GLEN DEVELOPMENT CO LTD #2	EDINBORO	20.0	NATIONAL FUEL GAS
8220104	10321	3704921186		107-TF		SCOTS' GLEN DEVELOPMENT CO LTD #1	EDINBORO	30.0	NATIONAL FUEL GAS
8220106	10323	3712328184		107-TF		STROUP #1	COLUMBUS	7.0	NATIONAL FUEL GAS
-VERGEE A PETITTE				RECEIVED:	02/22/82	JA: PA			
8220101	6418	3705900000		108		D G BRADDOCK #7	RICHHILL TOWNSHIP	0.3	COLUMBIA GAS TRAN
8220102	6419	3705900000		108		D G BRADDOCK #9	RICHHILL TOWNSHIP	0.3	COLUMBIA GAS TRAN

OTHER PURCHASERS VOLUME NO :612

8220236	ELIZABETHTOWN GAS CO
8220237	ELIZABETHTOWN GAS CO
8220238	ELIZABETHTOWN GAS CO
8220239	ELIZABETHTOWN GAS CO
8220240	ELIZABETHTOWN GAS CO
8220280	KANOKLA ENERGY CORP

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (?) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before April 8, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–7759 Filed 3–23–82; 8:45 am]
BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 17, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-TEXAS OIL & GAS CORP				RECEIVED:	02/22/82	JA: LA			
8220353	81-2285	1701320502	103			HOSS SUG: DAVIS BROS "K" #1	DRISCOLL	499.7	UNITED GAS PIPE L
MONTANA BOARD OF OIL & GAS CONSERVATION									
-HELMERICH & PAYNE INC				RECEIVED:	02/23/82	JA: MT			
8220334	4-81-62	2508321388	103			THORBJORNSON #1-32	NORTH SIOUX PASS	73.0	TRUE OIL CO
-SANTA FE ENERGY COMPANY				RECEIVED:	02/22/82	JA: MT			
8220323	4-81-58	2509121280	102-4			STATE 16 #10	RAYMOND	5.1	PHILLIPS PETROLEU
8220324	4-81-56	2509121270	102-4			STATE 16 #8	RAYMOND	3.7	PHILLIPS PETROLEU
8220325	4-81-57	2509121269	102-4			STATE 16 #9	RAYMOND	8.7	PHILLIPS PETROLEU
-SANTA FE ENERGY COMPANY				RECEIVED:	02/23/82	JA: MT			
8220336	4-81-60	2509121313	102-4			STATE 16 #13	RAYMOND	10.7	PHILLIPS PETROLEU
8220335	4-81-61	2509121312	102-4			STATE 16 #14	RAYMOND	12.4	PHILLIPS PETROLEU
-SHELL OIL CO				RECEIVED:	02/23/82	JA: MT			
8220333	4-81-63	2508321382	102-4			SCHEETZ 12-19	MONDAK WEST	3.5	MONTANA DAKOTA UT
NORTH DAKOTA INDUSTRIAL COMMISSION									
-BURNETT OIL CO INC				RECEIVED:	02/22/82	JA: ND			
*8220328	468	3310500881	103			C BLIKRE #1	LINDAHL-MADISON	24.0	AMINOIL U S A
-ENERGETICS INC				RECEIVED:	02/22/82	JA: ND			
8220332	472	3310500896	103			GALLAGHER 43-15	TIOGA	44.0	
8220329	469	3305301243	103			SORENSON 11-13	UNION CENTER	64.0	AMINOIL U S A
8220331	471	3305301199	103			TANK 22-22	EAST DIMMICK LAKE	70.0	AMINOIL U S A
8220330	470	3305301257	103			WOLLAN 24-14	UNION CENTER	0.0	AMINOIL U S A
-JERRY CHAMBERS EXPLORATION CO				RECEIVED:	02/22/82	JA: ND			
8220327	467	3300700284	102-4			FRANKS CREEK STATE #3-23	T R	0.0	WESTERN GAS PROCE
8220326	466	3300700284	102-4			MOSSER #3-26	T R	0.0	WESTERN GAS PROCE
OKLAHOMA CORPORATION COMMISSION									
-ENSERCH EXPLORATION INC				RECEIVED:	02/02/82	JA: OK			
8217836	12554	3514920122	103			WALLIS-DUREE #1	BURNS FLAT	711.0	
UTAH DIVISION OF OIL,GAS, & MINING									
-CHEVRON U S A INC				RECEIVED:	02/22/82	JA: UT			
8220322	K-141-1	4301330564	103			D L GALLOWAY 1-14B2	BLUEBELL	525.0	GARY ENERGY CORP
-CONOCO INC				RECEIVED:	02/22/82	JA: UT			
8220321	K-117-3	4304730754	103			CONOCO STATE 32 #21	OURAY	182.0	MOUNTAIN FUEL SUP

JD #D	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
********** WEST VIRGINIA DEPARTMENT OF MINES **********									
-BDX ENERGY ASSOCIATES LTD		RECEIVED: 02/23/82 JA: WV							
8220407		4708504170	108			H E ELDER #H-693	CLAY DISTRICT	3.3	CARNEGIE NATURAL
8220408		4708504171	108			H E ELDER H-694	CLAY DIST	3.3	CARNEGIE NATURAL
8220409		4708504202	108			HADDOX H-665	UNION DIST	1.4	CARNEGIE NATURAL
8220406		4708504049	108			MAPLE H-625	UNION DIST	2.1	CARNEGIE NATURAL
8220400		4708504335	108			NAY H-780	UNION DIST	11.3	CONSOLIDATED GAS
8220402		4708504337	108			NAY H-781	UNION DIST	11.3	CONSOLIDATED GAS
8220401		4708504336	108			NAY H-782	UNION DIST	11.3	CONSOLIDATED GAS
8220404		4708504344	108			NAY H-783	UNION DIST	11.3	CONSOLIDATED GAS
8220405		4708504345	108			NAY H-784	UNION DIST	11.3	CONSOLIDATED GAS
8220403		4708504343	108			NAY H-785	UNION DIST	11.3	CONSOLIDATED GAS
-COLUMBIA GAS TRANSMISSION CORP		RECEIVED: 02/23/82 JA: WV							
8220363		4705900955	103			COTIGA DEVELOPMENT CO 820258	WEST VA FIELD AREA B	21.0	COLUMBIA GAS TRAN
8220362		4703903555	103			F A HARDY 820662	WEST VA FIELD AREA A	63.0	COLUMBIA GAS TRAN
8220364		4709901728	103			WAYNE CO LAND & MINERAL 820290	WEST VA FIELD AREA B	5.3	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 02/23/82 JA: WV							
8220361		4709702244	103			TROY B FARRAR WN-12684	MEADE DISTRICT	0.8	GENERAL SYSTEM PU
-J & J ENTERPRISES INC		RECEIVED: 02/23/82 JA: WV							
8220387		4700121409	103			B-320	VALLEY	0.0	COLUMBIA GAS TRAN
8220388		4700121494	103			B-321	VALLEY	0.0	COLUMBIA GAS TRAN
8220382		4701725430	107-DV			J-106	WEST UNION	0.0	COLUMBIA GAS TRAN
8220380		4701722548	107-DV			J-107	WEST UNION	0.0	COLUMBIA GAS TRAN
8220367		4701722567	107-DV			J-108	WEST UNION	0.0	COLUMBIA GAS TRAN
8220381		4701722904	107-DV			J-110	WEST UNION	0.0	COLUMBIA GAS TRAN
8220390		4701725846	107-DV			J-123	WEST UNION	0.0	COLUMBIA GAS TRAN
8220392		4701722617	107-DV			J-230	CENTRAL	0.0	COLUMBIA GAS TRAN
8220376		4701722618	107-DV			J-231	CENTRAL	0.0	COLUMBIA GAS TRAN
8220379		4701726260	107-DV			J-233	CENTRAL	0.0	COLUMBIA GAS TRAN
8220378		4701726270	107-DV			J-234	CENTRAL	0.0	COLUMBIA GAS TRAN
8220393		4701726816	107-DV			J-263	CENTRAL	0.0	COLUMBIA GAS TRAN
8220386		4709520870	103			J-380	CENTERVILLE	0.0	CONSOLIDATED GAS
8220389		4700121543	103			J-492	UNION	0.0	COLUMBIA GAS TRAN
8220383		4701722510	107-DV			J-60 (K-19#2)	WEST UNION	0.0	COLUMBIA GAS TRAN
8220391		4701722529	107-DV			J-66 (K-31-#1)	WEST UNION	0.0	COLUMBIA GAS TRAN
8220377		4709720580	107-DV			J-80	UNION	0.0	COLUMBIA GAS TRAN
8220384		4701722971	103			J-82	GRANT	0.0	EQUITABLE NATURAL
8220385		4701722972	103			J-83	GRANT	0.0	EQUITABLE NATURAL
-PETROLEUM ENTERPRISES		RECEIVED: 02/23/82 JA: WV							
8220398		4709500731	108			C K MCCULLOUGH #1 TYL-0731	CENTERVILLE DISTRICT	8.0	CARNEGIE NATURAL
8220399		4709500755	108			C K MCCULLOUGH #2 TYL-0755	CENTERVILLE DISTRICT	8.0	CARNEGIE NATURAL
8220396		4701303000	108			STUMP #1 CAL-3000	SHERIDAN DISTRICT	4.0	COLUMBIA GAS TRAN
8220397		4701303001	108			STUMP #2 CAL-3001	SHERIDAN DISTRICT	4.0	COLUMBIA GAS TRAN
-QUAKER STATE OIL REFINING CORP		RECEIVED: 02/23/82 JA: WV							
8220395		4703923740	103			D C HUNT #1	ELK DISTRICT	45.6	COLUMBIA GAS TRAN
8220394		4703923588	103			O GILBERT #13	ELK DISTRICT	5.5	COLUMBIA GAS TRAN
-UNION DRILLING INC		RECEIVED: 02/23/82 JA: WV							
8220370		4709702216	103			DORIS LOUGH #1 1637	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8220375		4709702247	103			GENEVA I MEARNS #2 1686	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8220365		4709702198	103			HAROLD MAXSON #1 1638	UNION DISTRICT	0.0	COLUMBIA GAS TRAN
8220368		4709702199	103			LARRY LOUDIN #1 1650	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN

VOLUME 613 PAGE 003

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8220373		4709702229		103		LOLITA LOUDIN #1 1677	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8220374		4709702243		103		LOUISE T JEFFRIES #3 1640	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8220371		4709702226		103		NORMAN E HALL #1 - 1641	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8220369		4709702215		103		R S SMALLRIDGE #1 - 1607	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8220372		4709702227		103		RUTH REYNOLDS #1 1676	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8220366		4709702246		103		THOMAS N ZIRKLE #1 1668	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
**********									
-CONOCO INC				RECEIVED:	02/22/82	JA: CO 1			
8220340	CD 0536-81	0510308646		103		DRAGON TRAIL UNIT #56	DOUGLAS CREEK	250.0	WESTERN SLOPE GAS
8220339	CD 0535-81	0510308651		107-TF		DRAGON TRAIL UNIT #60	DOUGLAS CREEK	182.0	MOUNTAIN FUEL RES
8220345	CD 0534-81	0510308651		103		DRAGON TRAIL UNIT #60	DOUGLAS CREEK	182.0	MOUNTAIN FUEL RES
8220341	CD 0537-81	0510308652		107-TF		DRAGON TRAIL UNIT #61	DOUGLAS CREEK	73.0	MOUNTAIN FUEL RES
8220342	CD 0538-81	0510308652		103		DRAGON TRAIL UNIT #61	DOUGLAS CREEK	73.0	MOUNTAIN FUEL RES
-TWIN ARROW INC				RECEIVED:	02/22/82	JA: CO 1			
8220344	CD 0203-81	0510384070		103		CONTINENTAL 3-28	CATHEDRAL	0.0	NORTHWEST PIPELIN
-TXO PRODUCTION CORP				RECEIVED:	02/22/82	JA: CO 1			
8220347	UD 0547-81	0504730963		103		DUNCAN FEDERAL #1	FENCE CANYON	225.0	NORTHWEST PIPELIN
-WALTER S FEES JR				RECEIVED:	02/22/82	JA: CO 1			
8220350	CD 0002-82	0507708318		103		HUNTERS CANYON UNIT #7	HUNTERS CANYON	15.0	WESTERN SLOPE GAS
-BELCO PETROLEUM CORPORATION				RECEIVED:	02/22/82	JA: UT 1			
8220349	UD 0364-81	4304730817		102-4		NORTH DUCK CREEK 42-25GR	NORTH DUCK CREEK	0.0	NORTHWEST PIPELIN
-CONOCO INC				RECEIVED:	02/22/82	JA: UT 1			
8220343	UD 0352-81	4304730907		102-3		CONOCO WYASKET 33 #26	OURAY	165.0	MOUNTAIN FUEL SUP
8220352	UD 0460-81	4304730907		107-TF		CONOCO WYASKET 33 #26	OURAY	165.0	MOUNTAIN FUEL SUP
-TEXACO INC				RECEIVED:	02/22/82	JA: UT 1			
8220351	UD 0001-82	4303730648		103		ANETH UNIT #L-430	ANETH	19.9	EL PASO NATURAL G
-TXO PRODUCTION CORP				RECEIVED:	02/22/82	JA: UT 1			
8220346	UD 0546-81	4304731057		103		ASPHALT CREEK FEDERAL #1	OIL SPRINGS	97.0	
8220348	UD 0549-81	4301930833		103		HANCOCK FEDERAL #2	BAR X	262.0	NORTHWEST PIPELIN
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
**********									
-FOREST OIL CORPORATION				RECEIVED:	02/23/82	JA: LA 3			
8220360	G1-1838	1770840433		102-5		SOUTH MARSH ISLAND BLK 143 B-1	SOUTH MARSH ISLAND	420.0	COLUMBIA GAS TRAN
8220358	G1-1841	1770840441		102-5		SOUTH MARSH ISLAND BLK 143 B-3	SOUTH MARSH ISLAND	420.0	COLUMBIA GAS TRAN
-SHELL OIL CO				RECEIVED:	02/23/82	JA: LA 3			
8220354	G1-2308	1771500793		102-5		OCS-G 1249 A-9A	SOUTH TIMBALIER	1.0	TRUNKLINE GAS CO
8220355	G1-2375	1770540203		102-5		OCS-G 2865 A-12A	VERMILION	700.0	TRANSCONTINENTAL
8220357	G1-2303	1770540178		102-5		OCS-G 2865 A-7A	VERMILION	1095.0	TRANSCONTINENTAL
-PENNZOIL OIL & GAS INC				RECEIVED:	02/23/82	JA: TX 3			
8220356	G1-2350	4270940511		102-5		PENNZ CO OCS-G 2384 HIGH ISL A-555	HIGH ISLAND AREA SA	130.0	UNITED GAS PIPELI
-SAMEDAN OIL CORPORATION				RECEIVED:	02/23/82	JA: TX 3			
8220359	G1-2227	4270440040		102-5		BRAZOS A-28 #A-2	BRAZOS AREA	1800.0	TENNESSEE GAS PIP
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
**********									
-AMOCO PRODUCTION CO				RECEIVED:	02/23/82	JA: NM 4			
8220338	NM 0363-8	3003906313	D	108		JICARILLA APACHE "A" 118 #3	GAVILAN	22.1	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED:	02/25/82	JA: NM 4			
8220453	NM 1901-81	3004507567		108		DAY GAS COM #1 (2ND)	BASIN-DAKOTA	17.0	SOUTHERN UNION GA
8220452	NM-1900-81	3004521054		108		J C DAVIDSON #2 (2ND)	FULCHER KUTZ - PICTUR	13.0	SOUTHERN UNION GA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8220451	NM 1899-81	3003906003		108		JICARILLA CONTRACT 148 #2 (4TH)	SOUTH BLANCO - PICTUR	17.0	NORTHWEST PIPELIN
8220447	NM-1891-81	3003922525		103		JICARILLA CONTRACT 148 #25	SOUTH BLANCO-PICTURED	288.0	NORTHWEST PIPELIN
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/25/82	JA: NM 4			
8220444	NM-1887-81	3002527446		103		DUTHIE ANDREWS FEDERAL #1	LANGLIE MATTIX (7 RIV	45.0	EL PASO NATURAL G
-BELCO PETROLEUM CORPORATION				RECEIVED:	02/25/82	JA: NM 4			
8220467	NM-1926-81	3002527351		103		FEDERAL CR-8 #1	CINTA ROJO	0.0	EL PASO NATURAL G
-CITIES SERVICE COMPANY				RECEIVED:	02/25/82	JA: NM 4			
8220470	NM-1946-81	3001523562		103		GOVERNMENT AN #1	UNDESIGNATED ATOKA	300.0	EL PASO NATURAL G
-COASTAL OIL & GAS CORP				RECEIVED:	02/25/82	JA: NM 4			
8220443	NM-1886-81	3002525914		103		FEDERAL "4" #2	W SAWYER (SAN ANDRES)	1.0	CITIES SERVICE CO
-COUGAR PETROLEUM CO				RECEIVED:	02/25/82	JA: NM 4			
8220429	NM-1867-81	3004524678		102-2		FEDERAL 15-41	GALLUP	200.0	GAS CO OF NEW MEX
-DEPCO INC				RECEIVED:	02/25/82	JA: NM 4			
8220458	NM 1906-81	3003906554		108		MKL #11	S BLANCO PICTURED CLI	13.0	EL PASO NATURAL G
-DOME PETROLEUM CORP				RECEIVED:	02/25/82	JA: NM 4			
8220459	NM 1909-81	3004523304		103		DOME FEDERAL 25-26-13 #1	WAW FRUITLAND-PICTURE	38.0	EL PASO NATURAL G
-EL PASO EXPLORATION CO				RECEIVED:	02/25/82	JA: NM 4			
8220431	NM-1873-81	3003920009		108		JICARILLA 119 N #13	TAPACITO - PICTURED C	22.0	NORTHWEST PIPELIN
8220469	NM-1928-81	3003922557		103		JICARILLA 123 C #28	BASIN DAKOTA	90.0	NORTHWEST PIPELIN
8220446	NM-1890-81	3003922559		103		JICARILLA 123 C #31	BASIN DAKOTA	150.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY				RECEIVED:	02/25/82	JA: NM 4			
8220416	NM-0837-81	3004520757		108		HEATON 26	BLANCO-PICTURED CLIFF	20.0	EL PASO NATURAL G
8220422	NM-1813-81	3004520455		108		MCCULLEY #6	AZTEC/PICTURED CLIFFS	14.0	EL PASO NATURAL G
8220425	NM-1857-81	3004505505		108		QUITZAU #6	BALLARD - PICTURED CL	20.0	EL PASO NATURAL G
8220472	NM-1949-81	3003922812		103		SAN JUAN 27-4 UNIT #139	BLANCO MESAVERDE	200.0	EL PASO NATURAL G
8220471	NM-1948-81	3003922801		103		SAN JUAN 27-4 UNIT #140	BLANCO MESAVERDE	150.0	EL PASO NATURAL G
8220415	NM-0662-81	3003920097		108		SAN JUAN 28-7 UNIT #146	BLANCO - SOUTH PICTUR	20.0	EL PASO NATURAL G
-EXXON CORPORATION				RECEIVED:	02/25/82	JA: NM 4			
8220412	NM-0336-81	3001523091		102-4		GOURLEY FEDERAL COM #1	WILDCAT ATOKA	0.0	EL PASO NATURAL G
8220475	NM-1956-81	3000520811		103		WATTAM FEDERAL #2	TOMAHAWK	0.0	
-GETTY OIL COMPANY				RECEIVED:	02/25/82	JA: NM 4			
8220437	NM-1879-81	3003905723		108		JICARILLA "B" #5	SOUTH BLANCO PICTURED	20.0	EL PASO NATURAL G
8220430	NM-1868-81	3003905741		108		JICARILLA "B" #8	OTERO GALLUP	0.0	EL PASO NATURAL G
-MCCLELLAN OIL CORPORATION				RECEIVED:	02/25/82	JA: NM 4			
8220445	NM 1889-81	3000560971		102-2	107-TF	LEEMAN FEDERAL #1 (NM 13978)	WILDCAT (ABO)	54.7	TRANSWESTERN PIPE
-MERRION OIL & GAS CORP				RECEIVED:	02/25/82	JA: NM 4			
8220473	NM-1953-81	3003922024		103		EAST LINDRITH #5	SOUTH BLANCO	149.7	NORTHWEST PIPELIN
8220424	NM1854-81	3004506033		108		FRONTIER #1	GALLEGAS GALLUP	0.0	EL PASO NATURAL G
8220426	NM-1863-81	3004523409		108		SOUTHLAND #1	WAW FRUITLAND PICTURE	16.0	EL PASO NATURAL G
8220427	NM-1864-81	3004523760		108		SOUTHLAND #2-Y	WAW FRUITLAND PICTURE	40.0	EL PASO NATURAL G
8220428	NM-1865-81	3004523596		108		SOUTHLAND #3	WAW FRUITLAND PICTURE	16.0	EL PASO NATURAL G
8220474	NM-1954-81	3003922822		103		WARREN G #35-3	DEVILS FORK GALLUP	73.0	NORTHWEST PIPELIN
-MESA PETROLEUM CO				RECEIVED:	02/25/82	JA: NM 4			
8220442	NM 188481107	3000561059		102-2	107-TF	SALT FEDERAL #6	UNDESIGNATED ABO	36.0	TRANSWESTERN PIPE
8220433	NM1876-81	3003922587		103		SOUTH BLANCO FEDERAL 31 #2	LYBROOK GALLUP EXT	51.0	GAS CO OF NEW MEX
-MTS LTD PARTNERSHIP				RECEIVED:	02/25/82	JA: NM 4			
8220423	NM-184581107	3000560863		102-2	107-TF	CHINA FEDERAL #1	UNDESIGNATED ABO	500.0	UNDETERMINED
8220457	NM 1905-81	3004525097		103		SOUTH BLANCO FEDERAL 22 #2	LYBROOK GALLUP EXT	29.0	GAS CO OF NEW MEX
8220432	NM1875-81	3004525043		103		SOUTH BLANCO FEDERAL 25 #5	LYBROOK GALLUP EXT	40.0	GAS CO OF NEW MEX
8220441	NM 188381107	3000561129		102-2	107-TF	STEWART FEDERAL #2	UNDESIGNATED ABO	365.0	TRANSWESTERN PIPE
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	02/22/82	JA: NM 4			
8220337	NM 0251-81	3003921489	D	108		COX CANYON UNIT #13	BLANCO PICTURED CLIFF	25.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	02/25/82	JA: NM 4			

VOLUME 613 PAGE 005

JD NO	JA LRT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8220420	NM-1578-81	3004521486		108		HOLT #2	BLANCO PICTURED CLIFF	21.5	NORTHWEST PIPELIN
8220465	NM1916-81	3003921379		103		INDIAN A #3	CHOZA MESA PICTURED C	0.0	NORTHWEST PIPELIN
8220411	NM0244-81	3003907970		108		ROSA UNIT #12	BLANCO MESAVERDE	21.0	EL PASO NATURAL G
8220463	NM-1914-81	3003922782		103		ROSA UNIT #89	BLANCO MESAVERDE	197.0	NORTHWEST PIPELIN
8220464	NM1915-81	3003922780		103		ROSA UNIT #91	BLANCO MESAVERDE	150.0	NORTHWEST PIPELIN
8220462	NM-1913-81	3003922705		103		SAN JUAN 30-5 #79	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
-PERRY R BASS				RECEIVED:	02/25/82	JA: NM 4			
8220410	NM 017581102	3001523236		102-4		BIG EDDY UNIT #80	BIG EDDY MORROW	300.0	NATURAL GAS PIPEL
-POGO PRODUCING COMPANY				RECEIVED:	02/25/82	JA: NM 4			
8220417	NM-1082-81	3001523525		102-4		NEL "COM" #1	UNDESIGNATED ATOKA	730.0	LLANO INC
-SOUTHLAND ROYALTY CO				RECEIVED:	02/25/82	JA: NM 4			
8220476	NM-1957-81-A	3003922797		103		ARIZONA JICARILLA "A" #5A	TAPACITO	250.0	GAS CO OF NEW MEX
8220477	NM-1957-81-B	3003922797		103		ARIZONA JICARILLA "A" #5A	BLANCO	545.0	GAS CO OF NEW MEX
8220454	NM 1902-81	3004524922		103		GRENIER #23-E	BASIN	400.0	SOUTHERN UNION GA
8220455	NM 1903-81	3004524883		103		GRENIER "B" #4-A	BLANCO	600.0	SOUTHERN UNION GA
8220456	NM 1904-81	3004525033		103		VASALY #2-E	BASIN	200.0	EL PASO NATURAL G
-SUPRON ENERGY CORPORATION				RECEIVED:	02/25/82	JA: NM 4			
8220440	NM-1882-81	3004524158		103		ANGEL PEAK #22	FULCHER KUTZ PICTURED	180.0	SOUTHERN UNION GA
8220434	NM1877-81-A	3004524359		103		ANGEL PEAK B-25E	BASIN DAKOTA	327.0	EL PASO NATURAL G
8220435	NM-1877-81-B	3004524359		103		ANGEL PEAK B-25E	WILDCAT CHACRA	206.0	SOUTHERN UNION GA
8220438	NM-1880-81	3004525019		103		C J HOLDER #16	BASIN DAKOTA	1314.0	EL PASO NATURAL G
8220439	NM-1881-81	3003922783		103		MCCRODEN A #3	BLANCO MESAVERDE	326.0	GAS CO OF NEW MEX
8220436	NM-1878-81	3004525054		103		NEWSOM B 9-E	BASIN DAKOTA	272.0	EL PASO NATURAL G
8220480	NM-1959-81	3004524805		103		REID "A" 1-E	BASIN DAKOTA	4.1	SOUTHERN UNION GA
8220478	NM-1958-81-A	3004525060		103		REID "A" 2-E	UNDESIGNATED FRUITLAN	3.4	SOUTHERN UNION GA
8220479	NM-1958-81-B	3004525060		103		REID "A" 2-E	BASIN DAKOTA	1.9	SOUTHERN UNION GA
8220460	NM 1910-81-A	3004525111		103		TALIAFERRO 2-F	BASIN DAKOTA	147.0	SOUTHERN UNION GA
8220461	NM1910-13	3004525111		103		TALIAFERRO 2-F	BLANCO MESAVERDE	55.0	SOUTHERN UNION GA
-YATES PETROLEUM CORPORATION				RECEIVED:	02/25/82	JA: NM 4			
8220421	NM-1729-81	3001523778		102-4		ALLISON "CQ" FEDERAL #7	UND HOAG TANK MORROW	0.0	TRANSWESTERN PIPE
8220419	NM-1547-81	3001523272		102-4		DIXON YATES "LM" FEDERAL #1	WILDCAT	0.0	TRANSWESTERN PIPE
8220466	NM-1919-81	3001523862		103		EASTERN SHORE "QW" FEDERAL #1	WILDCAT MORROW	0.0	TRANSWESTERN PIPE
8220449	NM-189381107	3000560826		102-2	107-TF	EVERETTE "OO" FEDERAL #2	WILDCAT ABO	0.0	TRANSWESTERN PIPE
8220448	NM 1892-81	3000561119		102-2	107-TF	MONAGHAN "QY" FEDERAL #1	UND ABO	0.0	TRANSWESTERN PIPE
8220414	NM0524-81	3001523438		102-4		OAKASON "NV" FEDERAL #1	WILDCAT	0.0	TRANSWESTERN PIPE
8220413	NM0401-81	3001523594		102-4		OAKASON NV FEDERAL #2	HOAG TANK MORROW	0.0	TRANSWESTERN PIPE
-HAWKINS OIL & GAS INC				RECEIVED:	02/25/82	JA: OK 4			
8220468	OKA-1927-81	3512120788		103		ARMY AMMO #1-26	ASHLAND	365.0	
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/25/82	JA: OK 4			
8220418	OKA-1540-81	3501521143		103		EAST BINGER UNIT #20-2	EAST BINGER	0.0	OKLAHOMA NATURAL
-SUPERIOR OIL CO				RECEIVED:	02/25/82	JA: UT 4			
8220450	UA 1898-81	4303730621		102-2	103	EAST ANETH UNIT #30-41	WILDCAT	0.0	EL PASO NATURAL G

OTHER PURCHASERS VOLUME NO :613

8220328 AMERADA HESS CORP

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7760 Filed 3-23-82; 8:45 am]

BILLING CODE 6717-01-C

[Docket No. EL82-11-000]

South Carolina Public Service Authority; Filing

March 19, 1982.

Take notice that on March 12, 1982, South Carolina Public Service Authority (the Authority) filed a petition for a Declaratory Order as to when, if indeed the Commission has jurisdiction at all, that jurisdiction over the Authority's security issues would attach.

On March 1, 1982, the South Carolina Industrial Committee (SCIC) filed a complaint requesting that the Commission assert jurisdiction over the Authority's service, rates and issuance of securities under sections 19 and 20 of the Federal Power Act. According to the Authority, when SCIC's complaint was filed, the Authority was in the process of preparing a $50,000,000 issue of short term notes for the purpose of paying off a similar amount of short term notes which fall due on April 30, 1982.

According to the Authority, the language of the Act and the Commission's regulations thereunder create uncertainty as to whether the Commission has jurisdiction over the Authority's security issues.

The Authority requests that the Commission issue one of the following declaratory orders:

1. That jurisdiction over the Authority's issuance of securities, if it exists at all, does not attach until the Commission affirmatively concludes that it has jurisdiction in the alternative,

2. The Commission should disclaim jurisdiction over the Authority's issuance of the 1982 Notes because SCIC's complaint does not address the issuance of such notes. In the alternative,

3. The Commission should waive Part 20 of the regulations for the proposed $50,000,000 Note issue because otherwise an inequitable and absolutely unnecessary hardship could be incurred. In the alternative,

4. The Commission should approve the Authority's Issuance of the 1982 Notes, reserving the question of jurisdiction.

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 26, 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. 82-7819 Filed 3-23-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PH-FRL-2078-5; PP 1G2454/T354]

Acetochlor; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the herbicide acetochlor, in or on the raw agricultural commodities corn grain, and soybean grain. These temporary tolerances were requested by Monsanto Company.

DATE: These temporary tolerances expire March 20, 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: Monsanto Co., 1101 17th St., N.W., Washington, DC 20036, has requested the establishment of temporary tolerances for residues of the herbicide acetochlor, in or on the raw agricultural commodities corn grain at 0.1 part per million, and soybean grain at 0.4 part per million (ppm).

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 524-EUP-56 which is 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 tolerances will protect the public health. Therefore, the temporary tolerances have been established 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 permit.

2. Monsanto 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 March 20, 1983. Residues not in excess of these amounts remaining in or on the 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 experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice 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. 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: March 9, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-7349 Filed 3-23-82; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL-2078-4; OPP-50567]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

464-EUP-69. Extension. Dow Chemical Company, P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 5,000 pounds of the insecticide chlorpyrifos on field corn to evaulate the control of various insects. A total of 1,000 acres are involved. The program is authorized only in the State of Nebraska. The experimental use permit is effective from May 1, 1982 to May 1, 1983. Since residues of chlorpyrifos in or on corn are expected to exceed the permanent levels set forth in 40 CFR 180.342 as a result of this experimental program, this permit is being issued with the limitation that all crops are destroyed or used for research purposes only. (Jay S. Ellenberger, PM 12, Rm. 202, CM#2, (703-557-2386))

279-EUP-78. Extension. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 4,599 pounds of the insecticide carbosulfan on alfalfa to evaluate the control of various alfalfa insects. A total of 1,533 acres are involved. The program is authorized in the States of Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. The experimental use permit is effective from February 5, 1982 to February 5, 1983. This permit is being issued with the limitation that all crops are destroyed or used for research purposes only. (Jay S. Ellenberger, PM 12, Rm. 202, CM#2, (703-557-2386))

279-EUP-79. Extension. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 431.25 pounds of the insecticide carbosulfan on citrus to evaluate control of citrus rust mite, citrus snow scale, and citrus thrips. A total of 65 acres are involved. The program is authorized only in the States of Arizona, California, Florida, and Texas. The experminetal use permit is effective from February 13, 1982 to February 13, 1983. This permit is being issued with the limitation that all crops are destroyed or used for research purposes only. (Jay S. Ellenberger, PM 12, Rm. 202, CM#2, (Jay S. Ellenberger, PM 12, Rm. 202, CM#2, (703-557-2386))

279-EUP-85. Issuance. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 10,000 pounds of the insecticide carbofuran on grapes to evaluate control of grape leafhopper, grape phylloxera, and various nematodes. A total of 1,000 acres are involved. The program is authorized only in the State of California. The experimental use permit is effective from January 4, 1982 to January 4, 1983. A permanent tolerance for residues of the active ingredient in or on grapes has been established (40 CFR 180.254). Food and feed additive regulations for residues of the active ingredient in or on dried grape pomace, raisins, and raisin waste have been established (21 CFR 193.43 and 561.67). (Jay S. Ellenberger, PM 12, Rm. 202, CM#2, (703-557-2386))

279-EUP-86. Amendment. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. Notice published in the Federal Register of September 4, 1981 (46 FR 44498) pertaining to the issuance of an experimental use permit, No. 279-EUP-86, to FMC Corporation. At the request of the company, the permit has been amended to allow additional acreage, pounds, and the State of Alabama. This experimental use permit now allows the use of 6,245.90 pounds of the insecticide cypermethrin on alfalfa, almonds, apples, cabbage, cotton, field corn, grapes, green beans, lettuce, peaches, peanuts, pears, pecans, potatoes, sorghum, soybeans, sunflowers, sweet corn, tomatoes, and walnuts to evaluate control of various insects. A total of 5,570 acres are involved. The program is authorized in the States of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permit is effective from December 30, 1981 to June 5, 1983. This permit is being issued with the limitation that all crops are destroyed or used for research purposes only. (Franklin Gee, PM 17, Rm. 207, CM#2, (703-557-2690))

279-EUP-87. Extension. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 1,512 pounds of the insecticide carbosulfan on sorghum to evaluate the control of various sorghum insects. A total of 432 acres are involved. The program is authorized only in the States of Arizona, California, Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, and Texas. The experimental use permit is effective from February 23, 1982 to February 23, 1983. This permit is being issued with the limitation that all crops are destroyed or used for research purposes only. (Jay S. Ellenberger, PM 12, Rm. 202, CM#2, (703-557-2386))

524-EUP-51. Extension. Monsanto Company, 1101 17th St., NW., Washington, DC 20036. This experimental use permit allows the use of 1,232.6 pounds of the herbicide alachlor on grain sorghum to evaluate the control of weeds. A total of 410.4 arces are involved. The program is authorized only in the States of Arizona, Arkansas, California, Colorado, Florida, Illinois, Iowa, Kansas, Missouri, Texas, Nebraska, Oklahoma, and South Dakota. The experimental use permit is effective from March 5, 1982 to March 5, 1983. This permit is being issued with the limitation that all treated corps are destroyed or used for research purposes only. (Robert Taylor, PM 25, Rm. 251, CM#2, (703-557-1800))

400-EUP-60. Extension. Uniroyal Chemical, 74 Amity Rd., Bethany, CT 06525. This experimental use permit allows the use of 567 pounds of the herbicide 2-[[1-(2,5-dimethlphenyl)ethyl]-sulfonyl] pyridine 1-oxide on cotton, peanuts, potatoes (white Irish), soybeans, sugar beets, sunflowers to evaluate the control of weeds. A total of 282 acres are involved. The program is authorized in the States of Alabama, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, New York, North Dakota, Ohio, Oklahoma, Oregon, Tennessee, Texas, Washington, and Wisconsin. The experimental use permit is effective from February 1, 1982 to February 1, 1983. This permit is being issued with

the limitation that all crops are destroyed or used for research purposes only. (Robert Taylor, PM 25, Rm. 251, CM#2, (703–557–1800))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: March 8, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-7368 Filed 3-23-82; 8:45 am]

BILLING CODE 6560-32-M

[OPP-38505; PH-FRL-2081-5]

Aceto Agricultural Chemicals Corp.; Intent to Suspend Pesticide Registrations of Products Containing Ethion

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This action is being taken because the Aceto Agricultural Chemicals Corporation has failed to take appropriate steps to secure certain chronic toxicology data required by a June 18 Data Call In Notice issued under authority of section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a (c)(2)(B).

DATE: Persons adversely affected by the intended suspension may contest the intent to suspend by requesting a hearing on or before April 23, 1982, the effective date of the suspension.

ADDRESS: Written requests for a hearing should be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. M–3708, 401 M St., SW., Washington, D.C. 20460.

One copy of any hearing request should also be sent to the contact person listed below.

FOR FURTHER INFORMATION CONTACT: Geraldine Werdig or David Alexander, Special Pesticide Review Division (TS–791), Office of Pesticide Programs, Environmental Protection Agency, Rm. 728, CM#2, 1921 Jefferson Davis Highway, Arlington VA 22202, (703–557–7436).

SUPPLEMENTARY INFORMATION: EPA is issuing this notice of intent to suspend the registrations of the pesticide products of the Aceto Agricultural Chemicals Corporation which contain the pesticide ethion under FIFRA section 3(c)(2)(B)(iv).

Aceto has failed to take the appropriate steps to comply with the Data Call In Notice issued to Aceto on June 18, 1981. In addition, Aceto has, by letter dated January 27, 1982, stated that it will not comply, and requested issuance of this Notice.

Accordingly, Aceto is in violation of FIFRA section 3(c)(2)(B)(iv) and the Agency has determined to issue this notice of intent to suspend the affected registrations. Aceto will be permitted to sell existing stocks of the products containing ethion for one hundred twenty days after its receipt of the notice of intent to suspend the registration of its pesticide products containing ethion. After that date, Aceto may not distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, any product containing ethion.

Any person adversely affected by this action may request a hearing within 30 days of receipt of notice of this action to show that Aceto has not failed to take the required steps to secure data or to show that the intended provision for the disposition of existing stocks is inconsistent with the Act. A request for a hearing should be submitted in quintuplicate and should state the issues to be heard and set forth the supporting facts.

If such a hearing is requested, Aceto's affected registrations will not be suspended until completion of the hearing. As provided in FIFRA section 3, a hearing shall be held and determination made within 75 days after receipt of a request for a hearing.

This action will not become final and effective or will be rescinded if or when the Aceto Agricultural Chemicals Corporation complies fully with the requirements which serve as a basis for this action.

Dated: March 16, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 82-7860 Filed 3-23-82; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

Commission Schedules En Banc Meeting for Parties To Submit Views on 1982 A.T. & T. Consent Decree

March 4, 1982.

On January 8, 1982, the United States Department of Justice and the American Telephone and Telegraph Company (AT&T) announced that they had reached an agreement which if judicially accepted would vacate and replace the Consent Decree entered in *U.S.* v. *Western Electric Co.*, 1956 Trade Cases 68, 246 (D.N.J. 1956). The United States District Court for the District of Columbia has established comprehensive procedures to compile a record for determining whether that agreement is in the public interest. *United States of America* v. *AT&T*, No. 74–1698 (D.C.D.C.), Order dated January 21, 1982. The Court expects interested parties to comment upon the agreement by April 20, 1982. The Commission anticipates that it will file a brief as amicus curiae on that date.

To assist in the development of its position, the Commission is scheduling an open meeting on March 24, 1982 for those interested parties listed below to submit their views about the settlement agreement:

Panel One (10:00–11:10)

GTE
Congresswatch/Public Citizen
Southern Pacific Communications
NARUC
North American Telephone Assn.
Curtis Bushnell

Panel Two (11:15–12:25)

ITT
U.S. Telephone Communications
Henry Geller and Ira Barron
Computer and Communications Industry Assn.
New York Department of Law-Antitrust Division
Utilities Communications Council

Panel Three (2:00–3:10)

MCI
Rural Telephone Coalition
Associated Telephone Answering Exchanges
Independent Data Communications Manufacturers Assn.
Communications Law Clinic/Committee for Community Access—Cable TV Access Coalition
Motorola

Panel Four (3:15–4:25)

Western Union
Citizens Communications Center
International Communications Assn.
CYLIX

IBM
Association of Long Distance Telephone Companies

Panel Five (4:30–5:40)

Consumers Union
SBS
New York Public Service Commission
American Petroleum Institute
Centel
AT&T

The meeting will commence at 10:00 am., March 24, 1982, in the Commission meeting room, Room 856.

For further information contact Robert Preece, (202) 632–9342.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82–7961 Filed 3–23–82; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public; Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Schiffahrtsgesellschaft MS Berlin Beteiligungs—GmbH & Co. and Peter Deilmann-Reederei, AM Hafensteig 19, 2430 Neustadt/Holstein, West Germany.

Dated: March 18, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82–7790 Filed 3–23–82; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Schiffahrtsgesellschaft MS Berlin Beteiligungs—GmbH & Co. and Peter Deilmann-Reederei, AM Hafensteig 19, 2430 Neustadt/Holstein, West Germany.

This Certificate expires April 15, 1982.

Dated: March 18, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82–7791 Filed 3–23–82; 8:45 am]

BILLING CODE 6730–01–M

FOREIGN CLAIMS SETTLEMENT COMMISSION

Privacy Act of 1974; Amendment of Existing Systems of Records

AGENCY: Foreign Claims Settlement Commission of the United States.

ACTION: Amendment of system of records FCSC–9, Czechoslovakia, claims against.

SUMMARY: Pursuant to Pub. L. 97–127, the Czechoslovakian Claims Settlement Act of 1981, approved December 29, 1981, the Foreign Claims Settlement Commission (FCSC) hereby amends its records system designated "FCSC–9, Czechoslovakia, Claims Against", to include new claims of United States nationals for property losses in Czechoslovakia arising between August 8, 1958 and the date the Agreement between the Government of the United States of America and the Government of the Czechoslovak Socialist Republic on the Settlement of Certain Outstanding Claims and Financial Issues, signed on January 29, 1982, entered into force.

EFFECTIVE DATE: March 24, 1982.

FOR FURTHER INFORMATION CONTACT: David H. Rogers, General Counsel (Acting), Foreign Claims Settlement Commission, 1111–20th Street, N.W., Washington, DC 20579; Telephone No. (202) 653–5883.

1. System Name

The system name is hereby amended by inserting ("1st and 2nd Programs)" between * * * AGAINST and —FCSC, so that it reads as follows:

* * * * *

SYSTEM NAME:

CZECHOSOLOVAKIA, CLAIMS AGAINST (1st and 2nd Programs)—FCSC

2. System Location

The system location description is hereby amended by adding "and the Foreign Claims Settlement Commission, 1111–20th Street N.W., Washington, DC 20579" after DC 20409 * * *, so that the description reads as follows:

* * * * *

SYSTEM LOCATION:

Washington National Records Center, GSA, 4205 Suitland Road, Washington, DC 20409 and the Foreign Claims Settlement Commission, 1111–20th Street, N.W., Washington, DC 20579.

3. Categories of Individuals Covered by the System

The categories of individuals covered by the system is hereby amended by deleting "after January 1, 1945" following * * * Czechoslovakia and adding in its place "from January 1, 1945 to August 8, 1958 (1st Program) and from August 9, 1958 to February 2, 1982 (2nd Program)", so that it reads as follows:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. nationals who suffered property losses in Czechoslovakia from January 1, 1945 to August 8, 1958 (1st Program) and from August 9, 1958 to February 2, 1982, (2nd Program).

4. Authority for Maintenance of the System

This section is hereby amended by inserting after * * * as amended, "(1st Program) and the Czechoslovakian Claims Settlement Act of 1981 (2nd Program)", so that this section reads as follows:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title IV, International Claims Settlement Act of 1949, as amended, (1st Program) and the Czechoslovakian Claims Settlement Act of 1981 (2nd Program).

5. Safeguards

The section on safeguards is hereby amended by adding after * * * Washington National Records Center "(1st Program) and the Foreign Claims Settlement Commission, 1111–20th Street, N.W., Washington, DC 20579 (2nd Program)" so that this section reads as follows:

* * * * *

SAFEGUARDS:

Records at Washington National Records Center are under GSA safeguards. Records at the Foreign Claims Settlement Commission are maintained in a locked room accessible only to authorized personnel and the building has a security guard.

Dated at Washington, D.C. on March 17, 1982.

J. Raymond Bell,

Chairman.

[FR Doc. 82-7801 Filed 3-23-82; 8:45 am]

BILLING CODE 4410-01-M

GENERAL SERVICES ADMINISTRATION

Office of the Administrator

General Services Administration Advisory Board; Meeting

This notice amends the notice of meeting appearing in the **Federal Register** on March 12, 1982, on page 10905. Notice is hereby given that a subcommittee of the GSA Advisory Board will meet on March 28, 1982, from 6:00 p.m. to 8:00 p.m., in Room 6120, 18th and F Streets, NW., Washington, DC 20405. This session will be closed to the public to avoid disclosing information of a personal nature where disclosure would constitute clearly unwarranted invasion of personal privacy.

The shortened notice period for notice of the above meeting is caused by changes in schedules.

For further information, contact Roger C. Dierman, Deputy Associate Administrator (202) 523-1141.

Charles S. Davis III,

Associate Administrator.

[FR Doc 82-8076 Filed 3-23-82; 9:39 am]

BILLING CODE 6820-26-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Notice of Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: Arkansas Game and Fish Commission Little Rock, AR; PRT 2-8918.

The applicant requests a permit to take nestling bald eagles (*Haliaeetus leucocephalus*) from Michigan, Wisconsin, or Minnesota to be relocated and hacked in Arkansas for enhancement of survival.

Applicant: Rex Lamb Carrollton, MO; PRT 2-8896.

The applicant requests a permit to purchase in interstate commerce four (4) captive-bred Nene geese (*Branta sandvicensis*) from David Monuszko of Poulsbo, Washington for enhancement of propagation.

Applicant: Recreation Wildlife Park Assoc. d.b.a. Wild World, Mitchellville, MD; PRT 2-8917.

The applicant requests a permit to purchase in interstate commerce one (1) female Asian elephant (*Elephas maximus*) from the City of Muscatine, Iowa for enhancement of propagation.

Applicant: Jardine Zoologico de Puerto Rico, Mayaguez, PR; PRT 2-8913.

The applicant requests a permit to import one male and one female South American side-necked turtles (*Podocnemis unifilis*) from Venezuela for scientific research and enhancement of propagation.

Applicant: Pacific Islands Administrator, U.S. Fish and Wildlife Service, Honolulu, HI; PRT 2-2935.

The applicant requests a permit to take six (6) Marianas mallards (*Anas oustaleti*) from the Marianas Islands for enhancement of propagation at Sea World, Inc., San Diego, California.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before April 23, 1982, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: March 18, 1982.

Robert J. Batky,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-7859 Filed 3-23-82; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Indian Affairs

Proposed Closure of Off-Reservation Boarding Schools and Southwestern Indian Polytechnic Institute and the Transfer of BIA Day Schools in Alaska to the State of Alaska; Hearing

Correction

In FR Doc. 82-7154, published at page 11568, on Wednesday, March 17, 1982, make the following corrections:

1. On page 11568, in the third column, in the first paragraph, in the tenth line, "Billings, Oregon," should be corrected to read "Billings, Montana,".

2. In the second paragraph, in the tenth line, "918/687-2467" should be corrected to read "918/687-2460".

BILLING CODE BILLING CODE 1505-01-M

Bureau of Land Management

[F-19570-A]

Alaska Native Claims Selection

On December 16, 1974, Solomon Native Corporation, for the Native village of Solomon, filed selection application F-19570-A under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (1976) (ANCSA), for the surface estate of certain lands in the vicinity of Solomon.

The Native village of Solomon was not listed in Sec. 11(b)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1610(b)) as eligible for lands and benefits; however, under the provisions of section 11(b)(3) of the act, it was declared to be an eligible village.

On April 11, 1979, the village of Solomon, the State of Alaska, and Bering Straits Native Corporation entered into an exchange agreement pursuant to section 22(f) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1621(f)), as amended by section 17 of Public Law 94-204 of January 2, 1976. The exchange agreement was approved by a Decision by the Secretary on August 14, 1979.

