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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.

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The Code of Federal Regulations is sold by the Superintendent of Documents.
Prices of new books are listed by the publisher under 44 U.S.C. 1510.

DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

6 CFR Part 238
Contracts With Transportation Lines; Addition of Kuwait Airways Corp.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

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

EFFECTIVE DATE: December 21, 1981.


SUPPLEMENTARY INFORMATION: This amendment to 6 CFR 238.3 is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization Service entered into an agreement with Kuwait Airways Corporation on December 21, 1981 to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

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

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

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

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

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Accordingly, 8 CFR Part 238 is amended as follows:

§ 238.3 [Amended]

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

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

E.O. 12291, and has been determined to be a "major rule." Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

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

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

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

DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service

9 CFR Part 82
[74 FR 82-008]

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Orange County in California because of the existence of exotic Newcastle disease.

Exotic Newcastle disease was confirmed in such portion of Orange County in California on January 18, 1982. Therefore, in order to prevent the dissemination of exotic Newcastle disease, it is necessary to quarantine the affected area.

EFFECTIVE DATE: January 21, 1982.

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

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

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

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

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

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

Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health
SUMMARY: This regulation implements the Equal Access to Justice Act (Pub. L. 96-461, 94 Stat. 2325) requirement for procedures for the award of fees in administrative proceedings, and is based on the final model regulations of the Administrative Conference of the United States (46 FR 32900, June 25, 1981). Comments which have been considered by the Administrative Conference should not be resubmitted in commenting on this Agency's regulations; rather, the comments should be limited to the particular situation of the National Aeronautics and Space Administration (NASA) as specified in the rules.

DATES: Interim rule effective October 1, 1981. Comments must be submitted in writing on or before February 28, 1982.

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

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

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

E.O. 12291 Federal Regulation

The Administrator has determined that this is not a major rule for the purposes of Executive Order 12291 (46 FR 31393, February 19, 1981). Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980, 5 U.S.C. 601 et seq.).

The Administrator certifies that this regulation will not have a significant economic impact on a substantial number of small entities. 14 CFR is amended by adding a new Part 1262, reading as follows:

PART 1262—EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Sec. 1262.101 Purpose of these rules.
1262.102 When the act applies.
1262.103 Proceedings covered.
1262.104 Eligibility of applicants.
1262.105 Standards for awards.
§ 1262.103 Proceedings covered.
(a) The Act applies to adversary adjudications conducted by the Agency. These are adjudications under 5 U.S.C. 554 in which the position of NASA or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Any proceeding in which this Agency may prescribe a lawful present or future rate is not covered by the Act. Proceedings to grant or renew licenses are also excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise adversary adjudications. At this time, the Agency has no proceedings within the Act's ambit. A 30-day notice in the Federal Register will be issued for any prospective proceeding to be governed by this part.
(b) NASA may also designate a proceeding as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. The Agency's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.
(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 1262.104 Eligibility of applicants.
(a) To be eligible for an award of attorney fees and other expenses the applicant must be a party to the adversary adjudication for which an award is sought. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and in part 1282.
(b) The types of eligible applicants are as follows:
(1) An individual with a net worth of not more than $1 million;
(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;
(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3)] with not more than 500 employees;
(4) A cooperative association as defined in section 15(e) of the Agricultural Marketing Act (12 U.S.C. 1141(a)) with not more than 500 employees; and
(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.
(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.
(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.
(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.
(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the adjudicative officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the adjudicative officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.
(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 1262.105 Standards for awards.
(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the applicant has prevailed was substantially justified. No presumption arises that the agency's position was not substantially justified simply because the agency did not prevail. The burden of proof that an award should not be made to an eligible prevailing applicant is on the agency, which may avoid an award by showing that its position was reasonable in law and fact.
(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award unjust.

§ 1262.106 Allowable fees and expenses.
(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available, without charge or at a reduced rate to the applicant.
(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which this Agency pays expert witnesses, which is $20 an hour (2 hours maximum) or maximum daily rate of $100.00 (3 days maximum). However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.
(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the adjudicative officer shall consider the following:
(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar service, or, if an employee of the applicant, the fully allocated cost of the services;
(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;
(3) The time actually spent in the representation of the application;
(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding;
(5) Such other factors as may bear on the value of the services provided.
(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 1262.107 Rulemaking on maximum rates for attorney fees.
(a) If warranted by an increase in the cost of living or by special
circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Agency may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. This Agency will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act (5 U.S.C. 553).

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

§ 1262.108 Awards against other agencies.

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

§ 1262.109 Delegation of authority.

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

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

Subpart 1262.2—Information Required From Applicants

§ 1262.201 Contents of application.

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

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

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

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

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

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

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

§ 1262.202 Net worth exhibit.

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

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the adjudicative officer in a sealed envelope labeled "Confidential Financial Information," accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)-(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The materials in question shall be served on counsel representing the agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the adjudicative officer finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Agency's regulations under the Freedom of Information Act, at 14 CFR part 1206.

§ 1262.203 Documentation of fees and expenses.

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

§ 1262.204 When an application may be filed.

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

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

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

Subpart 1262.3—Procedures for Considering Applications

§ 1262.301 Filing and service of documents.

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

§ 1262.302 Answer to application.

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

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

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

§ 1262.303 Reply.

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

§ 1262.304 Comments by other parties.

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

§ 1262.305 Settlement.

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

§ 1262.306 Further proceedings.

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

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

§ 1262.307 Decision.

The adjudicative officer shall issue an initial decision on the application within 90 calendar days after completion of proceedings on the application. The decision shall include written findings and conclusions on such of the following as are relevant to the decision: (1) The applicant’s eligibility and status as a prevailing party; (2) whether the Agency’s position was substantially justified; (3) whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust; and (4) the amounts, if any, awarded for fees and expenses with an explanation of the reasons for any difference between the amount requested and the amount awarded. Further, if the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

§ 1262.308 Agency review.

(a) Within 30 calendar days of the receipt of the adjudicative officer’s initial decision on the fee application, either the applicant or agency counsel may seek reconsideration of the decision; or, the NASA Administrator, upon the recommendation of the General Counsel, may decide to review the decision based on the record.

Whether to review a decision is solely a matter within the discretion of the NASA Administrator. A 15-day notice of such review will be given the applicant and agency counsel, and a determination made not later than 45 days from the date of notice. The Administrator may make a final determination concerning the application or remand the application to the adjudicative officer for further proceedings.

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

§ 1262.309 Judicial review.

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

§ 1262.310 Payment of award.

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

(b) Subject to the availability of funds appropriated for this purpose, the
Agency will pay the amount awarded to the applicant within 60 days, if feasible, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

James M. Beggs,
Administrator.


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

BILLING CODE 7510-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 970

Deep Seabed Mining Regulations for Exploration Licenses

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rule.

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

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


SUPPLEMENTARY INFORMATION: 15 CFR Part 970, Subpart C, which will set forth rules pertaining to dates and procedures for the filing of deep seabed mining pre-enactment explorer and initial new entrant applications and for resolving conflicts between overlapping applications for exploration areas which are currently being considered by the U.S. and other seabed mining nations likely to become "reciprocating states" under section 118 of the Act. NOAA had previously reserved Subpart C when it published the rest of its final regulations (46 FR 45890, September 15, 1981), because of its desire to adopt final domestic regulations addressing the above matters which would be compatible with the equivalent concepts and procedures ultimately agreed to by the other seabed mining nations. Although a reciprocating states agreement is nearly complete, NOAA does not wish to publish the final version of Subpart C until the final draft of the international agreement has been agreed upon. However, because of the progress made in the international discussions, NOAA has decided to begin accepting applications from pre-enactment explorers for licenses to engage in deep seabed mining exploration activities as of 8:30 a.m. EST on January 25, 1982. NOAA anticipates that, following the conclusion of the reciprocating states agreements, applications seeking a pre-enactment explorer priority of right will not be accepted after 5:00 p.m. EST on February 10, 1982, or such later date as the Administrator may establish based on the status of the reciprocating states negotiations. Under such a procedure, all applications submitted during this time period will be deemed to have been filed at 5:00 p.m. EST on February 10, 1982, or such later date established by the Administrator, for the purpose of determining pre-enactment explorer priorities of right.