Therefore, the village of Solomon is eligible for land and benefits, not to exceed 69,120 acres, under the Alaska Native Claims Settlement Act pursuant to provisions of section 12(a).

Public Land Order No. 1486 dated July 5, 1955, withdrew and reserved, under the jurisdiction of the Bureau of Indian Affairs (BIA), lands for school purposes for the village of Solomon containing approximately 2.46 acres. On September 29, 1977, BIA informed the Bureau of Land Management that this parcel was no longer required and withdrew their application under section 3(e) of ANCSA which states:

"Public lands" means all Federal lands and interest therein located in Alaska except: (1) the smallest practicable tract, as determined by the Secretary, enclosing land actually used in connection with the administration of any Federal installations.

Therefore, these lands are considered available public lands; they are properly selected by Solmon Native Corporation and are included in this conveyance document.

In view of the foregoing, the surface estate of the following described lands, aggregating approximately 67,000 acres, is considered proper for acquisition by Solomon Native Corporation and is hereby approved for conveyance pursuant to section 14(a) of ANCSA:

U.S. Survey No. 563 situate on left bank of Solomon River, District of Alaska.
Containing 85.67 acres.
Mineral Survey No. 460 known as the Nos. 14–15–16–17–18–19–20 and 21 Above Discovery, on Solomon River placer claims in Nome Mining District, District of Alaska.
Containing 135.758 acres.
Mineral Survey No. 751, those portions known as No. 3 from the Forks Placer and Minerva Bench Placer located in Cape Nome Mining District, District of Alaska.
Containing 36.707 acres.
Mineral Survey No. 1100, known as January, February, March, November and December Placer Claims, excluding those portions in conflict with the unpatented portion of Mineral Survey No. 706 and Mineral Survey No. 1328, in Nome Mining District, Alaska.
Containing approximately 458 acres.
Mineral Survey No. 1231, known as the Bonanza Association Placer in Cape Nome Mining District, Territory of Alaska.
Containing 30.853 acres.
Aggregating approximately 747 acres.

Kateel River Meridian, Alaska (Unsurveyed)

T. 9 S., R. 27 W.,
Secs. 31 and 32.
Containing approximately 1,243 acres.
T. 10 S., R. 27 W.,
Secs. 5, 6, 7, and 8;
Secs. 17, 18, 19, and 20;
Secs. 29 and 30.
Containing approximately 6,245 acres.
T. 9 S., R. 28 W.,
Sec. 7, excluding Mineral Survey No. 752;
Sec. 8, excluding Mineral Survey No. 460;
Sec. 9;
Sec. 16, excluding Mineral Survey No. 460;
Sec. 17, excluding Mineral Survey No. 460 and Mineral Survey No. 751;
Sec. 18, excluding Mineral Survey No. 751 and Mineral Survey No. 752;
Sec. 19, excluding Mineral Survey No. 751;
Sec. 20;
Sec. 21, excluding Mineral Survey No. 460;
Secs. 28 to 32, inclusive;
Sec. 33, excluding Mineral Survey No. 324 and Mineral Survey No. 1868;
Secs. 34, 35, and 36.
Containing approximately 6,245 acres.
T. 10 S., R. 28 W.
Sec. 1;
Sec. 2, excluding Mineral Survey No. 388 and Mineral Survey No. 1856;
Sec. 3, excluding Mineral Survey No. 388;
Sec. 4, excluding Mineral Survey No. 415 and Mineral Survey No. 1888;
Sec. 5, excluding Mineral Survey No. 1135, Mineral Survey No. 1171, and Native allotment F–19184 Parcel C;
Sec. 6, excluding Mineral Survey No. 1135;
Secs. 7, 8, 9, and 10;
Sec. 11, excluding Mineral Survey No. 388;
Secs. 12 to 31, inclusive.
Containing approximately 19,265 acres.
T. 11 S., R. 28 W.,
Secs. 6 and 7 (fractional).
Containing approximately 485 acres.
T. 9 S., R. 29 W,
Secs. 9 to 16, inclusive;
Secs. 20, 21, and 22;
Secs. 23 and 24, excluding Native allotment F–636 Parcel B;
Secs. 25 and 26;
Sec. 27, excluding Native allotment F–15043;
Sec. 28, excluding Native allotment F–18398;
Sec. 29;
Secs. 33 to 36, inclusive.
Containing approximately 13,600 acres.
T. 10 S., R. 29 W.,
Secs. 1, 2, 3, and 4;
Secs. 9, 10, and 11;
Sec. 12, excluding Mineral Survey No. 705;
Sec. 13, excluding Mineral Survey No. 706 and amended Mineral Survey No. 706;
Sec. 14, excluding Mineral Survey No. 706;
Secs. 15, 16, and 23;
Sec. 24, excluding Mineral Survey No. 706, amended Mineral Survey No. 706, and Native allotment F–16210 Parcel B;
Sec. 25, excluding Mineral Survey No. 706, amended Mineral Survey No. 706, Mineral Survey No. 1100, and Mineral Survey No. 1328;
Sec. 26, excluding Mineral Survey No. 706, Mineral Survey No. 1100, and Mineral Survey No. 1328;
Sec. 33;
Sec. 34, excluding Native allotment F–18397;
Sec. 35, excluding Mineral Survey No. 1100, Mineral Survey No. 1328, and Native allotment F–18397;
Sec. 36, excluding Mineral Survey No. 1100.
Containing approximately 11,728 acres.
T. 11 S., R. 29 W.,
Sec. 1, excluding unnamed lagoon;
Sec. 2, excluding U.S. Survey No. 563 and Mineral Survey No. 1100;
Sec. 3, excluding Mineral Survey No. 1100, Native allotments F–16514 Parcel A, F–17527, and F–18224;
Sec. 4, excluding Native allotment F–17527;
Sec. 10 (fractional), excluding Mineral Survey No. 1100, Mineral Survey No. 1231, and Native allotment F–15012;
Sec. 11 (fractional), excluding Mineral Survey No. 563, Mineral Survey No. 1100, and Native allotment F–15012;
Secs. 12 and 15 (fractional).
Containing approximately 2,742 acres.
Aggregating approximately 66,253 acres.
Total aggregated acreage approximately 67,000 acres.

There are no inland water bodies considered to be navigable within the above-described lands.

Excluded from the above-described lands herein conveyed are the following water bodies which are pending a determination as to tidal influence:

The Solomon River, its interconnecting sloughs and distributaries, has been determined to be tidally influenced to the south section line of Sec. 2, T. 11 S., R. 29 W., Kateel River Meridian. The unnamed lagoon in Secs. 6 and 7, T. 11 S., R. 28 W., Kateel River Meridian, and Secs. 1, 10, 11, 12, and 15, T. 11 S., R. 29 W., Kateel River Meridian has been determined to be tidally influenced.

Actual limits of tidal influence for water bodies listed above and for any other water bodies within the lands to be conveyed, if any, will be determined at the time of survey.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are underlying water bodies determined to be navigable and/or tidally influenced; lands are pending a determination under Sec. 3(e) of ANCSA; or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and apurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F–19570–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles,

and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

a. (EIN 4a C4, L) A proposed trail easement fifty (50) feet in width from the confluence of Mystery Creek and Shovel Creek and Shovel Creek in Sec. 2, T. 10 S., R. 29 W., Kateel River Meridian, paralleling the left bank of Mystery Creek and the north side of the miner's ditch to Sec. 4, T. 10 S., R. 29 W., Kateel River Meridian, thence northwesterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

b. (EIN 9 C5, L) An easement twenty-five (25) feet in width for an existing access trail beginning in section 31. T. 10 S., R. 27 W., Kateel River Meridian, and proceeding northeasterly along Cache (Spruce) Creek to public lands east of the conveyance area. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

c. (EIN 10 C1) An easement twenty-five (25) feet in width for an existing access trail from public lands west of the conveyance area easterly to public lands, generally paralleling the lagoon in sections 10, 11, 12, and 15, T. 11 S., R. 29 W., and sections 6 and 7, T. 11 S., R. 28 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, section 6(g))), contract, permit right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to section 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971(43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Any right-of-way interest in Federal Aid Secondary (FAS) Route No. 130 (Nome-Council Road) from Nome FAA Airfield east through Nome and Solomon to FAS Route 1304 at Council transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce and under the authority of the Alaska Omnibus Act, Public Law 86–70 (73 Stat. 141) as to Tps. 9 and 10 S., Rs. 27 and 28 W., and Tps. 10 and 11 S., R. 29 W., Kateel River Meridian;

4. Any right-of-way interest in Federal Aid Secondary (FAS) Route No. 1301 (Shovel Creek Road) from FAS Route 130 of Solomon, northwesterly to Shovel Creek Mining area transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86–70 (73 Stat. 141) as to Tps. 9 and 10 S., R. 29 W., Kateel River Meridian;

5. Any right-of-way interest in Federal Aid Secondary (FAS) Route No. 1302 (Big Hurrah Road) from FAS Route 130 north of Solomon, easterly to Big Hurrah Mine transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86–70 (73 Stat. 141) as to T. 10 S., R. 28 W., Kateel River Meridian;

6. Any right-of-way interest in Federal Aid Secondary (FAS) Route No. 1303 (Casadepaga Road) from FAS Route 130, near mouth of East Fork River, northerly to Casadepaga transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86–70 (73 Stat. 141) as to T. 9 S., R. 28 W., Kateel River Meridian; and

7. Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Reindeer Grazing Permit, F–035186, issued to Lawrence T. Davis, on January 1, 1982, located within the lands herein approved for conveyance, will terminate upon conveyance of these lands in accordance with section 9, Additional Condition or Stipulation No. 1 of the permit.

Reindeer Grazing Permit, F–030166, issued to Sigfried Aukongak, on January 1, 1982, located within the lands herein approved for conveyance, will terminate upon conveyance of these lands in accordance with section 9, Additional Condition or Stipulation No. 1 of the permit.

Pursuant to the Secretary's decision, Solomon Native Corporation is entitled to conveyance of lands not to exceed 69,120 acres. To date, approximately 67,000 acres have been approved for conveyance. There will be no remaining entitlement unless additional lands should become available within the specified area.

Pursuant to section 14(f) of the Alaska Native Claims Settlement Act conveyance of the subsurface estate of the lands decribed above shall be granted to Bering Straits Native Corporation when conveyance is granted to Solomon Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the NOME NUGGET.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96–487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until April 23, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the

manner of and requirements for filing an appeal can be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken the parties to be served with a copy of the notice of appeal are:

Solomon Native Corporation, P.O. Box 61, Nome, Alaska 99762.

Bering Straits Native Corporation, Box 1008, Nome, Alaska 99762.

Ruth Stockie,

Acting Chief, Branch of Alaska Native Claims Settlement Act Adjudication.

[FR Doc. 82-7882 Filed 3-23-82; 8:45 am]

BILLING CODE 4310-84-M

Geothermal Resources Lease Sale Dunes, Glamis, Ford Dry Lake, Little Horse Mountain, Love Lady Ridge and Lake City—Surprise Valley KGRA's CA 12495

Notice is hereby given that approximately 7,680.00 acres of land in 4 parcels in Imperial County, California, (Dunes); approximately 13,994.04 acres of land in 7 parcels in Imperial County, California, (Glamis); approximately 7,166.96 acres of land in 4 parcels in Riverside County, California, (Ford Dry Lake); approximately 1,195.68 acres of land in 1 parcel in Lake County, California, (Little Horse Mountain); approximately 5,517.40 acres of land in 3 parcels in Colusa County, California, (Love Lady Ridge); and approximately 45,630.70 acres of land in 21 parcels in Modoc County, California, (Lake City—Surprise Valley) will be offered competitively for lease under the Geothermal Steam Act of 1970 through sealed bids to the qualified responsible bidder of the highest cash amount per parcel. Bids will be received until 10:00 a.m. on April 21, 1982.

For further information contact the California State Office, Division of Operations, Room E-2605, 2800 Cottage Way, Sacramento, California 95825, 484-4492.

Dated: March 16, 1982.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-7897 3-23-82; 8:45 am]

BILLING CODE 4310-84-M

[N-34272]

Nevada; Notice of Realty Action Exchange of Public and Private Lands in Lander County

March 16, 1982.

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Mount Diablo Meridian, Nevada

T. 16 N., R. 38 E.,
Sec. 24, SW¼NW¼;
T. 16 N., R. 39 E.,
Sec. 17, SW¼NW¼, W½SW¼;
Sec. 18, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 19, Lot 3, NE¼NE¼, S½NE¼, N½SE¼, NE¼SW¼;
Sec. 20, W½NW¼, NW¼SW¼.

Comprising 719.11 acres of public land.

In exchange for these lands, the United States will acquire the following described lands from Don Nonella:

Mount Diablo Meridian, Nevada

T. 16 N., R. 38 E.,
Sec. 3, W½SW¼;
Sec. 4, SE¼NE¼;
Sec. 10, SW¼NE¼, N½SE¼, SE¼SE¼ except 1.55 acre parcel, SE¼NW¼, N½SW¼;
Sec. 14, NW¼SW¼;
Sec. 15, E½NE¼, NE¼SE¼;
Sec. 34, E½NW¼, SW¼NW¼, NW¼SW¼.

Compromising 718.45 acres of private land.

The purpose of this exchange is to acquire the non-Federal lands which have high public value for local forest products, cultural resources, wildlife, and recreation. Acquisition of these lands will produce a blocked public ownership pattern in the southern Desatoya Mountains. The public interest will be served by completing the exchange.

The values of the land to be exchanged are approximately equal; full equalization of values will be achieved by payment to the United States by Don Nonella of funds in an amount not to exceed 25% of the total value of the lands to be transferred out of Federal ownership.

Patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. Those rights for highway purposes which have been granted to the Nevada State Highway Department, its successors or assigns, by Permit No. CC-022622, under the Act of November 9, 1921, 42 Stat. 212.

2. Existing road, Lander County Route 219, which crosses T. 16 N., R. 39 E., M.D.M., Section 10, NW¼NW¼SW¼. Road established under authority of R.S. 2477.

Further information concerning the exchange, including the environmental assessment, is available for review at the Bureau of Land Management, Battle Mountain District Office, corner of 2nd and Scott Streets, Battle Mountain, Nevada, 89820, and the Nevada State Office, 300 Booth Street, Reno, Nevada, 89509.

For a period of 45 days from the date of first publication, interested parties may submit comments to the State Director (N-943), P.O. Box 12000, Reno, Nevada, 89520.

William J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 82-7896 Filed 3-23-82; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; San Juan Planning Unit Management Framework Plan; Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to amend the San Juan management framework plan.

SUMMARY: This notice is to advise the public that the Albuquerque District of the Bureau of Land Management proposes to amend portions of the Farmington Resource Area, San Juan Management Framework Plan (MFP). This action, in cooperation with the United States Forest Service, Region 3, is needed to accommodate the processing of a proposed land exchange known as the Elena Gallegos Exchange. The Elena Gallegos Exchange is a proposed action by which the Forest Service would acquire a portion of the Elena Gallegos Land Grant located north of Albuquerque, New Mexico, in exchange for scattered Forest Service and public lands located in the vicinity of various New Mexico cities. The MFP will be amended to identify 2,928.61 acres of public land, in the Farmington, New Mexico area, as being suitable for exchange out of Federal ownership, in order to accommodate the Elena Gallegos Land Exchange proposal. This acreage is in addition to 3,370 acres of land that has been previously identified in the MFP for community expansion purposes.

SUPPLEMENTARY INFORMATION: The Albuquerque District of the Bureau of Land Management will amend portions of the San Juan Framework Plan pursuant to the regulations contained in 43 CFR Part 1600. The MFP amendment will analyze the impacts of identifying

2,928.61 acres of public land as being suitable for exchange out of Federal ownership, in order to accommodate the Elena Gallegos Land Exchange proposal. The analysis will identify known conflicts with existing MFP decisions and will analyze those values that could additionally be impacted by the exchange including, but not limited to grazing, socioeconomic values, wildlife and archeology.

The lands to be addressed are located in the Farmington, New Mexico area and include portions of the following described townships:

New Mexico Principal Meridian

T. 29 N., R. 12 W.
T. 30 N., R. 13 W.

During the amendment process, an EA will be prepared by Farmington Resource Area Staff Specialists of the Albuquerque District Office. Disciplines to be represented include cultural resources, geology, hydrology, land uses, socioeconomics, soils, vegetation, and wildlife. Public participation opportunities will be provided in the following ways: (1) A review and comment period is provided on this notice, ending 30 days from the date of this publication; (2) A news release will appear in local newspapers, asking interested parties to identify any concerns; (3) A notice of intent to amend the MFP will be sent to state and local governments that would be concerned with the plan or have land use regulatory authority in the vicinity of the proposed amendment, asking them to identify issues and concerns; (4) A draft MFP amendment will be made available for public review in May 1982. Notice of the District Manager's initial decision to amend the MFP will appear in the **Federal Register** and local newspapers. Public comments will be considered in preparation of the final amendment which may be implemented 30 days after approval.

For further information and to respond within the 30 day comment period for review of this notice, contact Bruce Bash, Realty Specialist, at the Farmington Resource Area, Bureau of Land Management, 900 La Plata Highway, phone (505) 325-3581. Documents relevant to the planning process are also available for public inspection at the above address.

L. Paul Applegate,

District Manager.

March 16, 1982.

[FR Doc. 82-7898 Filed 3-23-82; 8:45 am]

BILLING CODE 4310-84-M

Restriction of Use of Motorized Vehicles on Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of restriction of use of motorized vehicles on public lands.

Notice is hereby given that use of motorized vehicles on certain public lands in the Goblin Valley area is temporarily restricted, in accordance with the provisions of 43 CFR, Subpart 8364. These restrictions do not apply to emergency, law enforcement, and Federal or other government vehicles while being used for official or emergency purposes, or vehicles authorized by permit, contract or statute.

The area affected by this restriction is located approximately 13 miles north of Hanksville, Utah. The area is accessible from the entrance road to Goblin Valley State Reserve and lies adjacent to the State Reserve at its entrance. The area comprises 60 acres of the eastern slope of Wild Horse Butte and the flats to the east connecting with the entrance road to Goblin Valley State Reserve and the Wild Horse Butte road to the north.

The purpose of this emergency closure is to prevent excessive erosion, unnecessary destruction of plant life, public health and safety and the natural environment. The area has been excessively used by ORV's resulting in conditions which necessitate this closure. This action has resulted from consultation with the Utah Division of Parks and Recreation and complaints received from visitors to Goblin Valley State Reserve.

The entire area will be signed at common points of ORV access.

Maps showing the area are available at the Moab District Office in Moab, Utah and the Price Area Office, in Price, Utah.

This notice is effective upon publication (March 24, 1982) and will be in effect until June 1, 1982.

Kenneth V. Rhea,

Associate District Manager.

[FR Doc. 82-7899 Filed 3-23-82; 8:45 am]

BILLING CODE 4310-84-M

[W-77767]

Wyoming; Invitation for Coal Exploration License: Rocky Mountain Energy Corporation

March 16, 1982.

Rocky Mountain Energy Corporation hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning Federally owned coal underlying the following-described land in Carbon County, Wyoming.

Sixth Principal Meridian, Wyoming

T. 19 N., R. 85 W.,
Sec. 6: Lots 1-7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (All).
Sec. 18: Lots 1-4, E½, E½W½ (All).
T. 19 N., R. 86 W.,
Sec. 2: Lots 1-4, S½N½, S½ (All),
Sec. 4: Lots 5-20 (All),
Sec. 6: Lots 8-23 (All),
Sec. 8: All,
Sec. 10: All,
Sec. 12: All,
Sec. 14: W½E½, W½,
Sec. 24: All.
T. 20 N., R. 86 W.,
Sec. 32: All,
Sec. 34: All.
Containing 7460.74 acres.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under Serial Number W-77767): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001, and the Bureau of Land Management, Rawlins District Office, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

This notice of invitation will be published in this newspaper once each week for two (2) consecutive weeks beginning the week of March 29, 1982, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Rocky Mountain Energy Corporation no later than April 23, 1982. The written notices should be sent to the following addresses: Rocky Mountain Energy Corporation, Mr. James D. Edgerley, Vice President—Coal, P.O. Box 2000, Broomfield, Colorado 80020, and the Bureau of Land Management, Wyoming State Office, Attention: Lands and Mining Section. P.O. Box 1828, Cheyenne, Wyoming 82003.

The foregoing notice is published in the **Federal Register** pursuant to Title 43 of the Code of Federal Regulations, § 3410.2-1(d)(1).

William S. Gilmer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-7894 Filed 3-23-82; 8:45 am]

BILLING CODE 4310-84-M

[W-77899]

Wyoming; Invitation for Coal Exploration License: Rocky Mountain Energy Corporation

March 15, 1982.

Rocky Mountain Energy Corporation hereby invites all interested parties to

participate on a pro rata cost sharing basis in its coal exploration program concerning Federally owned coal underlying the following-described land in Sweetwater County, Wyoming.

Sixth Principal Meridian, Wyoming

T. 16 N., R. 101 W.,
Sec. 4: Lots 1–4, S½ (All),
Sec. 6: Lots 13–18, E½SW¼, SE¼ (All),
Sec. 18: Lots 5–8, E½, E½W½ (All).
T. 17 N., R. 101 W.,
Sec. 4: Lots 1–4, S½N½, S½ (All),
Sec. 8: All,
Sec. 10: All,
Sec. 14: All,
Sec. 18: Lots 1–4, E½, E½W½ (All),
Sec. 20: All,
Sec. 22: All,
Sec. 28: All,
Sec. 30: Lots 1–4, E½, E½W½ (All),
Sec. 32: All,
Sec. 34: All.
T. 18 N., R. 101 W.,
Sec. 34: All.
T. 15 N., R. 102 W.,
Sec. 2: Lots 1–4, S½N½, S½ (All),
Sec. 4: Lots 1–4, S½N½, S½ (All).
T. 16 N., R. 102 W.,
Sec. 2: Lots 1–4, S½ (All),
Sec. 10: All,
Sec. 12: All,
Sec. 14: All,
Sec. 20: All,
Sec. 28: All,
Sec. 24: All,
Sec. 26: All,
Sec. 32: N½, N½S½, SE¼SE¼,
Sec. 34: NE¼, N½NW¼, SE¼, NW¼, S½.
T. 17 N., R. 102 W.,
Sec. 24: All,
Sec. 26: All.
Containing 18,551.92 acres.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under Serial Number W–77899): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001, and the Bureau of Land Management, Rock Springs District Office, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

This notice of invitation will be published in this newspaper once each week for two (2) consecutive weeks beginning the week of March 22, 1982, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Rocky Mountain Energy Corporation no later than April 23, 1982. The written notices should be sent to the following addresses: Rocky Mountain Energy Corporation, Mr. James D. Edgerley, V.P., Coal, 10 Longs Peak Drive, Box 2000, Broomfield, Colorado 80020, and the Bureau of Land Management, Wyoming State Office, Attention: Lands and Mining Section, P.O. Box 1828, Cheyenne, Wyoming 82003.

The foregoing notice is published in the **Federal Register** pursuant to Title 43 of the Code of Federal Regulations, § 3410.2–1(d)(1).

William S. Gilmer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–7895 Filed 3–23–82; 8:45 am]

BILLING CODE 4310–84–M

Land Description; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Closure of lands and roads, correction.

SUMMARY: This document corrects legal land descriptions; and CFR citations that appeared at page 4155 in the **Federal Register** of Thursday, January 28, 1982 (47 FR 4155). This action is necessary to correct errors in the legal land descriptions and CFR citations.

FOR FURTHER INFORMATION CONTACT: Gary Ryan, (503) 776–4217.

SUPPLEMENTARY INFORMATION: The following corrections are made in FR Doc. 82–2198 appearing on 4155 in the issue of January 28, 1982.

1. On page 4155, Column 2, Legal Land Descriptions; "T. 32 S., R. 5 W., Sec. 5, NE¼, E½NW¼; Sec. 23, N½NE¼" is corrected to read "T. 32 S., R. 5 W., Sec. 23, N½NE¼" and "T. 33 S., R. 5 W., Sec. 9, N½" is corrected to read "T. 33 S., R. 5 W., Sec. 5 Lot 1, 2, S½NE¼; Sec. 9, N½."

2. On page 4155, Column 2, "43 CFR 6010.4" is corrected to read "43 CFR 8364.1".

3. On page 4156, Column 2, "43 CFR 6010.6" is corrected to read "43 CFR 8364.2".

Dated: March 10, 1982.

Wayne A. Boden,

Acting District Manager.

[FR Doc. 82–7800 Filed 3–23–82; 8:45 am]

BILLING CODE 4310–84–M

[INT DEIS 82–10]

Lower Gila North Draft Grazing Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of draft Environmental Impact Statement (draft EIS).

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, BLM has prepared a draft EIS on the Proposed Grazing Management Program for the Lower Gila North Planning Area, Mohave, Yavapai, Maricopa, and Yuma Counties, Arizona.

SUPPLEMENTARY INFORMATION: BLM invites written comments on the draft EIS to be submitted within 60 days of its filing with the Environmental Protection Agency. Comments should be sent to the District Manager, Bureau of Land Management, Phoenix District Office, 2929 W. Clarendon Avenue, Phoenix, Arizona 85017.

A limited number fo draft EIS copies may be obtained upon request to the District Manager at the above address.

Public reading copies may be reviewed at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th & C Streets, N.W., Washington, D.C. 20240; Telephone (202) 343–5717

Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, Telephone (602) 261–3706

BLM will receive oral and written comments at the formal public hearings to be held on May 4, 1982 in Wickenburg, Arizona and on May 5, 1982 in Phoenix, Arizona. The Wickenburg hearing will be held at 7:30 p.m. at the Community Center, 160 North Valentine. The Phoenix hearing will be held at 7:30 p.m. at the Rodeway Inn Metrocenter, Orchard Room 3, 10402 North Black Canyon Highway.

A solicitor from the Department of the Interior will preside over the hearings. Witnesses presenting oral comments should limit their testimony to 10 minutes. Those wanting to testify should send a written request to the District Manager, Bureau of Land Management, Phoenix District Office, 2929 W. Clarendon Avenue, Phoenix, Arizona 85017.

BLM will give written and oral comments on the draft EIS equal consideration during preparation of the final EIS.

Dated: March 18, 1982.

Tom Allen,

Acting State Director.

[FR Doc. 82–7795 Filed 3–23–82; 8:45 am]

BILLING CODE 4310–84–M

Oregon; Closure of Land To Protect Scientific Studies and Preserve Scientific Values; Corrections

AGENCY: Bureau of Land Management, Interior.

ACTION: Closure of land, corrections.

SUMMARY: This document corrects the CFR citations that appeared at pages

8410–11 in the Federal Register of Friday, February 26, 1982, (47 FR 8410–11). This action is necessary to correct errors in the CFR citations.

FOR FURTHER INFORMATION CONTACT: Robert Lewis, (503)–776–4335.

SUPPLEMENTARY INFORMATION: The following corrections are made to the "SUPPLEMENTARY INFORMATION" of FR Doc. 82–5205 appearing on 8410–11 in the issue of February 26, 1982.

1. On page 8410, column 3, "43 CFR 6010.4" is corrected to read "43 CFR 8364.1".

2. On page 8411, column 1, "43 CFR 6010.6" is corrected to read "43 CFR 8364.2".

Dated: March 10, 1982.

Wayne A. Boden,

Acting District Manager.

[FR Doc. 82–7794 Filed 3–23–82; 8:45 am]

BILLING CODE 4310–84–M

[U–50484]

Utah; Notice of Invitation To Participate in Coal Exploration Program—Sunedco Energy Development Co.

March 11, 1982.

Sunedco Energy Development Company is inviting all qualified parties to participate in a program for the exploration of coal reserves on the eastern side of the Wasatch Plateau east of Gunnison, Utah. The lands are located in Emery and Sanpete Counties, Utah, and are described as follows:

T. 18 S., R. 5 E., SLM, Utah
Sec. 35, E½SW¼, SE¼;
Sec. 36, S½.
T. 19 S., R. 5 E., SLM, Utah
Sec. 1, lots 1–4, S½N½, S½;
Sec. 2, lots 1–3, S½NE¼, NE¼NW¼, E½SW¼, SE¼;
Sec. 11, E½, E½W½;
Sec. 12, all;
Sec. 14, NE¼NE¼, W½E½, SE¼SE¼;
SEc. 23, E½.
T. 19 S., R. 6 E., SLM, Utah
Sec. 19, lots 1–4, E½W½.
Containing 3,674.26 acres

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and to Mr. Fred Mark, Senior Project Geologist, Sunedco Energy Development Company, 7401 W. Mansfield Avenue, Box 35–B, Lakewood, Colorado 80235. Such written notice must be received on or before April 23, 1982.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all costs on a pro rata basis. A copy of the exploration plan, as submitted by Sunedco Energy Development Company, is available for public review during normal business hours, in the following office, under Serial No. U–50484: Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Robert E. Anderson,

Chief, Division of Operations.

[FR Doc. 82–7786 Filed 3–23–82; 8:45 am]

BILLING CODE 4310–84–M

Tuscaloosa Office; Change of Location

AGENCY: Bureau of Land Management, Interior.

ACTION: Change of location.

Notice is hereby given that the Tuscaloosa Office of the Bureau of Land Management will move to a new location, effective April 1, 1982. The current address of the Tuscaloosa Office is 1315 McFarland Boulevard, East, Tuscaloosa, Alabama 35401. The new address will be 519–B 19th Avenue, Tuscaloosa, Alabama 35401. The telephone number for the office, (205) 759–5441, will not change. There will be no interruption in service to the public during the move.

Pieter J. VanZanden,

Acting Eastern States Director.

[FR Doc. 82–7826 Filed 3–23–82; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Reclamation

Glenwood-Dotsero Springs Unit, Colorado River Water Quality Improvement Program; Notice of Intent To Prepare an Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an environmental statement on the Glenwood-Dotsero Springs Unit of the Colorado River Water Quality Improvement Program.

The Glenwood-Dotsero Springs Unit would remove over 300,000 tons of salt annually from the Colorado River.

The Glenwood-Dotsero Springs Unit is being studied under the Federal Water Pollution Control Act of October 18, 1972 (Public Law 92–500), the Colorado River Basin Salinity Control Act of June 24, 1974 (Public Law 93–320), and Public Law 96–375 of October 3, 1980. The project is in the feasibility stage of planning. The proposed plan would consist of collecting brine at Glenwood Springs and Dotsero, and piping the brine to disposal ponds near the Colorado-Utah border. Alternatives to the proposed plan include similar collection and transportation methods of the proposed plan, but varying the location and/or treatment of the brine. An alternative treatment site near Silt, Colorado, and alternative brine treatment methods including spray pond evaporation and reverse osmosis were considered.

Two scoping meetings will be held. The first scoping session will be held at 7 p.m. on May 12, 1982, in the Glenwood Springs High School Auditorium, 1340 Pitkin, Glenwood Springs, Colorado. The second scoping session will be held at 7 p.m. on May 13, 1982, in the Loma Community Center, Loma, Colorado.

Studies for the Glenwood-Dotsero Springs Unit, together with coordination with other agencies, organizations, and individuals, have identified most issues to be addressed at the scoping session. Additional information and ideas will be solicited from all interested individuals and organizations.

Inquiries should be addressed to Mr. J. F. Rinckel, Projects Manager, Grand Junction Projects Office, Bureau of Reclamation, 764 Horizon Drive, Grand Junction, Colorado 81501, telephone (303) 243–4992.

Dated: March 18, 1982.

Aldon D. Nielsen,

Acting Commissioner.

[FR Doc. 82–7789 Filed 3–23–82; 8:45 am]

BILLING CODE 4310–09–M

[INT FES 82–7]

Water Allocations and Water Service Contracting Central Arizona Project, Arizona; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a final environmental statement on the environmental consequences of the allocation of waters and water service contracting for supplies developed by the Central Arizona Project, a multipurpose water project which will deliver water for irrigation and municipal and industrial uses in central and southern Arizona, and by exchange to users in western New Mexico.

Copies of the statement are available for inspection at the following locations:

Director, Office of Environmental Affairs, Bureau of Reclamation, Department of the Interior, 18th & C

Streets, NW., Room 7622, Washington, DC 20240, Telephone: (202) 343–4991
Library Branch, Division of Management Support, Engineering and Research Center, Room 450, Building 67, Denver Federal Center, Denver, CO 80225, Telephone: (303) 234–3019
Office of the Regional Director, Bureau of Reclamation, Nevada Highway and Park Street, Boulder City, NV 89005, Telephone: (702) 293–8411
Arizona Projects Office, Bureau of Reclamation, Suite 2200 Valley Center, 201 North Central Avenue, Phoenix, AZ 85073, Telephone: (602) 261–3577

Libraries

Phoenix City Library, 12 East McDowell Road, Phoenix, AZ 85004
Tucson City Library, 200 South 6th Avenue, Tucson, AZ 85701

Single copies of the final statement may be obtained on request to the Commissioner of Reclamation or the Regional Director at the addresses listed above, at no charge. Please refer to the statement number above.

Dated: March 18, 1982.

William C. Klostermeyer,

Acting Commissioner.

Approved:

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 82-7900 Filed 3-23-82; 8:45 am]

BILLING CODE 4310-09-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 applciation is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subsect to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–49

Decided: March 16, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 14321 (Sub-15), filed March 9, 1982. Applicant: ENGAL VAN LINES, INC. 901 Julia Street, Elizabeth, NJ 07201. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036 (202) 785–0024. Transporting *typewriters and typewriter parts, and office computing and accounting machines, and copiers,* between points in the U.S. (except AK and HI), under continuing contract(s) with Sidney L. Karp Co., of Jersey City, NJ.

MC 60271 (Sub-21), filed March 10, 1982. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monroe, LA 71201. Representative: Sherri L. Roberts (same address as applicant) Monroe, LA 71201 (318) 396–2914. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in AL, AR, GA, IL, IN, KS, KY, LA, MS, MO, OK, TN, and TX.

MC 119630 (Sub-24), filed March 10, 1982. Applicant: VAN TASSEL, INCORPORATED, 5th and Grand, Pittsburg, KS 66762. Representative: Dean Williamson, Suite 107, 50 Classen Center, 5101 North Classen Blvd., Oklahoma City, OK 73118 (405) 848–7946. Transporting (1) *construction materials, metal products and oilfield commodities,* between points in Labette and Montgomery Counties, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *food and related products, motorcycles and mopeds,* between points in Crawford County, KS, and Jasper County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 135430 (Sub-6), filed March 9, 1982. Applicant: LEAVITT'S FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, OR 97477. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701 (208) 336–5955. Transporting *lumber and wood products,* between points in ID, MT, OR and WA, on the one hand, and, on the other, points in MN, ND and SD.

MC 144121 (Sub-13), filed February 8, 1982, previously noticed in the **Federal Register** issue of February 25, 1982. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719 (608) 273–1003. Transporting *food and related products,* between points in MN, WI, IN, IL, and IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This republication clarifies the territorial description.

MC 148831 (Sub-1), filed March 9, 1982. Applicant: STUMPS REFREIGERATED EXPRESS, INC., Rural Route No. 1, Box 57, Tiro, OH 44887. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *food and related products,* between points in Kane County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP2-50

Decided: March 9, 1982.

By the Commission, Review Board No. 1. Members Parker, Chandler and Fortier. Member Chandler not participating.

MC 1323 (Sub-4), filed March 2, 1982. Applicant: CHIEF TRANSFER & STORAGE, INC., 114 West "I" St., Ogallala, NE 69153-0247. Representative: Henry Schulz, 919 West Second St., Ogallala, NE 69153 308-282-2279. Transporting *household goods,* between points in NE, on the one hand, and, on the other, points in KS, WY, CO, SD, and IA.

MC 99273 (Sub-4), filed March 1, 1982. Applicant: KINDLE TRUCKING CO., INC., 449 Silver St., Agawam, MA 01001. Representative: David M. Marshall, 101 State St. Suite 304, Springfield MA 01103 (413) 732-1136. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., (except AK and HI), under continuing contract(s) with Kindle Consolidation, Inc., of Agawam, MA.

MC 77202 (Sub-5), filed December 14, 1981 (Correction), previously published in the **Federal Register** issue of January 5, 1982, and republished this issue. Applicant: CAPITOL TRANSIT & STORAGE CO., INC., 420 Ledyard St., Hartford, CT 06114. Representative: Richard G. Gagnon (same address as applicant) (203) 525-5681. Transporting *household goods,* between points in CT and MA, on the one hand, and, on the other, points in VA.

Note.—This republication is to include VA in the radial territory description. The prior publication remains the same.

MC 111432 (Sub-22), filed March 1, 1982. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Pl., Alsip, IL 60658. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703, 217-753-3925. Transporting *Commodities in bulk,* between points in the U.S. (except AK and HI) under continuing contract(s) with Stewart Oil Co., of Urbana, IL.

MC 117832 (Sub-5), filed March 2, 1982. Applicant: BILL BRUTON d.b.a. TRI-WESTERN EXPRESS, #8 Westwood Lane, Little Rock, AR 72204. Representative: Bill Bruton (same address as applicant) 501-565-6766. Transporting *bananas,* between Gulfport, MS, Mobile, AL, Houston and Galveston, TX and Little Rock, AR.

MC 126402 (Sub-20), filed March 1, 1982. Applicant: JACK WALKER TRUCKING SERVICE, INC., 1506 Fort Sumpter Court, Lexington, KY 40505. Representative: William L. Willis, 702 McClure Bldg., Frankfort, KY 40601, 502-227-7384. Transporting *malt beverages,* between Cincinnati, OH, on the one hand, and, on the other, points in KY, NC, and TN.

MC 136123 (Sub-39), filed March 1, 1982. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: David M. Kuehl (same address as applicant) 813-722-0506. Transporting *metal and metal products,* between points in the U.S., (except AK and HI), under continuing contract(s) with Jim Walter Corporation, of Tampa, FL.

MC 142592 (Sub-14), filed February 26, 1982. Applicant: H. L. STANSELL, INC., 1221 U.S. Alternate Hwy 19, Palm Harbor, FL 33563. Representative: David C. Venable, 400 Spring Valley Center, 4801 Massachusetts Ave., N.W., Washington, DC 20016, 202-364-8933. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145042 (Sub-16), filed March 2, 1982. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Ave., Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933. Transporting *chemicals and chemical products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Estech, Inc., of East St. Louis, IL.

MC 146442 (Sub-5), filed March 2, 1982. Applicant: CLEARFIELD TRANSPORTATION COMPANY, INC., P.O. Box 313, Clinton, MO 64735. Representative: Mark J. Andrews, Suite 1100, 1660 L St., N.W., Washington, DC 20036, 202-452-7400. Transporting **food and related products,** between points in the U.S. (except AK and HI), under continuing contract(s) with Fast Food Merchandisers, Inc., of Rocky Mount, NC.

MC 147683 (Sub-3), filed February 25, 1982. Applicant: POPE TRUCKING INC., Rt. #1, Box 133, Axson, GA 31624. Representative: Clifford W. Pope (same as applicant) (912) 422-7235. Transporting *lumber* between points in the U.S., (except AK and HI) under continuing contract(s) with Brunswick Pulp & Paper Company, of Brunswick, GA.

MC 148412 (Sub-6), filed February 26, 1982. Applicant: GIBBLE TRUCKING, INC., RD 3, Rockwood, PA 15557. Representative: John Fullerton, 407 N. Front St., Harrisburg, PA 17101, (717) 236-9318. Transporting *foundry supplies and materials,* between points in the U.S., (except AK and HI) under continuing contract(s) with Carpenter Brothers Inc., of Milwaukee, WI.

MC 148803 (Sub-2), filed February 23, 1982. Applicant: DREW & KENNETT INCORPORATED, Intervale Crossroad, P.O. Box 2400, North Conway, NH 03860. Representative: Bayard W. Kennett (same as applicant) (603) 356-6351. Transporting *forest products, lumber and wood products, furniture and fixtures, pulp, paper and related products, metal products, building materials, and recreational vehicles,* between those points in the U.S., in and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boudnaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada.

MC 153723 (Sub-8), filed March 2, 1982. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, 501-521-8121. Transporting (1) *meats and meat byproducts,* between points in Anderson County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *confectionery,* between points in Angelina County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157713 (Sub-1), filed March 2, 1982. Applicant: JOHNNY GOODNOH TRUCKING COMPANY, INC., P.O. Drawer B, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702 (501) 521-8121. Transporting *lumber and wood products,* between points in the U.S., (except AK and HI), under continuing contract(s) with Mulberry Lumber Company, of Mulberry, AR.

MC 158223, filed March 2, 1982. Applicant: AMERICAN-MIDWESTERN TRANSPORTATION, INC., P.O. Box 2584, White City, OR 97503. Representative: David C. White, 2400 S.W. 4th Ave., Portland, OR 97201, 503-226-6491. Transporting (1) *lumber, wood products and building materials* (a) between points in OR, on the one hand, and, on the other points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA, and WY, (b) between points in CA, on the one hand, and, on the other, points in CO, ID, MT, UT, and WA, and (c) between points in WA, ID, and MT, on the one hand, and, on the other, points in CO and UT, and (2) *metal products,* between Portland, OR, on the one hand, and, on the other, points in CA and UT.

MC 159792, filed February 26, 1982. Applicant: MID-AMERICA DAIRYMEN, INC., P.O. Box 1837 S.S.S., Springfield, MO 65805. Representative: E. R. Grant (same as applicant) (417) 865–9641 Ext. 326. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., (except AK and HI) under continuing contract(s) with Mead Johnson & Company, of Evansville, IN.

MC 159843 (Sub-1), filed March 2, 1982. Applicant: R. MIRR ENTERPRISES, INC., 202 North Fulton St., Princeton, WI 54931. Representative: Michael J. Wyngarrd, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting *metal products*, between Youngstown, OH, and points in Darke County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159972, filed February 26, 1982. Applicant: SONNENBURG HAULERS, INC., 112 Jefferson St., Mt. Horeb, WI 53572. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719 (608–273–1003). Transporting *foodstuffs*, between points in the U.S., (except AK and HI), under continuing contract(s) with Blue Mounds Cheese Co., Inc., of Blue Mounds, WI, Monroe Cheese Corporation of Monroe, WI, Ryser Bros. of Illinois, Inc., of Chicago, IL, Ryser Bros. of Wisconsin, Inc., of Mt. Horeb, WI, Stauffer and Sons, Incorporated, of Blue Mounds, WI, and Zim's Cheese, Inc., of Blanchardville, WI.

MC 160503, filed February 10, 1982. Applicant: THEODORE T. LINDSAY, SIR. AND THEODORE T. LINDSAY, JR., d.b.a. T. LINDSAY & SON TRUCKING, 3 North Hillsdale Dr., Bloomingdale, NJ 07403. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–7140. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NY, NJ, PA, CT, MA, RI, DE, MD, OH and DC, on the one hand, and, on the other, points in NY, NJ, PA, CT, MA, RI, DE, MD, OH and DC.

MC 160802, filed March 2, 1982. Applicant: EASY WAY TOURS, INC., 4745 Vrana Lane, Racine, WI 53405. Representative: Dennis Thieme (same as applicant), (414) 681–0733. *As a broker*, at Racine, WI, in arranging for the transportation, by motor vehicle, of passengers and their baggage, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Racine, Kenosha and Milwaukee Counties, WI, and extending to points in the U.S. (including AK and HI).

MC 160813, filed March 1, 1982. Applicant: FREIGHT SYSTEMS, INC., P.O. Box 101, Boise, ID 83701. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701, (208) 336–5955. Transporting *food and related products* between points in Umatilla County, OR, Davis County, UT, Grand Forks County, ND, Fulton County, GA, Prince Georges County, MD, Clay and Jackson Counties, MO, Wyandotte County, KS, Aroostook County, ME, Livingston County, NY, and ID and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP2–51

Decided: March 12, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 55312 (Sub-18), filed March 3, 1982. Applicant: TRAILWAYS TENNESSEE LINES, INC., 317 Gayoso St., Memphis, TN 38103. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, 214–655–7937. Over *regular routes*, transporting, *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Atlanta, GA, and Montgomery, AL, over Interstate Hwy 85, serving Auburn and Opelika, AL, and Newnan, GA, as off-route points.

Note.—Applicant intends to tack.

MC 139772 (Sub-5), filed March 3, 1982. Applicant: ROBERTS TRUCKING, INC., Rte. 1, Eldorado, WI 54932. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, 414–722–2848. Transporting *food and related products*, between points in WI, on the one hand, and, on the other, points in IL, IN, KY, MD, MI, NJ, NY, OH, PA, VA, and DC.

MC 142253 (Sub-1), filed March 5, 1982. Applicant: M & D LEASING, INC., d.b.a. YORK COMMERCIAL TRUCKING CO., 2200 Monroe St., York, PA 17404. Representative: Steven W. Gardner, P.O. Drawer 493, Walterboro, SC 30326, 803–549–2026. Transporting *general commodites* (except classes A and B explosives, household goods, commodities in bulk, and hazardous waste), between points in PA, on the one hand, and, on the other, Alexandria, VA, and Hagerstown and Baltimore, MD.

MC 143623 (Sub–6), filed March 4, 1982. Applicant: CITY COAL & SUPPLY COMPANY, INC., South 2nd St., Princeton, WV 24740. Representative: Kemper Powell (same address as applicant) 304–425–2379. Transporting *limestone dust*, between Piqua, OH, and Princeton, WV.

MC 148202 (Sub–11), filed March 5, 1982. Applicant: K & W ENTERPRISES, INC., P.O. Box 19133, Greensboro, NC 27419. Representative: Kim G. Meyer, 235 Peachtree St. NE., Suite 1200, Atlanta, GA 30303, 404–522–2322. Transporting (1) *machinery*, between points in the U.S., (except AK and HI), under continuing contract(s) with Ingersoll-Rand Company, of Mocksville, NC, (2) *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with The Enterprise Companies, of Wheeling, IL, (3) *printing paper, paper and related products, chemicals, plastics and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Dillard Paper Company, of Greensboro, NC, (4) *such commodities* as are dealt in or used by manufacturers, distributors, and wholesalers of health and beauty aids, between points in the U.S. (except AK and HI), under continuing contract(s) with Helene Curtis Industries, Inc., of Chicago, IL.

MC 160412, filed February 4, 1982, published in the **Federal Register** issue of March 2, 1982, and republished, as corrected, this issue. Applicant: PETRO TANK LINES, INC., P.O. Box 2184, West Memphis, AR 72301. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Ave., Memphis, TN 38103, 901–527–2482. Transporting *petroleum*, between points in Shelby County, TN, on the one hand, and, on the other, points in Arkansas, Ashley, Chicot, Clay, Cleburne, Craighead, Crittenden, Cross, Desha, Drew, Greene, Independence, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Mississippi, Monroe, Phillips, Poinsett, Praire, Pulaski, Randolph, St. Francis, Sharp, White and Woodruff Counties, AR. The purpose of this republication is to include Arkansas County, AR, in the territory description.

Volume No. OP5–59

Decided: March 15, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 111508 (Sub–1), filed March 5, 1982. Applicant: ACKER BUS LINE, INC., Box 194 RFD 1, Kingston, NY 12401. Representative: Sidney J. Leshin, 5 East 54th St., New York, NY 10022, 212–759–3700. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at points in Orange, Greene, Ulster, Dutchess, Columbia and Sullivan Counties, NY,

and extending to points in the U.S. (except AK and HI).

MC 118838, (Sub-95) filed March 8, 1982. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402, 612-333-1341. Transporting (1) *salt and salt products*, (2) *chemicals and related products*, and (3) *fertilizers*, between points in Weber County, UT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 129219 (Sub-34), filed March 8, 1982. Applicant: C M D TRANSPORTATION, INC., 12340 S.E. Dumold Rd., Clackamas, OR 97045. Representative: Richard C. Shearer, P.O. Box 1970, Lake Oswego, OR 97034, 503-655-7118. Transporting (1) *malt beverages* between points in the U.S. (except AK and HI), under continuing contract(s) with Murray Bros. Dist. Co. of Denver, CO; (2) *alcoholic beverages*, between points in the U.S. (except AK and HI), under continuing contract(s) with Souverain Winery/North Coast Cellars of Geysersville, CA; and (3) *plumbing and lighting fixtures*, between points in the U.S. (including AK but excluding HI), under continuing contract(s) with Gardner and Beeden Co. of Portland, OR.