Classification Under Executive Order 12291

NOAA determined that the overall regulations for deep seabed mining exploration should be considered as major under Executive Order 12291 of February 17, 1971, because they will foster and govern development of the United States deep seabed mining industry. Thus, NOAA prepared a final regulatory impact analysis for the regulations, pursuant to section 3 of the Executive Order, which was transmitted to the Office of Management and Budget. The Administrator of NOAA determined that these final rules are clearly within the authority delegated by law and are consistent with Congressional intent. The rules are authorized by section 308 of the Act, and respond to specific provisions or requirements found in sections 101 through 118 of Title I of the Act.

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

The final regulatory impact analysis was done in such a way as to include a final regulatory flexibility analysis required by the Regulatory Flexibility Act, Pub. L. 96-549. Copies of the analysis may be obtained by writing to the Director, Office of Ocean Minerals and Energy, NOAA, at the address specified in the ADDRESS section of this preamble.

Paperwork Reduction Act, Pub. L. 96-549

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

Environmental Impact Statement

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

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

Dated: January 22, 1982.

John V. Byrne,
Administrator.

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

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

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

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

(a) On January 25, 1982 at 8:30 a.m. EST, the Administrator will begin accepting, at the address specified in § 970.220(b), applications, based on pre-enactment exploration, for licenses to conduct deep seabed mining exploration activities.

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

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

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

[30 U.S.C. 1401 et seq.]

**DEPARTMENT OF ENERGY**

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79–14]

Incremental Pricing Regulations

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

AGENCY: Federal Energy Regulatory Commission, DOE.

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

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

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

**FOR FURTHER INFORMATION CONTACT:**


**SUPPLEMENTARY INFORMATION:**

Issued: January 21, 1982.

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

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

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

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

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**TABLE I—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES**

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**Calendar Year 2018**

<p>| Incremental pricing threshold                      | $1.691  | $1.908   | $1.925 | $1.942 | $1.954 | $1.967 | $1.990 | $1.900  | $2.000    | $2.010   | $2.025   | $2.040   |
| NGPA section 102 threshold                         | 2.687   | 2.688    | 2.728 | 2.701 | 2.787 | 2.813 | 2.840 | 2.863   | 2.886     | 2.909    | 2.940    | 2.971    |
| NGPA section 109 threshold                         | 1.857   | 1.875    | 1.933 | 2.011 | 2.024 | 2.037 | 2.050 | 2.060   | 2.070     | 2.080    | 2.096    | 2.112    |</p>
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SUPPLEMENTARY INFORMATION: On July 22, 1980, EPA published a notice in the Federal Register (45 FR 49941) announcing its determination that several halogenated organics had negligible reactivity in terms of photochemical ozone production. EPA stated that as a result of this determination, it need not approve or enforce controls on these compounds as part of a federally enforceable ozone State Implementation Plan (SIP). On September 1, 1981, the State of Michigan, pursuant to EPA's notice of July 22, 1980, submitted a revision to its Rule 336.1220, which requires emission offsets in ozone nonattainment areas to exempt those compounds listed in EPA's notice. The revised Rule 336.1220 was approved by the Michigan Air Pollution Control Commission (Commission) on July 21, 1981, and became effective August 21, 1981. Rule 336.1220 contains the following elements:

1. A provision that prohibits the use of a nonreactive compound at an existing source as an emission offset for the installation of a source which would emit reactive volatile organic compounds;
2. Exemptions of the same organic compounds listed in the July 22, 1980 (45 FR 49941) notice, and
3. A provision that prior to start-up of the proposed construction, a reduction (offset) of the total hourly and annual volatile organic compound emission from existing sources equal to 110 percent of allowed emissions for the proposed equipment shall be provided. The emission offset for a source located in Wayne, Oakland, Macomb, St. Clair, Washtenaw, Livingston, and Monroe Counties (those in the southeast Michigan ozone nonattainment areas) shall be secured from sources in any of those counties. The emission offset for a source locating in any other ozone nonattainment county may be secured from any ozone nonattainment county in Michigan, except Wayne, Oakland, Macomb, St. Clair, Washtenaw, Livingston, and Monroe Counties. The purpose of this change is to clarify the intent that emission offset for new sources in these seven county areas may be obtained from any of those counties, not just the county where the new source is locating.

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

EPA takes action today to approve amended Rule 336.1220 as a revision to the federally approved Michigan SIP. Approval of the revisions to R336.1220 will not interfere with attainment and maintenance of the ozone National Ambient Air Quality Standards. EPA believes that this action is a noncontroversial rulemaking, since the revised rule simply affirms a State action. This action will be effective March 29, 1982. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a new rulemaking will propose this action and establish a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator certified on January 27, 1981 (46 FR 6709) that approvals of SIPs under section 110 or 172 of the Clean Air Act would not have a significant economic impact on a substantial number of small entities. Today's action approves a State action for Michigan R336.1220 under Section 110 of the Act. It imposes no requirements beyond those which the State has already imposed.

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

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of January 27, 1982. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal
proceeding brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the SIP for the State of Michigan was approved by the Director of Federal Register on July 1, 1981. (Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: January 18, 1982.
Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart X—Michigan

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

§ 52.1170 Identification of plan.

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

[FR Doc. 82-2039 Filed 1-30-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

(A-5-FRL-2024-7)

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In the October 26, 1981, Federal Register (46 FR 52140), EPA proposed to approve a revision to the Michigan State Implementation Plan (SIP) in the form of a Consent Order (07-1981) issued by the Michigan Air Pollution Control Commission (Commission) for the Boulevard Heating Plant of Detroit Edison. The Consent Order provides for a reduction in total daily particulate emissions from the plant’s four coal-fired boilers. No public comments were received on EPA’s proposed rulemaking. The purpose of today’s notice is to announce final approval of this revision to the Michigan SIP.

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

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

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

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48817.

Written comments should be sent to:


SUPPLEMENTARY INFORMATION: On May 1, 1981, the State of Michigan submitted Consent Order 07-1981 for the Boulevard Heating Plant of Detroit Edison as a revision to the Michigan SIP.

The submittal was submitted in accordance with Michigan’s commitment to develop abatement orders for sources contributing to violations of the particulate standards in the Detroit nonattainment area (45 FR 29790). The Boulevard Heating Plant is located in the City of Detroit, Wayne County, and is a small part of a Detroit Edison grid that supplies steam to various institutions. The plant contains four coal-fired boilers and is located within the Detroit primary nonattainment area.

Michigan’s amended Rule 336.1331 restricts the Boulevard Heating Plant to a particulate emission limit of 0.45 pounds of particulate per 1000 pounds of flue gas while it is in operation. The overall effect is to reduce the plant’s current actual emission rate from 410 tons per year to 10 tons per year. The Boulevard plant will satisfy the reasonably available control technology (RACT) requirement by restricting its operation rather than by installing add-on control equipment.

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

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

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

Note.—Incorporation by reference of the SIP for the State of Michigan was approved by the Director of Federal Register on July 1, 1981. (Secs. 110 and 172 of the Clean Air Act)

Dated: January 18, 1982.
Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart X—Michigan

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

§ 52.1170 Identification of plan.

(c) * * * * * *(48) On May 1, 1981, the State of Michigan, Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48817.


SUPPLEMENTARY INFORMATION: On May 1, 1981, the State of Michigan submitted Consent Order 07-1981 for the Boulevard Heating Plant of Detroit Edison as a revision to the Michigan SIP.

The submittal was submitted in accordance with Michigan’s commitment to develop abatement orders for sources contributing to violations of the particulate standards in the Detroit nonattainment area (45 FR 29790). The Boulevard Heating Plant is located in the City of Detroit, Wayne County, and is a small part of a Detroit Edison grid that supplies steam to various institutions. The plant contains four coal-fired boilers and is located within the Detroit primary nonattainment area.