MC 147909 (Sub-2), filed March 8, 1982. Applicant: CENTURY LINES, INC., 3725 Lakeside Ave., Cleveland, OH 44114. Representative: Lewis S. Witherspoon, 2455 N. Star Rd., Columbus, OH 43221, 614-486-0448. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in Ashtabula, Cuyahoga, Erie, Geauga, Lake, Mahoning, Medina, Portage, Stark, Summit, and Trumbull Counties, OH, on the one hand, and on the other points in DE, PA, and WV.

MC 135678 (Sub-36), filed March 8, 1982. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 SW 10th, Oklahoma City, OK 73125, Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528-3884. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in AR, AZ, CA, CO, ID, LA, MS, NV, NM, OK, OR, TN, TX, UT, WA, AND WY.

MC 142438 (Sub-3), filed March 8, 1982. Applicant: MIDLAND CARRIERS, INC., 100 Industrial Street, Scottsdale, PA 15683. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281-9494. Transporting (1) *electrical equipment, conduit outlet boxes, structural braces and components*, (2) *thermostats, timers, controls and castings*, and (3) *materials and containers* used in the manufacturer and distribution of the commodities in (1) and (2) above, between points in the U.S. (including AK but excluding HI), under continuing contract(s) with Midland-Ross Corporation, Electrical Products Division, of Pittsburgh, PA, and Robertshaw Controls Co., of Youngwood, PA.

MC 147449 (Sub-2), filed March 9, 1982. Applicant: KNEZ BUILDING MATERIALS, CO., INC., 8185 S.W. Hunziker Rd., Tigard, OR 97223. Representative: John S. Knez, Jr. (same address as applicant) 503-620-6142. Transporting *building materials*, between points in Washington west of U.S. Hwy 97, OR and CA.

MC 158638, filed March 8, 1982. Applicant: F.A.K. TRUCKING, INC., Suite 707, One Montgomery Plaza, Norristown, PA 19401. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046, (215) 576-0131. Transporting *pulp and plastic products* between points in the U.S. (except AK and HI), under continuing contract(s) with Georgia Pacific Corp., of Portland, OR.

MC 159008 (Sub-2), filed March 9, 1982. Applicant: NORTHERN CARRIERS, INC., 3814 11th St., Rockford, IL 61110. Representative: William D. Brejcha, 10 South LaSalle St., Suite 1600, Chicago, IL 60603, 312-263-1600. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of pulp, paper and related products, between points in the U.S. (except AK and HI), under continuing contract(s) with Flambeau Paper Corp., of Park Falls, WI, and Wassau Paper Mills Company of Brokaw, WI.

MC 159309, filed March 8, 1982. Applicant: BAY-SEA TRANSPORT, INC., 2300 Davis St., San Leandro, CA 94577. Representative: Ronald C. Chauvel, 100 Pine St., Suite 2550, San Francisco, CA 94111, 415-986-1414. 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 Jasco Chemical Corp. of Mountain View, CA; Oregon California Forest Products, Inc. of Eugene, OR; Kruger & Sons, Inc. of Hayward, CA; Norco Paint Company, Inc. of San Leandro, CA; Rudd Company, Inc., and Yale Industrial Trucks both of Seattle, WA.

MC 160059, filed March 8, 1982. Applicant: RAINBOW EXPRESS, INC., 4833 Middle Ridge Rd., Perry, OH 44081. Representative: Lewis S. Witherspoon, 2455 North Star Rd., Columbus, OH 43221, 614-486-0448. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI), under continuing contract(s) with By-Products Management of Ohio, Inc., of Cleveland, OH.

MC 160259 (Sub-1), filed March 8, 1982. Applicant: ARBOR FREIGHT SERVICE, INC., P.O. Box 117, Altoona, WI 54720. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701, 608-255-8891. Transporting *food and related products* (except in bulk), between points in IA, IL, IN, KS, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 160629, filed March 8, 1982. Applicant: CHARLES W. FLETCHER, d.b.a. FLETCHER DELIVERY SERVICE, Route 11, Box 262, Roanoke, VA 24019. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, 703-629-2818. Transporting (1) *chemicals and related products* (except in bulk), and (2) *machinery* between Roanoke, VA, on the one hand, and, on the other, points in KY, MD, NC, OH, PA, TN, VA and WV.

MC 160679, filed February 22, 1982. Applicant: WOODS REFRIGERATED SERVICE, 16 Rubin Ct., Novato, CA 94947. Representative: Jim Pitzer, 15 S Grady Way, Suite 321, Renton, WA 98055-3273, 206-235-1111. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Washington Beef, Inc. of Yakima, WA.

MC 160729, filed February 25, 1982. Applicant: WOODBRIDGE, LTD., P.O. Box 351, Dalton, GA 30720. Representative: M. C. Ellis, 1001 Market St., Chattanooga, TN 37402 615-756-3620. Transporting *floor coverings*, between points in the U.S. (except AK and HI), under continuing contract(s) with Olympic Carpets, Inc. of Dalton, GA.

MC 160868, filed March 5, 1982. Applicant: MOORE TRAVEL SERVICE, UNLIMITED, INC., 2704 North Santa Fe, Moore, OK 73160. Representative: Lee Hetz (same address as applicant) (404) 794-5571. To operate as a *broker* at Moore, OK, in arranging transportation of *passengers and their baggage*, in charter operations, between points in Oklahoma, on the one hand, and, on the other, points in the U.S.

MC 160869, filed March 5, 1982. Applicant: AMICAL TRAVEL CORPORATION 134 Spring Avenue, P.O. Box 67, Fuquay-Varina, NC 27526.

Representative: Thomas E. Turner (same address as applicant) (919) 772–9000). To operate as a *broker* at Fuquay-Varina, NC, in arranging Transportation of *passengers and their baggage* in same vehicle with passengers, in charter operations, beginning and ending at points in Wake County, NC, and extending to points in the U.S. (except AK and HI).

MC 160899, filed March 8, 1982. Applicant: SMF, INC., 8505 W. Warren Road, Dearborn, MI 48126. Representative: A. David Millner, Seven Becker Farm Road, P.O. Box Y, Roseland, Y, Roseland, NJ 07068 (201) 992–2200. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, MA, MD, MI, MO, MS, NC, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV, WI, and DC.

Volume No. OP5–60

Decided: March 16, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 10169, (Sub–8), filed February 22, 1982. Applicant: HATCHER TRUCKING COMPANY, INCORPORATED 1515 11th St., N. E. Roanoke, VA 24012. Representative: Robert E. Lindamood (same as applicant) (703) 345–9833. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in NC, on the one hand, and, on the other, points in Allegheny, Amherst, Carroll, Grayson, Halifax, Montgomery, Pulaski, Rockbridge, Smyth, Washington, And Wytheville Counties, VA.

MC 31879 (Sub–48), filed March 5, 1982. Applicant: EXHIBITORS FILM DELIVERY & SERVICE, INC., 101 West 10th Ave., North Kansas City, MO 64116. Representative: Warren A. Goff, 109 Madison Ave., Memphis, TN 38103 (901) 526–2900. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Boone and Carroll Counties, AR, Laramie and Goshen Counties, WY, and points in AZ, CA, CO, IL, IN, IA, KS, KY, MO, MN, NM, NE, SD, and WI.

MC 52868 (Sub-3), filed March 8, 1982. Applicant: THOUSAND ISLAND BUS LINES, INC., Box 74, Oxbow, NY 13671. Representative: Michael P. LaForty, 642 Kreag Road, Pittsford, NY 14534, (716) 248–8255. Transporting *passengers and their baggage* in same vehicle with passengers, in charter and special operations, between points in Lewis County, NY, on the one hand, and on the other, points in the U.S. (except AK and HI).

MC 59909 (Sub-19), filed February 25, 1982. Applicant: JACOBS TRANSFER, INC. A DIVISION OF THE JACOBS COMPANIES, INC., 2300 Beaver Rd., Landover, MD 20785. Representative: Eric Meierhoefer, 1029 Vermont Ave., NW., Washington, DC 20005, (202) 347–9332. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Baltimore, MD, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 120279 (Sub-12), filed February 24, 1982. Applicant: F. G. McFARLAND and S. R. HULLINGER d.b.a. McFARLAND AND HULLINGER, 915 N. Main St., Tooele, UT 84074. Representative: Bruce W. Shand, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *tar sands and oil shale* between points in the U.S. (including AK but excluding HI).

MC 144008 (Sub-5), filed March 3, 1982. Applicant: STORE TRANSFER & DELIVERY SERVICE, INC., 12 Ferris Lane, Poughkeepsie, NY 12601. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *such commodities* as are dealt in or used by department stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Palmetto Freight Association of Greenville, SC.

MC 150939 (Sub-29), filed February 23, 1982. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *office furniture* between points in the U.S. (except AK and HI), under continuing contract(s) with G. F. Business Equipment, Inc., of Youngstown, OH.

MC 152298, filed February 23, 1982. Applicant: HENRY H. BROWNING, LIQUID TRANSPORTER, INC., R.D. #1, Box 297–B, Olean, NY 14760. Representative: Michael A. Wargula, 128 Sherburn Drive, Hamburg, NY 14075, (716) 845–6066. Transporting *chemicals and related products* between points in the U.S. (except AK and HI), under continuing contract(s) with Agway, Inc., of Dewitt, NY, and Allied Chemical Corporation of Omaha, NE.

MC 154759 (Sub-1), filed March 2, 1982. Applicant: WEAVER TRUCKING, INC., Route 1, Box 441, West Helena, AR 72390. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, (501) 375–9151. Transporting *lumber and wood products* between points in the U.S. (except AK and HI), under continuing contract(s) with Chicago Mill & Lumber Company of West Helena, AR.

MC 155589 (Sub-2), filed February 1, 1982. Applicant: DENNIS BOONE d.b.a. P.T.L. EXPRESS, 3830 West Montebello Ave., Phoenix, AZ 85019. Representative: David Earl Tinker, 1000 Connecticut Ave. NW., Suite 1112, Washington, D.C. 20036, (202) 887–5868. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in Maricopa County, AZ, Santa Fe County, NM, Montezuma County, CO, and Sonoma, San Bernardino, Alameda, Orange, and Los Angeles Counties, CA, on the one hand, and, on the other, points in WA, OR, CA, ID, NV, AZ, CO, NM, TX, UT, MT, OK, and WY.

MC 160598, filed February 16, 1982. Originally published in the **Federal Register** (republication) on March 3, 1982. Applicant: C.R. SMITH TRUCKING, P.O. Box 516, Taylor, AZ 85939. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, 602–275–3124. Transporting (1) *lumber and wood products*, (2) *building materials*, (3) *metal products*, (4) *concrete products*, (5) *scrap paper*, and (6) *ores and minerals*, between points in AZ, AR, CA, CO, ID, NM, NV, OK, OR, TX, UT, and WA.

Note.—This application is republished to show concrete products, in lieu of concrete.

MC 160739, filed February 23, 1982. Applicant: ITOFCA TRUCK LINES, INC., P.O. Box 1518, Downers Grove, IL 60515. Representative: Daniel C. Sullivan, 10 S. LaSalle St., 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. (except AK and HI), under continuing contract(s) with ITOFCA, Inc., of Downers Grove, IL.

MC 160748, filed February 24, 1982. Applicant: ROY A. OSEN AND DALE K. EVRAETS d.b.a. BAY LEASING & SERVICE, 2628 Greenwald St., Green Bay, WI 54301. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. 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 Even Distributing, Inc., of Green Bay, WI.

MC 160749, filed February 24, 1982. Applicant: RCX TRUCKING RENTALS, INC., 7902 Belair Road, Baltimore, MD 21236. Representative: Robert A. Kehl (same address as applicant), (301) 668–1199. Transporting *chemicals* (except in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Diamond Shamrock Chemical Company and Fordham Chemical Company, both of Baltimore, MD.

MC 160829, filed March 3, 1982. Applicant: FANTASY TRAVEL, INC., 3631 So. Federal Hwy. Boynton Beach, FL 33435. Representative: Janice M. Betler (same address as applicant), (305) 734–0333. To operate as a *broker* at Boynton Beach and West Palm Beach, FL, arranging the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, beginning and ending at points in Palm Beach County, FL, and extending to points in the U.S.

MC 160878, filed March 8, 1982. Applicant: WHALEN TRANSFER & STORAGE CO., INC., 69 West Beltline Hwy., Madison, WI 53713. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *such commodities* as are dealt in or used by retail department stores, between points in the U.S. (except AK and HI), under continuing contract(s) with The H. C. Prange Company of Green Bay, WI.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-7829 Filed 3-23-82; 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** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested only on the ground that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–48

Decided: March 12, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 117551 (Sub-14), filed March 3, 1982. Applicant: NEWS AND FILM SERVICE, INC., 745 Lipan Street, Denver, CO 80204. Representative: Manuel Andrade, 770 Grant St., Suite 244, Denver, CO 80203, (303) 861–4273. Transporting *shipments weighting 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Volume No. OP1–50

Decided: March 16, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 156770 (Sub-1), filed March 10, 1982. Applicant: L & M TRUCK AND TRAILER COMPANY, INC., P.O. Box 247, Egan, LA 70531–0247. Representative: Paul J. Guilliot, 111 East Main Street, P.O. Box 2877, Lafayette, LA 70502 (1–318–232–8177). As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 160920, filed March 9, 1982. Applicant: TYACO BUSINESS SERVICE, INC., 77 Main Street, South River, NJ 37664. Representative: Robert F. Taylor, 323 Summerhill Road, East Brunswick, NJ 08816, (201) 254–8435. Transporting *shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds,* between points in the U.S. (except AK and HI).

MC 160970, filed March 11, 1982. Applicant: PHILLIPS TRUCKING, division of BROOKPARK LEASE AND FINANCE CORPORATION, 1311 Brookpark Road, Cleveland, OH 44109. Representative: Richard A. Zellner, 800 National City—E. 6th Bldg., Cleveland, OH 44114, (216) 621–0150. Transporting, for or on behalf of the United States Government, *General commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 160971, filed March 11, 1982. Applicant: MAXWAY, 360 Hartwell Ave., Salt Lake City, UT 84115. Representative: Dennis V. Haslam, 455 South Third East, Suite 301, Salt Lake City, UT 84111, (801) 531–9865. Transporting *shipments weighing 100 pounds or less if transported in a motor*

vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Volume No. OP5–57

Decided: March 9, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 160778, filed February 26, 1982. Applicant: AERO SPEED MAIL SERVICE, INC., P.O. Box 15068, 2308 Harvard St., Sacramento, CA 95851. Representative: Frank E. Almas (same address as applicant), 916–922–9866. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Volume No. OP5–61

Decided: March 16, 1982.

By the Commission, Review Board 3, Members Krock, Joyce, and Dowell.

MC 152578 (Sub-3), filed March 3, 1982. Applicant: E & E TRANSPORTATION, INC., d.b.a. WELLESLEY FREIGHT LINES, 32 Hinckley St., Somerville, MA 02145. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617) 535–5430. Transporting, for on or behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions, between points in the U.S. (except AK and HI).

MC 160758, filed February 25, 1982. Applicant: JERRY W. PRICE, 315 N. 29th Ave., Yakima, WA 98902. Representative: Jerry W. Price (same as above), (509) 452–3254. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *Agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–7828 Filed 3–23–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub-118N)]

Rail Carriers; Conrail Abandonment Between La Otto and Kendallville, IN; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between La Otto and Kendallville in the County of Noble, IN, a total distance of 10.0 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $193,173. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–7832 Filed 3–23–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub-148N)]

Rail Carriers; Conrail Abandonment Between Lebanon and Gadsden, IN; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Lebanon and Gadsden in the Counties of Boone and Gadsden, IN, a total distance of 7.5 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $70,348. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–7846 Filed 3–23–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub-131N)]

Rail Carriers; Conrail Abandonment of Silver Plate Industrial Track in Cuyahoga County, OH; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between milepost 1.0 and milepost 1.8 in the County of Cuyahoga, OH, a total distance of 0.8 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $97,528. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–7839 Filed 3–23–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub-150N)]

Rail Carriers; Conrail Abandonment Between Riverside and Newton Highlands, MA; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Riverside and Newton Highlands in the County of Middlesex, MA, a total distance of 0.2 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $9,637. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–7847 Filed 3–23–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub-120N)]

Rail Carriers; Conrail Abandonment of DD&D Branch in Detroit, MI; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between milepost 0.0 and milepost 0.8 in the County of Wayne, MI, a total distance of 0.8 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $113,823. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75

percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7833 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-125N)]

Rail Carriers; Conrail Abandonment Between Hudson and Harrison, NJ; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Hudson and Harrison in the County of Hudson, NJ, a total distance of 1.4 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $167,238. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7835 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-160N)]

Rail Carriers; Conrail Abandonment in Jersey City, NJ; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Jersey Avenue and end of track in the County of Hudson, NJ, a total distance of 0.6 mile effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $853,955. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7846 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-126N)]

Rail Carriers; Conrail Abandonment Between Niagara Junction and Williamsville, NY; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Niagara Junction and Williamsville in the County of Erie, NY, a total distance of 4.6 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $1,011,440. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7836 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-123N)]

Rail Carriers; Conrail Abandonment Between Picatinny Arsenal and Morris County Junction, NJ; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Picatinny Arsenal and Morris County Junction in the County of Morris, NJ, a total distance of 3.4 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $189,998. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7848 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-165N)]

Rail Carriers; Conrail Abandonment Between Tifft Junction and Tifft Terminal, NY; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Tifft Junction and Tifft Terminal in the County of Erie, NY, a total distance of 9.9 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $1,770,747. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7849 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-134N)]

Rail Carriers; Conrail Abandonment Between Avondale and Cincinnati, OH; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reogranization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Avondale and Cincinnati in the County of Hamilton, OH, a total distance of 0.8 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $233,617. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable

division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7842 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 176N)]

Rail Carriers; Conrail Abandonment Between Forest and Kenton, OH; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Forest and Kenton in the County of Hardin, OH a total distance of 11.1 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $590,677. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7852 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 172N)]

Rail Carriers; Conrail Abandonment Between Lando and Cadiz, OH; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Lando and Cadiz in the County of Harrison, OH, a total distance of 1.4 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $38,840. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7850 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 129N)]

Rail Carriers; Conrail Abandonment at New Comerstown, OH; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between milepost 82.9 and milepost 84.1 in the County of Tuscarawas, OH, a total distance of 1.2 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $92,056. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7837 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 130N)]

Rail Carriers; Conrail Abandonment at Newton Falls, OH; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between milepost 3.0 and milepost 5.5 in the County of Trumbill, OH, a total distance of 2.5 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $104,712. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7838 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 173N)]

Rail Carriers; Conrail Abandonment Between Plaza and End of Track, OH; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Plaza and the End of the Track in the County of Mahoning, OH, a total distance of 0.5 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $8,398. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7851 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 132N]

Rail Carriers; Conrail Abandonment Between Trinway and Zanesville, OH; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Trinway and Zanesville in the County of Muskingum, OH, a total distance of 13.3 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $535,336. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable

division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7840 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 133N)]

Rail Carriers; Conrail Abandonment Between Whitehall and E. Columbus, OH; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Whitehall and E. Columbus in the County of Franklin, OH, a total distance of 1.9 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $437,557. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7841 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 178N)]

Rail Carriers; Conrail Abandonment Between Bowersville and Punxsutawney, PA; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Bowersville and Punxsutawney in the County of Jefferson, PA a total distance of 8.4 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $201,780. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7853 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 181N)]

Rail Carriers; Conrail Abandonment Between Buchanan and Cochranton, PA; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Buchanan and Cochranton in the County of Crawford, PA a total distance of 8.3 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $202,290. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7855 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 106N)]

Rail Carriers; Conrail Abandonment Between Connellsville and Dunbar, PA; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Connellsville and Dunbar in the County of Fayette, PA, a total distance of 4.2 miles effective on February 9, 1982.

The Commission has decided that the net liquidation value of this line is $305,241. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7853 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 183N)]

Rail Carriers; Conrail Abandonment Between Glendon and Hellertown Rd, PA; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Glendon and Hellertown Rd in the County of Northampton, PA, a total distance of 2.1 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $46,937. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7857 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 140N)]

Rail Carriers; Conrail Abandonment Between Lancaster and Levans Mill, PA; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Lancaster and Levans Mill in the County of Lancaster, PA, a total distance of 1.8 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $33,675. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable

division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7843 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 184N)]

Rail Carriers; Conrail Abandonment Between Scranton and Little Virginia, Pa; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Scranton and Little Virginia in the County of Lackawanna, PA a total distance of 2.7 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $192,541. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7858 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 141N)]

Rail Carriers; Conrail Abandonment in Steelton, PA; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between milepost 0.0 and milepost 1.2 in the County of Dauphin, PA, a total distance of 1.2 miles effective on February 23, 1982.

The Commisson has decided that the net liquidation value of this line is $66,975. If, within 120 days from the date of this publication Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7844 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 182N)]

Rail Carriers; Conrail Abandonment Between Utica and Franklin, Pa; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Utica and Franklin in the County of Venango, PA, a total distance of 5.8 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $96,502. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7856 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 144N)]

Rail Carriers; Conrail Abandonment Between Williamsport and Hepburnville, Pa; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Williampsport and Hepburnville in the County of Lycoming, PA, a total distance of 5.4 miles effective on February 23, 1982.

The Commisson has decided that the net liquidation value of this line is $413,668. If, within 120 days from the date of this publication Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7845 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 179N)]

Rail Carriers; Conrail Abandonment Between Wilson and Large, Pa; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Wilson and Large in the County of Allegheny, PA a total distance of 3.2 miles effective on February 23, 1982.

The Commisson has decided that the net liquidation value of this line is $101,140. If, within 120 days from the date of this publication Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7854 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 52N)]

Rail Carriers; Conrail Abandonment Between White Deer and Montgomery, Pa; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line extending from a point south of White Deer to Montgomery in the Counties of Union and Lycoming, PA, a total distance of 8.6 miles effective on February 5, 1982.

The Commisson has decided that the net liquidation value of this line is $313,207. If, within 120 days from the date of this publication Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable

division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7830 Filed 3-23-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-106]

Certain Airtight Cast-Iron Stoves; Commission Action and Order

Background

On August 26, 1981, the Commission issued consent orders against respondents, Franklin Cast Products, Inc. ("Franklin") and Oriental Kingsworld Industrial Company, Ltd., in the above-captioned investigation. These consent orders took effect on October 26 1981. Item 14(c) of the consent orders postponed any obligation by respondents to change the design of their models which are copies of the Casting, Inc. ("Vermont") stoves until after the entry of judgment by the United States District Court for the District of Vermont in the consolidated civil litigation, "Vermont Casting, Inc. v. Franklin Cast Products, Inc.," Civ. Act. Nos. 79–265 and 80–162. In addition, Item 14(c) of each consent order states that upon entry of judgment, the Commission shall direct respondents to change their Vermont Casting copies in a manner which shall not be "inconsistent with and/or contrary to the judgment entered in the Vermont Casting litigation."

On December 23, 1981, the District Court in Vermont entered its judgment, permanently enjoining Franklin from manufacturing or distributing stoves "which have an exterior appearance utilizing a design confusingly similar to plaintiff's (Vermont's) trademark, specifically the curved front and double arched doors." As a result of this judgment and pursuant to Item 14(c) of the consent orders, the Unfair Import Investigations Division, on February 22, 1982, recommended that the Commission modify the consent orders it issued in order to ensure that certain of respondent's models will not be copies of Vermont's stoves.

Action

Having reviewed the Memorandum Opinion and Order of the U.S. District Court for the District of Vermont and the Unfair Import Investigations Division's recommendation regarding modification of the consent orders, the Commission determined on March 11, 1982 that modifying the consent orders in the following manner would be consistent with the judgment in "Vermont Casting."

Order

Accordingly, the Commission hereby orders that—

1. Pursuant to Item 14(c) of the consent order issued against Franklin Cast Products, Inc., the consent order shall be modified by adding the following paragraph:

With respect to Scandia models 308, 315 and 320, and any of respondents' stoves closely and substantially similar thereto in shape and appearance such as the Scandia 315 D, 315 G and 320 S, (1) the name "SCANDIA" will appear on the top and both sides of the stove in clear and conspicuous manner, (2) the words "Made in Taiwan" and "Franklin Cast Products, Inc." will appear on at least one side of the stove and the words "Made in Taiwan" will be positioned within two inches of the front of that panel in letters ¾" high, (3) the triangular shapes appearing within the upper front corners and the vertically extending rectangles adjacent the doors will be changed to different shapes, (4) the exterior outline of the doors will be changed to be rectangular or to an outline substantially different from that illustrated in the 1980 and 1981 Franklin Cast Products, Inc. catalogs, (5) the vertical ribbing at the center of the doors will be substantially changed from that shown in the 1980 and 1981 Franklin Cast Products, Inc. catalogs (6) the front wall will be flat, (7) the sides of the Scandia 308, 315 and 320 that do not open will not include a horizontally elongated rectangle in the upper portion of the side panel nor two vertically elongated side by side rectangles in the lower portion, (8) the door of the Scandia 315 will not include three rectangles or squares of decreasing area centrally positioned on the door one inside another, (9) the legs will be changed in shape to be substantially different from the Gambriel leg style illustrated in the 1980 and 1981 Franklin Cast Products, Inc. catalogs.

2. Pursuant to Item 14(c) of the consent order issued against Oriental Kingsworld Industrial Company Ltd., the consent order shall be modified by adding the following paragraph:

With respect to Scandia models 308, 315 and 320, and any of respondents' stoves closely and substantially similar thereto in shape and appearance such as the Scandia 315 D, 315 G and 310 S, (1) the name "SCANDIA" will appear on the top and both sides of the stove in clear and conspicuous manner, (2) the words "Made in Taiwan" and "Franklin Cast Products, Inc." will appear on at least one side of the stove and the words "Made in Taiwan" will be positioned within two inches of the front of that panel in letters ¾" high, (3) the triangular shapes appearing within the upper front corners and the vertically extending rectangles adjacent the doors will be changed to different shapes, (4) the exterior outline of the doors will be changed to be rectangular or to an outline substantially different from that illustrated in the 1980 and 1981 Franklin Cast Products, Inc. catalogs, (5) the vertical ribbing at the center of the doors will be substantially changed from that shown in the 1980 and 1981 Franklin Cast Products, Inc. catalogs, (6) the front wall will be flat, (7) the sides of the Scandia 308, 315 and 320 that do not open will not include a horizontally elongated rectangle in the upper portion of the side panel nor two vertically elongated side by side rectangles in the lower portion, (8) the door of the Scandia 315 will not include three rectangles or squares of decreasing area centrally positioned on the door one inside another, (9) the legs will be changed in shape to be substantially different from the Gambriel leg style illustrated in the 1980 and 1981 Franklin Cast Products, Inc. catalogs.

3. The Secretary shall serve a copy of this Action and Order upon each party of record in this investigation.

Issued: March 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-7889 Filed 3-23-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-105]

Certain Coin-Operated Audiovisual Games and Components Thereof (viz Rally-X and Pac-Man); Settlement Agreement, Recommended Termination, and Request for Public Comments

AGENCY: International Trade Commission.

ACTION: Request for public comments of the recommended termination of the investigation with respect to responded Fernandez Fun Factory, Inc., on the basis of a settlement agreement.

SUMMARY: Notice is hereby given that the presiding officer in this investigation has recommended that the Comission grant the joint motion of the complainant, Midway Manufacturing Co., and respondent Fernandez Fun Factory, Inc., and the Commission investigative attorney to terminate this investigation with respect to resondent Fernandez on the basis of a settlement agreement. Before taking final action on the motion, the Commission seeks written comments on the proposed termination from interested members of the public.

DEADLINE: All comments must be received on or before April 23, 1982.

SUPPLEMENTARY INFORMATION: The Commission is conducting Investigation No. 337–TA–105 to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the

importation into the United States of certain coin-operated audiovisual games and components thereof (viz Rally-X and Pac-Man), or in their sale, which are alleged to infringe complainant Midway's common law trademarks Pac-Man and Rally-X, and to infringe its copyrights covering the audiovisual works for the Pac-Man and Rally-X games, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

On January 12, 1982, complainant Midway, respondent Fernandez, and the Commission investigative attorney filed a joint motion (Motion No. 105–37) pursuant to 19 CFR 210.51, to terminate the investigation with respect to respondent Fernandez on the basis of a settlement agreement. On February 11, 1982, the presiding officer recommended that the motion be granted. The settlement agreement and the proposed termination are now before the Commission for final action.

Under the settlement agreement, Fernandez will surrender to Midway all "Read-Only-Memory" programs which are alleged to infringe Midway's copyright and common law trademark rights. Fernandez will pay a sum certain to Midway. Additionally, both Fernandez and Midway agree to release each other from all claims in this proceeding and in a parallel Federal court proceeding.

A nonconfidential version of the agreement is available for public 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., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

All comments must conform to the requirements of section 201.8 of the Commission's rules (19 CFR 210.8) and must be addressed to the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Scott M. Daniels, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Room 230, Washington, D.C. 20436, telephone 202–523–0350.

Issued: March 18, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-7890 Filed 3-23-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-119]

Certain High-Precision Solenoids and Components Thereof; Investigation

Order No. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: March 12, 1982.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 82-7891 Filed 3-23-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-101]

Certain Hot Air Corn Poppers and Components Thereof; Termination of Investigation as to Four Respondents

AGENCY: International Trade Commission.

ACTION: Termination of investigation No. 337–TA–101 as to four respondents.

SUMMARY: Notice is hereby given that the Commission has granted two joint motions filed by the complainant and four respondents to terminate the investigation with respect to those respondents on the basis of settlement agreements entered into by the parties.

AUTHORITY: The investigation is being conducted pursuant to 19 U.S.C. 1337(b)(1). The Commission's authority to terminate the investigation in part on the basis of settlement agreements is contained in § 210.51(c) of the Commission's Rules of Practice and Procedure (19 CFR 210.51(c)).

SUPPLEMENTARY INFORMATION: This investigation is being conducted in order to determine whether there is a violation of section 337 of the Tariff Act of 1930 in the importation of certain hot air corn poppers and components thereof into the United States, or in the sale of such articles, which are alleged to infringe claims 1, 2, 3, and 5 of U.S. Letters Patent 4,176,843, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. These proceedings were initiated on the basis of a complaint filed on behalf of Wear-Ever Aluminum, Inc., a wholly-owned subsidiary of the Aluminum Company of America and the assignee of the patent in question.

1. Motion No. 101–19

On October 13, 1981, the complainant and respondents General Electric Co., K Mart Corp., and the Stop & Shop Companies, Inc. filed a joint motion to terminate the investigation with respect to the moving respondents. Termination was sought on the basis of settlement agreements between the complainant and each of the respondents concerned. The motion was supported by the Commission investigative attorney but opposed by respondent Sunbeam Corp. On November 19, 1981, the presiding officer issued an order recommending that the Commission grant Motion No. 101–19.

Before taking final action on the motions, the Commission published notice of the motions in the Federal Register (46 FR 62342, December 23, 1981) along with nonconfidential summaries of the agreements and solicited written comments on the proposed termination from the public and other Federal agencies. No comments adverse to the proposed terminations were received.

2. Motion No. 101–28

On November 23, 1981, the complainant and respondent Hamilton Beach Division—Scovill Inc. filed a joint motion to terminate the investigation with respect to Scovill. The motion was supported by the Commission investigative attorney but opposed by respondents The West Bend Co., A Division of Dart Industries Inc., and Chiap Hua Clocks and Watches Ltd. On December 7, 1981, the presiding officer issued an order recommending that the Commission grant Motion No. 101–28.

Before taking final action on the motion, the Commission published notice of the motion in the Federal Register (47 FR 687, January 6, 1982) along with a nonconfidential summary of the settlement agreement and solicited written comments from the public and other Federal agencies regarding the proposed termination. No comments adverse to the proposed termination were received.

On March 11, 1982, the Commission voted to grant Motions Nos. 101–19 and 101–28 and to issue an order terminating the investigation as to respondents General Electric Co., K Mart Corp., the Stop & Shop Companies, Inc. and Hamilton Beach Division—Scovill Inc.

Copies of the motions and the settlement agreements (except for the confidential business information contained therein), the Commission's Action and Order, and all other nonconfidential documents on the

record of this investigation are available for public inspection during official business hours (3:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Room 224, Washington, D.C. 20436, telephone 202–523–0350.

Issued: March 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-7892 Filed 3-23-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-151 (Preliminary)]

Certain Nuts, Bolts, and Screws From Japan; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Termination of preliminary countervailing duty investigation and cancellation of conference.

FOR FURTHER INFORMATION CONTACT: Mr. John MacHatton, Supervisory Investigator, Telephone No. 202–523–0439.

SUPPLEMENTARY INFORMATION: On March 1, 1982, following receipt of a petition filed on behalf of the United States Fastener Manufacturing Group, the Commission instituted, effective February 22, 1982, preliminary countervailing duty investigation No. 701–TA–151 (preliminary), certain nuts, bolts, and screws from Japan. The purpose of the investigation was to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded by reason of allegedly subsidized imports from Japan of certain nuts, bolts, and screws provided for in items 646.4920, 646.5400, 646.5600, 646.6320, and 646.6340 of the Tariff Schedules of the United States (1982).

On March 16, 1982, the Commission received a copy of a letter on behalf of the petitioner to the Department of Commerce withdrawing the petition for the subject investigation. As a result of this withdrawal the Department of Commerce will not initiate an investigation. Therefore, pursuant to its authority under § 207.13 of the Commission's Rules of Practice and Procedure, the Commission's investigation concerning these products from Japan is hereby terminated and its conference scheduled for March 18, 1982 is cancelled.

Issued: March 18, 1982.

Kenneth F. Mason,

Secretary.

[FR Doc. 82-7893 Filed 3-23-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Attorney General

DEPARTMENT OF THE TREASURY

Office of the Secretary

Justice—Treasury Advisory Committee on State and Local Law Enforcement Training; Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776, 5 U.S.C. App. I, Supp. II), and with the concurrence of the Office of Management and Budget, the Associate Attorney General and the Assistant Secretary, Enforcement and Operations, have determined that establishment of the Justice-Treasury Advisory Committee on State and Local Law Enforcement Training is in the public interest in connection with the performance of duties imposed on the Departments of Justice and Treasury.

The overall objective of the Advisory Committee is to assist the Departments of Justice and Treasury develop and expand specialized training for state and local law enforcement personnel. The scope of the Advisory Committee's work includes: needs assessment, curriculum recommendations, resource identification, and program marketing.

The Advisory Committee will consist of twenty-two members covering a wide range of experience in the field of law enforcement. Members will be appointed by the Associate Attorney General and the Assistant Secretary, Enforcement and Operations.

The Advisory Committee will function solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act 15 days from the date of the publication of this notice.

Interested persons are invited to submit comments regarding the establishment of the Advisory Committee and its areas of concern to the Committee Management Liaison Officer, Justice—Treasury Advisory Committee on State and Local Law Enforcement Training, Room 4121, U.S. Department of Justice, Washington, D.C. 20530, phone: (202) 633–4021.

Rudolph W. Guiliani,

Associate Attorney General.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 7901 Filed 3-23-82 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel: Meetings

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Provision of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street NW., Washington, DC 20506.

Date: March 29, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023.
Program: This meeting will review applications submitted for the Planning and Assessment Studies Program, Office of Planning and Policy Assessment, for renewal of funding for the Survey of Doctorate Recipients from the National Academy of Sciences, for projects beginning after June 1, 1982.

Date: April 9, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023.
Program: This meeting will review the applications submitted for the Planning and Assessment Studies Program, Office of Planning and Policy Assessment, for projects beginning after June 1, 1982.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose:

(1) Trade secrets and commercial and financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate the implementation of proposed agency action;

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Office, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 82-7825 Filed 3-23-82; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Council, Task Group #19; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group #19 of the NSF Advisory Council.

Place: Room 225, Baxter Hall, California Institute of Technology, Pasadena, California 91125.

Date: Friday, April 9, 1982.

Time: 9:00 a.m. to 5:00 p.m.

Type of meeting: Open.

Contract person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, NW., Washington, D.C. 20550. Telephone: 202/357-9419.

Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

Summary minutes: May be obtained from the contact person at above stated address.

Agenda: The Task Group is asked to consider the needs of organizations requiring policy research and analysis and to survey those NSF programs providing it. This will involve questions of coordination, possible overlap, and policy-making procedures as well as those of substance. In addition, the Council is asked to provide suggestions for the future development of NSF's science and technology policy resources.

Dated: March 19, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82-7911 Filed 3-23-82; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232 b), the Advisory Committee on Reactor Safeguards will hold a meeting on April 1-3, 1982, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published in the Federal Register on February 17, 1982.

The agenda for the subject meeting will be as follows:

Thursday, April 1, 1982

8:30 a.m.-8:45 a.m.: Opening Session (Open)—The ACRS Chairman will report regarding miscellaneous matters relating to ACRS activities.

8:45 a.m.-11:45 p.m.: NRC Safety Research Program (Open)—The Committee will hear and discuss a presentation by representatives of the NRC Staff regarding the proposed NRC Long Range Research Program Plan, FY 1984-88.

11:45 a.m.-12:45 p.m.: Seismic Design of Nuclear Facilities (Open)—The Committee will discuss a seismic design methodology for nuclear facilities proposed by Dr. Paul C. Jennings.

1:45 p.m.-3:45 p.m.: Quantitative Safety Goals (Open)—The Committee will hear and discuss the report of its Subcommittee regarding quantitative safety goals proposed for regulation of nuclear facilities.

3:45 p.m.-6:30 p.m.: Reactor Pressure Vessel Water Level Indication (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the proposed NRC plan of action for resolution of this matter. Representatives of the NRC Staff and the nuclear industry will make presentations and respond to questions as appropriate.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this matter.

Friday, April 2, 1982

8:30 a.m.-8:45 a.m.: Future Schedule (Open)—The members will discuss the status and scope of anticipated subcommittee activities and items proprosed for consideration by the full Committee.

8:45 a.m.-9:45 a.m.: Fire Protection Program for Nuclear Facilities (Open)—The Committee will hear a presentation from members of the NRC Staff regarding application of 10 CFR 50.48, Appendix R, Fire Protection Program for Nuclear Power Facilities.

9:45 a.m.-11:45 a.m.: Quantitative Safety Goals (Open)—The members will discuss a proposed Committee position and/or action regarding quantitative safety goals for nuclear power plants.

11:45 a.m.-12:15 p.m.: Seismic Design of Nuclear Facilities (Open)—The members will discuss a proposed ACRS position and proposed ACRS comment/action regarding seismic design methodology for nuclear power plants.

1:15 p.m.-2:15 p.m. NRC Safety Research Program (Open)—Discuss proposed ACRS comments to NRC regarding the proposed NRC Long Range Safety Research Program.

2:15 p.m.-6:15 p.m.: ACRS Subcommittee Activities (Open)—ACRS Subcommittee chairmen will report to the Committee members on the status of activities regarding safety related matters including human factors in the design and operation of nuclear power plants; decay heat removal systems in nuclear power plants; and the recent (January 25, 1982) steam generator tube failure at the Ginna Nuclear Plant.

Saturday, April 3, 1982

8:30 a.m.-9:15 a.m.: Loss of Fluid Test Program (Closed)—The Committee will hear and discuss comments of its Subcommittee Chairman regarding a proposed cooperative funding proposal for the LOFT facility.

This session will be closed to discuss preliminary information the release of which would be likely to significantly frustrate the Committee in the performance of its statutory function.

9:15 a.m.-11:00 a.m.: Preparation of ACRS Report to the NRC (Open)—The Committee will continue discussion of and preparation of its reports to the NRC regarding the NRC Long Range Research Program Plan, proposed NRC action regarding reactor pressure vessel water level indication, and other items discussed during this meeting.

11:00 a.m.-11:30 a.m.: ACRS Subcommittee Activities (Open)—The Committee will hear and discuss the report of its Subcommittee regarding the reliability of AC/DC electrical power supply systems.

11:30 a.m.-12:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will complete preparation of reports regarding matters discussed during this meeting.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on September 30, 1981 (46 FR 47903). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by member of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the

Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information ((5 U.S.C. 552b(c)(4)) applicable to the matters being discussed and preliminary information the release of which would be likely to significantly frustrate the Committee in the performance of its statutory function (5 U.S.C. 552b(c)(9)(B)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. e.s.t.

Dated: March 18, 1982.

John C. Hoyle,

Advisory Committee Management.

[FR Doc. 82–7906 Filed 3–23–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–261]

Carolina Power and Light Co.; Issuance of Amendment and Negative Declaration to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR–23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to permit dilution of liquid radioactive wastes using Unit No. 1 circulating pumps when Unit No. 2 circulating pumps are not available.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated April 1975.

For further details with respect to this action, see (1) the application for amendment dated January 28, 1982, (2) Amendment No. 66 to License No. DPR–23, (3) The Commission's related Safety Evaluation and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of March 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 82–7904 Filed 3–23–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–466–CP]

Houston Lighting and Power Co. (Allens Creek Nuclear Generating Stations, Unit 1); Scheduling Hearing

March 18, 1982.

Before Administrative Judges: Sheldon J. Wolfe, Chairman; Gustave A. Linenberger, Jr.; Dr. E. Leonard Cheatum.

Pursuant to our Order of January 28, 1982,[1] the evidentiary hearing to receive additional evidence will commence at 9 a.m., local time, and recess at 5 p.m. on April 12–16, 1982, at the following location: Ramada Inn (Capricorn, Room), 7787 Katy Freeway, Houston, Texas 77024.

The public is invited to attend this evidentiary hearing.

[1] Said Order granted the Doherty renewed motion for additional evidence on TexPirg Additional Contention 31.

Dated at Bethesda, Maryland this 18th day of March 1982.

For the Atomic Safety and Licensing Board.

Sheldon J. Wolfe,

Chairman, Administrative Judge.

[FR Doc. 82–7905 Filed 3–23–82; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Award of Bonuses to Senior Executives

The OMB announces that it plans to award bonuses to Senior Executive Service members on or about March 15, 1982.

For further information contact: Linda L. Smith, Assistant Director for Administration, 17th and Penna. Avenue. NW., Washington, D.C. 20503

Linda L. Smith,

Executive Secretary, Executive Resources Board.

[FR Doc. 82–7903 Filed 3–23–82; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12307; 812–5054]

John Hancock Mutual Life Insurance Co. and John Hancock Variable Account C–2; Filing of an Application for an Order Exempting Applicants

March 18, 1982.

Notice is hereby given that John Hancock Variable Account C–2 (the "Account"), John Hancock Place, Boston, MA 02117, a diversified, open-end management investment company registered under the Investment Company Act of 1940, as amended ("Act"), and John Hancock Mutual Life Insurance Company ("John Hancock"), a mutual life insurance company incorporated under the laws of the State of Massachusetts (hereinafter collectively called "Applicants"), filed an application on December 21, 1981 and an amendment thereto on March 9, 1982, for an order pursuant to Section 6(c) of the Act exempting Applicants from the provisions of Sections 27(c)(2) and 17(f) of the Act and Rule 17f–2 thereunder. All interested persons are referred to the application on file with the Commission for the facts and representations contained therein, which are summarized below.

John Hancock established the Account as an investment medium for variable annuity contracts ("Contracts") to be issued by John Hancock in

connection with certain tax-qualified pension, profit-sharing and annuity purchase plans. The Contracts offered for sale by John Hancock, as principal underwriter of Account C–2, may be Single Payment Immediate or Deferred Contracts (hereinafter collectively called "Singled Payment Contracts") or Periodic Payment Deferred Contracts. In the case of all Contracts, John Hancock will make deductions from purchase payments for sales and administrative expenses, for taxes, if any, based on the amount of the purchase payment and, in the case of Deferred Contracts, for the undertaking of John Hancock to pay a minimum death benefit. Under Periodic Payment Deferred Contracts, total deductions from Purchase payments for sales expenses will equal 4.5% of the first $5,000 of purchase payments, 3.5% of the next $5,000 of purchase payments, 2.5% of the next $15,000 of purchase payments, and 2% of any purchase payments over $25,000. The deductions under Periodic Payment Deferred Contracts for administrative expenses are 1.5% of purchase payments up to $25,000 and 1% of purchase payments over that amount. The deduction for the minimum death benefit is 0.5% of every purchase payment. Further, under Periodic Payment Deferred Contracts a maintenance charge equal to the lesser of $10 or 2% of the value of the Contract will be deducted from the Contract annually.

Under Single Payment Contracts, the maximum deduction from any purchase payment for sales expenses will be 3.5% for either a Deferred or Immediate Contract. Additionally, there is an administrative expense deduction of $50 plus a maximum of 0.5% of the first $25,000 of the purchase payment under either kind of Single Payment Contract and a deduction under the Single Payment Deferred Contract of 0.5% of the purchase payment for the minimum death benefit.

Section 27(c)(2) of the Act prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by Sections 26(a)(2) and (3) for trust indentures of a unit investment trust.

Applicants assert that all purchase payments received under the Contracts, after deductions for sales and administrative expenses, are to be applied or held for later application to the purchase of investments for the Account. Exemption is requested from Section 27(c)(2) to permit all purchase payments received under the Contracts to be held and applied by John Hancock in the manner and amounts set forth in the application and its Management Agreement which requires, in part, that monies received for the Account be deposited in one or more cash accounts identified as assets of the Account maintained in one or more banks which will have the qualifications prescribed in paragraph (1) of Section 26(a) of the Act for trustees of unit investment trusts, but which banks may not act as trustee or custodian, or under an indenture or agreement meeting the requirements in Sections 26(a)(2) and (3). Applicants state that the manner and amount of deductions described above and the fees charged the Account are the same as those given favorable consideration by the Commission with respect to John Hancock Variable Account C–1 (Investment Company Act Release No. 11123).

Section 17(f) of the Act provides, in pertinent part, that every registered management company shall place and maintain its securities and similar investments in the custody of (1) a bank having the qualifications prescribed in Paragraph 1 of Section 26(a) for trustees of unit investment trusts; (2) a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934; or (3) such registered company, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f–2 provides, among other things, that such assets be placed in a bank subject to the requirements of the rule, one of which limits the persons who shall have access to such assets to only certain specific individuals.

Applicants request an exemption from the provisions of Section 17(f) and Rule 17f–2 to the extent necessary to permit access to the securities and similar investments of the Account to authorized employees and agents of state insurance departments.

In support of their requested exemptions, Applicants state that John Hancock is subject to extensive supervision and regulation by the Commissioner of Insurance of Massachusetts, and to the applicable insurance laws in the other jurisdictions in which John Hancock does an insurance business. In addition, under Massachusetts law, John Hancock cannot abandon its obligations to owners or annuitants until they have been fully discharged, and the assets of the Account, equal to the reserves and other liabilities under the Contracts, are not chargeable with liabilities arising out of any other business that John Hancock may conduct.

Section 6(c) authorizes the Commission upon application to conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions, from the provisions of the Act or the Rules and Regulations promulgated 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.

Applicants have consented that any other granting the requested exemption from Section 27(c)(2) may be made subject to the conditions (1) that the charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdication being reserved to the Commission for such purpose, and (2) that the payment of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Notice is further given that any interested person may not later than April 12, 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 reason 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 Applicants at the address stated above. Proof of such service (by affidavit, or in 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 may be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's on 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) an any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-7820 Filed 3-23-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12308; 812-5055]

John Hancock Mutual Life Insurance Co. and John Hancock Variable Account A-2; Filing of an Application for an Order Exempting Applicants

March 18, 1982.

Notice is hereby given that John Hancock Variable Account A-2 ("Account"), John Hancock Place, Boston, MA 02117, a diversified, open-end management investment company registered under the Investment Company Act of 1940 ("Act"), and John Hancock Mutual Life Insurance Company ("John Hancock"), a mutual life insurance company incorporated under the laws of the State of Massachusetts (hereinafter collectively called "Applicants"), have filed an application on December 21, 1981 and an amendment thereto on March 9, 1982, for an order pursuant to Section 6(c) of the Act exempting Applicants from the provisions of Sections 14(a), 27(c)(2), and 17(f) of the Act and Rule 17f-2 thereunder. All interested persons are referred to the application on file with the Commission for the facts and representations contained therein, which are summarized below.