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Note.—Incorporation by reference of the SIP for the State of Michigan was approved by the Director of Federal Register on July 1, 1981. (Secs. 110 and 172 of the Clean Air Act)

Dated: January 18, 1982.
Anne M. Gorsuch,
Administrator.
Resources (MDNR) submitted Consent Order 07-1981 for the Boulevard Hearing Plant of Detroit Edison located in the City of Detroit, Wayne County. The Consent Order represents a site-specific variance from Rule 336.1331(d) by allowing the plant to continue emitting particulates at its current 0.65 pounds per 1000 pounds of flue gas, but restricting its operation and total particulate emissions in order to meet the required 410 tons of particulate per year emission limit. Under this Order the plant is now limited to 10 tons per year of particulate emissions.

**§ 52.1175 [Amended]**

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

**MICHIGAN**

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Regulations Involved</th>
<th>Date schedule adopted</th>
<th>Final compliance date</th>
</tr>
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</table>

**40 CFR Part 52**

**[A-6-FRL 2029-7]**

**Approval and Promulgation of Revisions to Texas State Implementation Plan**

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

**ACTION:** Final rule.

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

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

**SUPPLEMENTARY INFORMATION:**

**I. Background**

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

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

**II. Approval of SIP Revision**

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

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

**EPA's Actions**

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

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

Under section 307(b)(1) of the Clean Air Act judicial review of this final rulemaking notice is available only by the filing of a petition for review in the United States Court of Appeals for the
appropriate circuit within 60 days of the date of publication (March 29, 1982). Under section 307(d)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

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

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

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

Dated: January 20, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart SS—Texas

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

§ 52.2270 Identification of plan.

(c) * * * * *

(33) A revision to General Rule 9—

Sampling, as adopted by the Texas Air Control Board on October 30, 1973, was submitted by the Governor on December 11, 1973.

[FR Doc. 83-2062 Filed 1-26-82; 8:45 am]
BILLING CODE 6560-36-M

40 CFR Part 60

[AD-FRL-1890-1]

Standards of Performance for New Stationary Sources; Stationary Gas Turbines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On September 10, 1979, EPA promulgated a new source performance standard (NSPS) limiting atmospheric emissions of NOX from stationary gas turbines (44 FR 52792). On April 15, 1981, as a result of petitions for reconsideration submitted by Dow Chemical Company, PPG Industries, Inc., and Diamond Shamrock Corporation (Dow, et al.), EPA proposed (46 FR 22005) to revise the standard for stationary gas turbines by rescinding the NOX emission limit for large gas turbines in industrial use and pipeline gas turbines (used in oil and gas transportation or production) located in metropolitan statistical areas (MSAs).

As a result of public comments, EPA is rescinding the NOX emission limit for large (>30 MW) industrial gas turbines and industry an NOX emission limit of 150 ppm based on the use of dry control technology for gas turbines in industrial use and pipeline gas turbines of 30 MW or less for which construction, reconstruction, or modification is begun after today's date. This notice also adds an exemption from the 150 ppm NOX emission limit for regenerative cycle gas turbines with a heat input less than 107.2 gigajoules per hour (100 million Btu/hr) and an exemption for all gas turbines when they are using an emergency fuel.


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

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

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

SUPPLEMENTARY INFORMATION:

The Standards

The proposed revision to the new source performance standard published in the April 15, 1981 Federal Register would have rescinded the NOX emission limit of 75 ppm promulgated in the September 10, 1979, Federal Register for (1) industrial gas turbines having a heat input greater than 107.2 gigajoules per hour (100 million Btu/hr or approximately 7.5 MW), and (2) pipeline gas turbines in metropolitan areas with a heat input greater than 107.2 gigajoules per hour. Industrial gas turbines are characterized as having less than one-third of their rated electrical output sold to a utility power distribution system. The 75 ppm standard was based on the use of wet controls to reduce NOX emissions.

This promulgation rescinds the NOX emission limit for industrial and pipeline turbines with a base load (normal operating load as opposed to peak load) greater than 30 megawatts (MW) and revises the NOX emission limit from 75 to 150 ppm for the turbines mentioned above with a base load equal to or less than 30 MW. This promulgation also exempts all regenerative cycle gas turbines having a heat input less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) from the 150 ppm NOX standard. The rationale for these changes to the proposed revision is contained in the section of this preamble entitled Significant Comments and Changes to the Proposed Revision.

Public Participation

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

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

Significant Comments and Changes to the Proposed Regulation

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

One commenter stated that since pipeline turbines operate continuously regardless of location, the NOX emission limit should be rescinded for all such turbines.

The standards of performance as promulgated on September 10, 1979, required pipeline turbines operated in metropolitan areas to meet an NOX emission limit of 75 ppm (based on wet controls) and permitted the same
turbines operated outside metropolitan areas to meet an NO\(_x\) emission limit of 150 ppm (based on dry controls). The difference in emission limits was intended to accommodate a potential lack of water for wet controls on pipeline turbines in rural areas.

The April 15, 1981, proposed revision to the standard would have rescinded the 75 ppm NO\(_x\) emission limit for all industrial turbines and pipeline turbines located in metropolitan areas. The proposed rescission had been based on uncertain and possible adverse economic consequences of using wet control systems on turbines with long-term continuous operating requirements at or near maximum capacity. Dow et al. claimed that operation at or near maximum capacity is not justifiable. Accordingly, the standard is being proposed to require all industrial and pipeline turbines with outputs less than 30 MW to achieve an NO\(_x\) emission limit of 150 ppm.

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

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

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

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

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

Another commenter stated that base load utility gas turbines should be exempted from having to meet an NO\(_x\) emission limit since these turbines may be required to operate for one year or more between internal inspections.

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

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

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

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

Dow et al. did supply information to the Agency in letters requested to be held confidential and included in the docket (II-33 (a), (b), (c)) that indicates that operation at or near maximum capacity for periods of a year or more is
required of gas turbines in present use. The data in these letters were considered by the Administrator in reaching the conclusions stated in the preamble to the April 15 proposal. A commenter also stated that the revision should have been written to include only continuously operating gas turbines rather than all industrial and pipeline gas turbines.

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

Several commenters stated that the Agency's definition of electric utility gas turbine should be made consistent with the "Power Plant and Industrial Fuel Use Act of 1978" (PPA) and the "Public Utility Regulatory Policies Act of 1978" (PURPA) to allow one half of the electric output capacity of a cogeneration unit to be sold to a utility power distribution system. The Acts mentioned by the commenters were designed to encourage cogeneration. The new source performance standard for stationary gas turbines is not intended to encourage or discourage cogeneration, but is designed to distinguish between electric utility gas turbines and industrial gas turbines. Specifically, in the context of this revision the definition distinguishes between those gas turbines that can be shut down for maintenance without resulting in shutdown of a dependent industrial process and those turbines without backup. For a turbine operating as part of a cogeneration system and selling up to 50 percent of its electrical output to a utility grid, PURPA requires the utility to sell back-up power to qualifying cogeneration facilities when needed. Consequently, the definition of electric utility gas turbine has not been revised to allow for a gas turbine selling up to 50 percent of its power to a utility power distribution system.

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

One commenter stated that small (less than 107.2 gigajoules/hour) regenerative cycle gas turbines should be exempted from the 150 ppm NOx emission limit. According to the commenter, dry controls that can meet the 150 ppm level have not been developed for these small regenerative cycle gas turbines, and the cost to do so would be exorbitant because these turbines are only a small portion of the small gas turbine market. (These turbines are currently not required to meet the 150 ppm NOx emission limit until October 3, 1982.) Because of the exorbitant cost associated with developing dry controls for small regenerative cycle gas turbines, manufacturers would discontinue these turbines from their product line rather than develop the dry control. Small regenerative cycle gas turbines compete with stationary internal combustion (IC) engines; and, if these turbines are dropped from product lines, IC engines would be sold in their place rather than small simple cycle turbines. Since controlled IC engines emit between two to four times as much NOx as do uncontrolled small regenerative cycle gas turbines, the net effect of requiring small regenerative cycle gas turbines to meet the 150 ppm NOx emission limit would be an increase in NOx emissions.