John Hancock established the Account as an investment medium for variable annuity contracts ("Contracts") to be issued by John Hancock in connection with certain tax-qualified pension, profit-sharing and annuity purchase plans. The Contracts offered for sale by John Hancock, as principal underwriter of Account A-2, may be Single Payment Immediate or Deferred Contracts (hereinafter collectively called "Single Payment Contracts") or Periodic Payment Deferred Contracts. In the case of all Contracts, John Hancock will make deductions from purchase payments for sales and administrative expenses, for taxes, if any, based on the amount of the purchase payment and, in the case of Deferred Contracts, for the undertaking of John Hancock to pay a minimum death benefit. Under Periodic Payment Deferred Contracts, total deductions from purchase payments for sales expenses will equal 4.5% of the first $5,000 of purchase payments, 3.5% of the next $5,000 of purchase payments, 2.5% of the next $15,000 of purchase payments, and 2% of any purchase payments over $25,000. The deductions under Periodic Payment Deferred Contracts for administrative expenses are 1.5% of purchase payments up to $25,000 and 1% of purchase payments over that amount. The deduction for the minimum death benefit is 0.5% of every purchase payment. Further, under Periodic Payment Deferred Contracts a maintenance charge equal to the lesser of $10 or 2% of the value of the Contract will be deducted from the Contract annually.

Under Single Payment Contracts, the maximum deduction from any purchase payment for sales expenses will be 3.5% for either a Deferred or Immediate Contract. Additionally, there is an administrative expense deduction of $50 plus a maximum of 0.5% of the first $25,000 of the purchase payment under either kind of Single Payment Contract and a deduction under the Single Payment Deferred Contract of 0.5% of the purchase payment for the minimum death benefit.

Section 14(a) of the Act provides, in pertinent part, that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless the investment company has a net worth of at least $100,000. An exemption from this requirement for a separate account funding only "tax-benefited variable annuity contracts" is set forth in Rule 14a-2. The Rule, promulgated in 1969, does not include within the definition of "Tax-benefited variable annuity contracts" contracts used in connection with plans satisfying the requirements of Sections 408 and 457 of the Internal Revenue Code of 1954, as amended ("Code").

Applicants seeks an exemption from the provisions of Section 14(a) of the Act, subject to the same conditions as are currently set forth in Rule 14a-2, to permit the allocation to the Account of purchase payments under Contracts issued in accordance with the provisions of Sections 408 and 457 of the Code.

Applicants assert that a separate account funding contracts issued in connection with Section 408 and Section 457 plans, in addition to "tax-benefited variable annuity contracts" as defined in Rule 14a-2, is entitled to precisely the same relief from Section 14(a) of the Act as a separate account funding only "tax-benefited variable annuity contracts." Applicants believe that the narrower definition found in Rule 14a-2 is due solely to the fact that Sections 408 and 457 of the Code did not exist at the time Rule 14a-2 was adopted and that the purpose of the Rule (as well as Rules 15a-2, 16a-1 and 32a-2), that of allowing the Account to avoid mingling monies received under "tax-benefited variable annuity contracts" with other funds, is equally served by allowing contracts issued in connection with Sections 408 and 457 plans to be treated as "tax-benefited variable annuity contracts."

Section 27(c)(2) of the Act prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by Sections 26(a)(2) and (3) for trust indentures of a unit investment trust.

Applicants assert that all purchase payments received under the Contracts, after deductions for sales and administrative expenses, are to be applied or held for later application to the purchase of investments for the Account. Exemption is requested from Section 27(c)(2) to permit all purchase payments received under the Contracts to be held and applied by John Hancock in the manner and amounts set forth in the application and its Management Agreement which requires, in part, that monies received for the Account be deposited in one or more cash accounts identified as assets of the Account maintained in one or more banks which will have the qualifications prescribed in paragraph (1) of Section 26(a) of the Act for trustees of unit investment trusts, but which banks may not act as trustee or custodian, or under an indenture or agreement meeting the requirements in Sections 26(a) (2) and (3). Applicants state that the manner and amount of deductions described above and the fees charged the Account are the same as those given favorable consideration by the Commission with respect to John Hancock Variable Account A-1 (Investment Company Act Release No. 11104).

Section 17(f) of the Act provides, in pertinent part, that every registered management company shall place and maintain its securities and similar investments in the custody of (1) a bank

having the qualifications prescribed in Paragraph 1 of Section 26(a) for trustees of unit investment trusts; (2) a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934; or (3) such registered company, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f–2 provides, among other things, that such assets be placed in a bank subject to the requirements of the rule, one of which limits the persons who shall have access to such assets to only certain specific individuals.

Applicants request an exemption from the provisions of Section 17(f) and Rule 17f–2 to the extent necessary to permit access to the securities and similar investments of the Account to authorized employees and agents of state insurance departments.

In support of their requested exemptions, Applicants state that John Hancock is subject to extensive supervision and regulation by the Commissioner of Insurance of Massachusetts, and to the applicable insurance laws in the other jurisdictions in which John Hancock does an insurance business. In addition, under Massachusetts law, John Hancock cannot abandon its obligations to owners or annuitants until they have been fully discharged, and the assets of the Account, equal to the reserves and other liabilities under the Contracts, are not chargeable with liabilities arising out of any other business that John Hancock may conduct.

Section 6(c) authorizes the Commission upon application to conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act or the Rules and Regulations promulgated 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.

Applicants have consented that any order granting the requested exemption from Section 27(c)(2) may be made subject to the conditions (1) that the charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved to the Commission for such purpose, and (2) that the payment of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Notice is further given that any interested person may not later than April 12, 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 reason 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 Applicants at the address stated above. Proof of such service (by affidavit, or in 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, and order disposing of the application herein may 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. 7821 Filed 3–23–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12304; 812–5038]

Massachusetts Financial High Income Trust, et al.; Filing of Application for an Exemption

March 17, 1982.

Notice is hereby given that Massachusetts Financial High Income Trust, Massachusetts Investors Trust, Massachusetts Investors Growth Stock Fund, Inc., Massachusetts Income Development Fund, Inc., Massachusetts Capital Development Fund, Inc., Massachusetts Financial Development Fund, Inc., Massachusetts Financial Bond Fund, Inc., Massachusetts Cash Management Trust, MFS Managed Municipal Bond Trust, MFS Tax-Exempt Money Market Trust (formerly Massachusetts Cash Management Trust II), Massachusetts Financial Emerging Growth Trust, and Managed Cash Account Trust, each of which is registered as an open-end, diversified management investment company under the Investment Company Act of 1940 ("Act"), Massachusetts Financial International Trust (formerly MFI Trust) referred to herein collectively with the above-named entities as "Funds"), registered under the Act as an open-end, non-diversified management investment company, and Massachusetts Financial Services Company ("MFS") (referred to herein with the Funds as "Applicants"), 200 Berkeley Street, Boston, Massachusetts 02116, investment adviser of the Funds and principal underwriter of all the Funds except Massachusetts Cash Management Trust, MFS Tax-Exempt Money Market Trust and Managed Cash Account Trust, which distribute their own shares, filed an application on December 7, 1981, and an amendment thereto on February 12, 1982, pursuant to Section 6(c) of the Act, for an order of the Commission declaring that Charles W. Schmidt shall not be deemed an "interested person", as that term is defined in Section 2(a)(19) of the Act, of the Funds, their investment adviser, or their principal underwriter, and that he shall not be deemed an "affiliated person", for purposes of Section 10(f) of the Act or otherwise, of Shearson/American Express Inc. by reason of his positions as Director of The Boston Company, Inc. ("The Boston Company") and of Boston Safe Deposit and Trust Company ("Boston Safe"). 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.

Charles W. Schmidt is a director or trustee of each of the Funds. Applicants state that it is anticipated that MFS or a successor organization will from time to time in the future organize and sponsor additional investment companies to become registered under the Act, and it is likely that Mr. Schmidt will be nominated to join the respective boards of directors or trustees of any such additional investment companies. It is anticipated that MFS or a successor organization will serve as investment

adviser of, and/or principal underwriter for, any such additional companies. All of the Funds, together with any such additional investment companies, are hereinafter referred to as the "Funds".

Applicants state that Mr. Schmidt's principal occupation is President and Chief Executive Officer of S. D. Warren Company. He is also Senior Vice President of Scott Paper Company. He is a director of The Boston Company, Boston Safe and Bird & Son, Inc.

The application states that in 1976, The Boston Company Financial Strategies, Inc. ("Strategies"), a wholly-owned subsidiary of The Boston Company, formed a subsidiary, TBCFS, Inc., which registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 ("Exchange Act"). TBCFS, Inc. commenced operations, subsequently changing its name to The Boston Company Investment Creation, Inc. ("Creation"). In January 1980, Strategies contributed its stock in Creation to The Boston Company Capital Group, Inc. ("Capital"), another wholly-owned subsidiary of The Boston Company. Capital was merged into The Boston Company at the end of 1980, at which point Creation became a direct subsidiary of The Boston Company.

The Applicants (excluding those of the Applicants which have been organized after that date) have previously filed an application dated November 21, 1980, pursuant to Section 6(c) of the Act for an order declaring that Charles W. Schmidt would not be deemed an "interested person" as that term is defined in Section 2(a)(19) of the Act of the Funds or of their investment adviser and principal underwriter, MFS, by reason of his positions as director of The Boston Company and of Boston Safe. On July 21, 1981, an order was issued (Investment Company Act Release No. 11868), granting the relief requested by the application. This prior application relating to Mr. Schmidt described a proposed merger transaction in which The Boston Company would become an indirect subsidiary of Shearson Loeb Rhodes Inc. (renamed Shearson/American Express Inc. as of September 3, 1981), a registered broker-dealer under the Exchange Act. The Applicants agreed that, if the proposed merger were actually consummated, they would treat Mr. Schmidt as an "interested person" of each Applicant until the Commission granted further exemptive relief.

Applicants state that, on September 25, 1981, The Boston Company was merged into an indirect, wholly-owned subsidiary of Shearson/American Express Inc. ("Shearson"). As a result of this merger, The Boston Company has become an indirect, wholly-owned subsidiary of Shearson, which is, in turn, a wholly-owned subsidiary of American Express Company ("American Express"). Accordingly, in view of the proposed merger having been consummated on September 25, 1981, the Applicants are requesting the further relief referred to above. Additionally, it is asserted that Applicants have been advised that Amfire, Inc. ("Amfire"), is an indirect, wholly-owned subsidiary of American Express which is not part of the Shearson/American Express group of companies, but rather is a subsidiary of Fireman's Fund Insurance Company, another major subsidiary of American Express. Applicants state that Amfire was registered as a broker-dealer in the fall of 1980 for the purpose of marketing deferred variable annuities, but has not yet commenced operations. the application also states that, once Amfire does commence operations, it is not anticipated that Amfire will engage in the business of acting as a broker or dealer on any stock exhange or over-the-counter market.

Sections 2(a)(19)(A)(v) and (B)(v) of the Act, in pertinent part, define an interested person of an investment company, investment adviser or principal underwriter to be any affiliated person of a broker-dealer registered under the Exchange Act. Section 2(a)(3) of the Act, in pertinent part, defines an affiliated person to be any person directly or indirectly controlling, controlled by or under common control with such other person. Mr. Schmidt is a director of The Boston Company, which controls Creation. Applicants state that, as such, Mr. Schmidt could be deemed to be an "affiliated person" of the Funds and their investment adviser and principal underwriter.

The application states that the Applicants believe that the relationship of Mr. Schmidt with The Boston Company, Boston Safe, Strategies, Creation, Shearson, and American Express will not impair his independence in acting on behalf of the Funds and their shareholders. The Boston Company is a holding company whose subsidiaries are engaged in providing resources management services. Boston Safe is a long established trust company engaged primarily in investment management and other trust company, fiduciary and related trust banking services. Although Boston Safe acts as Trustee for MFS' profit sharing and pension plans, it is asserted that Boston Safe has no control over the investment of the assets of the plans. Further, the Applicants claim that only MFS pays fees to Boston Safe and MFS represents that the annual trustee fees which it pays to Boston Safe are *de minimis* when compared with Boston Safe's total annual revenues.

Strategies currently provides financial planning and asset management services for wealthy individuals and families and is registered under the Investment Advisers Act of 1940. Creation's business relates primarily to the structuring and placement or sale of oil and gas programs and other investment programs and ventures. Because of the special nature of the type of investments which Creation is involved with, the Funds could not legally purchase or sell such investments from or through Creation because of investment restrictions, and the Funds do not currently intend to make any such investment. Morever, the Funds hereby undertake not to transact any business with Creation.

Mr. Schmidt is not a director or officer of the broker-dealer subsidiary Creation and therefore has no authority or responsibility for management of the operations of Creation. It is contended that the existence of Creation creates no conflict of interest for Mr. Schmidt, since even if he were actively involved with Creation, the Funds would not in the normal course and have agreed not to in any event purchase or sell securities through Creation.

It is asserted that Mr. Schmidt has represented to the Applicants that he is not a shareholder in Shearson or in American Express or its broker-dealer subsidiary, Amfire, and that there is no other material relationship between Mr. Schmidt and Shearson, American Express or Amfire. Applicants state that Mr. Schmidt is not a director or officer of Shearson, American Express or Amfire and therefore has no authority or responsibility for management of the operations of Shearson, American Express or Amfire. It is further represented that Mr. Schmidt is not, by reason of his position as a director of The Boston Company, in a position to exercise a controlling influence over Shearson, American Express or Amfire, and he is not controlled by or under common control with Shearson, American Express or Amfire. Applicants represent that none of them is in any way affiliated with Shearson, American Express or Amfire. The application states that it is not contemplated that any subsidiary of The Boston Company will render services to Shearson or American Express. In addition, Applicants undertake not to transact any business with Amfire.

Applicants assert that it is desirable that Mr. Schmidt's role as a director or

trustee of each of the Funds be that of a director or trustee who is not an interested person of the Funds, their investment adviser or principal underwriter. Applicants believe that Mr. Schmidt is a person of recognized integrity, judgment, independence and competence, that he will in fact be an independent director or trustee and that it is in the best interest of the Funds that he be permitted to serve as such. It is noted, furthermore, that MFS and all the general and limited partners of MFS have entered into a Purchase Agreement with Sun Life Assurance Company of Canada Ltd. ("Sun Life") providing for the acquisition of MFS by Sun Life or one of its wholly-owned subsidiaries. It is intended that this acquisition will qualify for the "safe harbor" provision contained in Section 15(f) of the Act, whereby, among other things, for a period of at least three years after the sale of an interest in an investment adviser at least 75% of the members of the board of directors of the investment company involved will consist of persons who are not interested persons of either the investment adviser or its successors.

The Funds are subject, as registered investment companies, to Section 10(f) of the Act. Section 10(f) of the Act provides, in pertinent part, that no registered investment company shall knowingly purchase or acquire, during the existence of any underwriting or selling syndicate, any security a principal underwriter of which is an officer, director or investment adviser or employee of such investment company, or is a person of which any officer, director, investment adviser or employee is an affiliated person. If Mr. Schmidt were deemed to be an "affiliated person" of Shearson, the Funds would be prohibited by Section 10(f) from acquiring securities for which Shearson was the principal underwriter. Mr. Schmidt is not a party to any of the relationships enumerated in Section 2(a)(3) of the Act that would result in his being an "affiliated person" of Shearson. In particular, Mr. Schmidt and the Applicants asset that Mr. Schmidt is not controlled by or under common control with Shearson. A natural person is presumed not be be a controlled person under Section 2(a)(9) of the Act, and it is contended that there is no basis for rebutting such presumption with respect to Mr. Schmidt. Nevertheless, the Applicants do not considered it advisable that there would be any question concerning the acquisition of securities for which Shearson is the principal underwriter. Accordingly, the Applicants have requested an exemption to the effect that Mr. Schmidt shall not be deemed an "affiliated person" for purposes of Section 10(f) of the Act or otherwise of Shearson by reason of his positions as director of The Boston Company and of Boston Safe.

Applicants state that they do not believe it to be appropriate to impose as a condition to granting an order hereunder that the Funds not effect securities transactions with Shearson. Applicants believe that Shearson is an important factor in the broker-dealer community and a significant resource for broker-dealer services. Applicants consider it not to be in the Funds' best interest to foreclose them from this important resource. It is further asserted that the amount of brokerage commissions paid to and dealer's markup earned by Shearson from the Funds has been and is *de minimis* in relation Shearson's gross revenues.

The application states that the Applicants believe that Mr. Schmidt's position as a director of The Boston Company and Boston Safe will not affect the Funds' relationship with Shearson. It is represented that, under investment advisory and management agreements between the Funds and MFS, MFS is delegated authority to select broker-dealers and to place securities transactions of the Funds, subject to the overall review of the board of directors or trustees. Applicants state that Mr. Schmidt has not had, and will not have, any part in the selection of broker-dealers or the placement of securities transaction orders on behalf of the Funds, and Mr. Schmidt undertakes that he will not participate in the selection of broker-dealers on behalf of the Funds.

Applicants agree that, as a condition to the order requested, Mr. Schmidt will not vote on or participate in board discussions on the allocation of any portfolio brokerage by the Funds, the selection of broker-dealers with which the Funds effect portfolio transactions as principal, the purchase, during the existence of any underwriting or selling syndicate, of any security with respect to which Shearson is a principal underwriter, or on matters involving any relationship between the Funds and Shearson; provided, however, that for the purpose of determining the number of votes of interested as well as non-interested directors required to take action on any of the matters referred to above, Mr. Schmidt will be counted as a director in determining the total number of directors and will be counted as a non-interested director in counting the number of non-interested directors, and provided, further, that nothing contained above is intended to limit of prohibit Mr. Schmidt from voting and acting upon any matters relating to the approval or continuation of investment advisory contracts.

Section 6(c) of the Act provides that the Commission, by order upon application, may exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act, conditionally or unconditionally, 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.

Notice is further given that any interested person may, not later than April 7, 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 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 regulation 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. 82–7822 Filed 3–23–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22420; 70-6718]

Northeast Utilities and Connecticut Light & Power Co.; Proposed Issuance and Sale of Common Stock, Exception From Competitive Bidding, and Capital Contributions to Subsidiary Company

March 18, 1982.

Northeast Utilities ("Northeast"), 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, a registered holding company, and Connecticut Light and Power Company, ("CL&P"), Selden Street, Berlin, Connecticut 06037, a public-utility subsidiary of Northeast have filed a declaration with this Commission pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and rules 45 and 50(a)(5) thereunder.

Northeast proposes to issue and sell not later than December 31, 1982, up to an additional 9,000,000 of its authorized common shares, $5 par value, through underwriters who will agree to make a public offering thereof. Such shares will be sold in either one or two issues, depending on market conditions at the time. The price per share for the common stock to be paid to Northeast and the compensation to the underwriters will be determined by negotiation between the managing underwriter and Northeast. The proceeds (estimated at approximately $85,500,000 if all 9,000,000 shares are sold) from the sale of the common stock are expected to be used to assist Northeast (i) to make open account advances and capital contributions to its subsidiaries, (ii) to make payments of principal and interest on a $50,000,000 term loan agreement with an institutional investor, under which an installment of $10,000,000 in principal and accrued interest is due on June 1, 1982, and (iii) to reduce short-term borrowings incurred by Northeast.

Northeast also requests Commission authorization of capital contributions of up to $40,000,000 to CL&P prior to June 30, 1982. The aggregate amount includes a capital contribution of $30,000,000 made by Northeast to CL&P in January 1982, subject to approval of this Commission. The funds derived from the capital contributions are being used by CL&P to reduce its short-term debt. Such short-term debt amounted to $184,400,000 at March 1, 1982, and was incurred primarily for the purpose of financing CL&P's construction program and refunding of debt. Northeast requests an exception from the competitive bidding requirements in connection with the proposed issuance and sale of the common stock. Northeast proposes, and is hereby authorized, forthwith, to select one or more investment banking firms to form a syndicate which will act as underwriters of the proposed offering and to negotiate the terms on which Northeast will sell such shares to the underwriters. Northeast has examined the results of its 1981 offering of 9,000,000 common shares through competitive bidding and has determined that under current conditions an offering through competitive bids is less likely to be successful than one effected through direct negotiations with a managing underwriter. Northeast states that given the large size of the issue, the limited knowledge about the Northeast Utilities system, and special circumstances about its construction program and nuclear operations, such an offering would require the creation of a large selling syndicate which can best be effected with a negotiated sale.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 12, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-7823 Filed 3-23-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

[Supplement to Department Circular—Public Debt Series—No. 7-82]

Interest Rate on Series Q-1984

March 18, 1982.

The Secretary announced on March 17, 1982, that the interest rate on the notes designated Series Q-1984, described in Department Circular—Public Debt Series—No. 7-82 dated March 11, 1982, will be 14⅛ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 82-7908 Filed 3-23-82; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on April 16, 1982, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal Building—U.S. Courthouse, Room A-220, 110 Ninth Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons in Action Suzuki-Kawasaki, 146 Ft. Campbell Boulevard, Clarksville, Tennessee, should be discontined, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: March 16, 1982.

R. S. Bielak,

Director, VA Regional Office, 110 Ninth Avenue, South, Nashville, Tennessee.

[FR Doc. 82-7909 Filed 3-23-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 57
Wednesday, March 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

	Items
Federal Communications Commission.	1-2
National Transportation Safety Board..	3
Securities and Exchange Commission.	4

1

FEDERAL COMMUNICATIONS COMMISSION

Closed Commission Meeting

The Federal communications Commission will hold a Closed Meeting on the subject listed below on Thursday, March 25, 1982, following the Open Meeting 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

Common Carrier—1—*Title:* Update on proposed Consent Decree and Amicus brief. *Subject:* The Commission will consider participation in the Court proceeding relating to the proposed Consent Decree and related Commission actions.

This meeting is closed to the public because it concerns Adjudicatory matters (See 47 CFR 0.603(j)).

The following persons are expected to attend: Commissioners and their Assistants; General Counsel and members of his staff; Chief, Common Carrier Bureau and members of his staff; Managing Director and members of his staff; Chief, Office of Plans and Policy and members of his staff; and Chief, Office of Public Affairs and members of his staff.

Issued: March 18, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

Action by the Commission March 17, 1982. Commissioners Fowler, Chairman; Quello, Washburn, Fogarty, Jones, Dawson and Rivera voting to consider this item in Closed Session.

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.

[S-424-82 Filed 3-22-82; 11:21 am]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, March 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

General—1—*Title:* An Inquiry relating to preparations for the 1983 Region 2 Administrative Radio Conference of the International Telecommunication Union for the planning of the Broadcasting Satellite Service in the 12 GHz Band and the Associated Uplinks. *Summary:* The Commission will consider a Third Notice of Inquiry in this proceeding looking toward further development of U.S. proposals to this ITU Conference.

General—2—*Title:* An Inquiry relating to preparations for the 1984/1986 World Administrative Radio Conference of the International Telecommunication Union for the planning of the HF Bands allocated to the Broadcasting Service. *Summary:* The Commission will consider a Notice of Inquiry in the proceeding looking toward the development of U.S. proposals to the ITU Conference.

Issued: March 18, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

General—3—*Title:* Radio Technical Commission for Marine Services (RTCM). *Summary:* The Commission sponsors the RTCM. As part of the program reductions mandated by the current budget, it is proposed to terminate sponsorship at the end of FY 82.

Common Carrier—1—*Title:* Application for Review filed by the Secretary of Defense of Bureau approval of refund proposals submitted by ITT World Communications, Inc., TRT Telecommunications Corp., and Western Union International, Inc. in connection with the Comsat Flow-Through Proceeding; related proposal of PCA Global Communications, Inc. *Summary:* DOD contends that the refunds proposed by ITT, TRT and WUI should be calculated in a different way. The Commission will consider whether the carriers' method of calculation is reasonable and therefore, whether the refunds can be implemented. RCA does not propose to make a refund. Instead, it proposes to make accounting changes which would reduce its rate base. It claims that this will benefit its customers. The Commission will consider whether the RCA plan is acceptable.

Common Carrier—2—*Title:* RCA American Communications, Inc., Revisions to Tariffs FCC Nos. 1 and 2, Transmittal No. 349. *Summary:* RCA American Communications, Inc., has filed revisions to its satellite services tariffs which would establish charges, terms and conditions for leased transponder service on its "Cable Net II" satellite. (The proposed charge for a leased transponder for a term expiring on December 31, 1989, would be $13 million.) The charges, terms, and conditions which this filing would establish would not apply to RCAA's existing transponder service customers. These revisions have a scheduled effective date of March 26, 1982. The Commission will consider the petitions which have been filed by interested persons asking that it reject this tariff filing or suspend its effectiveness pending investigation as to its lawfulness.

Common Carrier—3—*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, or solicit comments on, a Federal-State Joint Board Recommended Order. The Joint Board proposes an amendment to the Addendum to the Separations Manual which phases customer premises equipment (CPE) out of separations beginning January 1, 1983. The amendment would permit individual states to select an early freeze date for any carrier under its jurisdiction for the purpose of calculating the initial CPE base amount.

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.

[S-425-82 Filed 3-22-82; 11:22 am]

BILLING CODE 6712-01-M

3

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-82-9]

TIME AND DATE: 2:30 p.m, Monday, March 22, 1982.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Ave., S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED: A majority of the Board has determined by recorded vote that the business of the Board requires that the following item be discussed on this date and that no earlier announcement was possible.

1. Human Factors Investigation of the Air Florida Flight 90 Accident on January 13, 1982.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382–6525.

March 22, 1982.

[S–427–81 Filed 3–22–82; 1:44 p.m.]

BILLING CODE 4910–58–M

4

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 29, 1982, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, March 30, 1982, at 10:00 a.m. and on Thursday, April 1, 1982, following the 10:00 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. 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 meetings 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 Thomas voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 30, 1982, at 10:00 a.m., will be:

Formal orders of investigation.

Settlement of administrative proceedings of an enforcement nature.

Settlement of injunctive action.

Access to investigative files by Federal, State, or Self-Regulatory authorities.

Institution of administrative proceedings of an enforcement nature.

Freedom of Information Act appeal.

Litigation matter.

Institution of injunctive actions.

The subject matter of the closed meeting scheduled for Thursday, April 1, 1982, following the 10:00 a.m. open meeting, will be:

Freedom of Information Act appeal.

Settlement of injunctive action.

Opinion.

The subject matter of the open meeting scheduled for Thursday, April 1, 1982, at 10:00 a.m., will be:

1. 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 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.

2. Consideration of whether to grant Louis Levine relief from a bar imposed upon him in connection with a prior administrative proceeding. For further information, please contact Robert Anderson at (202) 272–2916.

3. Consideration of whether to grant the application of Charles and Samuel Meltzer for an order, pursuant to Section 9(c) of the Investment Company Act of 1940 (the "Act"), exempting them from the provisions of Section 9(a) of that Act. For further information, please contact Katherine A. Malfa at (202) 272–2354.

4. Consideration of whether to issue a release proposing for public comment of (1) proposed amendments to certain exemptive rules which would increase the dollar limits of the exemptions provided by the rules and (2) proposed recissions of certain obsolete rules. For further information, please contact Ann M. Glickman at (202) 272–2573.

5. Consideration of rulemaking petition submitted by Charles H. Resnick pursuant to Rule 4(a) of the Commission's Rules of practice for an increase in the dollar exemptive limit of Rule 16a–9(b) under the Securities Exchange Act of 1934. For further information, please contact Ann M. Glickman at (202) 272–2573.

6. Consideration of whether to affirm the determination of the Freedom of Information Act Officer to deny confidential treatment, and release to an FOIA requester, two letter to the FOIA Officer requesting confidential treatment for documents in a Commission investigative file. For further information, please contact Alex White at (202) 272–2444.

7. Consideration of whether to accept notification by Donald L. Lawrence to appear and practice as an attorney before the Commission. For further information, please contact Stephen E. Cavan at (202) 272–2454.

8. Consideration of whether to grant an application under Sections 9(a)(2) and 10 of the Public Utility Holding Company Act of 1935 by Atlee M. Kohl, an individual, to acquire additional shares of Florida Public Utilities Corporation which will make him an affiliate thereof as defined in Section 2(a)(11)(A). Kohl is presently an affiliate of another public-utility Company, Chesapeake Utilities Corporation. For further information, please contact James E. Lurie (202) 523–5683.

9. Consideration of whether to issue a memorandum opinion and order terminating an administrative proceeding involving Central and South West Corporation ("CSW"), a registered holding company, concerning CSW's compliance with the integration standards of Section 11(b)(1) of the Public Utility Holding Company Act of 1935.

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: Richard Starr at (202) 272–2467.

March 22, 1981.

[S–426–82 Filed 3–22–82; 1:44 pm]

BILLING CODE 8010–01–M

federal register

Wednesday
March 24, 1982

Part II

Office of the United States Trade Representative

Determination Regarding Philippine Supply Access for Rattan; and Resultant Staging of Tariff Reduction for Certain Furniture

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Regarding Philippine Supply Access for Rattan

Part 3F of Annex I to Part I Schedule XX (United States) to the Geneva (1979) Protocol to the General Agreement on Tariffs and Trade, of June 30, 1979, provides that the first stage of tariff reduction for item 727.10 in that Schedule shall become effective on a date to be designated by the President, not later than 30 days after the date on which he has determined that the Philippines provide satisfactory supply access assurances for rattan (2 TIAS 9629, 1638).

Paragraphs (4) and (5)(c) and Annex III, Section B of Proclamation 4704, of December 11, 1979, provides that the Philippine supply access assurances for rattan shall be determined by the Special Representative for Trade Negotiations (now the United States Trade Representatives, 93 Stat. 1381), and that the first stage reduction for item 727.10 shall become effective not more than 30 days after such determination, to be published in the Federal Register. (93 Stat. 1560, 1778).

Section 1 and Annex I, section A15 of Executive Order 12204, of March 27, 1980, provided that item 727.10 of the Tariff Schedules of the United States (TSUS) shall be superseded by items 727.11 and 727.12 (45 FR 20740 and 20748).

Pursuant to the above provisions, I determine that arrangements recently concluded with the Philippines provide satisfactory supply access assurances for rattan, and I designate that the first stage of reduction for item 727.10 in Schedule XX (now TSUS items 727.11 and 727.12) shall become effective on April 1, 1982.

William E. Brock,

United States Trade Representative.

[FR Doc. 82-7798 Filed 3-23-82; 8:45 am]

BILLING CODE 3190-01-M

Resultant Staging of Tariff Reduction for Certain Furniture

Applying (1) the above designation of April 1, 1982 (FR Doc. 82-7798) to be the effective date of the first stage (2) section 109(a) of the Trade Act of 1974 (88 Stat. 1985), and (3) the suspension of TSUS item numbers noted above, (FR Doc. 82-7798) the several stages of the reduction initiated by such designation shall take place as through the table in Annex III, Section B of Proclamation 4707 read as follows:

Items in TSUS as modified in E.O. 12204	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after April 1—							
		1982	1983	1984	1985	1986	1987	1988	1989
727.11	16%	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%
727.12	16%	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%

[1] The symbol "%" indicates percent ad valorem.

C. Michael Hathaway,

Deputy General Counsel.

[FR Doc. 82-7799 3-23-82; 8:45 am]

BILLING CODE 3190-01-M

federal register

Wednesday
March 24, 1982

Part III

Department of Energy

Office of Conservation and Renewable Energy

Loans for Geothermal Reservoir Confirmation Projects; Proposed Rulemaking and Hearing

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 795

[Docket No. CE-RM-82-702]

Loans for Geothermal Reservoir Confirmation Projects; Proposed Rulemaking and Public Hearing

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: On June 30, 1980, the President signed the Geothermal Energy Act of 1980 (the Act) which is title VI of the Energy Security Act, Pub. L. 96-294. The Act, among other things, authorizes the Secretary of Energy to make loans for projects which are designed to explore for and determine the economic viability of geothermal reservoirs. This notice, which sets forth the proposed rules under which the Department of Energy (DOE) will provide such loans, requests comment by interested parties on the proposed rule and establishes dates for public hearings. Section 615 of the Act requires that regulations be issued without regard to the availability of appropriations to operate the program. To date, no appropriations have been sought for this program. Furthermore, the Administration has determined that the program of loans proposed in this regulation is inconsistent with an energy policy which will rely on the market place to stimulate efficient energy productions and, therefore, does not endorse this program nor seek appropriations with which to operate it.

DATES: Written comments in response to this notice [Docket No. CE-RM-82-702] must be received no later than May 24, 1982. Requests to speak must be received no later than 4:30 P.M. EST March 26, 1982. A public hearing is scheduled for April 2, 1982. Speakers will be notified by 4:30 P.M. approximately 3 days prior to the public hearing date.

ADDRESSES: The public hearing will begin at 9:00 AM and will be held at the following location: DOE, San Francisco Operations Office, 1333 Broadway, Room 620, Oakland, California 94612.

All written comments and requests to speak should be addressed to Department of Energy, Office of Conservation and Renewable Energy, Office of Hearings and Dockets, Mail Stop 6B-025, Room 5F-078, 1000 Independence Aveune, S.W., Washington, D.C. 20585, (202) 252-9319, Attention: [Docket No. CE-RM-82-702].

FOR FURTHER INFORMATION CONTACT:

Policy and Requirement Matters: Terri Crane, Geothermal and Hydropower Technologies Division, Conservation and Renewable Energy, Department of Energy, Room 5G-030, Washington, D.C. 20585, telephone (202) 252-8078.

Loan Operations: Susan Prestwich, Idaho Operations Office, Department of Energy, 550 Second Street, Idaho Falls, Idaho 83401, telephone (208) 526-1147.

Legal Matters: Lawrence R. Oliver, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, telephone (202) 252-2440.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of the Proposed Rule
A. General Provisions
B. Reservoir Confirmation Projects
III. Comment Procedures
A. Written Comments
B. Public Hearings
C. Conduct of Hearings
IV. Additional Information

I. Background

Solely in order to comply with the statutory mandate established by the Congress, DOE today proposes a program rule for soliciting and processing applications for direct loans to support geothermal reservoir confirmation projects. This rule is required to be established by Section 615 of the Act. DOE wishes to make clear that it does not believe the Federal government should make direct loans to promote the development of geothermal reservoirs. Market conditions will provide the needed incentive for private capital investment in such projects, and, as a result, direct Federal loans would be an unnecessary and wasteful expenditure of taxpayer dollars. DOE, however, will comply with its obligations under the Act and continue development of the required rule.

The proposed rule implements Subtitle A of the Act. Under Subtitle A, the Secretary of Energy (the Secretary) is authorized to make loans for projects which are designed to explore for or determine the economic viability of a geothermal reservoir by surface exploration and the drilling of one or more exploratory wells (reservoir confirmation projects). Such loans are limited to 50 percent of project costs; however, if the project is primarily for space heating, cooling or process heat at an existing facility or one under construction, the loan may amount to 90 percent of project cost. The maximum loan is $3,000,000 per project.

The Act provides that each loan shall bear interest at a discount or interest rate equal to the rate in effect (at the time the loan is made) for water resources planning projects under Section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962(d)-17(a)). Each such loan shall be for a term which the Secretary deems appropriate, but in no case shall the term exceed twenty years beyond the date on which production of energy or geothermal energy resources begins from the reservoir involved.

The Secretary may cancel the unpaid balance and any accrued interest on any loan made pursuant to the Act and this proposed regulation if he determines, on the basis of evidence presented by the borrower or otherwise, that the proposed geothermal energy project with respect to which the loan was made has characteristics which make the project either economically, technically or environmentally infeasible or unacceptable for commercial development.

This proposal sets forth the procedures to be followed in the geothermal reservoir confirmation loan program. The following discussion explains the more significant aspects of the proposed regulation.

II. Discussion of the Proposed Rule

Subpart A of the proposed regulation contains a number of sections dealing with items of general applicability to loans. Section 795.3 sets forth the definitions to be used throughout the regulation. Some of these definitions come directly from the Act while other terms are defined in accordance with their normal meaning, with specific language, where required, to make them applicable to geothermal loans under this regulation.

Subpart B describes the general procedures to be followed in the solicitation, evaluation and selection of applications for loans under this regulation. Section 795.20 sets forth the procedure to be followed by DOE in soliciting applications for loans through the issuance of a Solicitation Announcement. The items of information required to be included in a loan application are specified in proposed § 795.21. Among these are the technical and economic analysis of the project and project plans for drilling, testing and analysis. Examples of allowable and non-allowable project costs are described in § 795.22.

Loan applications would be evaluated according to the criteria set forth in § 795.23. The policy considerations proposed in § 795.24 could also be

utilized by DOE in the selection of an application for a loan agreement.

Prior to making a loan, DOE would be required to make the findings set forth in § 795.25. These findings include such provisos as a lack of funds from other sources, a reasonable assurance of repayment of the loan, and a reasonable likelihood that the geothermal resource potential exists to support the intended end use.

Subpart C sets forth procedures and requirements for the execution and administration of loan agreements. Proposed § 795.30 authorizes DOE to take appropriate action, including modification or termination of the loan agreement, if a borrower fails to meet the terms and conditions established as loan closing prerequisites. § 795.31 provides, in accordance with the provisions of the Act, that the amount of the loan may not exceed 50 percent of total project costs or 90 percent if the geothermal resources will be used for certain specified purposes. No single loan may exceed $3,000,000 and the term of repayment may not exceed 20 years. The interest rate, as set forth in § 795.33, is prescribed by the Act.

The standard terms and conditions proposed to be included in all loan agreements are contained in § 795.32. These include standards for patents, technology, inventions and other proprietary rights; requirements regarding the rights of creditors and the submission of financial reports; and requirements regarding the preservation of project assets and collateral.

Borrowers would be required, under proposed § 795.34, to allow DOE employees and representatives to have access to the project site at reasonable times and under reasonable circumstances.

Proposed § 795.35 sets forth the procedures and requirements for amending a loan agreement to increase the amount of a loan in the event of a cost overrun. A loan may be increased if DOE finds that continuation of the project is worthwhile and in the public interest or that the cost of increasing the loan is less than that which would result from default.

Proposed § 795.36 describes the demand, payment and collateral liquidation procedures DOE may follow if a borrower defaults. One option available to DOE would be to accelerate the indebtedness and demand full payment within 30 days of the principal and interest under the loan.

Proposed § 795.37 advises loan applicants that they must comply with the Department's rules on Nondiscrimination in Federally Assisted Programs, 10 CFR Part 1040 (45 FR 40514, June 13, 1980).

The Secretary would be authorized under proposed § 795.38 to permit individual deviations from the requirements of Part 795, provided such deviations were not inconsistent with Federal statute.

Proposed § 795.39 advises applicants and borrowers that nothing in Part 795 shall be construed to modify other Federal, State, regional or local requirements for permits, licenses, or other authorizations to construct and operate the project.

Proposed § 795.40 specifies the conditions or circumstances under which DOE is authorized to cancel a loan, in whole or in part, and sets forth DOE's rights in the case of cancellation. The unpaid balance of a loan may be cancelled if the reservoir is determined to be technically, economically or environmentally unacceptable for commercial development or if the borrower is unable to obtain the necessary permits or licenses. A portion of the loan may be cancelled if the reservoir is not suitable for its intended end use but acceptable for other commercial use.

Section 795.41 proposes a method for imputing revenue from a reservoir for purposes of repayment of a loan under Part 795. Under the Act, DOE is authorized to impute a reasonable revenue 3 years after reservoir confirmation if reasonable efforts are not made to put the reservoir into commercial operation, the borrower utilizes the resources of the reservoir without a sale, or a sale of resources from the reservoir is made for an unreasonably low price.

DOE proposes to base imputed revenue on the sale price of geothermal energy from comparable projects in the same field or areas, if any exist, or from comparable projects outside the area but within the United States. If there are no comparable projects in the United States, or if the borrower both produces and utilizes the geothermal resource, the imputed revenue from the project will be based on the value of the least expensive alternate energy resource available in the same area. DOE requests comment on the adequacy of this proposed procedure and will consider alternate methods of imputation.

Procedures for resolving disputes about loan agreements are set forth in proposed § 795.42. Upon the written request of a borrower, the Contracting Officer shall decide a dispute in writing. The Contracting Officer's written decision may be appealed to the Financial Assistance Appeals Board in accordance with the procedures at 10 CFR Part 1024. The Board's review jurisdiction would be limited to any final decision the Contracting Officer is authorized to make.

III. Comment Procedures

A. Written Comments

Interested parties are invited to participate in this rulemaking by submitting written data, views or arguments with respect to today's proposed rule. Comments should be mailed in time to reach DOE May 24, 1982 and should be submitted to the address indicated in the beginning of this preamble. Comments should be identified on the outside of the envelope and on documents submitted to DOE with the designation "Geothermal Loans". Ten copies should be submitted.

Pursuant to the provisions of 10 CFR 1004.11, persons submitting information which they believe to be confidential and exempt by law from public disclosure should submit one complete copy and 9 copies from which information claimed to be confidential has been deleted. In accordance with the procedures established in 10 CFR 1004.11, DOE shall make its own determination with regard to any claim that information submitted be exempt from public disclosure.

B. Public Hearing Procedures

The time and place of the public hearings are indicated in the "Dates" and "Addresses" sections of this preamble. DOE invites any person who has an interest in this proposed regulation, or who is representative of a group or class of persons that has such interest, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the appropriate address indicated in the addresses section of this preamble, must be received before 4:30 PM, March 26, 1982 and may be hand-delivered to such address, between the hours of 9:00 AM and 4:30 PM.

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; give a concise summary of the proposed oral presentation; and provide a telephone number where she or he may be contacted during the day.

DOE will notify each person selected to appear at the hearing on or before March 30, 1982. Each person selected to be heard should bring 10 copies of his or her statement to the hearing.

C. Conduct of Hearings

DOE reserves the right to select the persons to be heard at the hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearings. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination. At the conclusion of all initial oral statements, each person who has made an oral statement will, if time permits, be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person who wishes to have a question asked at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented.

Any further procedural rules needed for the proper conduct of the hearings will be announced.

Transcripts of the hearings will be made, and the entire record of the hearings, including the transcripts, will be retained by DOE and made available for inspection at the DOE Freedom of Information Reading Room, Room 1E-090, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours 8:00 AM and 4:00 PM, Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

IV. Additional Information

Today's proposal was reviewed under Executive Order 12291 (February 17, 1981) DOE has concluded that the rule is not a "major rule" because even if implemented, it would not result in: (1) An annual effect on the economy of $100 million or more: (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; of (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

DOE certifies that this rule, if implemented, would not have a significant economic impact on a substantial number of small entities and a regulatory flexibility analysis under Section 603 of the Regulatory Flexibility Act, Pub. L. 96-354, is not required.

Review of the information collection activities to be conducted under this rule is required by the Paperwork Reduction Act of 1980, Pub. L. 96-511 and will be undertaken when a decision is made by DOE to issue a solicitation announcement for one or both of the loan programs proposed herein.

DOE has concluded that promulgation of these regulations does not require preparation of an environmental assessment or of a environmental impact statement under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321, *et seq.* (1970)), the Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and the DOE guidelines (45 FR 20694, March 28, 1980). The regulations are procedural in nature and their issuance will not result in a predictable significant environmental impact. Projects submitted under the proposed regulations will individually be subject to the requirements of National Environmental Policy Act.

Note.—The Department of Energy expects to publish a future document transferring Part 795 to Chapter X and redesignating it as a new Part 1013.

Therefore the Department of Energy proposes to add to Chapter III a new Part 795 to read as set forth below:

PART 795—LOANS FOR RESERVOIR CONFIRMATION PROJECTS

Subpart A—General Provisions

Sec.

795.1 Purpose and scope
795.2 Eligibility requirements
795.3 Definitions

Subpart B—Application Process

795.20 Solicitation of applications
795.21 Application information requirements
795.22 Project costs
795.23 Evaluation of applications
795.24 Policy considerations
795.25 Required findings

Subpart C—Loan Execution and Administration

795.30 Pre-closing requirements
795.31 Amount of loan
795.32 Loan agreement terms and conditions
795.33 Interest rate
795.34 Project monitoring and audit
795.35 Cost overruns
795.36 Default, demand, payment and collateral liquidation
795.37 Non-discrimination in Federally assisted programs
795.38 Deviations and loan agreement modifications
795.39 Compliance with other statutes
795.40 Cancellation of the loan
795.41 Imputation of revenue
795.42 Dispute resolution procedures

Authority: Title VI of the Energy Security Act Public Law 96-294, 94 Stat. 611 et seq. (42 U.S.C. 8701 et seq.); and the Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101 et seq.)

Subpart A—General Provisions

§ 795.1 Purpose and scope.

The purpose of this part is to establish policies and procedures for the receipt, evaluation, and approval of applications requesting loans for the financing of exploration and confirmation of geothermal reservoirs. This part also sets forth the terms and conditions of loan agreements issued for these purposes.

§ 795.2 Eligibility requirements.

Any person as defined in § 795.3 of this subpart is eligible for a loan under this part.

§ 795.3 Definitions.

For purposes of this part:

"Act" means the Geothermal Energy Act of 1980, which is Title VI of the Energy Security Act, Pub. L. 96-294.

"Applicant" means any person who has filed an application for a loan under this part.

"Borrower" means any person who enters into a loan agreement under this part.

"Byproduct" means any mineral or minerals or gases which are found in solution or in association with geothermal or geopressured resources and which have a value of less than 75 percent of the value of the geothermal steam and associated geothermal resources or are not, because of quantity, or technical difficulties in extraction and production of sufficient value to warrant extraction and production by themselves.

"Cancellation agreement" means a contractual instrument executed between DOE as lender and a borrower, which sets forth the terms and conditions for terminating the borrower's obligations to repay the loan described in the agreement between DOE and the borrower.

"Closing" means the delivery by a borrower and acceptance by DOE of the executed debt instruments and any required security instruments, together with all necessary supporting documentation; and the disbursement by DOE of all or a portion of the loan proceeds.

"Confirmed reservoir" means a geothermal reservoir for which it has been established by the Secretary that fluids can be produced in sufficient

quantity, quality and temperature to support an economic use.

"Contracting officer" means the Department of Energy official warranted and authorized to contractually obligate the Department of Energy and execute written agreements that are binding on the Department.

"Default" means the failure by the borrower to make payment of principal or interest in accordance with the terms and conditions of a loan issued under this part, or the failure of the borrower to meet any other term or condition of the loan agreement.

"DOE" means the Department of Energy.

"Electric cooperative" means any association eligible to receive loans under Section 4 of the Rural Electrification Act of 1936 (7 U.S.C. 904).

"Exploratory well" means a well drilled for the purpose of determining the existence of a geothermal reservoir.

"Geothermal direct heat application project" means the use of geothermal heat as a direct energy source for a project that is proposed to be located at a site in the United States, its territories or possessions. Also referred to as a "nonelectric" project.

"Geothermal resource" means a resource in the United States including (a) all products of geothermal processes embracing indigenous steam, hot water, and hot brines; (b) stream and other fluids artificially introduced into geothermal formations; (c) heat or other associated energy found in geothermal formations; and (d) any by-products derived from them.

"Indian Tribe" means any federally or state recognized Indian Tribe including any band, Nation, Pueblo, Rancheria, or otherwise organized and functioning Indian Tribe, and any Alaskan Village, including Alaskan Native Organizations organized under the Alaskan Native Claims Settlement Act (85 Stat. 688).

"Industrial development agency" means any agency which is permitted to issue obligations the interest on which is excludable from gross income under Section 103 of the Internal Revenue Code of 1954.

"Loan agreement" means a written agreement and all collateral documents related to such agreements between DOE as lender and a borrower, which sets forth the terms and conditions for provision of funds by DOE to the borrower.

"Municipality" means a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing or distributing heat energy.

"Non-profit organization" means any organization described in Section 501(c)(2) or 501(c)(4) of the Internal Revenue Code of 1954 and exempt from tax under Section 501(a) of such code (but only with respect to a trade or business carried on by such organization which is not an unrelated trade or business, determined by applying Section 513(a) to such organization).