Additional investigation of small regenerative cycle gas turbines revealed the commenter's assessment of the situation to be correct. Consequently, the standard is being revised to exempt regenerative cycle gas turbines of less than 107.2 gigajoules/hour from complying with the 150 ppm NOx emission limit. Another commenter stated that many gas turbines that normally operate on natural gas can be operated on distillate oil when natural gas is unavailable. These turbines can meet a 150 ppm NOx emission limit when operating on natural gas, but not when they are operating on distillate oil. The commenter felt, therefore, that gas turbines should be exempt from complying with the standard during periods when an emergency fuel is being used.

Upon further investigation, the Agency learned that many turbine models can meet the 150 ppm NOx emission limit only when operating on natural gas, which is almost always available. Since operation with an emergency fuel is expected only rarely and dry controls would continue to reduce the emissions during periods when distillate oil is fired, gas turbines operating on an emergency fuel are being exempted from the 150 ppm NOx emission limit. The exemption will not apply if the emergency fuel is fired solely because it is less costly than natural gas.

This revision was submitted to the Office of Management and Budget.
§ 60.332 Standard for nitrogen oxides.
(a) On and after the date of the performance test required by § 60.8 is completed, every owner or operator subject to the provisions of this subpart as specified in paragraphs (b), (c), and (d) of this section shall comply with one of the following, except as provided in paragraphs (e), (f), (g), (h), (j), (k), and (l) of this section.

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

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

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

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

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

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

§ 60.334 Monitoring of operations.

(c) Monitoring of operations.

(4) Emergency fuel. Each period during which an exemption provided in § 60.332(k) is in effect shall be included in the report required in § 60.7(c). For each period, the type, reasons, and duration of the firing of the emergency fuel shall be reported.

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

[FR Doc. 82-2092 Filed 1-30-82; 8:45 am]

BILLING CODE 6560-26-M
The administrative record for the Registration Standards Ranking Scheme for the Registration of Pesticides, including comments, is available for public review in the Document Control Office, Rm. E-107, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

Dated: December 23, 1981.

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

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

40 CFR Part 180

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

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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


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

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

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the Federal Register of November 4, 1981 (46 FR 54771) which announced that IR-4, New Jersey Agricultural Experiment Station, PO Box 231, Rutgrea University, New Brunswick, NJ 08903 on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Oregon, had submitted a pesticide petition (PP 1E2499) proposing that 40 CFR 180.220 be amended by the establishment of tolerances for the combined residues of the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-s-triazine) and its metabolites 2-amino-4-chloro-6-ethylamino-s-triazine, 2-amino-4-chloro-6-isopropylamino-s-triazine and 2-chloro-4,6-diamino-s-triazine in or on the raw agricultural commodities orchardgrass and orchardgrass hay at 15 parts per million (ppm).

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

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

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

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-539, 94 Stat. 1194, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).


(Sec. 408(e), 86 Stat. 514 (21 U.S.C. 346(e)])
SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rule published in the Federal Register of November 3, 1981 (46 FR 54584) which announced that the IR-4, New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903 had submitted pesticide petitions (PP 8E2075) on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Arkansas, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia; and (PP 9E2219) on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Michigan, Minnesota, New York, and Wisconsin, proposing that 40 CFR 180.304 be amended by the establishment of tolerances for residues of the herbicide oryzalin (3,5-dinitro-N4, N4-dipropylsulfanilamide) in or on the raw agricultural commodities sweet potatoes (PP 8E2075) and peas (succulent) (PP 9E2219) at 0.05 part per million (ppm).

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

The data submitted in the petition and other relevant material have been evaluated. The toxicology and chemistry data pertaining to this regulation were given in the notice of proposed rulemaking (46 FR 54584, November 3, 1981). In that notice, the acceptable daily intake (ADI) and maximum permissible intake (MPI) were listed incorrectly. The ADI is calculated to be 0.0094 mg/kg bw/day and the MPI for a 60-kg person is calculated to be 0.5625 mg/day. The reference to a May 11, 1979 Federal Register notice should be given in the notice of proposed rulemaking.

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

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

As required by Executive Order 12291, the EPA has determined that this rule is not a “Major” rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 6(b) of that Order.

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


SEC. 408(e), 88 Stat. 514 [21 U.S.C. 346(a)(e)].


Edwin L. Johnson,
Director, Office of Pesticide Programs.
high to build in the flood plain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement of itself it has no economic impact.

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

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

<table>
<thead>
<tr>
<th>State</th>
<th>City/town/county</th>
<th>Source of flooding</th>
<th>Location</th>
<th>#Depth in feet above ground.</th>
<th>Elevation in feet (NGVD).</th>
<th>Elevation in feet (MLLW).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Petersburg (city), Wrangell-Petersburg Division, FEMA-6121.</td>
<td>Frederick Sound</td>
<td>300 feet east from the intersection of Sandy Beach Road and Quayl Road.</td>
<td><strong>21</strong></td>
<td><strong>Elevation in feet (NGVD).</strong></td>
<td><strong>Elevation in feet (MLLW).</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wrangell Narrows</td>
<td>200 feet north from the intersection of Sandy Beach Road and Boundary Street.</td>
<td><strong>27</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>50 feet west from the intersection of Harbor Way and F Street.</td>
<td><strong>21</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Maps available for inspection at City Shop, 2nd Street, Petersburg, Alaska.  **Mean Lower Low Water Datum.**

| Alaska              | Sitka (city & borough), Sitka Division, FEMA-6121 | Sitsa Sound, Thimbleberry Bay to Stangisavan Bay. | 100 feet west from the intersection of Sitka Sound and Kitilian Avenue. At the intersection of Halibut Point State Road and Harbor Mountain Road. 200 Feet southeast from the intersection of Marine and Lincoln Streets. | **15** | **25** |                           |

Maps available for inspection at City Hall, 304 Lake Street, Sitka, Alaska. **Mean Lower Low Water Datum.**

| Arizona             | Navajo County (unincorporated areas), FEMA-6124 | Billy Creek              | 30 feet upstream from center of Peterson Road crossing. | **9707** |                           |                           |
|                     |                                                   | Black Canyon Wash       | At the intersection of State Highway 620 and Black Canyon Wash. | **6439** |                           |                           |
|                     |                                                   | Backskin Wash           | 50 feet upstream from center of State Highway 260 crossing. | **6431** |                           |                           |
|                     |                                                   | Little Colorado River   | At the intersection of Interstate Highway 40 and Little Colorado River (vicinity of Winslow). | **4855** |                           |                           |
|                     |                                                   | Pinealde Wash           | At the intersection of Pinealde Road and Pinealde Wash. | **6048** |                           |                           |
|                     |                                                   | Porter Canyon Draw      | 50 feet upstream from center of McLaws Road crossing. | **5073** |                           |                           |
|                     |                                                   | Silver Creek            | At the intersection of Shumway Road and Silver Creek. | **5872** |                           |                           |
|                     |                                                   | Snow Low Creek          | 1070 feet upstream from confluence with Meadow View Wash, at the intersection of Snow Low Creek and City of Show Low corporate limit. | **6346** |                           |                           |
|                     |                                                   | Town Wash               | At the intersection of Old State Highway 260 and Town Wash. | **8308** |                           |                           |
|                     |                                                   | Walnut Gulch Creek      | At the intersection of Madera Drive and Walnut Gulch Creek. | **6937** |                           |                           |
|                     |                                                   | Whiting Creek           | 90 feet downstream from center of McLaws Road crossing. | **5095** |                           |                           |
|                     |                                                   |                          | 30 feet upstream from center of McLaws Road crossing. | **5097** |                           |                           |

Maps available for inspection at Department of Planning and Building, South Highway 77, Holbrook, Arizona.