"Person" means an individual, corporation, company joint stock company, partnership, association, business trust, or organized group of persons (whether incorporated or not), including municipalities, electric co-operatives, industrial development agencies, non-profit organizations and Indian Tribes.

"Reservoir confirmation loan" means a loan to assist in defraying a percentage of the costs associated with exploration, drilling and testing to confirm a geothermal reservoir.

"Reservoir confirmation project" means surface exploration, drilling and testing of one or more exploratory wells.

"Secretary" means Secretary of Energy or a designated representative.

"Small Business" is a concern which is independently owned and operated, is not dominant in its field of operation, and which does not have assets exceeding $9 million or a net worth in excess of $4 million and does not have average net income after Federal income taxes for the preceding two years in excess of $400,000 (average net income to be compiled without benefit of any carryover loss).

"Statutory interest rate" means a discount or interest rate equal to the rate in effect at the time the loan is made for water resources planning projects under Section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962 d–17(a)).

Subpart B—Application Process

§ 795.20 Solicitation of applications.

(a) As funds are available, DOE may issue a Solicitation Announcement requesting applications for loans under this part which shall, as a minimum, be noticed and summarized in the **Federal Register** and the Commerce Business Daily. Loan applications shall be evaluated on a noncompetitive basis, in the order they are received. Presubmission discussions between prospective applicants and DOE are encouraged.

(b) A Solicitation Announcement shall include the following information:

(1) The place for application submission;

(2) The information requirements for applications;

(3) A technical definition or identification of the project eligible under the Solicitation Announcement;

(4) Identification of the issuing office;

(5) Identification of statutory authority and relevant regulations;

(6) Any special requirements not contained in the regulations;

(7) Identification of the time period during which written questions regarding the preparation of applications may be submitted;

(8) Identification of DOE representative for the purpose of presubmission discussions.

§ 795.21 Application information requirements.

(a) An applicant is expected to provide information in the application which is similar to that required by a private financial institution which might consider a similar project for debt financing. The application must contain the most current data available and be adequate for proper evaluation of the project.

(b) The Solicitation Announcement shall set forth the application information requirements which may include, but not be limited to, the following:

(1) The total cost of the project and the loan amount requested;

(2) A description of the major tasks required, including proposed schedule for completing each major task and estimates of the cost of each major task;

(3) A description of the applicant that reveals its history, the kind and size of its business, and its experience with projects of the nature proposed in the application;

(4) Financial statements for the most recent 3 years (if available) that includes income statements and balance sheets; if possible the financial statement should be audited;

(5) A description of any other financial assistance (e.g., direct loans, guaranteed loans, grants), expected to be applied for already applied for or obtained by the applicant in connection with the project;

(6) A list of all key personnel who will be directly involved with the project and a description of their responsibilities and qualifications;

(7) Documentation as to the applicant's authority to undertake the activities contemplated by the application. Such documentation should take substantially the following form:

(i) If an applicant is a municipality, a state registration number or other documentation is required indicating

that the municipality is properly and duly certified with the approved body;

(ii) If an applicant is a corporation a copy of the charter or certificate and article of incorporation, with any amendments, duly certified by the Secretary of State of the State where organized, and a copy of the by-laws. If the project would be located in a State other than that in which the corporation is organized, a certificate shall be included from the Secretary of State of the State in which the project would be located showing compliance with the laws relating to foreign corporations. There shall also be included a copy of all minutes, resolutions of stockholders or directors or other representatives of the applicant, properly attested, authorizing the filing of the application;

(iii) If an applicant is an association, a verified copy of its articles of association, if any, with an attested copy of the resolution of its governing board authorizing the filing of the application;

(iv) If an applicant is a business trust, a verified copy of the trust instrument and an attested copy of the resolution or other authority under which the application is made;

(v) If an applicant is a joint stock company, a verified copy of the articles of association;

(vi) If an applicant is an Indian Tribe or organization, a certification of the official governing body authorizing the filing of the application, or documentation that the applicant has the authority to proceed with the application;

(vii) For purposes of this regulation, verification may be by affidavit of an authorized representative of an applicant; attestation shall be by an authorized officer;

(8) Documentation that:

(i) There is a user who intends to use the resource if discovered and a written agreement of intended use between the borrower and the user if the user is not the borrower;

(ii) The user or developer has or can obtain legal rights to the required land and geothermal fluid and heat;

(iii) Other required permits can be obtained; and

(iv) Environmental considerations have been given adequate attention.

(9) A description of the proposed project that covers technical and economic potential. The description should address, but not necessarily be limited to the following:

(i) A general description of the total geothermal project including exploration, drilling, full field development, completion, testing, and end use;

(ii) A comprehensive geological description of the resource including reasonable evidence that a resource adequate to support the intended end use exists at the site proposed;

(iii) Specific details concerning the end use to be made of geothermal fluids along with an analysis of the engineering and economic feasibility of the project. Engineering items to be discussed include energy requirements (e.g., temperature, flow, load factor, peak load) and system design. Economic data to be furnished include plant costs, working capital requirements, replacement costs, annual costs and taxes for the follow-on utilization system (i.e., enough information for a cash flow analysis);

(10) An exploration program description that includes geologic, geochemical and/or geophysical techniques proposed to specifically locate and size the exploratory well;

(11) A drilling plan that briefly describes anticipated rig type, well depth, well diameter, casing schedule, drilling fluid, logging plan, etc. Later in the project, before actual drilling begins, a more detailed plan for each well will be required that complies with the applicable portions of 30 CFR Part 270;

(12) A preliminary plan for reservoir testing and analysis of test results. The plan must be grounded in accepted geohydrology and reservoir engineering techniques and must basically determine usability and longevity of the geothermal resource. Items to be specified include testing methods, duration, flow rate, measurements to be made and accuracy of same, and the techniques to analyze test data;

(13) A project management plan that:

(i) Provides a concise and definitive Statement of Work that defines the individual key work tasks and lists them in a logical sequence;

(ii) Describes the planned organizational elements and shows the reporting relationships of all key personnel who will be involved in the project;

(iii) Identifies all consultants and contractors and explains the nature and extent of their efforts in support of the proposed project;

(iv) Provides a work schedule for the project that indicates the phasing and interrelationship of the various tasks as defined by the Statement of Work and identifies key milestones and decision points through testing and well completion; and

(v) Provides a cost schedule for the key work tasks identified in (i) above.

(14) A description of the environmental implications of the full development of the project including potential impacts of the proposal on air, land, water resources and on endangered or threatened species of animals and plants or critical habitats in the project area.

(15) Information submitted by loan applicants shall be subject to disclosure and withholding in accordance with DOE's rules implementing the Freedom of Information Act (5 U.S.C. 552) at Part 1004 of this Title.

§ 795.22 Project costs.

(a) Project costs will be recorded in accordance with generally accepted accounting principles that are consistently applied.

(b) Except as set forth in paragraph (c) of this section, those reasonable and customary costs that have been incurred, or are expected to be incurred, and which are directly related to the project shall be used to estimate the total costs of the project. Examples of these costs include, but are not limited to, the following:

(1) Exploration including thermal gradient or other shallow test hole drilling leading to the selection of a production drill test site;

(2) Environmental report preparation and permit application;

(3) Drill site preparation and restoration;

(4) Modification to preliminary well and testing designs and plans as required prior to the drilling and testing phases;

(5) Actual well drilling and associated drilling expenses;

(6) Testing during and after drilling;

(7) Fluid disposal during drilling and testing;

(8) Completion of the well, which could include well stimulation;

(9) Plugging and abandonment of an unsuccessful well;

(10) Workover necessary to re-entry and testing an existing well;

(11) Drilling and testing of an injection well, if necessary; and

(12) Program management, consultants, and supervision required through completion of well testing and analysis.

(c) Costs that are not considered as allowable project cost include the following:

(1) Fees and commissions charged to the borrower, including finder fees, for obtaining the Federal loan;

(2) Parent corporation general and administrative expenses, including company organization expenses;

(3) Goodwill, franchise, trade, or brand name costs;

(4) Dividends and profit sharing to stockholders, employees, and officers;

(5) Expenses not paid or incurred by the applicant;

(6) Costs that are excessive or are not directly required to conduct the project, as determined by DOE.

(d) DOE may audit any or all cost elements included in the estimated project cost, and reserves the right to exclude or reduce the amount of any costs which DOE determines to be unnecessary or excessive. The borrower will make available records and other data necessary to permit DOE to carry out such an audit. For the purpose of such an audit, DOE may utilize employees of other Federal agencies or independent public accountants or other competent authority.

§ 795.23 Evaluation of applications.

(a) DOE shall determine the eligibility of applicants and projects, and shall evaluate applications in accordance with applicable program requirements.

(b) DOE shall conduct a preliminary review and screening of applications to determine if an application should be comprehensively evaluated. DOE will review the application to determine whether it:

(1) Complies with statutory requirements for project eligibility;

(2) Complies with the eligibility requirements of this Part and any set forth in the Solicitation Announcement; and

(3) Is signed by an authorized official of the applicant organization.

Any application which does not comply with the requirements of this paragraph shall be returned to the applicant.

(c) Those applications meeting the requirements of paragraph (b) of this section shall be comprehensively evaluated according to the following evaluation criteria:

(1) Ability of the applicant to comply with the requirements of the Solicitation Announcement and this Part;

(2) Technical project feasibility and likelihood of success;

(3) Market potential and economic feasibility;

(4) Financial—

(i) Credibility of cost estimates;

(ii) Adequacy of capitalization, cash flow, working capital, and other measures of financial capability;

(iii) Financial condition of applicant and other principals to the project:

(5) Financing structure—

(i) Financial commitment of applicant and other principals to the project;

(ii) Debt financing plan;

(iii) Other factors which are relevant to a full description of the financing structure of the proposed project;

(6) The degree of risk to DOE during both the interim and permanent financing stages of the project, including the length of time over which the proposed borrower will repay the loan (with regard to the anticipated cash flow and useful life of the project);

(7) Management plan—

(i) Corporate and personnel experience;

(ii) Management organization and interrelationship; and

(8) Environmental, health, safety and socioeconomic impacts of the proposed project; and

(9) Such additional evaluation criteria as may be set forth in the Solicitation Announcement.

(d) In selecting an application for a loan agreement, DOE shall consider the results of the evaluation described in paragraph (c) of this section, the policy considerations specified in § 795.24 and such other information as DOE determines to be relevant.

(e) After an application is selected for a loan assignment, the contracting officer may be authorized to issue a loan agreement for the selected project. The loan agreement shall identify the terms and conditions of the loan, including those which must be satisfied prior to closing and any additional requirements to be placed upon the applicant as a condition of the loan.

§ 795.24 Policy considerations.

The following policy considerations may be utilized by DOE in the selection of applicants for loan agreements:

(a) The size of the loan requested from DOE and its percentage of total project cost. Applications in which the borrower is contributing more than the minimum requirement will be given more favorable consideration than other applications where the borrower intends to provide only the minimum investment.

(b) The potential of the contemplated end use to displace or save oil or natural gas. Projects that have the potential to replace an existing or planned demand for oil or natural gas will be given more favorable consideration than a project which does not.

(c) The viability of the project, i.e., the likelihood and speed with which the project will be carried through to completion. Those projects demonstrating a high degree of viability will be given favorable consideration over a project which cannot make such demonstration.

(d) The potential of the reservoir to support additional wells or uses beyond the intended end use. DOE will consider market factors as well as geothermal resource factors in making this determination.

(e) The extent of the participation of Indian Tribes or disadvantaged or small business concerns in the project. DOE encourages the participation of such groups in this program.

§ 795.25 Required findings.

A loan may be made only after DOE makes the following findings:

(a) There is a lack of funds from other sources at reasonable terms and conditions with which to finance the project;

(b) There is a reasonable assurance of repayment of principal and interest of the loan by the borrower;

(c) There is a reasonable likelihood that the applicant and others participating in the project have the management and technical capability to initiate and complete the project in a timely and efficient manner;

(d) There are no known unresolvable environmental impacts that will prevent the completion of the project or the development of the intended end use. All loan approvals shall be conditioned upon compliance with the National Environmental Policy Act and other applicable environmental requirements;

(e) There is a reasonable likelihood that a geothermal resource potential exists to support the intended use of the geothermal resource;

(f) The amount of the loan together with other funds available to the applicant will be sufficient to carry out the project;

(g) There is reasonable evidence that the contemplated end use of the geothermal resource will be found to be technically and economically feasible; and

(h) The borrower has secured or will be able to secure the right, title or interest in the necessary land and resource rights for the reservoir confirmation project.

Subpart C—Loan Execution and Administration

§ 795.30 Pre-closing requirements.

(a) If, within a reasonable period of time, the Contracting Officer determines that the borrower has failed to meet the terms and conditions established as prerequisites to loan closing, the Contracting Officer shall so advise the borrower in writing. DOE shall determine whether to continue negotiations, authorize modification or termination of the loan agreement, or take other appropriate action.

(b) If the Contracting Officer determines that the borrower has met the terms and conditions established as prerequisites to closing of the loan, the loan closing shall be authorized by the

appropriate DOE official. The date, time and place for closing shall be fixed by mutual agreement. Nothing in the section shall restrict the authority of the Contracting Officer to require additional documentation from the borrower.

§ 795.31 Amount of loan.

The amount of a loan made under this Part shall not exceed 50 percent of the total cost of the project. If the applicant proposes to use a geothermal resource primarily for space heating or cooling or process heat, for one or more structures then existing or under construction, the loan may be in any amount up to 90 percent of the total cost of the project. However, in any event, no loan shall be made in excess of $3,000,000 for any single project. Each loan shall be for a term which the Secretary determines to be appropriate, except that no loan term shall exceed 20 years beyond the date on which production of energy begins from the reservoir involved.

§ 795.32 Loan agreement terms and conditions.

A loan agreement issued by DOE under this Part shall contain or meet the following requirements and conditions:

(a) The following requirements concerning patents, technology, inventions, and other proprietary rights:

(1) A requirement that any inventions conceived or first actually reduced to practice in the course of or under the project, any patents or patent applications thereon, except for those in which title vests in the United States Government, as well as all technology and other proprietary rights developed under the project shall be the property of the borrower (or its participants or its contractors) and shall be collateral for the loan. The provisions of this paragraph shall apply to and be binding on the borrower's contractors and participants, and the borrower shall obtain the written agreement of such parties to these provisions.

(2) A requirement that the borrower agree to grant non-exclusive licenses in all patents, technology and other proprietary rights owned or controlled by the borrower which are necessary for completion and operation of the project or which have been utilized in the project:

(i) In the event of default, royalty free to the entities selected to complete and operate the project only for the purpose of completing and operating the project; and

(ii) Regardless of whether there is a default, on equitable terms, including due consideration to the amount of the loan, to the United States Government and its designees for the purpose of constructing and operating similar projects. The provisions of this paragraph shall apply to and be binding on the borrower's participants, and the borrower shall obtain the written agreement of such parties to these provisions.

(3) A requirement that the borrower agree to secure a license in any patents, technology or other proprietary rights of third parties which are bought or licensed for the project on behalf of the project, and inuring to the benefit of successor owners and/or operators of the project under terms and conditions no less favorable than applicable to the borrower.

(4) A requirement that the term "participants" shall mean the owners of the borrower, the members of a consortium or other legal entity comprising the borrower, and others with a financial or equity interest in the borrower. The term "contractor" shall mean the party being awarded a contract, regardles of tier.

(b) A requirement that no change of project ownership or financial arrangement occur without the prior written consent of DOE.

(c) A requirement that the term of the loan not exceed 20 years beyond the date on which production of energy from the reservoir begins. Repayment of the loan shall commence no later than one year after the date on which production of energy from the reservoir begins.

(d) A requirement that the annual repayment rate not exceed 20 percent of annual gross revenue from the sale or equivalent value of either electrical energy or direct energy from geothermal resources from the confirmed reservoir.

(e) A requirement that the loan agreement provide DOE the option to impute revenue for the purpose of repayment as provided in § 795.41.

(f) Requirements that comply with § 795.36 regarding default and demand;

(g) A requirement that the borrower keep and make available adequate records and documents concerning the construction and operation of the project in order that DOE may determine the technical and financial conditions of the project and its compliance with the requirements of the loan agreement;

(h) A requirement for the borrower to prepare and deliver to DOE annual audited financial statements prepared according to generally accepted accounting principles;

(i) A requirement that duly authorized representatives of the Secretary shall have access to the project site at reasonable times during construction and operation of the project;

(j) A requirement that the borrower agree to protect and preserve at all times the project assets and other collateral serving as security for the loan;

(k) A requirement that performance of contractors engaged in the construction of the project for which the loan is made be fully bonded or that other acceptable arrangements are made that assure adequate performance by contractors;

(l) A requirement that the borrower execute all documents necessary to perfect and maintain liens on collateral pledged as security for the loan;

(m) A requirement that the project be operated in full compliance with all applicable laws and regulations;

(n) A requirement that the invalidity of any clause, part, or provision of the loan agreement shall not affect the validity of the remaining portions of the loan;

(o) An option on the part of the borrower to prepay the loan at any time without prepayment penalties;

(p) A requirement that the borrower shall furnish DOE, in writing the name(s) of the individual(s) authorized to act on behalf of the borrower and shall notify DOE, in writing, of any change in its representatives;

(q) A requirement that the borrower keep the assets of the project insured in an acceptable amount from risk of loss, and acceptable provisions for control over any insurance proceeds paid in the event of such loss to assure that such proceeds are appropriately utilized for the repair, reconstruction or replacement of the project assets or to repay the principal and interest on the loan;

(r) A requirement that the borrower shall be in default if the borrower at any time prior to the completion of the project abandons or ceases work on the project for more than 30 days;

(s) A requirement that the borrower shall not permit any judgment, lien, or other encumbrance to be placed against any asset of the project, excluding those liens obtained pursuant to the loan agreement or with the prior written consent of DOE;

(t) When appropriate, a requirement for control over project revenue which ensures that profits above a predetermined level are made available to the project for the future requirements of the project or for repayment of the loan; and

(u) Such other terms and conditions as determined to be reasonable and necessary for the protection of the interests of the United States.

§ 795.33 Interest rate.

Each loan made under this part shall bear interest at a discount or interest

rate equal to the rate, in effect at the time the loan is made, for water resources planning projects under Section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962(d) 17(a)).

§ 795.34 Project monitoring and audit.

Employees and representatives of DOE or the U.S. Comptroller General shall have access to, and the right to examine, at reasonable times and under reasonable circumstances, all relevant documents and records of the borrower. The borrower will assure availability of information related to the loan and the project as is necessary to permit the Secretary to determine technical progress, soundness of financial condition, management stability, and other matters pertinent to the loan.

§ 795.35 Cost overruns.

(a) A cost overrun is any cost which exceeds the estimated total cost of the project established by DOE prior to or at the time of execution of a loan agreement;

(b) When an overrun is anticipated, DOE must be notified promptly and provided with the reasons for the overrun:

(c) At the discretion of DOE and subject to the availability of loan funds, a loan agreement may be amended to increase the amount of the loan in the event that either the estimated cost to complete the project or the actual project cost incurred exceeds the originally estimated project costs;

(d) The borrower must submit all of the following information before DOE may determine whether to increase the loan to cover cost overruns:

(1) A revised expected completion date, if applicable, and a revised cost estimated for the project;

(2) A plan indicating how the borrower's share of the cost overrun will be funded;

(3) A description of the additional collateral, if any, to be pledged for the increased loan; and

(4) Updated information on the project economics indicating that a reasonable assurance of repayment of the loan (including the requested increase) still exists.

(e) Subject to the requirements of paragraph (d) of this section, DOE may agree to increase the loan for the project if DOE finds that:

(1) The continuation of the project is worthwhile to meet the program's objectives and is in the public interest; or

(2) The probable net costs to the Government in increasing the loan will be less than that which would result from a default.

(f) In no event may the loan be increased to an amount that exceeds the maximum amount or percentage share of costs set forth in § 795.31 of this Part.

§ 795.36 Default, demand, payment and collateral liquidation.

(a) If a borrower fails to make payment of principal or interest within the time period specified in the loan agreement, or fails to comply with other material terms and conditions specified as default conditions in the loan agreement or related documents, the borrower shall be in default and the Secretary shall have the right, at the Secretary's option, to accelerate the indebtedness and demand full payment of all amounts outstanding, both principal and interest, under the loan.

(b) No failure on the part of the Secretary to make demand at any time shall constitute a waiver of any rights held by the Secretary.

(c) Upon demand by the Secretary, the borrower shall have a period of not more than 30 days from the date of demand to make payment in full because of default.

(d) Should the borrower fail to pay after demand, as provided in subsection (c) of this section, the Secretary shall undertake collection in accordance with terms of the loan agreement and applicable law.

(e) The loan agreement shall specify the rights of DOE with respect to the liquidation of assets securing the loan and other actions that may be taken by DOE in the event of default.

§ 795.37 Nondiscrimination in Federally assisted programs.

Applicants who apply for loans under this Part shall be required to comply with the Departments's rules on Nondiscrimination in Federally Assisted Programs Regulations, Part 10 CFR Part 1040 (45 FR 40514 (June 13, 1980)).

§ 795.38 Deviations and loan agreement modifications.

To the extent that such requirements are not specified by statute, the Secretary may authorize a deviation for an individual applicant or borrower from the requirements of this Part upon a finding that such deviation is necessary and warranted in the individual case in relation to the accomplishment of program objectives and is in the best interests of the Government.

§ 795.39 Compliance with other statutes.

Nothing in this regulation shall be construed to modify requirements imposed on the borrower by Federal, State, Tribal, regional and local government agencies in connection with permits, licenses, or other authorizations to drill wells or construct a geothermal facility.

§ 795.40 Cancellation of the loan.

(a) DOE may cancel the unpaid balance of principal and any accrued interest on a loan made under this Part if the geothermal reservoir is determined to be technically, economically, or environmentally unacceptable for commercial development. The determination to cancel the loan may be made prior to the completion of the project or afterwards.

(b) If, in DOE's opinion, the geothermal reservoir is not suitable for the intended end use but is acceptable for commercial development of and alternative use, a portion of the unpaid balance on the loan may be cancelled.

(c) DOE may cancel the unpaid balance and any accrued interest on a loan to a borrower who, in DOE's judgment, has been or will be unable to obtain a necessary license respecting the project, or any right necessary to construct and operate the project, for a reason beyond the borrower's control and despite the borrower's good faith effort to do so.

(d) DOE shall not cancel the unpaid balance and accrued interest of any loan if DOE finds that the borrower applying for the loan:

(1) Failed to provide information reasonably available to such borrower that would have disclosed that there was not reasonable assurance the project would be technically, economically and environmentally acceptable, or

(2) Withheld information indicating that the borrower would be unable to obtain a license, approval or right necessary to the project.

(e) If revenues are inadequate (as determined by DOE) to fully repay the principal and accrued interest within 20 years after production begins, any remaining unpaid amounts shall be forgiven.

(f) In the event the unpaid balance of a loan is cancelled pursuant to this section:

(1) DOE's obligation to disburse funds under the loan agreement shall terminate; and

(2) All technical and economic information concerning the reservoir confirmation project shall become the property of the United States.

§ 795.41 Imputation of revenue.

(a) In any case where the reservoir has been confirmed (as determined by

DOE), DOE may, after expiration of 3 years from the date of reservoir confirmation, impute a reasonable revenue for purposes of determining repayment if:

(1) A sale of energy from the geothermal reservoir is made for an unreasonably low price, as determined by DOE:

(2) The reservoir is commercially utilized without a sale of energy and no revenue is reported; or

(3) Reasonable efforts (as determined by DOE) are not made to put such reservoir into commercial production.

(b) For the purpose of paragraph (a), DOE will determine a reasonable revenue on the basis of the sale price of geothermal energy from comparable projects. Comparable geothermal projects in the same field or geographic area will be considered first; if none exist, then comparable projects outside the area will be considered. If no comparable projects exist in the United States or the borrower both produces and utilizes the geothermal resource, the imputed revenue from the geothermal resource shall be based on the value of the least expensive alternative energy source available in the same general geographic area. In making this determination, DOE shall consider: (1) The mine mouth value of coal as adjusted for energy production, (2) well head price of natural gas as adjusted for energy production, and (3) any other competing energy source so long as it is reasonably available in the same general area as the project.

(c) If the borrower fails to put the reservoir into commercial operation within five years of the date of reservoir confirmation, DOE may (1) take action to recover the value, not to exceed the amount of the unpaid balance of the loan plus any accrued interest thereon, of any assets of the project including resource rights; or (2) allow the borrower to continue to make loan repayment based on the imputed revenue.

(d) For reservoirs that are not in commercial production, any imputation of revenue will be based on the borrower's intended end use unless the resource was not adequate for the intended end use. In that case, the imputation will be based on the reservoir capacity.

(e) If the borrower both produces and utilizes the resource, DOE may not impute a revenue that is greater than the total of: cost of developing the well, annual operation and maintenance costs and the rate of return normally associated with projects of this type.

§ 795.42 Dispute resolution procedures.

(a) At the written request of a borrower, the Contracting Officer shall decide any dispute authorized for review under subsection (d) of this section, and any dispute concerning a loan agreement with the borrower under this Part. The decision of the Contracting Officer may be appealed to the Financial Assistance Appeals Board (the Board) in accordance with Part 1024 of this Title. The Contracting Officer's authority under this subsection shall not extend to any DOE action taken under Part 1040 of this Title.

(b) Within 30 days after receiving a dispute resolution request under subsection (a) of this section, the Contracting Officer shall mail (by certified mail) to the requesting party a brief written decision containing the following information:

(1) A summary of the requesting party's complaint;

(2) The Department's response or demand; and

(3) The factual, legal, and policy reasons for the Department's final decision.

(c) Each written decision issued by the Contracting Officer under subsection (b) shall include the following paragraph or similar language approved by the Office of General Counsel:

This is the final decision of the Contracting Officer. This shall be the final decision of the Department of Energy unless, within 60 days from the date you receive this letter, you deliver or mail (by certified mail) a written notice of appeal to the Financial Assistance Appeals Board at the address indicated below. Copies of your notice must be mailed (by first class mail) to the Director, Procurement and Assistance Management Directorate, and to the Office of General Counsel, GC–44, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. Your notice of appeal should refer to this decision, note that you intend an appeal and briefly state why you think this decision is wrong. You will be notified of further proceedings related to your appeal. A copy of DOE Procedures for Financial Assistance Appeals is enclosed for your reference.

(d) Except as otherwise provided in paragraph (a) of this section, the Contracting Officer may decide any post-loan agreement disputes including, but not limited to, the following:

(1) A determination that the borrower has failed to satisfy the terms and conditions of the loan agreement prerequisite to loan closing;

(2) A determination that the borrower is in default;

(3) Collateral liquidation;

(4) Determination and collection of deficiencies; and

(5) A determination that the borrower has failed to comply with any requirement of this Part or with the terms and conditions of the loan.

(e) Review of appeal. The Board may review any final decision the Contracting Officer is authorized to make under this section, except that the Board shall have no jurisdiction to review DOE denials of requests for deviations or modifications under § 795.38 of this Part. In reviewing such decisions, the Board shall be bound by all applicable laws and regulations, including the requirements of this Part, and by the terms and conditions of any applicable loan agreement.

Issued in Washington, D.C., March 9, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 82–7811 Filed 3–23–82; 8:45 am]

BILLING CODE 6450–01–M

federal register

Wednesday
March 24, 1982

Part IV

Office of Management and Budget

Budget Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

To the Congress of the United States

In accordance with the Impoundment Control Act of 1974, I herewith report one proposal to rescind $215.2 million in budget authority previously provided by the Congress, five new deferrals totaling $58.9 million, and two revisions to existing deferrals increasing the amount deferred by $14.6 million.

The rescission proposal affects programs in the United States Postal Service. The deferrals affect programs in the Departments of Energy, Health and Human Services, the Interior, and the Treasury.

The details of each rescission proposal and deferral are contained in the attached reports.

Ronald Reagan.

THE WHITE HOUSE, *March 18, 1982.*

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission #	Item	Budget Authority
	Other Independent Agencies	
	Postal Service	
	Payment to the Postal	
R82-26	Service fund	215,230
	Subtotal, rescission proposal	215,230

Deferral #	Item	Budget Authority
	Department of Energy	
	Energy Programs	
	Fossil energy research and	
D82-236	development	44,883
	Energy supply research and development activities,	
D82-228A	operating expenses	4,000
	Department of Health and Human Services	
	Social Security Administration	
	Limitation on administrative	
D82-237	expenses	9,600
	Department of the Interior	
	National Park Service	
D82-238	Urban park and recreation grants	858
D82-239	Land and water conservation fund	2,821
D82-240	Historic preservation fund	781
	Department of the Treasury	
	Office of Revenue Sharing	
	State and local government	
D82-23A	fiscal assistance trust fund	20,922
	Subtotal, deferrals	83,865
	Total, rescission proposal and deferrals	299,095

SUMMARY OF SPECIAL MESSAGES
FOR FY 1982
(in thousands of dollars)

	Rescissions	Deferrals
Tenth special message		
New items	215,230	58,943
Change to amounts previously submitted	---	14,635
Effect of tenth special message	215,230	73,578
Previous special messages	10,761,768	7,810,692
Total amount proposed in special messages	10,976,998	7,884,270 1/

1/ This amount represents budget authority except for $20,922 thousand in one general revenue sharing deferral of outlays only (D82-23A).

Rescission Proposal No: R82-26

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Postal Service	New budget authority (P.L. 97-92): $ 834,470,400
Bureau:	Other budgetary resources: ---
Appropriation title & symbol: Payment to the Postal Service Fund 18X1001	Total budgetary resources: 834,470,400
	Amount proposed for rescission: $ 215,230,000
OMB identification code: 18-1001-0-1-372	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The payment to the Postal Service Fund provides direct government support for programs specified in the Postal Reorganization Act of 1970. In his revisions to the 1982 budget announced last September, the President proposed to eliminate the public service subsidies and transitional liability payments to the Postal Service. The budget submitted to the Congress in February reflected the reduction accordingly for both fiscal 1982 and 1983. This rescission report transmits the President's proposal in keeping with section 1013 of the Impoundment Control Act of 1974.

Estimated Effects: This rescission would eliminate all public service and transitional liability subsidies.

Outlay Effects:

(in millions of dollars)

1982 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1982	1983	1984	1985
834.5	619.2	215.3	---	---	---

POSTAL SERVICE

Payment to the Postal Service Fund

Of the funds provided for the "Payment to the Postal Service Fund" for fiscal year 1982 in P.L. 97-92, making further continuing appropriations for fiscal year 1982, $215,230,000 are rescinded.

Deferral No: D82-236

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 97-100): $413.0
Bureau: Energy Programs	Other budgetary resources: 32.8
Appropriation title & symbol: Fossil Energy Research and Development 89X0213	Total budgetary resources: 445.8
	Amount to be deferred: Part of year: $ ___ Entire year: 44.
OMB identification code: 89-0213-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☐ No	☐ Other ___
Type of account or fund: ☐ Annual ☐ Multiple-year ___ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ___

Justification: The Fossil Energy Research and Development program is being redirected from efforts to accelerate the development of near-term technolo and from large scale, demonstration-of-process technologies to performing more generic and technology based research. As a result, Federal support f near-term proprietary technologies is being deemphasized, and the Administr has proposed in the 1983 Budget to eliminate or reduce funding for certain projects. Accordingly, we are deferring funds to begin the orderly phase-o in 1982 of those specific activities no longer consistent with fossil ene research and development objectives. The deferred funds will be used in 19 cover personnel costs, contract termination costs, and other expenses relat to placing various federally owned facilities in a "mothball" status and to consolidate the Fossil energy organization.

Estimated Effects: This deferral will allow the phase-out of research proj about midway through FY 1982. It would provide the time and funding requir for an orderly transition to more generic and technology based R&D programs Specific impacts on the individual projects are presented in the enclosure.

Outlay Effect: The deferral action will shift $44.9 million in outlays fro 1982 to 1983.

Department of Energy
FY 1982 Request for Deferral
Fossil Energy Research and Development
(Dollars in Thousands)

	Presently Available B/A	Revised Estimate B/A	Proposed Deferral B/A
Coal			
Coal Liquefaction	98,784	90,459	-8,325
Combustion Systems	30,544	22,788	-7,756
Heat Engines & Heat Recovery	15,408	6,672	-8,736
Magnetohydrodynamics	21,840	19,940	-1,900
Surface Coal Gasification	53,088	46,888	-6,200
Other Coal	147,139	147,139	...
Subtotal Coal	366,803	333,886	-32,917
Petroleum			
Enhanced Oil Recovery	16,176	15,676	-500
Oil Shale	19,152	16,686	-2,466
Other Petroleum	5,587	5,587	...
Subtotal Petroleum	40,915	37,949	-2,966
Gas			
Enhanced Gas Recovery	9,154	8,154	-1,000
Subtotal FY 1982 Appropriations 1/	416,872	379,989	-36,883
Amount Available from Prior Years	8,000	...	-8,000
Total Fossil Energy	$424,872	$379,989	$-44,883

1/ This total includes $3,840,000 appropriated for Fossil Energy Construction, for which no deferral is being proposed.

Specific projects proposed for deferral are as follows:

Coal Liquefaction

- Terminate H-Coal pilot plant operations in November 1982 rather than in December 1982 if negotiation to transfer the pilot plant to industrial partners is successful; otherwise terminate operations in June 1982 rather than in July 1982 and dismantle pilot plant. Either of the above actions will permit the deferral of $3,000,000.
- Terminate government funding of the Exxon Donor Solvent pilot plant operations July 1, 1982. The Agency will not participate in funding operations after that time. This action will permit the deferral of $3,100,000.
- Terminate Liquid Phase Methanol PDU operations on April 1, 1982. This action will permit the deferral of $2,225,000.

Combustion Systems

- Renegotiate the contract for the PFB Combined Cycle pilot plant project at Woodridge, New Jersey, to increase the private industry cost share for construction completion and operations. This action will permit a deferral of $6,000,000.
- Terminate the PFB alternate turbine test activities. This action will permit the deferral of $700,000.
- Terminate advanced combustion technology program. This action will permit a deferral of $1,056,000.

Heat Engines & Heat Recovery

- Terminate the High Temperature Turbine Phase III development activity. This action will permit a deferral of $8,736,000 of FY 1982 funds and $8,000,000 of prior year funds.

Magnetohydrodynamics

- In order to achieve an orderly phase out of this program and ensure that no additional funding is required in FY 1983, the Administration intends to initiate program termination actions by April 1, 1982. The advanced power train development will be brought to an orderly conclusion during FY 1982 and serve as the focal point for consolidating the key technical data which may subsequently be of use to government and private industry. The CDIF and CFFF test programs will be terminated and the facilities placed in a "mothball" status. By initiating termination actions in April 1982, sufficient funds will remain from FY 1982 appropriations to fund termination liabilities and facility mothball costs and defer an additional $1,900,000.

Surface Coal Gasification

- Terminate Bi-Gas pilot plant operations on April 1, 1982, and place the facility in a "mothball" status. This action will permit the deferral of $2,500,000.
- Terminate fixed-bed gasifier activities at the Morgantown and Grand Forks Energy Technology Centers on April 1, 1982, placing the facilities in a "mothball" status. This action will permit the deferral of $500,000.
- Terminate the peat gasification work being performed in the HYGAS pilot plant and place the facility in a "protected stand-by/mothball" status. This action will permit the deferral of $100,000.
- Terminate the agglomerating fluidized-bed development effort at the Westinghouse Process Development Unit facility on April 1, 1982, and place the facility in a "mothball" status. This action will permit the deferral of $2,900,000.
- Terminate the atmospheric entrained-bed slagging gasifier (Combustion Engineering) pilot plant program on April 1, 1982, and place the facility in a "mothball" status. This action will permit the deferral of $100,000.

Enhanced Oil Recovery

- Terminate tar sand activities related to the in situ experiment of steam flooding and fire flooding process in Utah tar sand. Termination of field experimentation in tar sands permits the deferral of $500,000.

Oil Shale

- Pending Congressional approval, discontinue government participation in the Geokinetics project, thereby allowing the $1,842,000 to be proposed for deferral.
- Cancel the Program Research and Development Announcement (PRDA) for innovative Eastern shale conversion concepts. This accelerated phase down of the Eastern shales activities projects will permit the deferral of $624,000.

Enhanced Gas Recovery

- Cancel the third well on the Unconventional Gas Multiwell Project and eliminate all research dependent upon that well. Research at the site will be completed in FY 1982 with termination in FY 1983 or transfer of the project to industry. This action will permit deferral of $1,000,000.

In Situ Coal Gasification

- This program will be phased out during FY 1982 within currently available appropriated funds. As indicated in the FY 1983 budget request, future activity in this area will be limited to environmental monitoring of previously used test sites.

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of
Public Law 93-344

This report updates Deferral No. 228, transmitted to the Congress on February 8, 1982.

This revision to a deferral of funds for energy supply research and development activities, operating expenses in the Department of Energy increases the budgetary resources for that account from $2,531,764,221 to $2,536,764,221. The increase of $5,000,000 reflects an appropriation transfer from the Energy supply research and development, Plant and Capital Equipment appropriation, as authorized by the General Provisions of the Energy and Water Development Appropriation Act of 1982 (P.L. 97-88). The change in budgetary resources does not affect the amount deferred, which remains $4,000,000.

Deferral No: D82-228A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 97-88): $1,945,926,000
Bureau: Energy Programs	Other budgetary resources: 590,838,221*
Appropriation title & symbol: Energy supply research and development activities, Operating expenses 1/ 89X0224	Total budgetary resources: 2,536,764,221*
	Amount to be deferred: Part of year: $ -0-
	Entire year: 4,000,000
OMB identification code: 89-0224-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: Funds appropriated to this account are used to conduct research, development and demonstrations related to various technologies that can increase the supply of energy. This action defers $4,000,000 from the Ocean Energy Systems program for the remainder of this fiscal year. These funds will be used to support the preliminary design of an Ocean Thermal Energy Conversion pilot plant. Since the contract for the preliminary design will not be awarded until FY 1983, funds for this purpose can be deferred in FY 1982.

Estimated Effects: This deferral action will have no programmatic effect on the pilot plant design schedule.

Outlay Effects: This deferral will have no effect on FY 1982 outlays.

1/ This account was the subject of two deferrals in FY 1981 (D81-31 and D81-49) and was the subject of another deferral in FY 1982 (D82-103).

* Revised from previous report.

Deferral No: D82-237

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 97-92) $ 9,59
Bureau Social Security Administration	Other budgetary resources 28,65
Appropriation title & symbol: Limitation on Administrative Expenses 75X8704 (Construction)	Total budgetary resources 38,24
	Amount to be deferred: Part of year $ ____ Entire year 9,60(
OMB identification code: 75-8704-0-7-601	Legal authority (in addition to sec. 1013): ☒ 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: This account provides funding for construction and renovation of the Social Security Administration's headquarters and field office buildings. During FY 1982, the Social Security Administration (SSA) expects to construct several new district offices and to expand offices that have become overcrowded. In reviewing plans for FY 1982, SSA identified $9,600,000 in funds available from prior years that cannot be obligated during FY 1982 because of the time-consuming nature of the construction process. Consequently, these funds are being deferred. This deferral action of no-year funds is a routine deferral taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: There is no programmatic or budgetary effect from this deferral.

Outlay Effect: There is no outlay effect because these funds could not be obligated if made available.

Deferral No: D82-238

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 97-100) $ 7,680,000
Bureau National Park Service	Other budgetary resources 1,470,854
Appropriation title & symbol: Urban Park & Recreation Grants, 14X1031	Total budgetary resources 9,150,854
	Amount to be deferred: Part of year $ ____ Entire year 858,000
OMB identification code: 14-1031-0-1-303	Legal authority (in addition to sec. 1013): ☐ 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 Urban Park and Recreation Recovery Act of 1978 (92 Stat. 3538) authorized matching grants to local governments for specified recreation-related purposes.

The Administration proposed in the FY 1983 Budget to pay administrative expenses for prior-year grants to States from unobligated prior-year balances. Accordingly, $858,000 is being deferred to cover these estimated administrative costs in FY 1983.

Estimated Effect

Funding availability for matching grants provided to the local governments will be reduced by the $858,000. The exact impact on services to the public will depend on the availability of other resources at the local level to offset this reduction.

Outlay Effect

This deferral action will shift $858,000 in outlays from FY 1982 into FY 1983.

Deferral No: D82-239

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 95-74): $ 30,000.
Bureau: National Park Service	Other budgetary resources: 100,267.
Appropriation title & symbol: Land and Water Conservation Fund, 14X5005 1/	Total budgetary resources: 130,267.
	Amount to be deferred: Part of year: $ ____ Entire year: 2,821.
OMB identification code: 14-5005-0-2-303	Legal authority (in addition to sec. 1013): ☐ 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 Land and Water Conservation Fund (LWCF) finances matching grants to the States for outdoor recreation purposes (as authorized by 16 U.S.C. 4601-4).

The Administration proposed in the FY 1983 Budget to pay administrative expenses for prior-year grants to States from unobligated prior-year balances. Accordingly, $2,821,000 is being deferred to cover these estimated administrative costs in FY 1983.

Estimated Effect

Funding availability for outdoor recreation grants provided to the States will be reduced by $2,821,000. The exact impact on services to the public will depend on the availability of other resources at the State level to offset this reduction.

Outlay Effect

This deferral action will shift $2,821,000 in outlays from FY 1982 to FY 1983.

1/ This account is also the subject of another deferral (D82-14 A) transmitted to the Congress on February 8, 1982.

Deferral No: D82-240

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 97-100): $ 25,440,000
Bureau: National Park Service	Other budgetary resources: ____
Appropriation title & symbol: Historic Preservation Fund, 142/35140	Total budgetary resources: 25,440,000
	Amount to be deferred: Part of year: $ ____ Entire year: 781,000
OMB identification code: 14-5140-0-2-303	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1983 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

The National Historic Preservation Act (16 U.S.C. 470-470t) authorizes matching grants to the States for historic preservation purposes.

The Administration proposed in the FY 1983 Budget to pay administrative expenses for prior-year grants to States from unobligated prior-year balances. Accordingly, $781,000 is being deferred to cover these estimated administrative costs in FY 1983.

Estimated Effect

Funding availability for matching grants provided to the States will be reduced by the $781,000. The exact impact on services to the public will depend on the availability of other resources at the State level to offset this reduction.

Outlay Effect

This deferral action will shift $781,000 in outlays from FY 1982 to FY 1983.

D82-23A

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of
Public Law 93-344

This report updates Deferral No. D82-23, transmitted to the Congress on October 1, 1981.

This revision to an Office of Revenue Sharing deferral in the Department of the Treasury increases the amount previously reported as deferred from $6,287,398 to $20,922,173. The increase of $14,634,775 results from withholding revenue sharing payments to various state governments that have not complied with the requirements of the State and Local Fiscal Assistance Act, as amended.

In addition, this report covers obligations which were withheld from expenditure and then released prior to transmittal of this report. The amount currently deferred for this account is $4,790,648.

[FR Doc. 82-7902 Filed 3-23-82 8:45 am]

BILLING CODE 3110-01-C

Deferral No: D82-23A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Treasury	New budget authority (P.L. 97-101) $ 4,566,700
Bureau Office of Revenue Sharing	Other budgetary resources 109,811
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111 1/	Total budgetary resources $ 4,676,511
	Amount to be deferred: Part of year $ 20,922
	Entire year
OMB identification code: 20-8111-0-7-851	Legal authority (in addition to sec. 1013): [X] Antideficiency Act P.L. 92-512 Sections 121 & 123 [X] Other P.L. 96-488, P.L. 96-604
Grant program [X] Yes [ ] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification

The State and Local Government Fiscal Assistance Trust Fund is the vehicle for disbursement of general revenue sharing funds. This deferral represents payments withheld from various governments involved in annexations or disincorporations and for reasons of noncompliance with the requirements of the State and Local Fiscal Assistance Act, as amended.

Estimated Effect

The release of these funds is contingent upon adherence by the various governments to the compliance regulations, and a determination of eligibility to receive those funds withheld because of annexations and disincorporations.

Outlays Effect

There is no outlay effect of this deferral because the funds are expected to be made available this fiscal year.

1/ This account is the subject of another deferral (D82-22) and was the subject of a similar deferral in FY 1981.
2/ Deferral of outlays only.
* Revised from previous report.

federal register

Wednesday
March 24, 1982

Part V

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Permanent Regulatory Program; Use of Explosives and Training, Examination, and Certification of Blasters; Proposed Regulations

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 715, 780, 816, and 817

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Use of Explosives

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) proposes to amend existing rules in 30 CFR Chapter VII relating to the use of explosives. The proposed rule would revise the requirements relating to blasting schedules, preblasting surveys, airblast monitoring requirements, and ground vibration.

New rules are proposed governing portions of the permanent program rules remanded by the U.S. District Court for the District of Columbia, and for portions of the initial program rules remanded by the Court of Appeals for the District of Columbia Circuit.

DATES:

Written comments: Accepted until 5 p.m. (eastern time) on April 23, 1982.

Public Hearings: Held on request only, on April 16, 1982, at 9:00 a.m. (local).

Public meeting: Scheduled on request only.

ADDRESSES:

Written comments: Hand-deliver to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (TSR 14.06), Room 5315, 1100 L Street, NW., Washington, D.C.; or *mail* to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (TSR 14.06), Room 5315L, 1951 Constitution Avenue, NW., Washington, DC 20240.

Public hearings: Washington, D.C.—Department of the Interior Auditorium, 18th and C Streets, NW.; Pittsburgh, Pa.—William S. Moorehead Federal Building, Room 2212, 1000 Liberty Avenue; and Denver, Colo.—Brooks Tower, 2d Floor Conference Room, 1020 15th Street.

Public meetings: OSM offices in Washington, D.C.; Charleston, W. Va.; Knoxville, Tenn.; Indianapolis, Ind.; Pittsburgh, Pa.; and Denver, Colo.

FOR FURTHER INFORMATION CONTACT:

Public hearings and information: Jerry R. Ennis, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240; (202) 343-7887.

Public meetings: Jose del Rio, 202-343-4022.

SUPPLEMENTARY INFORMATION:

I. Public Commenting Procedures.
II. Background.
III. Discussion of Proposed Rules.
IV. Procedural Matters.

I. Public Commenting Procedures

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Commenters are requested to submit five copies of their comments (see "Addresses"). Comments received after the time indicated under "Dates" or at locations other than Washington, D.C., will not necessarily be considered or be included in the Administrative Record for the final rulemaking.

Public Hearings

Persons wishing to comment at the public hearings should contact the person listed under "For Further Information Contact" by the close of business three working days before the date of the hearing. If no one requests to comment at a public hearing at a particular location by that date, the hearing will not be held. If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

Public hearings will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment, and persons present in the audience who wish to comment, have been heard.

Public Meetings

Persons wishing to meet with OSM representatives to discuss these proposed rules may request a meeting at any of the OSM offices listed in "Addresses" by contacting the person listed under "For Further Information Contact."

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record room (1100 L St.). A written summary of each public meeting will be made a part of the Administrative Record.

II. Background

The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act), sets forth initial regulatory procedures, permit requirements, and environmental performance standards in Sections 502(c), 507(g), and 515(b)(15), respectively, governing the use of explosives in surface coal mining operations. Section 516 provides performance standards governing the surface effects of underground mining. Rules implementing those sections were published by OSM at 42 FR 62639 (December 13, 1977) under the initial regulatory program (30 CFR 715.19) and at 44 FR 14901 (March 13, 1979) under the permanent regulatory program (30 CFR 780.13, 816.61-816.68, and 817.61-817.68).

In litigation over the initial program rules, the U.S. Court of Appeals for the District of Columbia issued a decision on May 2, 1980. *In re: Surface Mining Regulation Litigation, 627 F. 2d 1346 (D.C. Cir. 1980).* That decision addressed two blasting issues: (1) The 1,000-foot limitation on blasting near houses, schools, and other buildings in § 715.19(e)(1)(vii), and (2) the 1.0-inch-per-second limitation on particle velocity produced by blasting in § 715.19(e)(2)(ii). The 1,000-foot limit was found to be an invalid interpretation of § 522(e) (4) and (5) of the Act and the 1.0-inch-per-second vibration limit was ruled as arbitrary and capricious because it lacked technical support.