| California          | Eureka (city) Humboldt County, FEMA-6129 | Martin Slough            | Fairway Drive crossing the channel (downstream crossing). Upstream side of Campton Road over the channel. Approximately 550 foot upstream from mouth. | **10** | **14** | **13** |
|                     |                                                   | Martin Slough Tributary C |                                                   |                           |                           |                           |

Maps available for inspection at Department of Community Development, 531 K Street, Eureka, California.

| California          | Suisun City (city), Solano County, FEMA-6129 | Suisun Slough            | Intersection of Elwood and School Street. | **7** |                           |                           |
|                     |                                                   | Dolphin Court            | Intersection of Atwood and Cherry Streets. | **7** |                           |                           |
|                     |                                                   | Laurel Creek             | Intersection of Merganser Drive and Sunset Avenue. | **12** |                           |                           |
|                     |                                                   | McCoy Creek              | Intersection of Snow Drive and State Highway 12. | **8** |                           |                           |
|                     |                                                   | Pennsylvania Avenue Creek | Intersection of Southern Pacific and Pennsylvania Avenue. | **1** |                           |                           |
|                     |                                                   | Union Avenue Creek       | Marina Center crossing the channel. | **7** |                           |                           |

Maps available for inspection at Public Works Department, 701 Cedar Street, Suisun City, California.

<p>| California          | Tehama County (unincorporated areas), FEMA-6094 | Sacramento River (Near Tehama) | Intersection of River Avenue and Tehama and Vina Road. | <strong>221</strong> |                           |                           |
|                     |                                                   | Sacramento River (Near Red Bluff) | Intersection of Peach Tree Lane and Gilmore Ranch Road. | <strong>267</strong> |                           |                           |
|                     |                                                   | East Sand Slough         | Intersection of White Road and Dale Lane. | <strong>272</strong> |                           |                           |
|                     |                                                   | Samson Slough            | Intersection of Williams Avenue and Karel Avenue. | <strong>269</strong> |                           |                           |
|                     |                                                   | Paynes Creek Slough      | Intersection of Date Avenue and Hunt Avenue. | <strong>269</strong> |                           |                           |
|                     |                                                   | Sacramento River (Near Band) | At the western end of South Wailer Road. | <strong>319</strong> |                           |                           |
|                     |                                                   | Sacramento River (Near Lake California) | Along the center of Baker Road just north of the City of Red Bluff corporate limits. | <strong>315</strong> |                           |                           |</p>
<table>
<thead>
<tr>
<th>State</th>
<th>City/town/county</th>
<th>Source of flooding</th>
<th>Location</th>
<th>#Depth in feet above ground</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut</td>
<td>Stafford, town, Tolland County (Docket No. FEMA-6147)</td>
<td>Furnace Brook</td>
<td>Downstream Corporate limits</td>
<td>522</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 2,700' upstream of Corporate Limits</td>
<td>540</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Orchardville Road (upstream)</td>
<td>550</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Leonard Road and Riverside Dam (upstream)</td>
<td>564</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Pinney School Road (upstream)</td>
<td>582</td>
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<td></td>
<td></td>
<td></td>
<td>Hydeville Road (upstream)</td>
<td>621</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>State Route 19 (East Street) (first crossing, upstream)</td>
<td>635</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>State Route 19 (East Street) (second crossing, upstream)</td>
<td>661</td>
</tr>
<tr>
<td>Middle River</td>
<td></td>
<td>Middle River</td>
<td>Downstream Corporate limits</td>
<td>583</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 1,010' upstream of Upper Road</td>
<td>595</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>State Route 190 (West Stafford Road) (upstream)</td>
<td>513</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Edson Brook</td>
<td>Approximately 100' upstream of Central Vermont Railway</td>
<td>526</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Confluence with Middle Brook</td>
<td>505</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Machine Shop Road (upstream)</td>
<td>511</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Crystal Lake Brook</td>
<td>Confluence with Crystal Lake Brook</td>
<td>506</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Confluence with Edson Brook</td>
<td>536</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2nd Dam (upstream) approximately 1,030' upstream of</td>
<td>577</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>confluence with Edson Brook</td>
<td>587</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>State Route 30 (Crystal Lake Road) (upstream)</td>
<td>612</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 2,700' upstream of State Route 30</td>
<td>622</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Crystal Lake Road)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stafford Springs, borough, Tolland County (Docket No. FEMA-6147)</td>
<td>Willimantic River</td>
<td>Corporate limits</td>
<td>452</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Filter Corporation Bridge (upstream side)</td>
<td>463</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Confluence of Furnace Brook and Middle River</td>
<td>489</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Confluence with Willimantic River</td>
<td>496</td>
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<td></td>
<td></td>
<td></td>
<td>Crystal Johnson Mill Dam (upstream side)</td>
<td>522</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Corporate limits</td>
<td>469</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Confluence with Willimantic River</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>West Street (downstream side)</td>
<td>493</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Corporate limits</td>
<td>565</td>
</tr>
<tr>
<td>Florida</td>
<td>City of Brooksville, Hernando County (FEMA-6143)</td>
<td>Pending Area 1</td>
<td>Approximately 300 feet south of Piccadilly Street and</td>
<td>77</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Lakeside Drive Intersection</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pending Area 2</td>
<td>Approximately 450 feet northwest of Howell Avenue and</td>
<td>99</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Summit Drive Intersection</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pending Area 3</td>
<td>Approximately 450 feet north and 75 feet east of Kelly</td>
<td>97</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Street and Bell Avenue Intersection</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pending Area 4</td>
<td>Just east of intersection of Seaboard Coast Line</td>
<td>110</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Railroad and Oak Dale Avenue extended</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pending Area 5</td>
<td>Intersection of Palm Avenue and Lamar Avenue</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pending Area 6</td>
<td>Approximately 300 feet east of Main Street and Rusted</td>
<td>129</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Street Intersection</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pending Area 7</td>
<td>Approximately 300 feet north of U.S. Route 41 and Summit Road</td>
<td>112</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Intersection</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pending Area 8</td>
<td>Just east of U.S. Route 41 and 1 Street Intersection</td>
<td>113</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pending Area 9</td>
<td>Approximately 205 feet east of intersection of Candlelight</td>
<td>70</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Boulevard and corporate limits</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pending Area 10</td>
<td>Just northwest of U.S. Route 41 and State Road 577</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Intersection</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pending Area 11</td>
<td>Approximately 450 feet northeast of U.S. Route 41 and</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>State Road 577 Intersection among U.S. Route 41</td>
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<td></td>
<td></td>
<td>Pending Area 12</td>
<td>Just northwest of U.S. Route 41 and State Road 577</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Intersection</td>
<td></td>
</tr>
<tr>
<td>Georgia</td>
<td>Unincorporated areas of Lowndos County (FEMA-6143)</td>
<td>Withlacoochee River</td>
<td>Approximately 1500' upstream of U.S. Highway 84 and</td>
<td>114</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Interstate Highway 75</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 600 feet downstream of U.S. Highway 41 and State Highway 7</td>
<td>133</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of State Road</td>
<td>139</td>
</tr>
<tr>
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<td></td>
<td></td>
<td>Just downstream of Johnson Road</td>
<td>128</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Southern Railway</td>
<td>156</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Southern Railway</td>
<td>167</td>
</tr>
</tbody>
</table>
## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>City/town/county</th>
<th>Source of flooding</th>
<th>Location</th>
<th>#Depth in feet above ground</th>
<th>*Elevation in feet (MGHC)</th>
<th>*Elevation in feet (MLLW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Unincorporated areas of Tift County (FEMA-6143)</td>
<td>Little River</td>
<td>Just upstream of U.S. Highway 319</td>
<td>1749</td>
<td>172</td>
<td>171</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New River</td>
<td>Just downstream of State Highway 10 (State Highway 62)</td>
<td>252</td>
<td>250</td>
<td>249</td>
</tr>
<tr>
<td></td>
<td></td>
<td>North Arm Sarstoga Creek</td>
<td>Just upstream of U.S. Highway 74</td>
<td>268</td>
<td>260</td>
<td>260</td>
</tr>
<tr>
<td>Illinois</td>
<td>(V) Carbon Cliff, Rock Island County (Docket No. FEMA-6129)</td>
<td>Rock River</td>
<td>Just downstream of State Highway 84</td>
<td>575</td>
<td>570</td>
<td>565</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clear Creek</td>
<td>Just upstream of State Route 64</td>
<td>578</td>
<td>573</td>
<td>570</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 14 miles upstream of Chicago, Rock Island and Pacific Railroad</td>
<td>577</td>
<td>570</td>
<td>570</td>
</tr>
<tr>
<td>Illinois</td>
<td>(V) Lisbon, Kendall County (Docket No. FEMA-6144)</td>
<td>North Arm Sarstoga Creek</td>
<td>Just upstream of State Route 84</td>
<td>555</td>
<td>550</td>
<td>545</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 150 feet downstream of earth dam</td>
<td>565</td>
<td>560</td>
<td>560</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream corporate limits</td>
<td>670</td>
<td>665</td>
<td>665</td>
</tr>
<tr>
<td>Illinois</td>
<td>(V) Millington, Kendall and LaSalle Counties (Docket No. FEMA-6129)</td>
<td>Fox River</td>
<td>About 2150 feet downstream of Bridge Street</td>
<td>555</td>
<td>550</td>
<td>550</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clear Creek</td>
<td>About 1300 feet downstream of Bridge Street</td>
<td>557</td>
<td>550</td>
<td>550</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Mouth at Fox River</td>
<td>557</td>
<td>550</td>
<td>550</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 1450 feet upstream of Burlington Northern Railroad</td>
<td>562</td>
<td>560</td>
<td>560</td>
</tr>
<tr>
<td>Illinois</td>
<td>(V) Newark, Kendall County (Docket No. FEMA-6144)</td>
<td>Clear Creek</td>
<td>At downstream corporate limits</td>
<td>618</td>
<td>615</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>About 750 feet upstream of Chicago Road</td>
<td>646</td>
<td>643</td>
<td>643</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At upstream corporate limits</td>
<td>684</td>
<td>681</td>
<td>681</td>
</tr>
<tr>
<td>Illinois</td>
<td>(V) Oswego, Kendall County (Docket No. FEMA-6129)</td>
<td>Fox River</td>
<td>About 2800 feet downstream of Washington Street</td>
<td>598</td>
<td>595</td>
<td>595</td>
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<tr>
<td></td>
<td></td>
<td>Waubansee Creek</td>
<td>About 2700 feet upstream of Washington Street</td>
<td>604</td>
<td>600</td>
<td>600</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Mouth at Fox River</td>
<td>602</td>
<td>600</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of dam near Madison Street</td>
<td>621</td>
<td>618</td>
<td>618</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 150 feet upstream of U.S. Route 34</td>
<td>908</td>
<td>905</td>
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<tr>
<td>Illinois</td>
<td>(C) Yorkville, Kendall County (Dock No. FEMA-6129)</td>
<td>Fox River</td>
<td>About 1.2 miles downstream of Bridge Street</td>
<td>575</td>
<td>570</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Blackberry Creek</td>
<td>Just upstream of Glen D. Palmer Dam</td>
<td>579</td>
<td>575</td>
<td>575</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 1500 feet upstream of Glen D. Palmer Dam</td>
<td>580</td>
<td>576</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>At confluence with Fox River</td>
<td>578</td>
<td>574</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 600 feet upstream of River Road</td>
<td>596</td>
<td>592</td>
<td>592</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of U.S. Route 34</td>
<td>606</td>
<td>603</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 4300 feet upstream of U.S. Route 34</td>
<td>615</td>
<td>612</td>
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<tr>
<td>Illinois</td>
<td>(C) Jasper, Dubois County (Docket No. FEMA-6129)</td>
<td>Patoka River</td>
<td>About 0.5 mile downstream of U.S. Route 231</td>
<td>452</td>
<td>448</td>
<td>448</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Straight River</td>
<td>About 0.25 mile downstream of State Route 162</td>
<td>459</td>
<td>455</td>
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<td></td>
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<td>About 3.45 miles upstream of 15th Street</td>
<td>469</td>
<td>465</td>
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<tr>
<td></td>
<td></td>
<td>Jahn Creek</td>
<td>Just upstream of confluence with Patoka River</td>
<td>454</td>
<td>450</td>
<td>450</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of confluence with Straight River</td>
<td>455</td>
<td>451</td>
<td>451</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of Hope Street</td>
<td>465</td>
<td>461</td>
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</tr>
<tr>
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<td></td>
<td>Just upstream of State Route 162</td>
<td>469</td>
<td>465</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of Meridian Road (about 0.34 mile upstream of State Route 162)</td>
<td>469</td>
<td>465</td>
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<tr>
<td>Indiana</td>
<td>(C) Portage, Porter County (Docket No. FEMA-6124)</td>
<td>Crisman Ditch</td>
<td>At confluence with Willow Brook</td>
<td>618</td>
<td>614</td>
<td>614</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 150 feet upstream of confluence with Willow Brook</td>
<td>623</td>
<td>620</td>
<td>620</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of Central Avenue</td>
<td>627</td>
<td>624</td>
<td>624</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Central Avenue</td>
<td>633</td>
<td>630</td>
<td>630</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 700 feet upstream of Central Avenue</td>
<td>633</td>
<td>630</td>
<td>630</td>
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</tbody>
</table>

Maps available for inspection at Lowndes County Courthouse, Patterson Street, Valdosta, Georgia 31601.

Maps available for inspection at Tift County Administration Building, 225 Tift Avenue, Tifton, Georgia 31793.

Maps available for inspection at the Clerk's Office, Village Hall, 106 First Avenue, Carbon Cliff, Illinois.

Maps available for inspection at the Clerk's Office, Village Hall, 113 Main Street, Oswego, Illinois.

Maps available for inspection at the Clerk's Office, Water Tower, 610 Tower Lane, Yorkville, Illinois.
### FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>City/town/county</th>
<th>Source of flooding</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iowa</td>
<td></td>
<td>Willow Creek</td>
<td>At mouth, approximately 0.1 mile upstream of Melton Road</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Lehigh Ditch</td>
<td>At mouth, approximately 0.39 mile upstream of mouth</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Robbins Ditch</td>
<td>About 120 feet downstream of the east corporate limit of the City of Topeka</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Bloom Creek</td>
<td>At mouth, approximately 0.39 mile upstream of mouth</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>East Arm Little Calumet River</td>
<td>Just upstream of 135th Street</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Little Calumet River</td>
<td>At confluence with 135th Street</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Salt Creek</td>
<td>At confluence with East Arm Little Calumet River</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Mosquito Creek</td>
<td>At confluence with Mosquito Creek</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Mosquito Creek Bypass</td>
<td>At upstream corporate limits</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Kansas River</td>
<td>Approximately 0.2 mile downstream of the east county boundary</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Wakarusa River</td>
<td>Approximately 9,400 feet upstream of the Kansas Turnpike</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>North Branch Wakarusa River</td>
<td>At the mouth</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Halliday Creek</td>
<td>Approximately 100 feet upstream of 81st Street</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Indian Creek</td>
<td>About 140 feet downstream of State Highway 183</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Salt Creek</td>
<td>About 140 feet downstream of State Highway 183</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Keg Creek</td>
<td>About 2,000 feet downstream of County Road L-66</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Minden</td>
<td>About 2,000 feet downstream of County Road L-66</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Underwood</td>
<td>About 2,000 feet downstream of County Road L-66</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Crescent Creek</td>
<td>About 400 feet downstream of Unnamed Street</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Shallow Flooding (Overflow from Pigeon Creek)</td>
<td>Within corporate limits</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>Willow Creek</td>
<td>About 400 feet downstream of Unnamed Street</td>
</tr>
</tbody>
</table>

Maps available for inspection at the City Engineer's Office, Town Hall, 6070 Central Avenue, Portage, Indiana. Send comments to Honorable John Williams, Mayor, City of Portage, Town Hall, 6070 Central Avenue, Portage, Indiana 46368.