On May 16, 1980, in litigation over the permanent program rules, the U.S. District Court for the District of Columbia remanded the 1,000-foot limitation on blasting in § 816.65(f). *In re: Permanent Surface Mining Regulation Litigation, No. 79-1144, (D. D.C. May 16, 1980).* The court did not invalidate the 1.0-inch-per-second vibration limit, but at note 19 in its opinion the court recognized that the court of appeals had invalidated a similar provision in § 715.19(e)(2)(ii) in the initial program rules. To implement the court's decision, §§ 816.65(f) and 817.65(f) were suspended by notice at 45 FR 51549 (August 4, 1980).

In response to these decisions, blasting rules were reviewed by OSM and amendments proposed at 46 FR 6982 (January 22, 1981).

On January 28, 1981, the Secretary of the Department of the Interior ordered

that all regulations which were excessive, burdensome, or counterproductive be identified and asked States and industry to recommend sections to be revised. OSM, in compliance with the administrative mandate to simplify and remove excessive regulatory burdens, withdrew the rules proposed at 46 FR 6982 (January 22, 1981) by notice at 46 FR 32455 (June 23, 1981) in order to allow OSM to undertake a more general review of all the blasting rules under the permanent regulatory program.

OSM today is reproposing certain rules governing the use of explosives under the initial and permanent regulatory programs. Rules governing the use of explosives in surface coal mines are found in 30 CFR Chapter VII at §§ 715.19, 780.13, 816.11, 816.61–816.68, 817.11, and 817.61–817.68. These sections are proposed to be amended by reorganizing several sections and by removing any performance standards believed to be more appropriately left to the discretion of the regulatory authority. Existing § 816.65, containing most of the performance standards, would be modified and those standards would be placed in other sections as follows: (1) Restrictions on timing of blasts would be placed under blasting schedules in § 816.64; (2) access control and warnings would be placed under proposed § 816.66; (3) specific limits regarding prevention of adverse impacts of blasting would be placed under revised § 816.67; and (4) § 816.65(f) would be revised and is proposed as § 780.13. Proposed §§ 816.61, 816.62, and 816.68 would remain similar to the existing rule, except as discussed below.

This present rulemaking proposes changes to the initial regulatory program requirements with regard to the use of explosives (§ 715.19), to the permanent regulatory program requirements for permitting with regard to blasting plans (§ 780.13), for performance standards with regard to the use of explosives for surface mining activities (§§ 816.61–816.68), and for performance standards with regard to the use of explosives for underground mining activities §§ 817.61–817.68).

III. Discussion of Proposed Rules

The rules, as proposed, would place increased responsibility on the operator to protect the public from injury and public and private property from damage due to the potential adverse effects of blasting operations. Explosives manufacturers, users, universities, and governmental agencies have conducted tests and research in predicting the effects of blasting and are learning new and improved methods to control blasting energy. OSM expects that the regulatory authority will use technical reference publications and research findings, such as those produced by the Bureau of Mines, in the development of design criteria for use in blasting operations.

These proposed rules would place increased responsibility on design professionals, such as certified blasters and blast vibration experts, in establishing the design standards to meet the regulatory peformance goals contained herein. Failure to meet performance criteria would necessitate regulatory authority intervention in specifying more stringent standards and a closer inspection or monitoring program. Those operators staying below the approved limits, complying with approved performance standards, and maintaining a responsible relationship with surrounding residents would be able to operate without additional constraint.

In promulgating the prior permanent program rules governing blasting, OSM analyzed the technical references which were available through the fall of 1978. Those materials formed the basis for a peak-particle-velocity standard of 1.0 inch per second and other permanent program performance standard rules for use of explosives and are listed at 44 FR 15179. OSM also relied upon those references in this rulemaking and recommends that interested parties consider those references as well as the following additional and more recent technical documents considered by OSM in the development of these revised rules:

Bollinger, G.A., 1971, Blast vibration analysis: Southern Illinois University Press, Carbondale and Edwardsville, 132 pp.

Hemphill, Gary B., 1981, Blasting operations: McGraw-Hill Book Co., New York City, 258 pp.

Medearis, Kenneth, 1976, The development of rational damage criteria for low-rise structures subjected to blasting vibrations: National Crushed Stone Association, Washington, D.C., 94 pp.

Roth, Julius, Britton, K.C., Campbell, R.W., Ketler, W.R., 1977, Evaluation of surface mining blasting procedures: Prepared by Management Science Associates for U.S. Bureau of Mines under contract J0366017, 152 pp.

Siskind, D.E., Stachura, V.J., Stagg, M.S., and Kopp, J.W., 1980, Structure response and damage produced by airblast from surface mining: U.S. Bureau of Mines Report of Investigations RI8485, 111 pp.

Siskind, D.E., Stagg, M.S., and Stachura, V.J., 1979, Safe ground vibration and airblast criteria: 51st Annual Meeting, Eastern Section Seismological Society of America, October 1979, Blacksburg, Va.

Siskind, D.E., Stagg, M.S., Kopp, J.W., Dowding, C.H., 1980, Structure response and damage produced by ground vibration from surface mine blasting: U.S. Bureau of Mines Report of Investigations RI8507, 74 pp.

Stacura, V.J., Siskind, D.E., and Engler, A.J., 1981, Airblast instrumentation and measurement techniques for surface mine blasting: U.S. Bureau of Mines Report of Investigations RI8508, 53 pp.

Stagg, M.S., and Engler, A.J., 1980, Measurement of blast-induced ground vibration and seismograph calibration: U.S. Bureau of Mines Report of Investigations RI8506, 62 pp.

Swedish Detonic Research Foundation, 1978, Annual Report 1978: 14 pp.

U.S. Bureau of Mines, 1971, Blasting vibrations and their effects on structures: Bulletin 656, 105 pp.

Responses to Comments on Proposed Rule Revision Published at 46 FR 6982, (January 22, 1981)

Several comments were received admonishing OSM for cancelling the public hearings on blasting rules published January 22, 1981. The proposed rulemaking herein revises those proposed rules, and public hearings will be held as listed in this **Federal Register** notice. There is no intent by OSM to publish these rules without an opportunity for public comment.

Several comments cited the proposed rules as a "cook-book" approach containing excessive design constraints. OSM accepts these comments and through this proposal hopes to reduce or eliminate reliance on "cook-book" rules.

Currently Proposed Rules for 30 CFR Parts 715, 780, 816 and 817

Section 715.19 Use of explosives (Amendments 1 through 4)

Amendments 1 through 3 present three options for amending § 715.19(e)(2) of the initial program governing ground vibration limits. The contents and discussion of this section are the same as those addressed later in this preamble under § 816.67(d), which is the corresponding section of the permanent program rules, and are therefore not repeated here. Amendment 4 would remove Section 719(e)(3), the requirements of which would be incorporated into Paragraph (e)(2) by Amendments 1, 2, or 3. Paragraph (e)(4) would be redesignated as Paragraph (e)(3).

Section 780.13 Operation plan: Blasting (Amendment 5)

Blasting plans outline procedures the applicant intends to follow in conducting blasting operations. Existing § 780.13 requires each application to have a blasting plan, sets standards for blasting plans, and details the

information to be submitted along with the permit application.

OSM recognizes that if the blast design is not implemented properly, any planned safety precaution cannot be assured. However, the mere existence of a certified blast design, rather than a verbal or "back-of-an-envelope" pattern or sketch, will help assure proper implementation. Also, if the individual certifying the blast design is the responsible blaster, he or she will understand the reasons for the design and direct his or her crew appropriately.

OSM proposed to reduce the amount of information required in the blasting plan. The existing rules require detail beyond that necessary to insure compliance with the Act.

OSM proposed to eliminate from § 780.13 the requirement to estimate the type and approximate amount of explosives to be used for each type of blasting operation. OSM believes that this degree of detail during the permitting process is unnecessary to assure compliance with the performance standards in Parts 816 and 817 of the rules.

Proposed § 780.13(a) requires the operator to demonstrate in the blasting plan that the operator has the capacity and intent to achieve the applicable performance standards. In the blasting plan the operator would review what means he intends to apply to achieve the performance set out in § 816.61–816.68. The plan would include information setting out the applicable limits and justifying the use of these limits. The plan would also discuss steps to be taken to control the adverse effects of blasting operations.

Existing § 780.13(b), with regard to recordkeeping, is proposed for deletion, since the recordkeeping requirements of 30 CFR 816.68 are adequate to assure compliance with its requirements. Should recordkeeping be inadequate, a notice of violation could be issued for noncompliance with the requirements of § 816.68.

Existing § 780.13(c) is proposed for deletion. The requirements for information with regard to blasting warning and site access would be contained in proposed paragraph (a), providing information on meeting standards of §§ 816.61 through 816.68.

Existing § 780.13(d) would be rewritten and renumbered as § 780.13(b). It would provide that each application must contain a description of the blasting monitoring system to be used to ensure compliance with the standards of 30 CFR 816.61–816.68, including the type, capability, and sensitivity of any blast monitoring equipment, and proposed procedures and locations of monitoring.

Existing § 780.13(e) is proposed for deletion. Under proposed §§ 816.62 and 817.62, each preblast survey must be submitted to the regulatory authority. OSM does not believe that it is necessary to provide further information with regard to surveys within the permit application.

Existing § 780.13(f) is proposed for deletion. Hazardous situations cannot be anticipated in the permit application. Often they are caused by weather or other unforeseeable factors. OSM believes that certified blasters will be aware of such situations and proceed with due caution.

A new § 780.13(c) is proposed which would require additional information when blasting would be conducted within 1,000 feet of any building used as a dwelling, public building, school, or community or institutional building or within 500 feet of an underground mine. Distance limits which *prohibited* blasting within 1,000 feet or 500 feet in the existing permanent program performance standards under §§ 816.65(f) and 817.65(f) and in the initial program rules under § 715.19(e)(1)(vii) were remanded by court action. *In re: Surface Mining Regulation Litigation, 627 F. 2d 1346 (D.C. Cir. 1980)* and *In re: Permanent Surface Mining Regulation Litigation No. 79–1144 (D.D.C. May 16, 1980).* Proposed § 780.13(c) would not prohibit mining within 1,000 feet of residences and certain other public buildings, nor within 500 feet of underground mines. However, OSM seeks additional information in these sensitive areas. Therefore, proposed § 780.13(c)(3) requires that the operator submit information outlining specific precautions and criteria to be implemented to protect persons and property when blasting within 1,000 feet of certain buildings and 500 feet of underground mines, including sketches of drill patterns, delay periods, decking, type and amount of explosives to be used, critical dimensions, and location and general description of structures to be protected. Thus, where the damage potential is highest, the regulatory authority will have the greatest information to insure adequate protection.

The 1,000-foot and 500-foot criteria are proposed so that the operator is alerted that special precautions are necessary to prevent property damage and personal injury when conducting blasting operations within these distances. Existing § 816.65(f) includes provisions for pipelines, utilities, and other facilities. Because public or worker safety is not a problem in these specific areas and these facilities are not generally endangered from airblast or ground vibration, no specific provision would be included.

The blast design required when blasting within the 1,000-foot or 500-foot limits would serve three purposes: (1) Provides a record of the blast design (not required of blasts outside these limits), (2) provides notification to the regulatory authority so that monitoring may be scheduled, and (3) requires a certified blaster to sign the design confirming its preparation by a certified blaster. The requirement that a certified blaster prepare the design would impose on the blaster the responsibility for carrying out the blast as designed. It also would assure that a competent professional has designed the blast. Paragraph (c)(5) would insure that the regulatory authority will have the right to amend designs to improve the land of safety, if necessary.

Proposed § 780.13(c)(6) also would provide for notification to owners of structures close to blast sites 30 days before blasting will occur.

Section 816.11 Signs and markers (Amendment 6)

Existing § 816.11(f) is proposed for removal because the requirements of § 816.11(f) (1) and (3) would be included in proposed §§ 816.66 and 817.66 as described below. Section 816.11(f)(2) is proposed for removal because it is duplicative of Mine Safety and Health Administration (MSHA) rule 30 CFR 77.1303(g).

Section 816.61 Use of explosives: General requirements (Amendment 7)

Existing § 816.61(a) is proposed to be revised so that the first sentence reads "operator" rather than "person who conducts surface mining activities." This revision simplifies the language and applies throughout the blasting rules.

Existing § 816.61(b) would be retained in the proposed rule. This paragraph requires a schedule for blasts that use more than 5 pounds of explosives. The requirements of the schedule are set out in § 816.64, discussed below.

Existing § 816.61(c) would be retained in the proposed rule and provides that a blaster certified under a program adopted pursuant to Subchapter M must be responsible for all blasting operations, including the transportation, storage, use, or destruction of explosives. Thus, only qualified professinals would prepare blast designs.

Section 816.62 Use of explosives: Preblasting survey (Amendment 8)

Section 816.62(a) of the existing rules requires the owner or resident of a manmade structure within one-half mile of the permit area to request a preblasting survey only from the regulatory authority. The regulatory authority then requests the person who conducts surface coal mine operations to conduct the survey. OSM believes that in most cases it would be more effective to have the resident or owner contact the operator directly. Accordingly, the proposed rules would allow the resident or owner to either submit their request to the operator or to the regulatory authority. An operator would be required to conduct the survey promptly and to promptly prepare the report. Updated surveys could be requested by the owner or resident at anytime. The requirement in existing § 816.62(a) that copies of the written report of the survey be provided to the regulatory authority and to the person requesting the survey would be moved to proposed § 816.62(c).

One commenter on the January 22, 1981, proposed rule suggested that no blasting in new permit areas should occur until all requested preblasting surveys within one-half mile of the permit area are completed to the satisfaction of the regulatory authority. The commenter cited examples of citizens who had asked for preblasting surveys and did not receive them, but the blasting contined. Because surveys may be requested at any time, it is OSM's view that it is inappropriate to require that they be completed prior to permit issuance, or even the initiation of blasting. The requirement that they be completed promptly is intended to insure that those requests received prior to permitting be completed prior to blasting and that, in any case, surveys be conducted as quickly as practicable after the date of the request.

Another commenter on the January 22, 1981, proposed rules questioned limiting the preblasting survey to structures within one-half mile of the permit area since ground vibrations from blasting may extend beyond the one-half mile limit. Under Section 515(b)(15) of the Act preblasting surveys are only required to be offered within one-half mile of the permit area. OSM believes that the proposed standards, if applied properly, will protect all structures affected by blast vibration including those beyond one-half mile.

The same commenter stated that the cost of the structural inspection should always be borne by the operators. The Act requires that the applicant or permittee shall conduct the survey. No basis is provided for requiring the costs to be borne by the property owners. OSM agrees with this comment and believes that the costs of preblasting surveys should be required to be provided by the operator.

Two comments stressed the need to publish guidelines as a basis for content of preblasting surveys. The commenters were displeased with the inconsistentcy among preblasting suveys. OSM acknowledges these comments and hopes to provide additional guidance at some future time on methods of conducting preblasting surveys and typical procedures, formats, and specific items that should generally be given special attention.

Existing § 816.62(b) sets the requirements for the contents of the preblasting survey. Among other information the preblasting survey must give special attention to "the preblasting condition of wells and other water systems used for human, animal, or agricultural purposes and to the quantity and quality of the water." Several States have questioned the application of existing § 816.62(b) and whether water quality and quantity samples were required for each water system under the preblasting survey.

Proposed § 816.62(b) sets out requirements similar to the existing section except that the detail required with regard to water quality would be reduced. Under the proposed rules, preblast surveys would address the condition of the structure and document any preblast damage or structural defects. Assessments of structures such as pipelines, cables, transmission lines, and wells, cisterns, and other water systems would be required, but such assessments need not include extensive analysis. Extensive analysis need not be required on every survey. Rather, the person conducting the survey should give attention to such water systems and should document all available data and determine whether such additional analysis is appropriate, based upon the significance of the water system, its vulnerability, and the availability of data.

Some commenters on the January 22, 1981, proposed rules suggested that preblast surveys should not include merely superficial visual observation, but should also include a detailed study of the capabilities of the structure to experience and resist stress and strain. In addition, it was suggested that the regulatory authority needs more definitive structural information to allow for a determination of whether the blasting plan would prevent damage given various structural parameters. One group offered the comment that, if the January 22, 1981, approach were adopted, every home within one-half mile of the permit area would qualify for a new blasting survey because the present surveys did not include sufficient information about structural condition to determine the maximum safe particle-velocity or scale-distance factor. OSM believes that the survey should survey should provide a basic description of preblasting damage and any physical factors anticipated to be particularly sensitive to blasting. Analysis of structural capabilities may be carried out as part of the preblasting survey, but it is not specifically required.

Normal settlement and aging of a structure may create stresses which cause threshold damage during the lifetime of a structure. Ground-water level variations, seasonal temperature changes, strong winds, noise, and slamming doors create dynamic forces in a structure which can cause cracks or other damage. Some experts believe that many natural stresses, such as settlement stresses, may be misattributed to blasting.

Experts agree that blast vibration may enhance normal settlement, but as Siskind and others (1980; RI8507) indicate, repetition and futigue effects are not well known and require further study. OSM acknowledges the difficulty in differentiating between normal stress damage and blast-introduced damage.

With the preblasting survey available, a homeowner can, at a minimum, determine when damage occurred. Damage can, therefore, be attributed to either before or after blasting. If damage does occur after a blast, the owner should notify the regulatory authority immediately. At this time, records can be evaluated, and action between the operator and owner initiated to repair any damage determined to have been caused by blasting.

Existing § 816.62(c) requires that the preblasting survey be signed by the person who conducts the survey. It provides that the survey may contain recommendations for blasting procedures or special conditions to the blasting plan. When completed, copies of the survey are to be sent to the regulatory authority and the person requesting the survey. A mechanism for resovling disagreements with the results of the survey is provided.

Proposed § 816.62(e) would require the person completing the survey to sign it and to provide the original of the report to the regulatory authority and a copy to the person requesting it. It also allows the person who requested the survey to

disagree with its contents by submitting a written, detailed description of the disagreement.

In a preproposed draft circulated to interested parties, OSM had proposed to delete the mechanism for resolving disagreements with the preblasting survey. OSM received comments which opposed this deletion. OSM agrees with this comment and herein proposes to retain the last sentence of paragraph (c) of the existing rule with regard to mechanisms resolving disputes.

OSM proposes to delete the discussion in § 816.62(c) with regard to recommendations. OSM believes that this provision is unnecessary. This rule is intended to address the minimum requirements; additional information may, of course, be included. The survey may include recommendations, or other information the person preparing the survey believes appropriate.

Section 816.64 Use of explosives: Public notice of blasting schedule (Amendment 9)

The title of this existing § 816.64 would be shortened to "Use of explosives: Blasting schedules" in proposed § 816.64.

Existing § 816.64(a)(1) requires each person who conducts surface coal mining activities to publish a blasting schedule 10–20 days before blasting. These requirements would be moved to proposed § 816.64(b)(1) and are discussed below.

Existing § 816.65(a) restricts the hours of blasting to daylight hours except if a safety hazard would result. When such a hazard would result, oral notices would be provided to local residents, and a complete written report would be filed with the regulatory authority. It further allows the regulatory authority to restrict blasting to more limited time periods based on public requests or other relevant information to prevent adverse noise.

Such restrictions are not necessarily applicable in all areas. In isolated areas, for example, there may be no reason to limit blasting to daylight hours. And in other areas it may be more appropriate to limit blasting to only a few hours per day.

Proposed § 816.64(a)(1) would allow blasting only at times approved by the regulatory authority and announced in the blasting schedule. No daylight restriction would be automatically applicable. The proposed rule would allow the regulatory authority to restrict scheduled blasts to specific times. The regulatory authority's decision restricting blasts must be justified on the basis of public health and safety, including the prevention of excessive noise.

In some instances, such as unusual weather conditions or unavoidable delays, public or operator safety may dictate unscheduled detonations. Obviously, where public or operator safety so requires, unscheduled blasting is appropriate. The proposed rule at § 816.64(b)(2) would allow such unscheduled blasts.

The proposed rule would also allow unscheduled blasts in nonemergency situations. Certain blasting activities incidental to surface coal mining, such as blasting for road construction or faceup areas and unanticipated delays due to weather or equipment failure, would be allowed on a nonperiodic basis. These blasts are difficult to schedule in advance and are more appropriately conducted on an unscheduled basis. Existing regulations with regard to unscheduled blasts are contained in § 816.64(c), which OSM proposes to remove. Proposed § 816.64(a)(2) would establish the requirements for unscheduled blasts to the verbal notification of affected residents and to the documentation of conditions, reasons for the unscheduled blast, and names of persons notified as required by § 816.68(p). All blasts must meet the environmental performance standards of § 816.67, discussed below.

The proposed paragraph (b)(1) would require publication of the blasting schedule from 10 to 30 days before blasting is to begin. The existing rule in § 816.64(a) requires publication to occur no more than 20 days before blasting. This longer time frame would allow operators more flexibility and could provide for more effective and earlier notification to local residents of the availability of preblasting surveys.

Proposed paragraphs (b)(2) and (b)(3) contain information on initial schedule distribution, republishing, and availability of preblasting surveys found at existing § 816.64(a)(2) and (3). The distribution and republication requirements of the proposed rule would be essentially the same as those of the existing rule, in which the blasting schedule must be distributed to local governments, public utilities, and each residence within one-half mile of the permit area (excluding haul or access roads, preparation and loading facilities, and transportation facilities between coal excavation areas and preparation or loading facilities where blasting is not conducted). Under both the existing and the proposed rule, when the blasting schedule is distributed to residences, it must be accompanied by information explaining how to request a preblasting survey.

Proposed paragraph (b)(3) would require republication of the schedule every 12 months, whenever the area covered by the schedule changes, 10–30 days before the new schedule takes effect, or when actual blasting times will differ from those previously announced.

Existing § 816.64(b), relating to the contents of the blasting schedule, would be amended and renumbered as proposed § 816.64(c). One commenter on the preproposed draft circulated to interested parties suggested that a requirement for name, address, and telephone number of operator be added. this would allow individuals to contact the operator directly with questions about the blasting schedule and inform the operator of any blasting concerns. OSM has incorporated this provision in proposed § 816.64(c)(1).

Existing § 816.64(b)(1) requires specificity in the blasting schedule, and requires a description "as accurately as possible" of the location and time of the blast. This paragraph would be deleted from the blasting schedule contents of the proposed rule.

Proposed § 816.64(c)(2) and (3) would require the identification of specific areas where blasting will occur and the dates and times when blasting will occur. An operator would be required to provide sufficient specificity that the recipients of the blasting schedule will be able to determine when and where blasts will run, and be aware of potential hazards. Residents would not, in most cases, be advised of the exact time and point where every charge will be detonated.

The provisions of existing paragraph (b)(2)(i) limiting the area covered in the blasting schedule to 300 acres would be deleted. OSM believes that in fulfilling Section 515(b)(15) of the Act the blasting schedule limitations should be defined by the regulatory authority. The regulatory authority may choose to limit blasting to a specific area if appropriate, based upon the site-specific conditions and typical blasting operations within that State.

The 4–hour time limit in existing § 816.64(b)(2)(ii) is not necessarily related to the prevention of damage from blasting, but rather related to local public convenience. As set out in proposed § 816.64(a)(1), time limits on blasting operations would be specified by the regulatory authority if appropriate for the locale. In many cases, limitations on blasting times are contained in existing State blasting laws.

Proposed § 816.64(c)(4) and (5) would require the blasting schedule to contain exploration of the methods to be used to

control access to blasting areas and the meaning of audible warning and all-clear signals to be used. These requirements are currently contained in § 816.64 (b)(2)(iii) and (iv).

Section 81665 (Deletion) (Amendment 10)

Existing § 816.65 would be removed, and its requirements would be incorporated in other sections as discussed below.

The requirements contained in existing § 816.65(a) and (b) are proposed in amended form at § 816.64. Proposed § 816.64 is discussed above.

The requirements contained in existing § 816.65(c) are proposed as § 816.66(b). The periodic notification of meanings of warning and all-clear signals which is currently required would be deleted. OSM believes that these notifications would be adequately provided through blasting signs and the blasting schedule.

Existing § 816.65(d) with regard to access to the permit area would be rewritten and renumbered as § 816.66(c), discussed below.

Existing § 816.65(e), governing airblast, would be proposed as new § 816.67(b). See discussion below of § 816.67.

Existing § 816.65(f) sets specific requirements applicable to blasting within 1,000 feet of inhabited areas. Blasting within 1,000 feet of inhabited areas would be in the safety zone discussed in conjunction with § 780.13 above.

Existing § 816.65(g) with regard to flyrock would be governed by proposed § 816.67(c). Changes are discussed below.

Existing § 816.65(h) with regard to the safe conduct of blasting operations is proposed as the lead-in language of § 816.67(a), discussed below.

Existing § 816.65(i) with regard to ground vibration is proposed as part of § 816.67(d).

Existing § 816.65(j), identifying the circumstances where less stringent performance standards may apply, would be incorporated into proposed § 816.67(e).

Existing § 816.65(k) and (l), presenting scale-distance formulas, would be contained in proposed as § 816.67(d), discussed below.

Proposed new § 816.66 Use of explosives: Signs, warnings, and access control (Amendment 11)

Proposed new § 816.66 would contain provisions for blasting signs and warning procedures throughout the permit area. These requirements currently are found in existing §§ 816.11(f)(1) and (3), and 816.65(c) and (d), but OSM believes it is more advantageous if listed as part of the blasting rules for continuity. Proposed § 816.66 also contains the physical access and control requirements to fullfill the notification provisions of Section 515(b)(15)(A) and the public protection provisions of 515(b)(15)(C) of the Act.

Proposed § 816.16(a) would require conspicuous signs reading "Blasting Area" where the right of way of any public road comes within 100 feet of a blasting area, or any other road provides access to the area. Existing § 816.11(f)(1) contains the same requirements, but requires the signs only when a road comes within 50 feet of a blasting area within the permit area. OSM believes that the proposed provision is equally protective. Notice along any road that provides access to a blasting area will ensure that anyone entering the blasting area is aware that blasting is taking place.

Signs reading "Warning! Explosives in Use" and which clearly explain the blast warning and all-clear signals and the markings of blast areas and charge holes would also be required at all entrances to the permit area from public roads and highways.

All signs used to mark blasting areas would also be required to conform to the sign requirements set out in § 816.11.

Proposed § 816.66(b) includes provisions contained in existing § 816.65 (c). This paragraph would require the use of audible warning and all-clear signals. The revised provision would delete the requirement to periodically deliver notice of meanings of warning and all-clear signals, as both signs and the blasting schedule must contain this notice and both are constantly available. But it would still require notification of the meaning of the signals to those who work in the permit area. The requirement to maintain signs would be removed here but would be covered under § 816.66(a).

Section 816.66(c) is proposed to include the contents of existing § 816.65(d). OSM would delete the first sentence because it is redundant when read with the more specific requirements of the rest of the section. The paragraph would require the restriction of access to the area until hazards no longer exist and access can be safely resumed. Both livestock and persons would be protected.

§ 816.67 Use of explosives: Seismographic measurements (Amendment 12)

The title of § 816.67 would be changed to "Use of explosives: Control of adverse effects" in proposed § 816.67.

Existing § 816.67 sets standards governing seismographic measurements and ground vibration. It allows the substitution, with the approval of the regulatory authority, of a scaled-distance equation (in existing § 816.65(1)) for seismographic measurements where peak-particle-velocities less than 1.0 inch per second are to be assured. The regulatory authority is allowed to require seismographic measurements of these blasts. Seismographic requirements would in incorporated into proposed § 816.67(d), and are discussed below.

Proposed § 816.67 would set limits for airblast, ground vibration, and flyrock and would provide other requirements to prevent damage as a result of blasting. Authority for this section is found in Sections 515(b)(15)(C) and 516 of the Act.

Section 515(b)(15)(C) states that the rules must contain provisions to "*limit the type of explosives* and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as *to prevent* (i) injury to persons, (ii) damage to public and private property outside the permit area, (iii) adverse impacts on any underground mine, and (iv) change in the course, channel, or availability of ground or surface water outside the permit area". [Emphasis added.]

Many comments were received regarding damage criteria found in the proposed rules at 46 FR 6982, January 22, 1981. Most were concerned with what level of damage was to be prevented. Some commenters felt that the mandate of the Act was to prevent all damage, while others believed that a prevention of all major and minor damage and avoidance of threshold damage were acceptable.

The Bureau of Mines (Siskind and others, 1980, RI8507) lists three categories of damage: Threshold damage, minor damage, and major damage. Major damage means structural failure and occurs at levels of ground vibration generally beyond those occurring in surface mining blasts. Threshold and minor damage, however, may occur due to ground vibration nomally experienced in coal mining operations. Minor damage includes falling plaster and cracks in concrete masonry and in brick and mortar joints. Threshold damage has been described

as lengthening of existing cracks at intersecting construction elements. Sence the Acts does not distinguish between threshold and minor damage and requires *prevention* of damage, the level of damage subject to these rules is considered to be *any* damage which is not documented in the preblasting survery and which diminishes the value of the structure either to the owner or a prospective buyer.

Proposed § 816.67 would combine existing §§ 816.65(e), (g), (h), (k), and (1), as well as existing § 816.67 as discussed below.

Proposed § 816.67(a) would include the requirements of existing § 816.65(h). This would require that blasting be conducted safely to prevent injury to persons, damage to property, adverse impacts on underground mines, or changes to the course channel, or availability of water.

Proposed § 816.67(b) would amend existing § 816.65(e) with regard to airblast. Under existing practice, when the operator prepares the blast plan required by § 780.13, he identifies one of four maximum airblast levels (depending on the type of measuring system and the expected frequency of the airblast). The proposed rule at § 816.67(b) would operate in a similar manner but has been adjusted to reflect actual problems OSM has encountered with the standards in the existing rule. Because the C-weighted slow-response measuring technique is less accurate and because operators seldom use this type of measuring system, OSM proposes to eliminate this standard. The standard for instruments with accuracy below 0.1 Hz (hertz) is proposed for deletion since the sensitivity of this type instrument is beyond normal field use and generally requires laboratory conditions.

Accordingly, the airblast limitations in proposed § 816.67(b)(1) would set maximum airblast limits for frequencies below 2 Hz and for frequencies below 6 Hz, but the C-weighted slow-response and the 0.1 Hz standards would be eliminated. Under the proposed rule, at the time of permitting, the operator would propose, and the regulatory authority would accept, one of these two standards or another, lower standard if site conditions require. The limit should be consistent with technical reference publications such as Report RI8485 by the Bureau of Mines (Siskind and others, 1980).

Because weather conditions may focus or amplify airblast, paragraph (b)(1)(iii) would require the operator to meet the standards even under adverse atmospheric conditions.

Some commenters felt that airblast limits should be deleted and reference publications used. OSM believes that the limits specified would provide the protection required by the Act and proposed to reissue maximum airblast levels for compliance with protection of property.

A commenter questioned whether a notice of violation should be issued if airblast exceeded the allowable limit if measured at a structure which was not the nearest to the blast site. Monitoring "near or at the nearest structure" may be improper in a program to evaluate airblast compliance. Technical publications indicate that wind direction, atmospheric conditions, and local topography can focus air-blast away from some areas near the blast to other locations. Therefore, the proposed rule would require that airblast standards be met at every location. Allowable airblast limits cited on page 66 of the Bureau of Mines Report RI8485 (Siskind and others, 1980) would be included in § 816.67(b) as allowable performance standards.

Proposed § 816.67(b)(2) would set requirements for monitoring. The operator would be required to monitor airblast when and where required by the regulatory authority. The existing rule at § 816.65(e)(2) requires monitoring equipment to have an upper-end flat frequency response of at least 200 Hz. Some copies of the Code of Federal Regulations incorrectly indicate that the current standard is 1,100 Hz. (See 44 FR 15404.) OSM proposes to retain the requirement that monitoring equipment have an upper-end flat frequency response of at least 200 Hz.

Existing § 816.65(g) defines flyrock as material traveling along the ground. One commenter was concerned that the definition did not include all material that should be considered as flyrock. OSM has also encountered difficulties with this definition because occasionally flyrock is cast fairly high into the air. The definition in proposed § 816.67(c) would include material cast into the air or along the ground.

Changes are also proposed to the description of the area where flyrock may be cast. Both the existing and proposed rules prohibit the casting of flyrock more than one-half the distance to the nearest dwelling or other occupied structure, and beyond the area of regulated access. However, where existing § 816.65(g) prohibits flyrock beyond areas owned or leased by the permittee, proposed § 816.67(c) would prohibit flyrock from being cast off the permit area. This change is proposed to ensure that unregulated areas are not subject to flyrock, which will ensure safer operation.

§ 816.67(d) Ground vibration (Amendments 13, 14, or 15)

Provisions governing ground vibration are proposed to be incorporated in the initial program performance standards at 30 CFR 715.19(e)(2), the permanent program surface mining performance standards at 30 CFR 817.67(d). Three options are proposed for all three performance standards. The standard promulgated will be the same for each. Accordingly the discussion here, although keyed to § 816.67(d), will also apply to §§ 817.67(d) and 715.19(e)(2). (See Amendments 1, 2, or 3 and 24, 25, or 26.)

Several factors contribute to the damage potential associated with the ground vibration resulting from a blast. Most important are the type and condition of structures within the area subject to ground vibration. Obviously older structures are more susceptible to blast damage than newer structures; those engineered to withstand heavy loads are more safe still. OSM has identified five structure types having different threshold levels of damage. Sensitive structures such as historic buildings, monuments, and residences with rough stone foundations or plaster interiors have been documented as having low thresholds for damage associated with blasting. These structures should be protected from blast vibration with a peak-particle-velocity in excess of 0.5 inch per second. Older homes (those more than 20 years old or those constructed with plaster-on-lath interiors or those with deteriorated or rigid, brittle, or easily fractured construction materials) can withstand somewhat greater blast associated peak-particle-velocities than those designated as historic or sensitive. These, however are more subject to damage from low frequency blasts than from those with higher frequencies.

Modern homes with gypsum board interiors, reinforced concrete or concrete masonry unit foundation, and wood-frame and wood-clad structures can withstand greater blast vibrations. These structures can generally withstand a a vibration of 1.0 inch per second and higher values as frequencies increase.

Certain structures are designed to withstand even greater forces. These include water towers, impoundments, tunnels, pipelines, towers, and underground mines. These structures can generally withstand a vibration of 2.0 inches per second.

The fifth type of structure can withstand even heavier loads. Those designed to be earthquake, wind, or traffic resistant may be able to withstand even greater vibrations. For these, a professional engineer should be consulted to determine the limit for ground vibration.

For a more complete discussion of structure type and the ability to withstand blast vibration, see Bureau of Mines Report of Investigations RI8507 (Siskind and others, 1980).

The intensity of the ground vibration is another element contributing to damage. Intensity is determined by the peak-component velocity of the particles in the wave of ground vibration generated by the blast. This peak-particle-velocity is the subject of regulation in this portion of the rule.

Peak-particle-velocity is measured by seismographs. While some seismographs provide resultant readings which summarize the peak-particle-velocity in all directions, OSM proposes to adopt the Bureau of Mines recommendation to record vibration in three mutually perpendicular directions. Generally, one of the three components will be of greater magnitude. Because the damage potential of a blast is linked to the greatest vibration in any direction, the component readings are a more accurate predictor of damage potential. Accordingly, it is this measure which should be applied to limit ground vibration and prevent damage.

The frequency of ground vibration is another factor in determining the damage done by a blast. Generally, blasts associated with surface mining are in the low-frequency ranges. Low-frequency blasts are generally associated with the highest incidences of damage; again structure type is an important factor. For discussions of the relationships between blast damage and frequency, see Bureau of Mines Bulletin 656 (1971) and RI8507 (Siskind and others, 1980).

Generally, high frequency blasts (over 40 Hz) only cause damage when associated with peak-particle-velocities in excess of 2 inches per second. Blasts between 10 and 40 HZ can cause damage in historic or older structures at peak-particle-velocities above 0.5 and 1.0 inch per second, respectively, and in modern structures up to 1.5 inches per second. Low frequency blasts (below 10 Hz) may require limits as low as 0.5 inch per second for historic structures, 0.75 inch per second for older structures, and 1.0 inch per second for modern structures.

Blast vibration frequency resulting from any given blast depends on a varity of factors, especially site-specific geology. For a discussion of factors governing ground vibration frequency, see medearis (1976).

Charge-weight is the weight, in pounds, of explosives used in the blast. Because the amount of explosives used determines the intensity of the blast, it is this measure which must be limited to insure safe blasting. The weight of explosives is the weight of the actual explosive material. Each type of explosive has properties producing different explosive characteristics. Thus an operator may use ammmonium nitrate based or nitroglycerline based explosives but, if the weights are the same, the blast intensities would be considered equivalent.

The velocity of the sound wave (ground vibration) is determined by the substance through which it travels. Velocity is higher through more dense materials and lower through less dense materials. This variable tends to affect the frequency makeup of the ground vibration wave and becomes directly related to the potential for damage. Low frequency waves and low density materials have a greater potential for damage.

The most common and least expensive method of controlling blast vibration is the application of an equation to determine the amount of explosives which can safely be detonated within a specific delay period. The Bureau of Mines has determined that blasts occurring at intervals equal to or exceeding 8 milliseconds do not contribute to the cumulative intensity of the ground vibration. Therefore, no more than the amount of explosives calculated by the equation must be detonated per 8-millisecond period. An acceptable equation for limiting vibration is $W=D^2/(Ds)$, where W=the charge-weight of explosives to be detonated in any 8-millisecond delay period and D=the distance from the point of the blast to the nearest structure to be protected. *Ds* is a constant developed to relate to specific particle-veloity predictors. *Ds* is referred to as the square-root scaled-distance factor and is equal to $D/\sqrt{W}$.

Both the Bureau of Mines and the Swedish Detonic Research Foundation have conducted research on recorded blast vibration intensities, their probabilities, and occurrences, which correlate well to produce equations predicting ground vibration from scaled-distance values.

The equation derived by the Bureau of Mines for the mean equation of points relating peak-particle-velocity (*PPV*) to scaled-distance is $PPV=133\ (Ds)^{-1.5}$ and by the Swedish Foundation is $PPV=102\ (Ds)^{-1.45}$. Due to the differing points recorded the mean equation of points is slightly different. In developing an equation for general use, the mean equation must be analyzed to consider the probability of occurrence which produces the maximum limit. Siskind and others (1980, RI8507) developed statistical probability of upper limits by taking two standard deviations about the mean regression curve. The curve representing a 95-percent confidence level is the equation $PPV=408(Ds)^{-1.5}$. (See Figure A.)

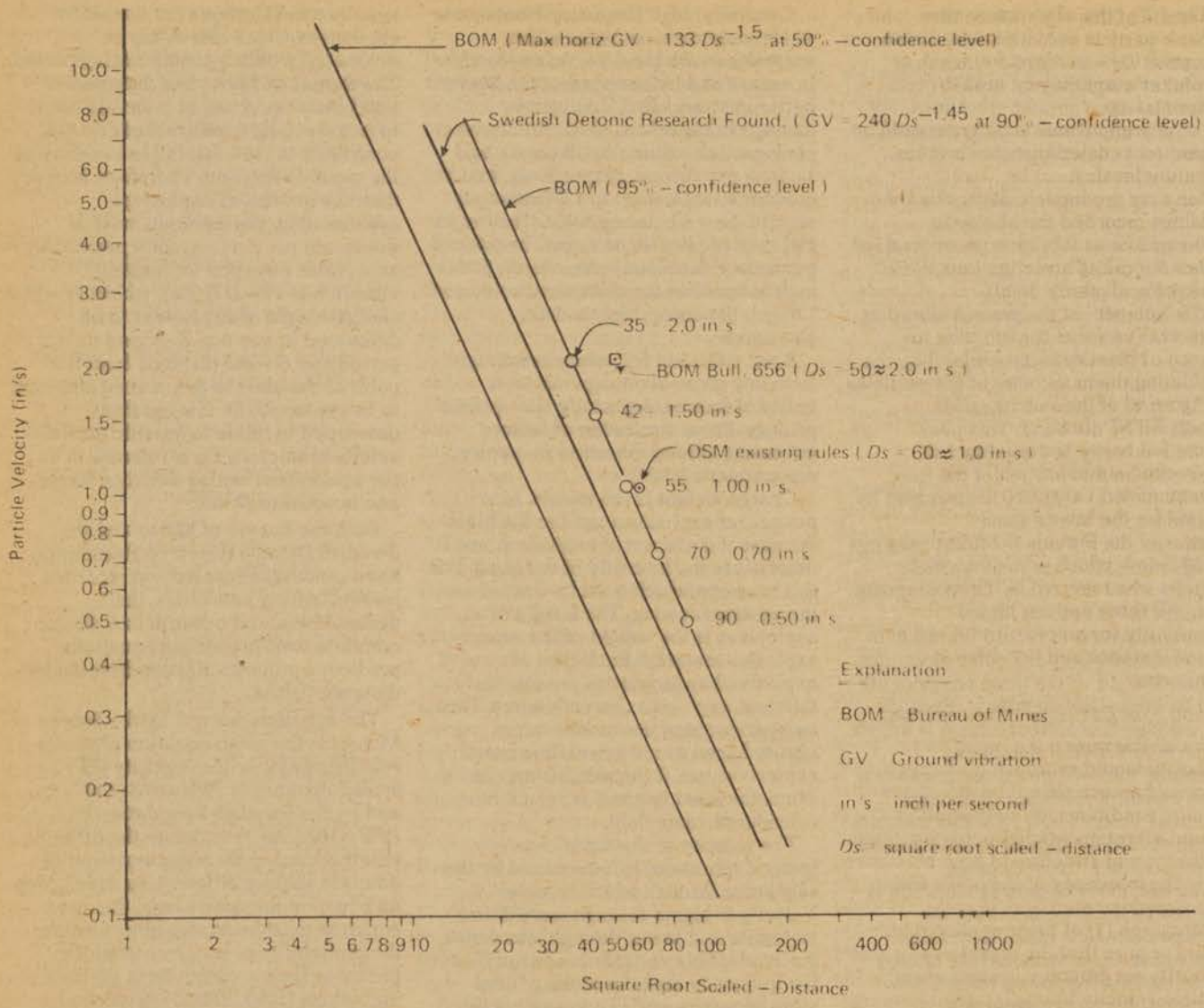


Figure A. – Correlation of square root scaled – distance with particle velocity.
(Source: Modified from Figure 10 in Bureau of Mines Report RI8507.)

Results of this equation render values of peak-particle-velocity of 1.0 inch per second at $Ds=55$ and 0.50 inch per second at a square-root scaled-distance factor $Ds=90$.

To fully implement a program using square-root scaled-distance criteria, vibration levels must be identified which may produce damage. The Bureau of Mines recorded threshold damage at levels as low as 0.72 inch per second for a plaster-on-lath structure and in evaluating all study points recommends a 0.75-inch-per-second standard as a conservative value to eliminate the chance of blast damage. OSM, in evaluating the most recent damage data in Figure 46 of the Bureau of Mines Report RI8507, finds only 5 of 32 damage points fell below the existing 1.0-inch-per-second standard, while the recommended value of 0.75 inch per second for the lowest particle velocity chosen by the Bureau of Mines is the value below which no evidence of damage was reported in the most recent data. All three options include the opportunity for an operator to use a scaled distance and not seismic monitoring.

Option 1 for § 816.67(d) (Amendment 13)

Under this option the regulatory authority would establish a particle velocity for each permit based on site-specific conditions. The allowable ground vibration would be limited either by the type of structure to be protected or by the frequency of the blast. (See also Amendments 1 and 24.)

Paragraph (1) of the proposed rule would require that the regulatory authority set ground vibration peak-particle-velocity for each permit area based on actual site condition. The applicant would be required to submit information with regard to structure type and probable frequencies along with the permit application such that the limit could be properly established. Where an operator would proceed pursuant to Paragarph (5) (that is, substitute a scaled-distance equation) no additional information would be required in the application.

Paragraph (2) would apply that standard to the operator. The limit would not be permitted to be exceeded at any structure.

In Paragraph (3) OSM proposes maximum limits for peak-particle-velocity. Because these standards are maximum limits, the regulatory authority may find it appropriate to set lower limits. The levels presented are considered to prevent damage when applying the following rationale:

Particle-velocity values selected in this option reflect the record of threshold damage. Frequencies below 5 Hz were recorded at less than 2 percent of the coal mine blasts. These are discussed briefly above and more completely in the Bueau of Mines Report RI8507. Very few shots produce frequencies below 10 Hz. If the probability of threshold damage at 1.0 inch per second is about 18 percent and minor damage at about zero percent, it is believed that 1.0 inch per second as an upper limit provides reasonable protection when monitoring of all shots is required. (See Figure 39 in RI8507.) Historically, OSM has found that under the initial program practice of using a 1.0-inch-per-second standard, few blasts actually reached or exceeded that limit. Therefore, the probability of damage would be substantially less than if the limit were continuously met. Additionally, in order to achieve a 1.0-inch-per-second performance level, operators will generally design for a much lower limit, such as 0.75 or 0.5 inch per second. The design level compensates for typical scatter of recorded velocities using various scaled-distance values.

Paragraph (4) presents a scaled-distance equation which would be permissible with regulatory authority approval without seismic monitoring. The equation would allow the operator to figure a charge-weight which can be used to insure that the allowable peak-particle-velocity is less than would otherwise be permissible. This equation would insure a greater level of safety than that required when seismic monitoring is provided, because seismic monitoring insures that operators and the regulatory authority are aware of what levels of vibration are actually being achieved. The correlation of particle velocity with the scaled distance is designed to give a 95-percent confidence level.

Paragraph (5) would provide an equation for determining allowable blast vibration without detailed site information. This equation assumes a safe particle velocity of 0.75 inch per second and applies the scaled distance equation with a distance factor of 70. Use of this limit would not be the most cost effective for the operator, because the generally lower limits may require smaller blasts which may be less effective.

Paragraph (6) would provide a mechanism requiring a regulatory authority to evaluate blast data whenever necessary to prevent damage resulting from blasting. The reevaluation may lead to reduction of the allowable standard if found to be too lenient to assure the prevention of damage.

Option 2 for § 816.67(d) (Amendment 14)

Under proposed Option 2, OSM would establish maximum allowable ground vibration limits dependent on the distance to the nearest structure. Because the standards set out in the rule would not prevent damage to the most sensitive structure, the regulatory authority would set more stringent requirements where sensitive structures are found. As discussed above, the operator could substitute a scaled-distance equation for use without seismic monitoring. (See also Amendments 2 and 25.)

This alternative approach to the square-root scaled-distance equation would adopt the equation presented by Medearis in the 1976 report to the National Crushed Stone Association. This equation was suggested by a commenter. It would allow higher charge-weights where higher blast vibration frequencies exist and more conservative charge-weights (thus less vibration intensity) as blast vibration frequency decreases with distance. This concept has been incorporated by several States, although not for coal operations, but it is believed to provide results similar to those suggested by the Bureau of Mines Report RI8507, to reduce particle-velocity when low frequency blast vibrations occur. The equation is derived from the particle-velocity propagation equation $V=M(D\sqrt{W})^{-N}$, where V=Peak-particle-velocity, D=*distance to monitoring point*, W=*charges weight per delay interval, and* M and N=emperical constants not related to frequency.

The equation $W=D^{1.5}/90$ uses a 90 derived for the empirical value for the constants referred to in the particle-velocity equation. The use of this equation provides a stepped particle-velocity approach easily applied by an operator. Figure B provides a graphic representation of the sliding particle velocity correlation to scaled-distance values.