Maps available for inspection at the City Clerk's Office, City Hall, Crescent, Iowa.

Maps available for inspection at the City Hall, Minden, Iowa.

Maps available for inspection at the City Hall, P.O. Box 40, Underwood, Iowa.
### FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>City/town/county</th>
<th>Source of flooding</th>
<th>Location</th>
<th>#Depth in feet above ground.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>Douglas, Town,</td>
<td>Mumford River</td>
<td>Downstream Corporate Limits</td>
<td>*1,001</td>
</tr>
<tr>
<td></td>
<td>Worceste County</td>
<td></td>
<td>Upstream of North Street</td>
<td>*354</td>
</tr>
<tr>
<td></td>
<td>(Docket No. FEMA-8147)</td>
<td></td>
<td>Downstream of Cook Street</td>
<td>*354</td>
</tr>
<tr>
<td>Massachussetts</td>
<td>Hancock, Town,</td>
<td>Southwick Brook</td>
<td>Upstream of Mechanic Street</td>
<td>*378</td>
</tr>
<tr>
<td></td>
<td>Berkshire County</td>
<td></td>
<td>Upstream Corporate Limits</td>
<td>*398</td>
</tr>
<tr>
<td>Massachussetts</td>
<td>(Docket No. FEMA-6012)</td>
<td></td>
<td>Confluence with Mumford River</td>
<td>*377</td>
</tr>
<tr>
<td></td>
<td></td>
<td>West Branch Green River</td>
<td>Upstream of Hunt Pond Dam</td>
<td>*407</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream of Corporate Limits</td>
<td>*425</td>
</tr>
<tr>
<td>Massachussetts</td>
<td>Lee, Town,</td>
<td>Housatonic River</td>
<td>Downstream Corporate Limits</td>
<td>*354</td>
</tr>
<tr>
<td></td>
<td>Berkshire County</td>
<td></td>
<td>Willow Mill Dam (Upstream)</td>
<td>*847</td>
</tr>
<tr>
<td>Massachussetts</td>
<td></td>
<td></td>
<td>Meadow Street (Upstream)</td>
<td>*851</td>
</tr>
<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td>Approximately 2,000’ downstream of confluence with Goose Pond Brook</td>
<td>*881</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Confluence with Goose Pond Brook</td>
<td>*870</td>
</tr>
<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td>Interstate 80 (Upstream)</td>
<td>*879</td>
</tr>
<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td>Conrail Bridge (Upstream)</td>
<td>*880</td>
</tr>
<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td>Columbia Mill Dam (Downstream)</td>
<td>*903</td>
</tr>
<tr>
<td>Massachusetts</td>
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<td>Columbia Mill Dam (Upstream)</td>
<td>*916</td>
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<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td>Confluence of Washington Mountain Brook</td>
<td>*925</td>
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<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td>Valley Mill Dam (Upstream)</td>
<td>*925</td>
</tr>
<tr>
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<td></td>
<td></td>
<td>Upstream Corporate Limits</td>
<td>*958</td>
</tr>
<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td>Confluence with Housatonic River</td>
<td>*970</td>
</tr>
<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td>Footbridge (Downstream)</td>
<td>*894</td>
</tr>
<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td>First Private Drive (Downstream)</td>
<td>*915</td>
</tr>
<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td>Second Private Drive (Downstream)</td>
<td>*963</td>
</tr>
<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td>Approximately 300’ upstream of Second Private Drive</td>
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</tr>
<tr>
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<td>Confluence with Housatonic River</td>
<td>*860</td>
</tr>
<tr>
<td>Massachusetts</td>
<td></td>
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<td>Private Drive (Upstream)</td>
<td>*885</td>
</tr>
<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td>Maple Street (Upstream)</td>
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<tr>
<td>Massachusetts</td>
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<td></td>
<td>Greylock Street (Upstream)</td>
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<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td>Approximately 2,500’ upstream of Greylock Street</td>
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<tr>
<td>Massachusetts</td>
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<td>East Street (Upstream)</td>
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<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
<td>Approximately 1,200’ upstream of confluence with Hop Brook</td>
<td>*855</td>
</tr>
</tbody>
</table>

Maps available for inspection at the Zoning Commission, County Courthouse, 7th and Quincy, Topeka, Kansas.

Maps available for inspection at the Douglas Town Hall, Main Street, East Douglas, Massachusetts.

Maps available for inspection at the Town Hall, Route 43, Hancock, Massachusetts.
<table>
<thead>
<tr>
<th>State</th>
<th>City/town/county</th>
<th>Source of flooding</th>
<th>Location</th>
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<tbody>
<tr>
<td>Massachusetts</td>
<td>Stoughton, Town, Norfolk County</td>
<td>Hop Brook</td>
<td>Approximately 2,800' upstream of confluence with Hop Brook.</td>
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<td></td>
<td></td>
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<td>Confluence with Housestonc River</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Corporation limits</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>*879</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Steep Hill Brook</td>
<td>Downstream of Erin Road</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>*114</td>
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<tr>
<td></td>
<td></td>
<td>Tribrary to Steep Hill Brook</td>
<td>Upstream of Mill Street</td>
</tr>
<tr>
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<td></td>
<td></td>
<td>*128</td>
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<td></td>
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<td>Confluence of Millbrook</td>
</tr>
<tr>
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<td></td>
<td></td>
<td>*148</td>
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<td></td>
<td></td>
<td></td>
<td>Upstream of Southwrothst Pond Dam</td>
</tr>
<tr>
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<td></td>
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<td>*173</td>
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<tr>
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<td></td>
<td>Upstream of Britton Pond Dam</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>*183</td>
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<td></td>
<td></td>
<td></td>
<td>Downstream of Sheahan Street</td>
</tr>
<tr>
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<td></td>
<td></td>
<td>*187</td>
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<td>Confluence with Steep Hill Brook</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>*185</td>
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<tr>
<td></td>
<td></td>
<td>Redwing Brook</td>
<td>Approximately 1,000' upstream of West Street</td>
</tr>
<tr>
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<td>*157</td>
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<td></td>
<td></td>
<td></td>
<td>Upstream of Private Drive</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>*102</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Donchester Brook</td>
<td>Approximately 1,000' upstream of Pine Drive.</td>
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<td></td>
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<td>*206</td>
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<td></td>
<td>Downstream corporate limits</td>
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<td></td>
<td></td>
<td></td>
<td>*180</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 3,300' upstream of downstream corporate limits.</td>
</tr>
<tr>
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<td></td>
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<td>*192</td>
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Maps available for inspection at the Lee Town Hall, Lee, Massachusetts.

Maps available for inspection at the Office of the Town Engineer, Town Hall, Stoughton, Massachusetts.

Maps available for inspection at the Office of the Sudbury Town Clerk, Sudbury, Massachusetts.

Maps available for inspection at the Sutton Elementary School, Sutton, Massachusetts.