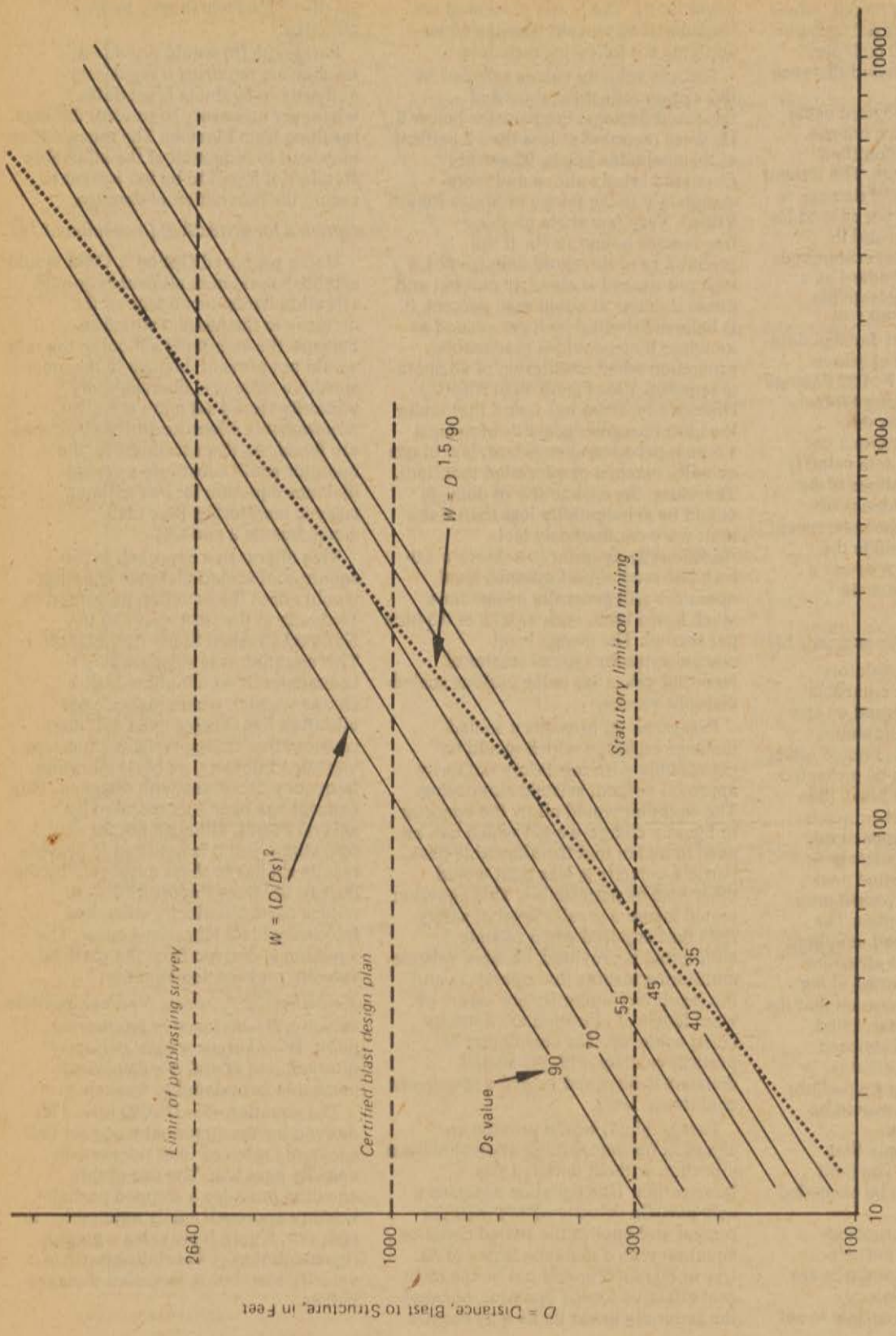


Figure B.– Correlation of square root scaled-distance equation $W = (D/Ds)^2$ at varying Ds values with proposed equation $W = D^{1.5}/90$.

As offered in the proposed rule, the equation $W=D^{1.5}/90$ correlates with a square root scaled-distance of $Ds=55$ at 1,100 feet. This would provide a peak-particle-velocity standard of approximately 1.0 inch per second at 1,000 feet comparable to the result intended in the 1.0-inch-per-second standard issued March 13, 1979. This similarity also correlates with the requirement proposed in § 780.13(c) requiring a blast design within 1,000 feet of inhabited residences. This facet of the proposed rules would provide for potentially larger charges and particle-velocities within 1,000 feet, than with the 1-inch-per-second rule, but would require blaster awareness and demonstrated knowledge of the design criteria when blasting within this zone.

Paragraph (3) of this option would require the regulatory authority to evaluate new blasting data if requested in writing by the owner or resident of a structure in the vicinity of the blast site to determine if a lower peak-particle-velocity standard or lower scaled-distance equation is necessary to protect the site. Factors which would require a lower standard are blast vibration frequency, geologic conditions, structure type and condition, or damage associated with blasting.

As with Option 1, paragraph (4) of Option 2 would allow the regulatory authority to require a seismographic record of any blast.

Option 3 for § 816.67(d) (Amendment 15)

Option 3 presents a simpler approach to limitations on peak-particle-velocity. In the option OSM would set a flat limit that is not to be exceeded at any structure outside the permit area. (See also Amendments 3 and 26.)

A maximum peak-particle-velocity of 1.0 inch per second would be set for general use. This would insure the prevention of damage in approximately 90 percent of all structures. The standard would not be applied if the operator demonstrates and the regulatory authority finds that the ground vibration conforms to the limits set out in Appendix B of the Bureau of Mines Report RI8507. Use of this appendix would allow higher peak-praticle-velocity when frequency is higher. Generally 2 inches per second is acceptable with frequencies above 40 Hz.

As with Options 1 and 2 a scaled-distance equation would be allowed which would dictate charge-weights based on the distance to the nearest structure when seismic monitoring is not used. In order for seimic monitoring to be waived, the predicted peak-particle-velocity cannot exceed 1 inch per second.

Paragraph (3) would require the regulatory authority to review, after request from an owner or resident of any structure in the vicinity of the blast site, the available data and would allow the regulatory authority to set more stringent limitations if appropriate, based on new data. Data which would be considered include blast frequency, site information, structure type, or reports of any damage.

Paragraph (4) would allow the regulatory authority to require seismic monitoring and to specify where such monitoring should occur.

Section 816.68 Use of explosives: Records of blastng operations (Amendment 16)

The lead paragraph to existing § 816.68 requiring the operator to maintain blasting records and to make them available for inspection by the regulatory authority and the public on request as required in Section 515(b)(15)(B) of the Act would be editorially amended. No change in effect is intended. No changes are proposed in Paragraphs (a)–(c), (f), (h), (i), and (k). These paragraphs cover the name of the operator; the location, date, and time of the blast; the name, signature, and license number of the blaster in charge; the type of material blasted; the diameter and depth of holes, the type of explosives used, and the maximum weight of explosives detonated within any 8-millisecond period. Revisions to particular items to be included in the records also would be made as follows:

Paragraph (d) would be revised by adding the identification of the nearest structure but not those structures owned or leased by the operator. Such information is necessary for blast design and planning process.

Paragraph (e) would be shortened to read "weather conditions" without specific data to be recorded. This does not lessen the need for temperature, wind direction, and approximate velocity data, but allows each regulatory authority to specify the extent of weather data to be recorded.

Paragraph (g) providing for the number of holes, decks, burden, and spacing would be removed. The new proposed paragraph (g) would require sketches of the blast pattern. The number of holes, decks, burden, spacing and delay pattern must be included in a sketch for it to be useful and acceptable.

Paragraph (j) would be changed to reflect the total weight of explosives per holes, rather than total weight used, because Section 515(b)(15)(B) of the Act specifically cites a per-hole record.

Existing paragraph (l) requires records of the numbers of holes detonated within 8 milliseconds. This provision would be deleted because the information can be established by review of the sketch of the delay pattern required in proposed paragraph (g).

Existing paragraph (m), with regard to initiation systems, would be redesignated as paragraph (l).

Existing paragraph (n), with regard to type and length of stemming, would be redesignated as paragraph (m).

Existing paragraph (o), with regard to mats or other protections used, would be redesignated as paragraph (n).

Existing paragraph (p) would be removed because information with regard to detonators and delay periods would be included in the description of initiation devices required by proposed paragraph (l) and sketches required by proposed paragraph (g).

Existing paragraph (q) would be removed because a sketch of the delay pattern is required by proposed paragraph (g).

Existing paragraph (r), which requires a record of the number of persons in the blasting crew, would be deleted. It is believed that any provision limited crew size can be observed and carried out without recording the number of persons.

Existing paragraph (s) dealing with seismographic records would be modified. Proposed paragraph (o) already would include the same provisions as the existing paragraph (s) plus additional information. A requirement for date and time of reading also would be added. OSM believes that this necessary information is already included on most records and instruments available.

Proposed paragraph (o) would also include addition of airblast records. Airblast records may or may not be part of the seismographic record. Therefore, the term airblast has been added to avoid any doubt that airblast records were included in the records requested by the regulatory authority. This information is necessary for the seismographic record to be of use in analyzing the blast.

Proposed paragraph (p) would be added to insure that regulatory authorities have sufficient information to review use of unscheduled blasts and that they may respond to complaints.

Rules governing use of explosives associated with underground mining (Amendments 17–27)

The performance standards governing the use of explosives associated with underground mining are identical to

those governing the use of explosives associated with surface mining except as noted below. Most offsite impacts, for example, airblast and ground vibration, for surface blasting at underground mines are not substantially different from those for blasting at surface mines, and OSM only regulates surface blasting.

Only one difference exists between the two sets of rules. Rather than require a blasting schedule in § 817.64 similar to the found in § 816.64 of the proposed surface coal mining rules, § 817.64 would require a 24-hour notice prior to any surface blasting in support of underground coal mining. Because of the occasional, sporadic nature of surface blasting in support of underground coal mining, the public would be better served by receiving notification the day before any blasting is done. The mine operator also would be relieved of the task of publishing and republishing a blasting schedule.

Surface mines, however, use more regular, more periodic, and more predictable blasting. Accordingly, the regulation proposes in § 817.64(a) that notice be provided prior to each surface blast where underground mining will occur while proposed § 816.64 would require that schedules be provided where surface mining will occur. This is the only significant difference between the two sets of rules. The requirement that residents or owners be advised how to obtain preblasting surveys would be contained in § 817.62(c), since there would be no § 817.64(b)(2).

Amendment 28—Addition of Figure 1

Figure 1, which is referred to in three places in the proposed rules, is from the Bureau of Mines Report RI8507 (p. 73). It would be added to the text of §§ 715.19(e)(2)(ii)(A), 816.67(d)(1), and 817.67(d)(1).

IV. Procedural Matters

Executive Order 12291

The Department of the Interior (DOI) has examined these proposed rules according to the criteria of Executive Order 12291 (February 17, 1981). OSM has determined that these are not major rules and do not require a regulatory impact analysis because they will impose only minor costs on the coal industry and coal consumers. In addition, the proposed rules emphasize the use of performance standards instead of design criteria and will allow operators to utilize the most cost-effective means of achieving the performance standards.

Regulatory Flexibility Act

The DOI has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that these rules will not have a significant economic impact on a substantial number of small entities. The proposed rules will allow small coal operators increased flexibility in meeting performance standards and should especially ease the regulatory burden on small coal operators in Appalachia

National Environmental Policy Act

OSM has prepared a draft environmental assessment (EA) on this proposed rule and has made an interim finding that it would not significantly affect the quality of the human environment. The draft EA is on file in the OSM Administrative Record at the address listed in the "Addresses" section of this preamble. A final EA will be completed and a final conclusion reached on the significance of any resulting impacts before issuance of the final rule. OSM also is preparing an EA of the cumulative impacts on the human environment of this rulemaking and related rulemakings under the Act. This cumulative EA also will be completed before this rule is made final.

Federal Paperwork Reduction Act

The information collection requirements in existing 30 CFR Parts 715, 780, 816, and 817 were approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and assigned new clearance numbers 1029-0007, 1029-0036, 1029-0047, and 1029-0048 on April 1, 1981. This approval was identified in "Notes" at the introduction to 30 CFR Parts 715, 780, 816, and 817 under the old numbers RO494, RO606, RO618, and RO619 (all under No. B-190462). OSM will delete those "Notes" and codify the OMB approvals under the new §§ 715.10, 780.10, 816.10, and 817.10. OSM is requesting OMB approval of the information collection requirements being proposed for the following sections and will codify the OMB approvals when the final rules are promulgated: §§ 715.19, 780.13, 816.62, 816.64, 816.68, 817.62, and 817.68.

The information required by 30 CFR Part 715 will be used by the regulatory authority in monitoring blasting operations. This information required by 30 CFR Part 715 is mandatory.

The information required by 30 CFR Part 780 will be used by the regulatory authority in determining whether the applicant can meet the environmental protection performance standards of the regulatory program. This information required by 30 CFR Part 780 is mandatory.

The information required by 30 CFR Parts 816 and 817 will be used by the regulatory authority in monitoring and inspecting surface and underground mining activities to ensure that they are conducted in a manner which preserves and enhances envoronmental and other values of the Act. This information required by 30 CFR Parts 816 and 817 is mandatory.

Accordingly, 30 CFR Parts 715, 780, 816, and 817 are proposed to be amended as set forth herein.

Dated: March 9, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

Part 715—GENERAL PERFORMANCE STANDARDS

Option 1 for § 715.19

1. Section 715.19 is amended by revising paragraphs (e)(2) (ii) through (vi) and adding paragraph (e)(2)(vii) to read as follows:

§ 715.19 Use of explosives.

* * * * *

(e) * * *

(2) *Blasting standards.* (i) * * *

(ii) In all blasting operations, except as otherwise authorized in this § 715.19, the maximum peak-particle-velocity of ground vibration shall not exceed the value established by the regulatory authority at the location of any dwelling, public building, school, church, or community or institutional building. Peak-particle-velocities shall be recorded in three mutually perpendicular directions. The maximum peak-particle-velocity shall be the largest of any of the three measurements.

(iii) The maximum peak-particle-velocity for surface coal mining blasting operations for a specific permit area shall be assigned by the regulatory authority based on an evaluation of the physical site conditions at and surrounding the permit area. Detailed information of the types of structures to be protected, seismic velocity, and other relevant information shall be submitted by the permittee for the regulatory authority to evaluate the allowable ground vibration standard. Permittees not requesting assignment of a site-specific peak-particle-velocity may choose to comply with the equation found in paragraph (e)(2)(vi) of this section.

(iv) The peak-particle-velocity authorized by the regulatory authority for surface blasting operations shall not

exceed the following limits for structure type and predominant frequency of the ground vibration due to blasting operations.

Type of structure*	Maximum peak-particle-velocity in inch/second allowable with seismic monitoring at indicated hertz value		
	<10 Hz	10 to 40 Hz	>40 Hz
1	0.50	0.50	0.50
2	0.75	1.0	2.0
3	1.0	1.5	2.0
4	2.0	2.0	2.0
5[b]			

*1. Sensitive or protected structures such as historic buildings, monuments, and residences with construction elements such as plaster interiors and rough stone foundation walls.
2. Older homes more than 20 years old with construction elements such as plaster-on-lath interiors and deteriorated or rigid, easily fractured construction materials.
3. Modern homes less than 20 years old with gypsum-board interior, reinforced concrete or concrete-masonry-unit foundations, and other wood-frame and wood-clad structure.
4. Structures with safety considerations such as water towers, impoundments, tunnels, pipelines, towers, and underground mines.
5. Buildings or structures designed to resist dynamic loads such as earthquake, wind, traffic, etc.
[b]Maximum peak-particle-velocity to be determined by a qualified registered professional engineer.

(v) The regulatory authority may authorize an operator to use the square-root scaled-distance equation $W=D/Ds)^2$ without seismic monitoring, where W = the weight of explosive, in pounds, which may be detonated in any 8-millisecond period; D = the distance, in feet, from the blast to the nearest dwelling, school, church, or community or institutional building; and Ds = the scaled-distance factor (denominator of equation). The equation shall initially be approved based on the following correlation criteria:

Peak-particle-velocity (inch/second)	*Ds* (scaled-distance factor)
2.00	35
1.60	40
1.35	45
1.15	50
1.00	55
0.70	70
0.50	90

(vi) All surface coal operators choosing not to submit data for the regulatory authority to assign a site-specific ground-vibration limit shall utilize a scaled-distance equation $W=(D/70)^2$ for determining the maximum charge-weight of explosives that con be detonated within any 8-millisecond period without seismic monitoring, or limit all ground vibrations to a maximum peak-particle-velocity of 0.75 inch per second verified in seismographic records.

(vii) At the request of an owner or occupant of a structure in the vicinity of the mine, the regulatory authority shall evaluate data, including blast vibration frequency, type and condition of structure, or updated site information and may lower the assigned peak-particle-velocity at any time necessary to prevent damage.

* * * * *

Option 2 for § 715.19

2. Section 715.19 is amended by revising paragraphs (e)(2)(ii) through (v) and removing paragraph (e)(2)(vi) to read as follows:

§ 715.19 Use of explosives.

* * * * *

(e) * * *

(2) *Blasting standards.*—(i) * * *

(ii) In all blasting operations, except as otherwise authorized in this § 715.19, the maximum ground vibration shall not exceed the values listed below at the location of any dwelling, school, church, or community or institutional building outside the permit area:

Distance to structure from blast site (feet)	Maximum ground-vibration limit allowable with seismic monitoring (inch/second)[1]
0–300[2]	1.60
301–500	1.35
501–1,000	1.20
1,001–3,000	1.00
3,001–5,000	0.90
beyond 5,001	0.75

[1]Ground vibration recorded as the peak-particle-velocity. Particle velocity shall be recorded in three mutually perpendicular directions. The peak-particle-velocity shall be the largest of any of the three measurements.
[2]Subject to owner approval for dwellings; no mining may occur within 300 feet of public buildings.

(iii) The regulatory authority may approve the use of the equation $W=(D^{1.5})/90$ to determine the maximum allowable charge-weight of explosive to be be detonated in any 8-millisecond delay period at distances greater than 300 feet. If blasting is conducted using this equation, the operator need not maintain seismographic records. W = the maximum weight of explosives, in pounds, and D = the distance, in feet, from the blast to the nearest dwelling, school, church, or community or institutional building.

(iv) At the request of an owner or occupant of a structure in the vicinity of the mine, the regulatory authority shall evalute data, including blast vibration frequency, type and condition of structure, or updated site information and may lower the allowable maximum peak particle velocity at any time necessary to prevent change.

(v) The regulatory authority may require seismographic records of any and all blasts and may specify the location at which such measurements are taken.

* * * * *

Option 3 for § 715.19

3. Section 715.19 is amended by revising paragraph (e)(2)(ii) and removing paragraphs (e)(2)(iii) through (vi) to read as follows:

§ 715.19 Use of explosives.

* * * * *

(e) * * *

(2) *Blasting standard.* (i) * * *

(ii) *Ground vibration.* (A) Ground vibration shall not exceed a 1.0-inch-per-second peak-particle-velocity at the location of any dwelling or public building outside the permit area, unless the recorded ground vibration and frequency conform to the alternative blasting level criteria set forth in Figure 1. Peak-particle-velocity shall be recorded in three mutually perpendicular directions. The maximum particle-velocity shall be the largest of any of the three measurements. A seismographic record shall be provided for each blast.

(B) An operator may use the scaled-distance equation $W=(D/55)^2$ to determine the allowable charge-weight of explosives to be detonated in any 8-millisecond period, without seismic monitoring. W = the maximum weight of explosives, in pounds, and D = the distance, in feet, from the blast to the nearest dwelling, school, church, or community or institutional building.

(C) The use of an equation modified from that specified in § 715.19(e)(2)(ii)(B) to determine maximum weight of explosives per delay for blasting operations at a particular site may be approved by the regulatory authority, on receipt of a written request by the operator accompanied by reports including seismographic records of test blasting on the site. The predicted ground vibration would not exceed a peak-particle-velocity of 1.0 inch per second.

(D) At the request of an owner or occupant of a structure in the vicinity of the mine, the regulatory authority shall evaluate data, including blast vibration frequency, type and condition of structure, or updated site information and may lower the allowable maximum peak-particle-velocity at any time necessary to prevent damage.

(E) The regulatory authority may require a seismographic record including blast-vibration-frequency of any or all blasts and may specify the location at which such measurements are taken.

* * * * *

§ 715.19 [Amended]

4. Section 715.19 is amended by removing paragraph (e)(3) and

redesignating paragraph (e)(4) as paragraph (e)(3).

PART 780—SURFACE MINING PERMIT APPLICATION—MINIMUM REQUIREMENT FOR RECLAMATION AND OPERATION PLAN

5. Part 780 is amended by revising § 780.13 to read as follows:

§ 780.13 Operation plan: Blasting.

(a) *Blasting plan.* Each application shall contain a blasting plan for the proposed permit area, explaining how the applicant intends to comply with the requirements of 30 CFR 816.61 through 816.68. This plan shall include but is not restricted to descriptions of the limitations the operator will meet with regard to ground vibration and air blast and the methods to be applied in controlling the adverse effects of blasting operations.

(b) *Monitoring system.* Each application shall contain a description of the monitoring system to be used to ensure compliance with standards of § 816.67 including the type, capabililty, and sensitivity of any blast monitoring equipment and proposed procedures and locations of monitoring.

(c) *Blast design.* (1) A specific blast design shall be submitted if blasting operations will be conducted within—

(i) 1,000 feet of any building used as a dwelling, public building, school, or community or institutional building; or

(ii) 500 feet of underground mines; blasting plans within 500 feet of underground mines require approval by the Mine Safety and Health Administration (MSHA).

(2) The blast design above may be presented as part of a permit application or at a time specified by the regulatory authority.

(3) In the blast design the operator shall provide sketches of the specific drill patterns, delay periods, decking, type and amount of explosives to be used, critical dimensions, and the location and general description of structures to be protected, as well as a discussion of design factors to be used, which protect the public and meet the applicable airblast, ground vibration, and flyrock standards found in § 816.67.

(4) The blast design shall be prepared and signed by a certified blaster.

(5) The regulatory authority may require changes to the design submitted, if deemed necessary.

(6) Owners of property identified in paragraphs (c)(1)(i) or (ii) of this section shall be notified 30 days before blasting begins.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

§ 816.11 [Amended]

6. Section 816.11 is amended by removing paragraph (f) and redesignating paragraph (g) as paragraph (f).

7. Section 816.61 is revised to read as follows:

§ 816.61 Use of explosives: General requirements.

(a) Each operator shall comply with all applicable State and Federal laws in the use of explosives.

(b) Blasts that use more than 5 pounds of explosive or blasting agent shall be conducted according to the schedule required by § 816.64.

(c) A blaster certified under a program adopted pursuant to Subchapter M shall be responsible for all blasting operations including the transportation, storage, and use or destruction of explosives within a permit area.

8. Section 816.62 is revised to read as follows:

§ 816.62 Use of explosives: Preblasting survey.

(a) A resident or owner of a dwelling or structure within one-half mile of any part of the permit area may request a preblasting survey. This request shall be in writing and may be made either to the regulatory authority who will promptly notify the operator or directly to the operator. The operator shall promptly conduct a preblasting survey of the dwelling or structure and promptly prepare a written report of the survey. An updated survey of any additions, modifications, or renovations shall be performed by the operator if requested by the resident or owner.

(b) The operator shall determine the condition of the dwelling or structure and document any preblasting damage and other physical factors that could reasonably be affected by the blasting. Assessments of structures such as pipelines, cables, transmission lines, and wells, cisterns, and other water systems hall be limited to surface condition and readily available data. Special attention shall be given to the preblasting condition of wells, cisterns, and other water systems.

(c) The written report of the survey shall be signed by the person who conducted the survey, the original of the report shall be promptly provided to the regulatory authority, and copies shall be provided to the person requesting the survey. If the person requesting the survey disagrees with the contents and/or recommendations contained therein, he or she may submit to both the permittee and the regulatory authority a detailed description of the specific areas of disagreement.

9. Section 816.64 is revised to read as follows:

§ 816.64 Use of explosives: Blasting schedules.

(a) *General requirements.* (1) The operator shall conduct blasting operations at times approved by the regulatory authority and announced in the blasting schedule. The regulatory authority may limit blasting, either in hours per day, times per day, or number of blasts per day. These limitations shall be based upon written submissions which demonstrate the necessity of the limitation in order to protect the public.

(2) Unscheduled blasts may be conducted where public or operator safety so requires, or for road construction or other difficult to schedule blasting actions. When an operator conducts an unscheduled blast incidental to a surface coal mining operation, the operator shall notify all residents within one-half mile of the blast area and document the reason in accordance with § 816.68(p).

(b) *Blasting schedule publication and distribution.* (1) The operator shall publish the blasting schedule in a newspaper of general circulation in the locality of the blasting site, at least 10 days, but not more than 30 days before beginning a blasting program.

(2) The operator shall distribute copies of the schedule to local governments and public utilities and to each local residence within one-half mile of the proposed blasting site described in the schedule. Copies sent to residences shall be accompanied by information advising the owner or resident how to request a preblasting survey.

(3) The operator shall republish and redistribute the schedule at least every 12 months and revise and republish the schedule at least 10 days, but not more than 30 days, prior to blasting when ever the area covered by the schedule changes or actual time periods for blasting significantly differ from the prior announcement.

(c) *Blasting schedule contents.* The blasting schedule shall contain at a minimum—

(1) Name, address, and telephone number of operator;

(2) Identification of the specific areas in which blasting will take place;

(3) Dates and time periods when explosives are to be detonated;

(4) Methods to be used to control access to the blasting area; and

(5) Type and patterns of audible warning and all-clear signals to be used before and after blasting.

§ 816.65 [Removed]

10. Section 816.65 is removed.

11. Section 816.66 is added as follows:

§ 816.66 Use of explosives: Blasting signs, warnings, and access control.

(a) The operator shall—

(1) Conspicuously display signs reading "Blasting Area" where a public road or right-of-way occurs within 100 feet of a blasting area or at the point where any other road provides access to the blasting area;

(2) Place at all entrances to the permit area from public roads or highways conspicuous signs which state "Warning! Explosives In Use," which clearly explain the blast warning and all-clear signals that are in use, and which explain the marketing of blast areas and charge holes within the permit area; and

(3) Prepare all signs to meet the requirements of § 816.11.

(b) Warning and all-clear signals of different character that are audible within a range of one-half mile from the point of the blast shall be given. Each person within the permit area and each person who resides or regularly works within one-half mile of the permit area shall be notified of the meaning of the signals in the blasting schedule.

(c) Access within the blasting area shall be controlled to prevent presence of livestock or unauthorized personnel during blasting and until an authorized representative of the operator has reasonably determined—

(1) That no unusual hazards exist, such as imminent slides or undetonated charges; and

(2) That access to and travel within the blasting area can be safely resumed.

12. Section 816.67 is revised to read as follows:

§ 816.67 Use of explosives: Control of adverse effects.

(a) *General requirements.* Blasting shall be conducted to prevent injury to persons, damage to public or private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel, or availability of ground or surface waters outside the permit area.

(b) *Airblast.*—(1) *Limits.* (i) Airblast shall not exceed the maximum limits listed below at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area:

Lower frequency limit of measuring system, Hz (±3 dB)	Maximum level in dB
2 Hz or lower—flat response	133 peak
6 Hz or lower—flat response	130 peak

(ii) The regulatory authority may reduce the maximum allowable airblast standard if necessary for continued compliance with damage prevention.

(iii) The operator shall minimize airblast so that it does not exceed the limits set by the regulatory authority even under adverse atmospheric conditions.

(2) *Monitoring.* (i) The regulatory authority may require airblast measurement of any or all blasts and may specify the location of such measurement.

(ii) In all cases, the measuring systems used must have an upper-end flat frequency response of at least 200 Hz.

(iii) The regulatory authority may approve the use of alternative measuring systems as long as such systems provide an equivalent monitoring level as listed above.

(c) *Flyrock.* Flyrock travelling in the air or along the ground shall not be cast from the blasting site—

(1) More than half the distance to the nearest dwelling or other occupied structure;

(2) Beyond the area of control required under § 816.66(c); nor

(3) Beyond the permit boundary.

Option 1 for § 816.67

13. Section 816.67 is amended by adding paragraph (d) to read as follows:

§ 816.67 Use of explosives: Control of adverse effects.

* * * * *

(d) *Ground Vibration.* (1) In all blasting operations, except as otherwise authorized in this § 816.67, the maximum peak-particle-velocity of ground vibration shall not exceed the value established by the regulatory authority at the location of any dwelling, public building, school, church, or community or institutional building. Peak-particle-velocities shall be recorded in three mutually perpendicular directions. The maximum peak-particle-velocity shall be the largest of any of the three measurements.

(2) The maximum peak-particle-velocity for surface coal mining blasting operations for a specific permit area shall be assigned by the regulatory authority based on an evaluation of the physical site conditions at and surrounding the permit area. Detailed information of the types of structures to be protected, seismic velocity, and other relevant information shall be submitted by the permittee by which to evaluate the allowable ground-vibration standard as part of the permit application under 30 CFR 780.13. Permittees not requesting assignment of a site-specific peak-particle-velocity may choose to comply with the equation found in paragraph (d)(5) of this section.

(3) The peak-particle-velocity authorized by the regulatory authority for surface blasting operations shall not exceed the following limits for structure type and predominant frequency of the ground vibration due to blasting operations:

Type of structure [a]	Maximum peak-particle-velocity in inch/second allowable with seismic monitoring at indicated hertz value		
	<10 Hz	10 to 40 Hz	>40Hz
1	0.50	0.50	0.50
2	0.75	1.0	2.0
3	1.0	1.5	2.0
4	2.0	2.0	2.0
5 [b]			

[a] 1. Sensitive or protected structures such as historic buildings, monuments, and residences with construction elements such as plaster interiors and rough stone foundation walls.
2. Older homes more than 20 years old with construction elements such as plaster-on-lath interiors and deteriorated or rigid, easily fractured construction materials.
3. Modern homes less than 20 years old with gypsum-board interior, reinforced concrete or concrete-masonry-unit foundations, and other wood-frame and wood-clad structure.
4. Structures with safety considerations such as water towers, impoundments, tunnels, pipelines, towers, and underground mines.
5. Buildings or structures designed to resist dynamic loads such as earthquake, wind, traffic, etc.
[b] Maximum; peak-particle-velocity to be determined by a qualified registered professional engineer.

(4) The regulatory authority may authorize an operator to use the square-root scaled-distance equation $W=(D/Ds)^2$ without seismic monitoring, where W = the weight of explosive, in pounds, which may be detonated in any 8-millisecond period; D = the distance, in feet, from the blast to the nearest dwelling, school, church, or cummunity or institutional building; and Ds = the scaled-distance factor (denominator of equation). The equation shall initially be approved based on the following correlation criteria:

Peak-particle-velocity (inch/second)	*Ds* (scaled-distance factor)
2.00	35
1.60	40
1.35	45
1.15	50
1.00	55
0.70	70
0.50	90

(5) All surface coal operators choosing not to submit data for the regulatory authority to assign a site-specific ground-vibration limit shall utilize a scaled-distance equation $W=(D/70)^2$ for determining the maximum charge-weight of explosives that can be detonated within any 8-millisecond period without seismic monitoring, or

limit all ground vibrations to a maximum peak-particle-velocity of 0.75 inch per second verified in seismographic records.

(6) At the request of an owner or occupant of a structure in the vicinity of the mine, the regulatory authority shall evaluate data, including blast vibration frequency, type and condition of structure, or updated site information and may lower the assigned peak-particle-velocity at any time necessary to prevent damage.

Option 2 for § 816.67

14. Section 816.67 is amended by adding paragraph (d) to read as follows:

§ 816.67 Use of explosives: Control of adverse effects.

* * * * *

(d) *Ground vibration.* (1) In all blasting operations, except as otherwise authorized in this section, the maximum ground vibration shall not exceed the values listed below at the location of any dwelling, school, church, or cummunity or institutional building outside the permit area:

Distance to structure from blast site (feet)	Maximum ground-vibration limit allowable with seismic monitoring (inch/second) [1]
0-300 [2]	1.60
301-500	1.35
501-1,000	1.20
1,001-3,000	1.00
3,001-5,000	0.90
beyond 5,001	0.75

[1] Ground vibration recorded as the peak-particle-velocity. Particle velocity shall be recorded in three mutually perpendicular directions. The peak-particle-velocity shall be the largest of any of the three measurements.
[2] Subject to owner approval for dwellings; no mining may occur within 300 feet of public buildings.

(2) The regulatory authority may approve the use of the equation $W=(D^{1.5})/90$ to determine the maximum allowable charge-weight of explosive to be detonated in any 8-millisecond delay period at distances greater than 300 feet. If blasting is conducted using this equation, the operator need not maintain seismographic records. W = the maximum weight of explosives, in pounds, and D = the distance, in feet, from the blast to the nearest dwelling, school, church, or community or institutional building.

(3) At the request of an owner or occupant of a structure in the vicinity of the mine, the regulatory authority shall evaluate data, including blast vibration frequency, type and condition of structure, or updated site information and may lower the allowable maximum peak-particle-velocity at any time necessary to prevent damage.

(4) The regulatory authority may require seismographic records of any and all blasts and may specify the location at which such measurements are taken.

Option 3 for § 816.67

15. Section 816.67 is amended by adding paragraphs (d) and (e) to read as follows:

§ 816.67 Use of explosives: Control of adverse effects.

* * * * *

(d) *Ground vibration.* (1) Ground vibration shall not exceed a 1.0-inch-per-second peak-particle-velocity at the location of any dwelling or public building outside the permit area, unless the recorded ground vibration and frequency conform to the alternative blasting level criteria set forth in Figure 1. Peak-particle-velocity shall be recorded in three mutually perpendicular directions. The maximum particle-velocity shall be the largest of any of the three measurements. A seismographic record shall be provided for each blast.

(2)(i) An operator may use the scaled-distance equation $W=(D/55)^2$ to determine the allowable charge-weight of explosives to be detonated in any 8-millisecond period, without seismic monitoring. W = the maximum weight of explosives, in pounds, and D = the distance, in feet, from the blast to the nearest dwelling, school, church, or community or institutional building.

(ii) The use of an equation modified from that specified in § 816.67(d)(2)(i) to determine maximum weight of explosives per delay for blasting operations at a particular site may be approved by the regulatory authority, on receipt of a written request by the operator accompanied by reports including seismographic records of test blasting on the site. The predicted ground vibration would not exceed a peak-particle = velocity of 1.0 inch per second.

(3) At the request of an owner or occupant of a structure in the vicinity of the mine, the regulatory authority shall evaluate data, including blast vibration frequency, type and condition of structure, or updated site information and may lower the allowable maximum peak-particle-velocity at any time necessary to prevent damage.

(4) The regulatory authority may require a seismographic record, including blast-vibration-frequency of any or all blasts and may specify the location at which such measurements are taken.

(e) If blasting is conducted in accordance with § 816.67(a), the maximum ground vibration and/or airblast standard shall not apply at the following locations:

(1) At structures owned by the person conducting the mining activity and not leased to another party; and

(2) At structures owned by the person conducting the mining activity and leased to another party, if a written waiver by the lessee is submitted to the regulatory authority prior to blasting.

16. Section 816.68 is revised to read as follows:

§ 816.68 Use of explosives: Records of blasting operations.

The operator shall retain a record of all blasts for at least 3 years. Copies of these records shall be made available upon request to the regulatory authority and to the public for inspection; such records shall contain the following data:

(a) Name of the operator conducting the blast.

(b) Location, date, and time of the blast.

(c) Name, signature, and license number of the blaster conducting the blast.

(d) Identification, direction, and distance in feet to the nearest dwelling, school, church, or community or institutional building outside the permit area, except those cited under 30 CFR 816.67(e).

(e) Weather conditions.

(f) Type of material blasted.

(g) Sketches of the blast pattern including number of holes, burden, spacing, decks, and delay pattern.

(h) Diameter and depth of holes.

(i) Types of explosives used.

(j) Total weight of explosives used per hole.

(k) The maximum weight of explosives detonated in an 8-millisecond period.

(l) Initiation system.

(m) Type and length of stemming.

(n) Mats or other protections used.

(o) Seismographic and airblast records, if required, which shall include—

(1) Type of instrument, sensitivity, and calibration signal;

(2) Exact location of instrument and the date, time, and distance from the blast;

(3) Name of the person and/or firm taking the reading;

(4) Name of the person and firm analyzing the seismographic record; and

(5) The vibration and/or airblast level recorded.

(p) Reasons and conditions for each unscheduled blast and a list of persons within one-half mile of the blast area who were orally notified of the unscheduled blast.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

§ 817.11 [Amended]

17. Section 817.11 is amended by removing paragraph (f) and redesignating paragraph (g) as paragraph (f).

18. Section 817.61 is revised to read as follows:

§ 817.61 Use of explosives: General requirements.

(a) Sections 817.61 through 817.68 apply to surface blasting activities incident to underground coal mining, including, but not limited to, initial rounds of slopes and shafts.

(b) Each operator shall comply with all applicable State and Federal laws in the use of explosives and the requirements of §§ 817.61–817.68.

(c) A blaster certified under a program pursuant to Subchapter M shall be responsible for all blasting operations including the transportation, storage, use, or destruction of explosives within a permit area.

19. Section 817.62 is revised to read as follows:

§ 817.62 Use of explosives: Preblasting survey.

(a) A resident or owner of a dwelling or structure within one-half mile of any part of the permit area may request a preblasting survey. This request shall be in writing and may be made either to the regulatory authority who will promptly notify the operator or directly to the operator. The operator shall promptly conduct a preblasting survey of the dwelling or structure and promptly prepare a written report of the survey. An updated survey of any additions, modifications, or renovations shall be performed by the operator if requested by the resident or owner.

(b) The operator shall determine the condition of the dwelling or structure and document any preblasting damage and other physical factors that could reasonably be affected by the blasting. Assessments of structures such as pipelines, cables, transmission lines, and wells, cisterns, and other water systems shall be limited to surface condition and readily available data. Special attention shall be given to the preblasting condition of wells, cisterns, and other water systems.

(c) The written report of the survey shall be signed by the person who conducted the survey, the original of the report shall be promptly provided to the regulatory authority, and copies shall be provided to the person requesting the survey. If the person requesting the survey disagrees with the contents and/or recommendations contained therein, he or she may submit to both the permittee and the regulatory authority a detailed description of the specific areas of disagreement.

(d) The operator shall provide information advising the owner or resident of a dwelling or other structure located within one-half mile of the permit area how to request a preblasting survey.

20. Section 817.64 is revised to read as follows:

§ 817.64 Use of explosives: General performance standards.

(a) A resident or owner of a dwelling or structures that is located within one-half mile of any area affected by surface blasting activities shall be notified by the operator approximately 24 hours prior to any surface blasting event.

(b) The regulatory authority may specify restrictive time periods when blasting may be conducted based on submission in writing of relevant information deemed necessary to protect the public.

§ 817.65 [Removed]

21. Section 817.65 is removed.

22. Section 817.66 is added as follows:

§ 817.66 Use of explosives: Blasting signs, warnings, and access control.

(a) If blasting is conducted incidental to surface mining activities, the operator shall—

(1) Conspicuously display signs reading "Blasting Area" where a public road or right-of-way occurs within 100 feet of a blasting area or at the point where any other road provides access to the blasting area;

(2) Place at all entrances to the permit area from public roads or highways conspicuous signs which state "Warning! Explosives In Use," which clearly explain the blast warning and all-clear signals that are in use, and which explain the marking of blast areas and charge holes within the permit area; and

(3) Prepare all signs to meet the requirements of § 817.11.

(b) Warning and all-clear signals of different character that are audible within a range of one-half mile from the point of the blast shall be given. Each person within the permit area and each person who resides or regularly works within one-half mile of the permit area shall be notified of the meaning of the signals in the blasting schedule.

(c) Access within the blasting areas shall be controlled to prevent presence of livestock or unauthorized personnel during blasting and until an authorized representative of the operator has reasonably determined—

(1) That no unusual hazards exist; such as imminent slides or undetonated charges; and

(2) That access to and travel within the blasting areas can be safely resumed.

23. Section 817.67 is revised to read as follows:

§ 817.67 Use of explosives: Control of adverse effects.

(a) *General requirements.* Blasting shall be conducted to prevent injury to persons, damage to public or private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel, or availability of ground or surface waters outside the permit area.

(b) *Airblast.*—(1) *Limits.* (i) Airblast shall not exceed the maximum limits listed below at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area:

Lower frequency limit of measuring system, Hz (±3 dB)	Maximum level in dB
2 Hz or lower—flat response	133 peak
6 Hz or lower—flat response	130 peak

(ii) The regulatory authority may reduce the maximum allowable airblast standard if necessary for continued compliance with damage prevention.

(iii) The operator shall minimize airblast so that it does not exceed the limits set by the regulatory authority even under adverse atmospher conditions.

(2) *Measurement.* (i) The regulatory authority may require airblast measurement of any or all blasts and may specify the location of such measurement.

(ii) Measuring systems must have an upper-end flat frequency response of at least 200 Hz.

(iii) The regulatory authority may approve the use of alternative measuring systems as long as such systems provide an equivalent monitoring level as listed above.

(c) *Flyrock.* Flyrock travelling in the air or along the ground shall not be cast from the blasting site—

(1) More than half the distance to the nearest dwelling or other occupied structure;

(2) Beyond the area of control required under § 816.66(c); nor

(3) Beyond the permit boundary.

Option 1 for § 817.67

24. Section 817.67 is amended by adding paragraph (d) to read as follows:

§ 817.67 Use of explosives: Control of adverse effects.

* * * * *

(d) *Ground vibrations.* (1) In all blasting operations, except as otherwise authorized in this § 817.67, the maximum peak-particle-velocity of ground vibration shall not exceed the value established by the regulatory authority at the location of any dwelling, public bulding, school, church, or community or institutional building. Peak-particle-velocities shall be recorded in three mutually perpendicular directions. The maximum peak-particle-velocity shall be the largest of any of the three measurements.

(2) The maximum peak-particle-velocity for surface coal mining blasting operations for a specific permit area shall be assigned by the regulatory authority based on an evaluation of the physical site conditions at and surrounding the permit area. Detailed information of the types of structures to be protected, seismic velocity, and other relevant information shall be submitted by the permittee by which to evalute the allowable ground-vibration standard as part of the permit application under 30 CFR 780.13. Permittees not requesting assignment of a site-specific peak-particle-velocity may choose to comply with the equation found in paragraph (d)(5) of this section.

(3) The peak-particle-velocity authorized by the regulatory authority for surface blasting operations shall not exceed the following limits for structure type and predominant frequency of the ground vibration due to blasting operations:

Type of structure[a]	Maximum peak-particle-velocity in inch/second allowable with seismic monitoring at indicated hertz value		
	<10 Hz	10 to 40 Hz	>40 Hz
1	0.50	0.50	0.50
2	0.75	1.0	2.0
3	1.0	1.5	2.0
4	2.0	2.0	2.0
5[b]			

[a] 1. Sensitive or protected structures such as historic buildings, monuments, and residences with construction elements such as plaster interiors and rough stone foundation walls.
2. Older homes more than 20 years old with construction elements such as plaster-on-lath interiors and deteriorated or rigid, easily fractured construction materials.
3. Modern homes less than 20 years old with gypsum-board interior, reinforced concrete or concrete-masonry-unit foundations, and other wood-frame and wood-clad structure.
4. Structures with safety considerations such as water towers, impoundments, tunnels, pipelines, towers, and underground mines.
5. Buildings or structures designed to resist dynamic loads such as earthquake, wind, traffic, etc.
[b] Maximum peak-particle-velocity to be determined by a qualified registered professional engineer.

(4) The regulatory authority may authorize an operator to use the square-root scaled-distance equation $W=(D/Ds)^2$ without seismic monitoring, where W = the weight of explosive, in pounds, which may be detonated in any 8-millisecond period; D = the distance, in feet, from the blast to the nearest dwelling, school, church, or community or institutional building; and Ds = the scaled-distance factor (denominator of equation). The equation shall initially be approved based on the following correlation criteria:

Peak-particle-velocity (inch/second)	*Ds* (scaled-distance factor)
2.00	35
1.60	40
1.35	45
1.15	50
1.00	55
0.70	70
0.50	90

(5) All surface coal operators choosing not to submit data for the regulatory authority to assign a site-specific ground-vibration limit shall utilize a scaled-distance equation $W=(D/70)^2$ for determining the maximum charge-weight of explosives that can be detonated within any 8-millisecond period without seismic monitoring, or limit all ground vibrations to a maximum peak-particle-velocity of 0.75 inch per second verified in seismographic records.

(6) At the request of an owner or occupant of a structure in the vicinity of the mine, the regulatory authority shall evaluate data, including blast vibration frequency, type and condition of structure, or updated site information and may lower the assigned peak-particle-velocity at any time necessary to prevent damage.

Option 2 for § 817.67

25. Section 817.67 is amended by adding paragraph (d) to read as follows:

§ 817.67 Use of explosives: Control of adverse effects.

* * * * *

(d) *Ground vibration.* (1) In all blasting operations, except as otherwise authored in this § 817.67, the maximum ground vibration shall not exceed the values listed below at the location of any dwelling, school, church, or community or institutional building outside the permit area:

Distance to structure from blast site (feet)	Maximum ground-vibration limit allowable with seismic monitoring (inch/second)[1]
0–300[2]	1.60
301–500	1.35
501–1,000	1.20
1,001–3,000	1.00
3,001–5,000	0.90
beyond 5,001	0.75

[1] Ground vibration recorded as the peak-particle-velocity. Particle velocity shall be recorded in three mutualy perpendicular directions. The peak-particle-velocity shall be the largest of any of the three measurements.

[2] Subject to owner approval for dwellings; no mining may occur within 300 feet of public buildings.

(2) The regulatory authority may approve the use of the equation $W=(D^{1.5})/90$ to determine the maximum allowable charge-weight of explosive to be detonated in any 8-millisecond delay period at distances greater than 300 feet. If blasting is conducted using this equation, the operator need not maintain seismogrphic records. W = the maximum weight of explosives, in pounds, and D = the distance, in feet, from the blast to the nearest dwelling, school, church, or community or institutional building.

(3) At the request of an owner or occupant of a structure in the vicinity of the mine, the regulatory authority shall evaluate data, including blast vibration frequency, type and condition of structure, or updated site information and may lower the allowable maximum peak-particle-velocity at any time necessary to prevent damage.

(4) The regulatory authority may require seismographic records of any and all blasts and may specify the location at which such measurements are taken.

Option 3 for § 817.67

26. Section 817.67 is amended by adding paragaphs (d) and (e) to read as follows:

§ 817.67 Use of explosives: Control of adverse effects.

* * * * *

(d) *Ground vibration.* (1) Ground vibration shall not exceed a 1.0-inch-per-second peak-particle-velocity at the location of any dwelling or public building outside the permit area, unless the recorded ground vibration and frequency conform to the alternative blasting level criteria set forth in Figure 1. Peak-particle-velocity shall be recorded in three mutually perpendicular directions. The maximum particle-velocity shall be the largest of any of the three measurements. A seismographic record shall be provided for each blast.

(2)(i) An operator may use the scaled-distance equation, $W=(D/55)^2$ to determine the allowable charge-weight of explosives to be detonated in any 8-millisecond period, without seismic monitoring. W = the maximum weight of explosives, in pounds, and D = the distance, in feet, from the blast to the nearest dwelling, school, church, or community or institutional building.

(ii) The use of an equation modified from that specified in § 817.67(d)(2)(i) to determine maximum weight of explosives per delay for blasting

operations at a particular site may be approved by the regulatory authority, on receipt of a written request by the operator accompanied by reports including seismographic records of test blasting on the site. The predicted ground vibration would not exceed a peak-particle-velocity of 1.0 inch per second.

(3) At the request of an owner or occupant of a structure in the vicinity of the mine, the regulatory authority shall evaluate data, including blast vibration frequency, type and condition of structure, or updated site information and may lower the allowable maximum peak-particle-velocity at any time necessary to prevent damage.

(4) The regulatory authority may require a seismographic record, including blast-vibration-frequency of any or all blasts and may specify the location at which such measurements are taken.

(e) If blasting is conducted in accordance with § 816.67(a), the maximum ground vibration and/or airblast standard shall not apply at the following locations:

(1) At structures owned by the person conducting the mining activity and not leased to another party; and

(2) At structures owned by the person conducting the mining activity and leased to another party, if a written waiver by the lessee is submitted to the regulatory authority prior to blasting.

27. Section 817.68 is revised to read as follows:

§ 817.68 Use of explosives: Records of blasting operations.

The operator shall retain a record of all blasts for at least 3 years. Copies of these records shall be made available to the regulatory authority on request and to the public for inspection; such records shall contain the following data:

(a) Name of the operator conducting the blast.

(b) Location, date, and time of the blast.

(c) Name, signature, and license number of the blaster conducting the blast.

(d) Identification, direction, and distance in feet to the nearest dwelling, school, church, or community or institutional building outside the permit area, except those cited under § 817.67(e).

(e) Weather conditions.

(f) Type of material blasted.

(g) Sketches of the blast pattern including burden, spacing, decks, and delay pattern.

(h) Diameter and depth of holes.

(i) Types of explosives used.

(j) Total weight of explosives used per hole.

(k) The maximum weight of explosives detonated in an 8-millisecond period.

(l) Initiation system.

(m) Type and length of stemming.

(n) Mats or other protections used.

(o) Seismographics and airblast records, if required, which shall include—

(1) Type of instrument, sensitivity, and calibration signal;

(2) Exact location of instrument and the date, time, and distance from the blast;

(3) Name of the person and/or firm taking the reading;

(4) Name of the person and firm analyzing the seismographic record; and

(5) The vibration and/or airblast level recorded.

28. Figure 1 is added following the text of Option 3 of §§ 715.19(e)(2)(ii)(A), 816.67(d)(1), and 817.67(d)(1) to read as follows:

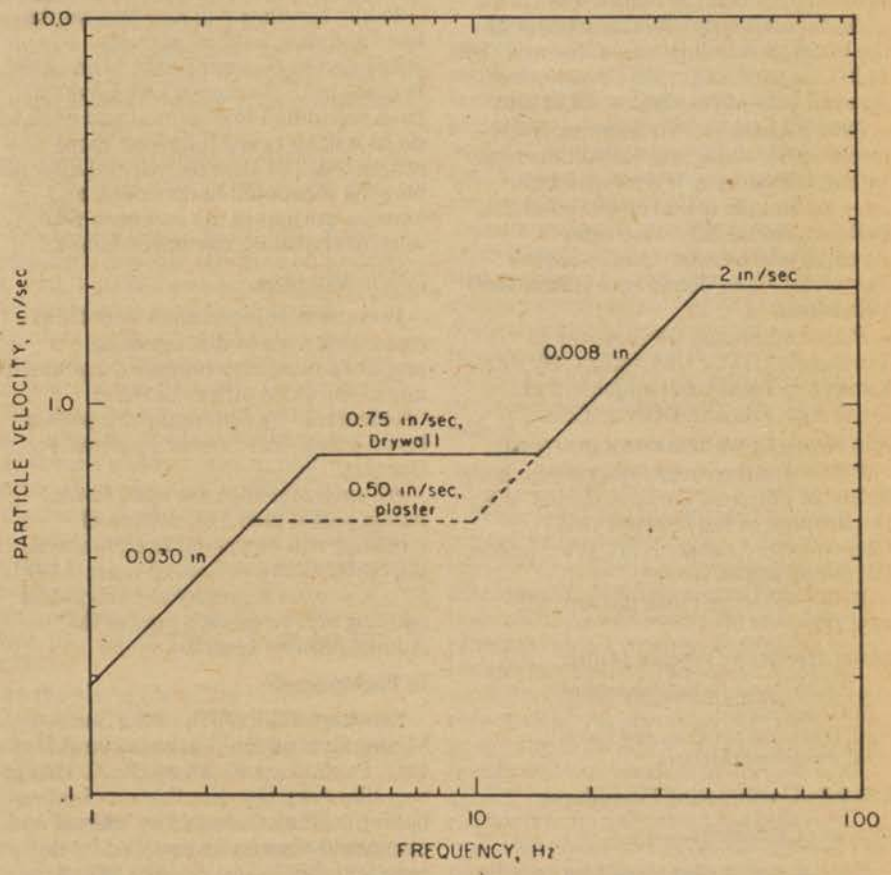


Figure 1.--Alternative blasting level criteria. (Source: Figure B-1 from Bureau of Mines RI8507.)

(Pub. L. 95-87; 30 U.S.C. Section 1201 *et seq.*)

[FR Doc. 82-7918 Filed 3-23-82; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF THE INTERIOR

30 CFR Part 850

Permanent Regulatory Program; Training, Examination, and Certification of Blasters

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is proposing amendments to its rules governing the training, examination, and certification of persons engaging in or directly responsible for blasting or the use of explosives in surface coal mining operations. The purpose of these amendments would be to give responsibility for training, examining, and certifying blasters to those States with State programs in effect regulating surface coal mining. OSM would retain such responsibility on Federal lands and in those States where the State has not become the regulatory authority. The detailed regulations currently in place would be replaced with a more general regulatory framework.

DATES:

Written comments: Accepted until 5 p.m. (eastern time) on April 23, 1982.

Public hearings: Held on request only, on April 16, 1982, at 9:00 a.m.

Public meetings: Scheduled on request only.

ADDRESSES:

Written comments: Hand-deliver to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (TSR 14.31), Room 5315, 1100 L Street, NW., Washington, D.C.; or *mail* to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (TSR 14.31), Room 5315L, 1951 Constitution Avenue, NW., Washington, DC 20240.

Public hearings: Washington, D.C.—Department of the Interior Auditorium, 18th and C Streets, NW.; Pittsburgh, Pa.—William S. Moorehead Federal Building, Room 2212, 1000 Liberty Avenue; and Denver, Colo.—Brooks Tower, 2d Floor Conference Room, 1020 15th Street.

Public meetings: OSM offices in Washington, D.C.; Charleston, W. Va.; Knoxville, Tenn.; Indianapolis, Ind.; Pittsburgh, Pa.; and Denver, Colo.

FOR FURTHER INFORMATION CONTACT:

Public hearings and information: Jerry R. Ennis, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240; 202–343–7887.

Public meetings: Jose del Rio, 202–343–4022.

SUPPLEMENTARY INFORMATION:

I. Public Commenting Procedures.
II. Background.
III. Discussion of Proposed Rules.
IV. Procedural Matters.

I. Public Commenting Procedures

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments are requested to submit five copies of their comments (see "Addressese"). Comments received after the time indicated under "Dates" or at locations other than Washington, D.C., will not necessarily be considered or be included in the Administrative Record for the final rulemaking.

Public Hearings

Persons wishing to comment at the public hearings should contact the person listed under "For Further Information Contact" by the close of business three working days before the date of the hearing. If no one requests to comment at a public hearing at a particular location by that date, the hearing will not be held. If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

Public hearings will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment, and persons present in the audience who wish to comment, have been heard.

Public Meetings.

Persons wishing to meet with OSM representatives to discuss these proposed rules may request a meeting at any of the OSM offices listed in "Addresses" by contacting the person listed under "For Further Information Contact."

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record room (1100 L St.). A written summary of each public meeting will be made a part of the Administrative Record.

II. Background

Section 515(b)(15)(D) of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, 30 U.S.C. 1201 *et seq.* (the Act), requires that all blasting operations be conducted by trained and competent persons as certified by the regulatory authority. Section 719 of the Act directs that regulations be promulgated which require "the training, examination, and certification of persons engaging in or directly responsible for blasting or use of explosives in surface coal mining operations." Section 719 also states that such regulations may be promulgated by the "Secretary of the Interior (or the approved State regulatory authority as provided for in Section 503 of this Act)." Final regulations to implement these sections were published at 45 FR 82084–82100 (December 12, 1980). Previous proposals were published at 43 FR 41934 (September 18, 1978) and at 44 FR 38318 (June 29, 1979).

On January 28, 1981, the Secretary of the Interior ordered that all regulations which were excessive, burdensome, or counterproductive be identified and asked States and industry to recommend sections to be revised. OSM, in compliance with the administrative mandate to simplify and remove excessive regulatory burdens, is reproposing the rules governing training, examination, and certification of blasters in surface operations of coal mines.

In the December 12, 1980, rules adopting the current program, 30 CFR Part 850, OSM interpreted Section 719 of the Act as providing statutory authority to promulgate rules for a comprehensive national program to train, examine, and certify "blasters-in-charge," a regulatory term not found in the Act (45 FR 82092–94). In keeping with the current Administration's desire that State governments have more choice and flexibility, wherever possible, in carrying out the provisions of the Act, OSM is now of the opinion that the States that have achieved primacy should have the opportunity to promulgate their own blaster training, examination, and certification programs. In such States, this would allow program variations to account for regional and local conditions. In section 719, the parenthetical "(or the approved State regulatory authority . . .)" provides the necessary statutory authority. The Secretary of the Interior would be responsible for establishing rules governing training, examination, and certification of blasters in States with Federal programs and on Federal lands (except for such lands in States with cooperative agreements), and the State regulatory authorities would be responsible in States with State programs.

Regulatory authorities would be required to carry out Congress intent that all blasting operations be conducted by qualified and trained blasters. Under the proposed rule, each State could choose and develop the method of training, examining, and certifying blasters which best meets local needs while complying with the general requirements proposed herein. Thus, it is proposed that the December 12, 1980, rules be deleted and the new proposal, described in more detail below, be adopted.

OSM's first rules for blaster training and certification, as proposed on September 18, 1978, were a comprehensive program which would have required that—

(1) All members of blasting crews and all blasters-in-charge must be certified through training, and such training must be specifically approved by OSM;

(2) All blasters-in-charge must be certified by passing an examination established by OSM as well as meeting a 2-year experience requirement;

(3) All blasters-in-charge and crew members must renew certification every 3 years through completion of mandatory training; and

(4) Blasting crews must have no more than six crew members for every blaster-in-charge.

In response to comments received on these first proposed rules, OSM decided that several substantive changes should be made, and it was therefore necessary to repropose blaster training and certification rules. Accordingly, the June 29, 1979, reproposed rules would have eliminated all requirements for mandatory training, though regulatory authorities were still required to develop and provide to operators a training course that would cover all certification requirements. This second set of proposed rules still required certification of blasters-in-charge through an OSM-developed examination and experience requirement, but dropped all requirements for blasting crew members, with the exception that blasters-in-charge must ensure that crew members had adequate training to perform assigned blasting duties.

Additionally, recertification requirements of blasters-in-charge were limited to minimal retesting and experience, and allowable size of blasting crews was expanded from six to twelve crew members per blaster-in-charge.

In the December 12, 1980, final rules, all major elements of the reproposed rules were retained. In particular, existing § 850.12(a)(1) requires that each permittee "designate a blaster-in-charge for each blast to be detonated in surface coal mining and reclamation operations," and existing § 850.12(b) (3) and (4) require that the blaster-in-charge "directly supervise blast preparation and execution at the blast site to ensure that such [blast] standards are met" and "be present at the site when the blast is detonated." These rules were challenged and on May 19, 1981, in *Peabody Coal Company* v. *Watt,* Civil Action No. 81–300, the United States District Court for the District of Columbia addressed the question as to whether a single blaster-in-charge must supervise every aspect of a particular blast. In a consent order the court concluded that successive blasters-in-charge would satisfy the rules; that is, at each, relevant time there must be an identified individual acting as the responsible blaster-in-charge, but not necessarily the same individual. The proposed rules would eliminate the concept of blaster-in-charge and would require only that the blast be fired under the direction of a certified blaster.

OSM is required, by the consent order, to raise the following two questions for further consideration by the public when related rules as to qualification requirements for blasters-in-charge are proposed (as was then planned by OSM):

(A) Whether, consistent with Section 719 of the Act, the Secretary can promulgate, for a State regulatory authority, national rules pertaining to blaster training and certification, or whether the State regulatory authority, pursuant to Section 719, is solely responsible for such rules; and

(B) Whether aspects of the blaster training rules amount to work practice standards and whether such practices are authorized by the Act.

The public is requested to respond to these two questions in light of the new proposals.

While the December 12, 1980, rules technically became effective on January 12, 1981, Part 850 was promulgated without blaster qualification and experience requirements that were necessary to implement the regulatory scheme. (See 45 FR 82087, December 12, 1980.) Accordingly, while States have been given the responsibility to prepare and submit blaster training and certification elements to OSM for inclusion in their permanent State programs, no State has been required to comply with Part 850 because no blaster qualification and experience requirements have been promulgated by OSM. (See 45 FR 82091, December 12, 1980.)

In the preamble to the rule of December 12, 1980, OSM expressed its belief that it was required to follow the *Uniform Guidelines on Employee Selection Procedures,* 29 CFR Chapter XIV, Part 1607, because of equal employment opportunity requirements and potential liability under Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000 *et seq.* Because Title VII may also apply to State development of blaster certification programs, OSM suggests that in complying with the proposed rules, State regulatory authorities could consult authoritative sources, such as the *Uniform Guidelines,* in developing adequate training parameters, standards to evaluate competence, and effective programs for ensuring continued compliance by those persons licensed. In addition, States may wish to consider aspects of reciprocal certification to facilitate mining operations and employment trends from State to State.

State regulatory authorities and others were asked to comment on draft proposed rules in July 1981. The responses were generally favorable. Some States, such as West Virginia and Wyoming, have undertaken to develop tests in anticipation of the adoption of these rules. Other States have demonstrated a cooperative effort in dealing with reciprocity and interstate problems. Other States, such as Kentucky and Pennsylvania, have existing programs for blaster certification and may choose, if a final rule is adopted, to submit to OSM a variation of these programs.

III. Discussion of Proposed Rules

The proposed rules are divided into several sections under Part 850. these sections provide the regulatory framework for a State to develop its individual program. Broad criteria are included for training, examination, and certification. These would replace both the general national program requirements of the current rules pertaining to blasters-in-charge, crew size, numbers of persons supervised, etc., presently contained in § 850.12, and other training and certification requirements set forth in existing §§ 850.13 and 850.14, respectively. The proposed amendments are discussed below.

Applicability and Responsibility

Proposed § 850.11 provides that the blaster rules would apply to the regulatory authorities responsible under Sections 503, 504, and 523 of the Act for implementing and enforcing permanent program rules. Proposed § 850.12 is a broad statement of responsibility that would make the regulatory authority responsibile for promulgating rules governing the training, examination, and certification of blasters in surface coal mining operations. These rules would be required to be submitted to OSM for approval under 30 CFR Parts 731 and 732 when the regulatory authority is a State. OSM also will promulgate additional rules for those situations where it is the regulatory authority for a State with a Federal program. In addition, OSM intends to adopt a blaster certification program for Federal lands in States without cooperative agreements. OSM believes that blasters within a State should not have to meet two different sets of certification requirements. Thus, comments are specifically requested as to whether the Federal lands blaster certification program should be the same in each State as the blaster certification program adopted by the regulatory authority for non-Federal lands in that State. For Federal lands in States where cooperative agreements are executed, State blaster certification programs would satisfy OSM's training, examination, and certification role.

OSM proposes to eliminate the current provision in § 850.4 that places specific responsibilities upon the Director of OSM, each Regional Director of OSM, and the States, respectively. Current rules that would be deleted make the Director of the OSM responsible for (1) establishing technically valid national examinations for blaster certification, (2) establishing valid national experience requirements for blaster certification, and (3) developing training course materials. In addition, OSM would no longer be required to provide training assistance.

Time Frame

Proposed § 850.12(b) would require the regulatory authority to develop and adopt a program to examine and certify all persons who intend to engage in the use of explosives for blasting in a surface coal mining operation. The program would have to be adopted within 12 months after the promulgation of a final rule in this rulemaking or 12 months after a State program is approved or a Federal program is implemented, whichever is later. This period has been set at 12 months in order to allow the development and collection of data, testing procedures, and other aspects of program development. Comments are requested with respect to the time frame for implementation. Under State programs, Federal programs, or Federal land programs, all blasters with responsibility for the use of explosives within a permit area would be required to be certified within 6 months of the adoption of a blaster certification program.

Training

According to proposed § 850.13, the regulatory authority would have to ensure that blasters receive training, including but not limited to technical aspects of blasting operations and the requirements of State and Federal laws governing the storage, transportation, and use of explosives. The proposed rule would also require that inexperienced persons placed on blasting crews receive direction and on-the-job training from certified blasters. This would ensure that workers involved in the use of explosives receive direction from trained persons who are knowledgeable in the proper use and handling of explosives.

Section 850.13(b) would require training courses to be available and would set forth specific subjects to be included in training courses. Comments are requested as to whether the list of subjects is indequate or too extensive.

Examination

As noted in the preamble to the rules of December 12, 1980, at 45 FR 82093 and 82094, commenters objected to nationwide certification requirements, especially an examination to measure competence to be developed by OSM and to be used by all regulatory authorities. One of the alternatives discussed was to leave certification requirements to the States. That alternative was partially rejected at that time because of OSM's concern that States would be unable to develop valid certification tests. On the other hand, the December 12, 1980, rule acknowledged that then current rules allowed States to develop their own valid tests and to submit them for OSM approval under the State window rules of § 731.13. At this time, rather than relying upon a presumption that States will be unable to develop valid tests, OSM has tentatively concluded that the regulatory authorities should be given the initial responsibility of developing their own valid certification tests within the parameters of proposed § 850.14. Only when the States have demonstrated an actual inability to develop valid tests would OSM be required to step in.

Under proposed § 850.14, the regulatory authority or other agency designated by the regulatory authority would be required to examine candidates for blaster certification by (1) reviewing and verifying the competence of persons engaged in the use of explosives in surface coal mining operations through a written examination in technical aspects of blasting and State and Federal laws governing the storage, use, and transportation of explosives; and (2) reviewing and verifying the candidate's practical field experience deemed necessary to qualify a person to accept the responsibility for blasting operations in surface coal mining operations. Such experience should demonstrate that the candidate possesses practical knowledge of blasting techniques, understands the hazards involved in the use of explosives, and otherwise has exhibited a pattern of conduct consistent with the acceptance of responsibility for blasting operations. OSM recognizes that some States have existing licensing agencies and the rule assumes that the regulatory authority responsibility for administration and licensing could be delegated within the existing administrative framework.

Specific topics to be included in any examination are covered in detail in proposed § 850.14(b). Comments are requested as to whether the list of topics is inadequate or is too extensive.

Certification Requirements

Proposed § 850.15(a) would require the regulatory authority to certify, for fixed periods, candidates who are found qualified as blasters. The fixed periods may vary from State-to-State.

Proposed § 850.15(b) would provide procedures for suspension and revocation of blasters' certifications. Paragraph (c) of § 850.15 would provide general conditions for maintaining certification and may be expanded when implementing the State Program requirements. Some of the features of Paragraphs (b) and (c) are currently set forth in existing § 850.14(e) and (f).

Program Requirements

Proposed § 850.16 would require any program to ensure that (1) the blast is to be fired only under the direction of a certified blaster, (2) no person is to be permitted to detonate explosives unless another person is present, and (3) persons responsible for blasting operations at a blasting site are to be familiar with the blasting plan and site-specific performance standards to be attained.

Comments are requested as to whether all the proposed procedures and conditions of §§ 850.15 and 850.16 should be part of OSM rules or should be left to the responsible regulatory authority.

IV. Procedural Matters

The Department of the Interior (DOI) has examined these proposed rules according to the criteria of Executive Order 12291 (February 17, 1981). OSM has determined that these are not major rules and do not require a regulatory impact analysis because they will impose only minor costs on the coal industry and coal consumers.

The DOI has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that these rules will not have significant economic impacts on a substantial number of small entities. As compared with existing rules, the proposal would allow States and small coal operators increased flexibility in respectively setting and meeting performance standards and should especially ease the regulatory burden on small coal operators in Appalachia.

OSM will request approval from the Office of Management and Budget (OMB) under 44 U.S.C. 3507 for the information collection requirements in Part 850. This approval will be codified under a new Section 10 in Part 850 when the final rules are promulgated.

The information required by 30 CFR Part 850 will be used by the regulatory authority in monitoring the implementation of the blaster training and certification programs.

OSM has previously determined that the blaster training and certification programs did not require the preparation of an environmental impact statement under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.* (NEPA). (See 45 FR 82084, December 12, 1980.) In addition, OSM has prepared a draft environmental assessment (EA) on this proposed rule and has made an interim finding that it would not significantly affect the quality of the human environment. The draft EA is on file in the OSM Administrative Record at the address listed in the "Addresses" section of this preamble. A final EA will be completed and a final conclusion reached on the significance of any resulting impacts before issuance of the final rule. OSM also is preparing an EA of the cumulative impacts on the human environment of this rulemaking and related rulemakings under the Act. This cumulative EA also will be completed before this rule is made final.

Accordingly, it is proposed that 30 CFR Part 850 be revised, as set forth herein.

Dated: February 26, 1982.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

Subchapter M is revised to read as follows:

SUBCHAPTER M—TRAINING, EXAMINATION, AND CERTIFICATION OF BLASTERS

PART 850—PERMANENT REGULATORY PROGRAM REQUIREMENTS

Sec.

850.1 Scope.
850.5 Definition.
850.11 Applicability.
850.12 Responsibility.
850.13 Training.
850.14 Examination.
850.15 Certification.
850.16 Program requirements.

Authority: Pub. L. 95–87, 91 Stat. 445 *et seq.*, 30 U.S.C. 1201 et seq.

§ 850.1 Scope.

This part establishes the requirements and the procedures applicable to the development of regulatory programs for training and certification of persons engaging in or directly responsible for the use of explosives for blasting in surface coal mining operations.

§ 850.5 Definition.

As used in this part—

Blaster means a person engaging in or directly responsible for the use of explosives for blasting in surface coal mining operations.

§ 850.11 Applicability.

These rules shall apply to regulatory authorities responsible for implementing and enforcing a permanent surface coal mining regulatory program under Sections 503, 504, and 523 of the Act.

§ 850.12 Responsibility.

(a) The regulatory authority is responsible for promulgating rules governing the training, examination and certification of blasters in surface coal mining operations. When the regulatory authority is a State, the State shall submit these rules to the Office of Surface Mining Reclamation and Enforcement for approval under 30 CFR Parts 731 and 732.

(b) The regulatory authority must develop and adopt a program to examine and certify all persons who intend to engage in the use of explosives for blasting in a surface coal mining operation within 12 months after approval of a State program or implementation of a Federal program or within 12 months after [publication date of final rule], whichever is later.

All blasters with the responsibility for the use of explosives within a permit area are to be certified under the program within 6 months after its adoption.

§ 850.13 Training.

(a) The regulatory authority shall establish procedures which require that—

(1) Blasters receive training including, but not limited to, the technical aspects of blasting operations and State and Federal laws governing the storage, transportation, and use of explosives; and

(2) Persons who are not certified and who are assigned to a blasting crew or to assist in the use of explosives receive direction and on-the-job training from a certified blaster.

(b) The regulatory authority shall ensure that courses are available to train persons engaged in the use of explosives in surface coal mining operations. The courses shall provide training and discuss practical applications of—

(1) Handling, transporting, storing, and using explosives for blasting purposes;

(2) Blast design concepts;

(3) Field layout of blast patterns;

(4) Loading boreholes;

(5) Priming and boostering;

(6) Tamping and stemming;

(7) Initiation systems;

(8) Operation of blasting machines;

(9) Chemical and physical properties of explosives;

(10) Preparation of accurate reports, schedules, and blasting logs; and

(11) Methods to recognize, monitor, and minimize:

(i) Hazards and dangers involved in the use of explosives;

(ii) Blast vibrations;

(iii) Flyrock;

(iv) Airblast; and

(v) Unanticipated blasting hazards.

§ 850.14 Examination.

(a) The regulatory authority shall examine candidates for blaster certification by reviewing and verifying the—

(1) Competence of persons engaged in the use of explosives in surface coal mining operations through a written examination in technical aspects of blasting and State and Federal laws governing the storage, use and transportation of explosives; and

(2) Practical field experience of the candidates deemed necessary to qualify a person to accept the responsibility for blasting operations in surface coal mining operations. Such experience should demonstrate that the candidate possesses practical knowledge of blasting techniques, understands the hazards involved in the use of explosives, and otherwise has exhibited a pattern of conduct consistent with the acceptance of responsibility for blasting operations.

(b) Applicants for blaster certification shall be examined, at a minimum, in the following topics:

(1) Explosives, including—

(i) Selection of the type of explosive to be used; and

(ii) Determination of the properties of explosives which will produce desired results.

(2) Blast designs, including—

(i) Geologic and topographic considerations;

(ii) Design of a blast hole;

(iii) Pattern design, including—

(A) Timing of blast holes; and

(iv) Ramp cuts, sinking patterns, and field applications.

(3) Loading boreholes, including priming and boostering.

(4) Initiation systems, including—

(i) Electric blasting caps;

(ii) Nonelectric initiation systems; and

(iii) Detonating cords.

(5) Blasting vibrations, airblast, and flyrock, including—

(i) Monitoring techniques; and

(ii) Methods to control.

(6) Secondary blasting applications.

(7) Current Federal and State rules on the use of explosives.

(8) Blast records.

(9) Schedules.

(10) Preblasting surveys, including—

(i) Availability;

(ii) Coverage; and

(iii) Use of in blast design.

(11) Blast plan requirements.

(12) Certification and training.

(13) Signs, warning signals, and site control.

(14) Unanticipated hazards, including—

(i) Lightning;

(ii) Stray currents; and

(iii) Radio waves.

§ 850.15 Certification.

(a) *Issuance of certification.* The regulatory authority shall, for a fixed period, certify persons examined and found to be competent and to have the necessary experience to accept responsibility for blasting operations in surface coal mining operations.

(b) *Suspension and revocation.* (1) The regulatory authority, when practicable following written notice and opportunity for a hearing, may suspend or revoke the certification of a blaster during the term of the certification or take other necessary action for any of the following reasons:

(i) Noncompliance with any order of the regulatory authority.

(ii) Unlawful use in the work place of, or current addiction to, alcohol, narcotics or other dangerous drugs.

(iii) Violation of any provision of the State or Federal explosives laws or regulations.

(iv) Proof that false information was willfully given or a misrepresentation was willfully made to obtain the certification.

(v) Other good cause.

(2) If advance notice and opportunity for hearing cannot be provided, an opportunity for a hearing will be provided as soon as practical following the suspension, revocation, or other adverse action.

(c) *Conditions.* The regulatory authority shall specify conditions for maintaining certification which, at a minimum, include the following:

(1) A valid certificate or license shall be carried by the holder during all blasting operations.

(2) Certified blasters shall take every reasonable precaution to protect their certificate from loss, theft, or unauthorized duplication. Any such occurrence must be reported immediately to the certifying authority.

(3) A blaster shall immediately exhibit his certificate to any duly authorized representative of the regulatory authority upon request.

(4) Upon notice of the revocation of any blaster's certification, the former holder of such certification shall immediately surrender to the regulatory authority the revoked certificate.

(5) Blasters' certifications shall not be assigned or transferred.

(6) Blasters shall not delegate their responsibility to any individual who is not a certified blaster.

§ 850.16 Program requirements.

(a) The blast shall be fired only under the direction of a certified blaster.

(b) No person shall be permitted to detonate explosives unless another person is present.

(c) Persons responsible for blasting operations at a blasting site shall be familiar with the blasting plan and site-specific performance standards to be attained.

[FR Doc. 82-7919 Filed 3-23-82; 8:45 a.m.]
BILLING CODE 4310-05-M

Reader Aids

Federal Register

Vol. 47, No. 57

Wednesday, March 24, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

8547-8748.....1
8749-8976.....2
8977-9184.....3
9185-9386.....4
9387-9804.....5
9805-9980.....8
9981-10198.....9
10199-10502.....10
10503-10762.....11
10763-11000.....12
11001-11242.....15
11243-11494.....16
11495-11640.....17
11641-11814.....18
11815-12124.....19
12125-12326.....22
12327-12604.....23
12605-12784.....24

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
Ch. III.....11024, 12631

3 CFR

Administrative Orders:
Presidential determination:
No. 82-7 of February 10, 1982.....9805
Proclamations:
2416 (See PLO 6214).....11668
3279 (Amended by Proc. 4907).....10507
4707 (Amended by Proc. 4904).....8753
4768 (Amended by Proc. 4904).....8753
4801 (See Proc. 4904).....8753
4884 (See Proc. 4904).....8753
4887 (See Proc. 4904).....8753
4902.....8549
4903.....8751
4904.....8753
4905.....8977
4906.....9807
4907.....10507
4908.....10763
4909.....10765
4910.....12127
4911.....12605
Executive Orders:
September 22, 1866 (Revoked by PLO 6171).....9838
March 14, 1878 (Revoked in part by PLO 6205).....11665
March 12, 1884 (See PLO 6214).....11668
June 13, 1902 (Revoked by PLO 6184).....10213
July 2, 1910 (Revoked in part by PLO's 6177, 6215, 6228).....9840, 11669, 11871
July 2, 1910 (Revoked by PLO 6229).....12172
December 1, 1910 (Revoked in part by PLO 6222).....11674
January 23, 1911 (Revoked by PLO 6229).....12172
April 29, 1912 (Revoked in part by PLO 6216).....11669
April 12, 1913 (See PLO 6213).....11668
April 3, 1914 (Revoked in part by PLO 6207).....11666
June 30, 1916 (Revoked in part by PLO 6208).....11666
April 28, 1917 (Revoked by PLO 6204).....11664
August 15, 1919 (Revoked in part by PLO 6224).....11675
March 29, 1922 (Revoked by PLO 6175).....9839
November 9, 1923 (Revoked in part by PLO 6206).....11665
October 30, 1924 (Revoked in part by PLO 6201).....11662
April 17, 1926 (Revoked in part by PLO's 6173, 6210).....9838, 11667
November 6, 1926 (Revoked in part by PLO 6201).....11662
September 20, 1927 (Revoked in part by PLO 6206).....11665
February 13, 1929 (Revoked in part by PLO 6206).....11665
808 (Revoked by PLO 6214).....11668
923 (See PLO 6214).....11668
3655 (Revoked by PLO 6175).....9839
3893 (See PLO 6171).....9838
4060 (Revoked by PLO 6214).....11668
4170 (Revoked by PLO 6226).....11675
5327 (See PLO 6202).....11663
5650 (Revoked in part by PLO 6206).....11665
5683 (Revoked by PLO 6193).....10214
7799 (Revoked in part by PLO 6227).....11676
7993 (See PLO 6214).....11668
8009 (Revoked in part by PLO 6206).....11665
11888 (Amended by EO 12349).....8749
11954 (Revoked by EO 12348).....8547
12074 (Revoked by EO 12350).....10503

12193 (See EO 12531)..... 10505
12295 (See EO 12351)..... 10505
12348..... 8547
12349..... 8749
12350..... 10503
12351..... 10505
12352..... 12125

4 CFR

92..... 12607

5 CFR

Ch. XIV..... 9185
737..... 9694
2430..... 11243
Proposed Rules:
410..... 10855
831..... 9470

7 CFR

Ch. IV..... 11642
0..... 10509, 12327, 12607
29..... 8979
51..... 9185
53..... 12327
54..... 11641
273..... 11815
285..... 10767
301..... 8982, 12328
425..... 11645
719..... 9981
724..... 10770
725..... 10772
726..... 10773
907..... 9188, 10509, 11650
910..... 9188, 9387, 10724, 11816
928..... 10775, 12609
959..... 8551
981..... 9809
982..... 10775
999..... 12609
1093..... 11495
1094..... 10510
1421..... 9188
1435..... 9194
1446..... 8553
1475..... 9981
1701..... 9387
1823..... 11509
Proposed Rules:
210..... 11877
272..... 11878
273..... 11878
729..... 9972, 10045
985..... 8784
1004..... 10230
1006..... 10203
1007..... 10053, 10203
1011..... 10203, 11679
1012..... 10203
1030..... 11283
1046..... 10203
1094..... 10203
1096..... 10203
1098..... 10203
1425..... 11284
1701..... 8785, 10057, 11285
1861..... 11521
1944..... 10566
1951..... 11521
2900..... 8786

8 CFR

204..... 12129
212..... 12129
214..... 12129
223..... 12129
237..... 12129
238..... 8759, 9982
242..... 12129
245..... 12129
248..... 12129
265..... 12129
316a..... 10776
328..... 10776
332..... 10776
332a..... 10776
334..... 10776
335..... 10776
335b..... 10776
336..... 10776
339..... 10776
344..... 10776

9 CFR

72..... 11001
82..... 11243
92..... 11509
94..... 12612
112..... 8759
303..... 12134
318..... 10779
319..... 10779
381..... 10779, 12134
Proposed Rules:
92..... 9854, 12633
309..... 10856
317..... 9471
381..... 9471, 10856

10 CFR

1..... 9983, 11816
2..... 9983, 9987
14..... 8983
25..... 9194
50..... 11651
73..... 11511
95..... 9194
440..... 9014
705..... 12135
790..... 8555
1004..... 9995
Proposed Rules:
Ch. I..... 8788
50..... 12639
70..... 12639
463..... 11178
508..... 10589
600..... 12038
794..... 9017
795..... 12740

12 CFR

204..... 8987
207..... 8988
211..... 11817
217..... 8987
220..... 8988
221..... 8988
224..... 8988
303..... 9810
308..... 9811
407..... 12136
545..... 10785
546..... 10788
555..... 10785
561..... 10785
576..... 10788
584..... 10785
611..... 12136
613..... 12136
614..... 12136
615..... 12136
616..... 12136
617..... 12136
618..... 12136
701..... 10199
1204..... 11246
Proposed Rules:
Ch. II..... 9017
207..... 8788
220..... 8788
221..... 8788
545..... 9472, 9855
561..... 10858
563..... 9472, 10511
564..... 10858
615..... 11536
701..... 10232, 10234

13 CFR

105..... 12332
120..... 8990

14 CFR

39..... 8555–8561, 9196, 9812–9815, 10511, 11002–11008, 11652, 12151, 12152
47..... 12153
71..... 8562, 9816, 9817, 10512, 10513, 11009, 11653, 12154–12156
73..... 8563, 11010, 11653, 11654, 12156
75..... 9200, 9817, 12156
91..... 10514
97..... 9818, 12157
99..... 12324
121..... 10515
202..... 10516
208..... 9819
213..... 10517
241..... 9744
314..... 9744, 11819
385..... 9200, 10200, 10517
389..... 10518
Proposed Rules:
Ch. I..... 11026, 12186, 12320
21..... 9360, 9859
23..... 9360
36..... 9360
39..... 10591, 11034–11037, 12186–12190
71..... 8595, 9222, 9224, 9860, 10592–10594, 11038, 12191–12193
73..... 11700
75..... 8596, 9222
91..... 9360
121..... 9360, 10748
135..... 9360, 10748
139..... 9360

15 CFR

370..... 11247
371..... 11247
373..... 11247
376..... 9201, 11247
379..... 9201, 11247
385..... 9201, 11247
386..... 11247
399..... 9201, 11247
904..... 9820, 10200
970..... 11512
2301..... 11228
Proposed Rules:
904..... 9861

16 CFR

13..... 9388, 9821, 12613
1700..... 10201
Proposed Rules:
13..... 11285
1306..... 12353
1700..... 10235

17 CFR

155..... 11250
200..... 11380, 11819
201..... 11380, 11819
211..... 10789, 11475
229..... 11380, 11819
230..... 11251, 11380, 11819
231..... 11476
239..... 11251, 11380
240..... 9388, 11476, 11819
241..... 10792, 11380
249..... 11380, 11819
250..... 11380, 11819
260..... 11380, 11819
271..... 10518
274..... 10518, 11380, 11819
Proposed Rules:
1..... 12353
12..... 9225
180..... 9225
190..... 8789
230..... 11482, 11701, 11704
239..... 11288, 11482
240..... 11482, 11704

18 CFR

35..... 8991
260..... 10202
271..... 8564, 8565, 10203, 12618–12620
410..... 9206
Proposed Rules:
141..... 10237
271..... 8596, 10237–10242
273..... 8596
274..... 8596
711..... 12296
713..... 12296
714..... 12296
716..... 12296

19 CFR

6..... 12620
10..... 12159
212..... 9389
Proposed Rules:
10..... 9225, 11706
18..... 9225
19..... 9225
24..... 9225
113..... 9225
125..... 9225
132..... 9225
142..... 9225
143..... 11706
144..... 9225
177..... 10058, 12194

20 CFR

404..... 12161

Proposed Rules:
404 8789

21 CFR
5 ..... 8761, 11269
14 8763
20 10804
73 10804
74 11819
81 10804
101 11820
102 11820
103 11820
114 11820
122 11820
131 ..... 11270, 11820
133 11820
135 11820
136 11820
137 11820
139 11820
145 ..... 9997, 11820
146 11820
150 11820
155 11820
160 11820
161 11820
163 11820
164 11820
166 11820
168 11820
169 11820
170 11835
172 ..... 8763, 11835
173 11835
175 ..... 9395, 11835
176 ..... 9998, 11835
177 11835
178 ..... 9999, 11835
179 11835
180 11835
181 11835
184 11835
186 11835
189 11835
211 9395
331 9395
436 ..... 9395, 11856
442 11856
450 9395
520 ..... 9395, 10805
522 ..... 9398, 10805, 10806
524 10807
556 9395
558 ..... 8764, 8765, 9394, 9398, 10807, 10808, 12338
573 9395
610 9395
630 9395
701 9395
801 9395
1308 11513

Proposed Rules:
Subch. F 12358
333 (2 documents) 12430, 12480
862 11879
866 ..... 11879, 11880
868 11880
874 11879
878 11879
880 11880
892 11879

22 CFR
22 9999
201 8766
606 11858

Proposed Rules:
41 12359

23 CFR
12 10522
660 10525
668 10529
712 10529

Proposed Rules:
628 9247

24 CFR
111 8991
200 9206
201 10204
203 10205
213 10205
234 10205
420 11655
570 9822
885 9206

25 CFR
700 11858

26 CFR
1 11515
26 8995
31 11275
35 11275
150 8995

Proposed Rules:
1 ..... 11296, 11882, 12361
51 9018

27 CFR

Proposed Rules:
4 11884
5 11884
7 11884

28 CFR
0 ..... 9822, 10809
13 11516
570 ..... 9755, 10206
571 9755

29 CFR
511 11865
1401 10530
1402 10530
1404 9823
1410 10530
1420 10530
1425 10530
2645 12622
2704 10000

Proposed Rules:
1910 12092

30 CFR
19 11368
23 11369
36 11371
910 10372

Proposed Rules:
Ch. VII 10058
55 10190
57 10190
415 9862
715 12760
716 12310
780 12760
785 ..... 12082, 12310
816 ..... 10501, 10742, 12088, 12596, 12760
817 ..... 10501, 10742, 12596, 12760
819 12088
850 12779
906 12639
931 12361
948 11885

31 CFR
209 9823
520 12338
535 12339

32 CFR
1 through 39 9399
41 10162
199 12163

Proposed Rules:
199 11707
230 11708
231 11717
299 8791
632 8790

33 CFR
84 10531
85 10531
86 10531
117 ..... 8566, 9825, 10532, 11010
140 9366
141 9366
142 9366
143 ..... 9366, 11011
144 ..... 9366, 10533
146 9366
147 9366
149 10533
175 10533

Proposed Rules:
100 9863
117 ..... 8597-8599, 9864, 10595, 12194
147 11719
157 11724
159 9248
165 11719
401 11039

34 CFR
645 9158
646 9150
648 11866
776 9786

35 CFR
10 9207

36 CFR
7 11011
907 8767

Proposed Rules:
1 11598
2 11598
3 11598
4 11598
5 11598
6 11598
7 11598
12 11598
50 11725

38 CFR
1 ..... 11279, 12340
3 ..... 11012, 11655
6 11656
8 11656
17 10809
36 ..... 9826, 12346

Proposed Rules:
3 12362
21 ..... 11041, 12363, 12640

39 CFR
111 10206

Proposed Rules:
775 10859

40 CFR
6 ..... 9827, 9831
52 ..... 8566, 8772, 9462, 9463, 9832-9836, 10206, 10208, 10534, 10535, 10813, 11013, 11280, 11661, 11866, 12164, 12166, 12625
60 12626
61 ..... 11662, 12626
62 ..... 10004, 10535
81 ..... 10208, 11014, 11870
122 10006
123 12347
141 ..... 8997, 10998
180 ..... 8998-9001, 10210-10212, 10536
256 9002-9005
260 9007
264 10006
265 ..... 9802, 10006, 12316

Proposed Rules:
Ch. I 9477, 9864
33 8960
52 ..... 9019, 9478-9481, 10058, 10860, 11042, 11045, 12195, 12364
80 11536
81 ..... 8791, 9019, 10243
85 8606
86 ..... 8606, 11538, 12366
122 ..... 8792, 10861, 11538
123 ..... 8792, 9336, 9865, 10861, 10862, 11538
124 ..... 8792, 10861, 11538
141 9350
142 9796
146 ..... 8792, 10861
180 ..... 9025, 10244, 10596
260 ..... 9336, 9865
262 ..... 9336, 9865
265 ..... 8606, 10059
300 10972
799 10597
1510 10862

41 CFR
1-4 8774
8-1 8777
5-53 11017
5-63 11019
5A-53 ..... 11017, 11019
5B-15 11019
5B-63 11019
29-1 11374
101 12167
101-11 11281
101-26 8779
101-37 8777

101-41 11281

Proposed Rules:

101-41 11296

42 CFR

447 8567

Proposed Rules:

405 12574
416 12574

43 CFR

1820 12292
2800 12568
2880 12570
3420 9008

Public Land Orders:

30 (Revoked by PLO 6214) 11668
548 (Revoked in part by PLO 6201) 11662
648 (Revoked in part by PLO 6185) 10825
1314 (Revoked by PLO 6179) 9840
1368 (Revoked in part by PLO 6220) 11671
1421 (Revoked in part by PLO 6220) 11671
1529 (Revoked in part by PLO 6220) 11671
1609 (Revoked by PLO 6221) 11673
1642 (Revoked by PLO 6186) 10213
1653 (Revoked by PLO 6220) 11671
2278 (Revoked in part by PLO 6220) 11671
2565 (Revoked in part by PLO 6220) 11671
2845 (Revoked in part by PLO 6220) 11671
2978 (Revoked in part by PLO 6220) 11671
3250 (Revoked in part by PLO 6220) 11671
3282 (Revoked in part by PLO 6220) 11671
3310 (Revoked in part by PLO 6220) 11671
3500 (Revoked in part by PLO 6194) 10215
3633 (Revoked by PLO 6191) 10214
3777 (Revoked in part by PLO 6220) 11671
3841 (Revoked in part by PLO 6220) 11671
3964 (Revoked by PLO 6178) 9840
4265 (Revoked in part by PLO 6220) 11671
4788 (See PLO 6220) 11671
4839 (Revoked by PLO 6195) 10215
4448 (Revoked in part by PLO 6198) 11282
5140 (Revoked in part by PLO 6220) 11671
5490 (See PLO 6178) 9840
5844 (See PLO's 6020 and 6196) 10826
5992 (Corrected by PLO 6197) 11022
6020 (Corrected by PLO 6196) 10826
6044 (Corrected by PLO 6212) 11668
6098 (Corrected by PLO 6199) 11517
6127 11022
6149 8779
6143 10537
6171 9838
6172 9838
6173 9838
6174 9839
6175 9839
6176 9839
6177 9840
6178 9840
6179 9840
6180 9841
6181 9841
6182 9842
6183 9842
6184 10213
6185 10825
6186 10213
6187 10213
6188 10825
6189 10826
6190 10214
6191 10214
6192 10826
6193 10214
6194 10215
6195 10215
6196 10826
6197 11022
6198 11282
6199 11517
6200 11282
6201 11662
6202 11662
6203 11664
6204 11664
6205 11665
6206 11665
6207 11666
6208 11666
6209 11667
6210 11667
6211 11667
6212 11668
6213 11668
6214 11668
6215 11669
6216 11669
6217 11669
6218 11670
6219 11670
6220 11671
6221 11673
6222 11674
6223 11674
6224 11675
6225 11675
6226 11675
6227 11676
6228 11871
6229 12172

Proposed Rules:

3140 ..... 8734, 9026
3800 12197
5440 12078
5450 12078
5460 12078

44 CFR

2 12172
64 ..... 10827, 10829
65 ..... 10006, 10215, 10538, 10830, 12627
67 ..... 10006, 10540
70 10007-10018
205 10553
312 11297
351 10758

Proposed Rules:

67 ..... 9865, 10059-10063, 10245
312 11297

45 CFR

13 10834
46 9208
301 8568
400 10841
401 10841
500 10850
531 11850
605 8570

Proposed Rules:

46 12276
1050 10598
1067 10598
1068 10598

46 CFR

25 10558
33 10558
67 8581
75 10558
94 10558
108 10558
160 10558
162 10558
164 10558
180 10558
192 10558
524 10217
530 10851

Proposed Rules:

Ch. IV 10600
10 11046
536 10862
549 12367

47 CFR

1 ..... 9208, 10852
2 ..... 9464, 11022
21 10852
22 10018
23 10852
25 10852
42 10559
43 10852
67 9170
68 10219
73 ..... 8583, 8779-8782, 9208-9214, 10219, 10560, 10852, 11023, 11872-11874
74 9214
76 8783
78 10852
83 10220
87 10852
90 ..... 10852, 11022, 12628
94 10852
99 11022

Proposed Rules:

Ch. I 10863
1 ..... 10871, 11886
2 9249
15 9249
43 10871
73 ..... 8792-8797, 9249, 9482, 10259-10261, 10601, 10603, 11046, 11727-11733, 11901-11909
74 9251
81 9249
83 9249
90 ..... 10064, 11731
97 8798

48 CFR

Proposed Rules:

14 12646
32 10878
47 12646

49 CFR

1 11676
192 9842
670 11677
1011 9466
1033 ..... 9010, 11518
1065 12349
1100 9011
1111 ..... 9844, 11875
1201 ..... 9466, 12349
1206 ..... 9466, 12349
1207 ..... 9466, 12349
1241 10041
1249 9468

Proposed Rules:

171 ..... 9346, 9865
172 ..... 9346, 9865
387-399 ..... 10066, 10610
391 9256
571 9865
1137 8801
1201 ..... 11539, 11910
1244 11541
1263 11910
1310 8801

50 CFR

611 10227
619 12181
671 ..... 10043, 10044, 10228, 10853, 11677, 12184

Proposed Rules:

17 ..... 9483, 9867
18 9869
228 9027
285 12367
611 11299
640 10878
651 10605

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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 March 22, 1982

UPDATED EDITION NOW AVAILABLE



For those of you who must keep informed about Presidential proclamations and Executive orders, there is a convenient reference source that will make researching these documents much easier.

Arranged by subject matter, this edition of the *Codification* contains proclamations and Executive orders that were issued or amended during the period January 20, 1961, through January 20, 1981, and which have a continuing effect on the public. For those documents that have been affected by other proclamations or Executive orders, the codified text presents the amended version. Therefore, a reader can use the *Codification* to determine the latest text of a document without having to "reconstruct" it through extensive research.

Special features include a comprehensive index and a table listing each proclamation and Executive order issued during the 1961–1981 period, along with any amendments, an indication of its current status, and, where applicable, its location in this volume.

Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

MAIL ORDER FORM To:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ *check,* ☐ *money order, or charge to my*

Deposit Account No. ☐☐☐☐☐☐☐–☐ *Order No.* _____

master charge

VISA

Credit Card Orders Only

Total charges $ _____. Fill in the boxes below:

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Master Charge Interbank No. ☐☐☐☐

FOR OFFICE USE ONLY	
Quantity	Charges
Enclosed	
To be mailed	
Subscriptions	
Postage	
Foreign handling	
MMOB	
OPNR	
UPNS	
Discount	
Refund	

Please send me _____ *copies of the* ***Codification of Presidential Proclamations and Executive Orders*** *at $10.00 per copy. Stock No. 022-002-00097-0.*

NAME—FIRST, LAST

COMPANY NAME OR ADDITIONAL ADDRESS LINE

STREET ADDRESS

CITY STATE ZIP CODE

(or) COUNTRY

PLEASE PRINT OR TYPE