Maps available for inspection at the Wayland town Hall, Wayland, Massachusetts.
### FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>City/town/county</th>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet (NAD27)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>West Stockbridge, Town, Berkshire County (Docket No. FEMA-6012)</td>
<td>William River</td>
<td>Upstream Great Barrington Road (State Route 41)</td>
<td>654</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Downstream Main Afford Road</td>
<td>698</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 450’ upstream of Logging Road</td>
<td>900</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Hotel Street</td>
<td>960</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Downstream Cone Hill Road</td>
<td>983</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 800’ upstream Farm Road</td>
<td>914</td>
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<tr>
<td>Michigan</td>
<td>(V), Brooklyn, Jackson County (Docket No. FEMA-6144)</td>
<td>River Raisin</td>
<td>About 100 feet downstream of Mill Street</td>
<td>945</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of Brooklyn Dam</td>
<td>951</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At downstream corporate line</td>
<td>946</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At upstream corporate limit</td>
<td>948</td>
</tr>
<tr>
<td>Michigan</td>
<td>(C), Luna Pier Monroe County (Docket No. FEMA-6144)</td>
<td>Lake Erie</td>
<td>Within corporate limits</td>
<td>578</td>
</tr>
<tr>
<td>Michigan</td>
<td>(V), Bavaria, Mackinac County (Docket No. FEMA-6144)</td>
<td>Crocker Creek</td>
<td>About 900 feet downstream of the City</td>
<td>637</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 0.7 mile upstream of Main Street</td>
<td>644</td>
</tr>
<tr>
<td>Michigan</td>
<td>(C), Tecumseh, Lenawee County (Docket No. FEMA-6144)</td>
<td>River Raisin</td>
<td>Just upstream of East Russell Road</td>
<td>744</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Just downstream of Sandash Dam</td>
<td>756</td>
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<td></td>
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<td>Just upstream of Sandash Dam</td>
<td>784</td>
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<td></td>
<td></td>
<td></td>
<td>Just downstream of Tecumseh Dam</td>
<td>787</td>
</tr>
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<td></td>
<td></td>
<td>Just upstream of Tecumseh Dam</td>
<td>781</td>
</tr>
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<td></td>
<td></td>
<td>Just downstream of Globe Dam</td>
<td>752</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Globe Dam</td>
<td>764</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 2,000 feet upstream of Globe Dam</td>
<td>766</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 300 feet downstream of Conrail</td>
<td>769</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Union Street</td>
<td>796</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Occidental Highway</td>
<td>818</td>
</tr>
<tr>
<td>Michigan</td>
<td>(C), Walker, Kent County (Docket No. FEMA-6144)</td>
<td>Grand River</td>
<td>About 8.5 mile downstream of State Highway 11</td>
<td>605</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 2.4 mile downstream of State Highway 11</td>
<td>606</td>
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<tr>
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<td></td>
<td>About 1.9 mile downstream of North Park Street</td>
<td>617</td>
</tr>
<tr>
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<td></td>
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<td>About 0.4 mile downstream of North Park Street</td>
<td>619</td>
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<tr>
<td>Michigan</td>
<td>(V), Washington, Macomb County (Docket No. FEMA-6144)</td>
<td>Yale Drain</td>
<td>Just upstream of 28 Mile Road</td>
<td>654</td>
</tr>
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<td>Just upstream of 27 Mile Road</td>
<td>676</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>At confluence with Yale Drain</td>
<td>676</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of 29 Mile Road</td>
<td>701</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At confluence with Yale Drain</td>
<td>674</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of Van Dyke Road</td>
<td>729</td>
</tr>
<tr>
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<td></td>
<td></td>
<td>Just upstream of Campground Road</td>
<td>733</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Grand Trunk Western Railroad</td>
<td>781</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 900 feet upstream of Sashem Street</td>
<td>818</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Grand Trunk Western Railroad</td>
<td>749</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Kinnley Lane</td>
<td>777</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Killers Lane</td>
<td>827</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Campground Road</td>
<td>796</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At confluence with Price Brook</td>
<td>799</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of Earth Dam</td>
<td>822</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Earth Dam</td>
<td>828</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Campground Road</td>
<td>951</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 1,400 feet upstream of Steel Road</td>
<td>817</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>About 2,700 feet upstream of Steel Road</td>
<td>823</td>
</tr>
<tr>
<td>Nebraska</td>
<td>(C), Adair County (Docket No. FEMA-6144)</td>
<td>Tributary to Kanaroz Creek</td>
<td>Just downstream of Main Avenue</td>
<td>1.520</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Just upstream of Main Avenue</td>
<td>1.525</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>About 200 feet upstream of Pearl Street</td>
<td>1.531</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of Eighth Street</td>
<td>1.068</td>
</tr>
<tr>
<td>Missouri</td>
<td>(C), Carl Junction, Jasper County (Docket No. FEMA-6074)</td>
<td>Center Creek</td>
<td>At confluence of Cooley Branch</td>
<td>655</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 2,000 feet downstream of State Highway 171</td>
<td>672</td>
</tr>
<tr>
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<td></td>
<td>About 1,750 miles upstream of State Highway 171</td>
<td>678</td>
</tr>
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<td></td>
<td></td>
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<td>Just upstream of County Highway 2</td>
<td>604</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>About 1,500 feet upstream of County Highway Z</td>
<td>678</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Briar Creek Drive</td>
<td>658</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 500 feet upstream of Briar Creek Drive</td>
<td>656</td>
</tr>
<tr>
<td>Missouri</td>
<td>(C), Dexter, Stoddard County (Docket No. FEMA-6144)</td>
<td>Dexter Creek</td>
<td>About 900 feet downstream of State Highway 114</td>
<td>320</td>
</tr>
<tr>
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<td>Just downstream of Stoddard Street</td>
<td>328</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>About 0.4 mile upstream of McCollum Road</td>
<td>320</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 0.25 mile downstream of Two Mile Road</td>
<td>327</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At intersection of U.S. Route 90 and West Elk Street</td>
<td>365</td>
</tr>
<tr>
<td>Missouri</td>
<td>(C), Lebanon, Laclede County (Docket No. FEMA-6139)</td>
<td>Holman Branch</td>
<td>Just downstream of South Branch</td>
<td>1.128</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 1,200 feet downstream of St. Louis-San Francisco Railroad</td>
<td>1.221</td>
</tr>
</tbody>
</table>

Maps available at the Office of the Planning Board, Town Hall, West Brookfield, Massachusetts.

Maps available for inspection at the Town Hall, Main Street, West Stockbridge, Massachusetts.

Maps available for inspection at the Village Hall, 300 School Street, Brooklyn, Michigan.

Maps available for inspection at the City Hall, 4357 Buckslay Street, Luna Pier, Michigan.

Maps available for inspection at the Village Hall, 12090 Metheny Street, Raveria, Michigan.

Maps available for inspection at the City Hall, 909 East Chicago Boulevard, Tecumseh, Michigan.

Maps available for inspection at the Building Department, City Hall, 4343 Ramoreannces Road, N.W., Grand Rapids, Michigan.

Maps available for inspection at the Town Hall, 155 South Rarles, Romeo, Michigan.

Maps available for inspection at the City Hall, P.O. Box 187, Adrian, Michigan.

Maps available for inspection at the City Hall, P.O. Box 187, Carl Junction, Missouri.
### Final Base (100-Year) Flood Elevations—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>City/town/county</th>
<th>Source of flooding</th>
<th>Location</th>
<th>Depth in feet above ground</th>
<th>Elevation in feet (MNHW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missouri</td>
<td>(3), Webb City, Jasper County (Docket No. FEMA-6074).</td>
<td>Dry Auglaize Creek</td>
<td>At confluence of Sunnyside River, just upstream of County Road.</td>
<td>1,029</td>
<td>0.988</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of Interstate 44</td>
<td>1,023</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Radio Tower Branch</td>
<td>At downstream corporate limits</td>
<td>1,165</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of St. Louis-San Francisco Railroad</td>
<td>1,205</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of St. Louis-San Francisco Railroad</td>
<td>1,219</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 100 feet downstream of Elm Street</td>
<td>1,218</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of Interstate 44</td>
<td>1,222</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At western corporate limits</td>
<td>1,231</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of State Route 52</td>
<td>1,223</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of St. Louis-San Francisco Railroad (downstream of Kansas Street)</td>
<td>1,230</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of West Elm Street</td>
<td>1,234</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 800 feet downstream of West Elm Street</td>
<td>1,236.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of Interstate 44</td>
<td>1,236</td>
<td></td>
</tr>
</tbody>
</table>

Maps available for inspection at the Planning and Zoning Department, City Hall, P.O. Box 111, Lebanon, Missouri.

| Nebraska     | (4), Tamag, Otoe County (Docket No. FEMA-6130). | Little Nemaha River            | About 1.4 miles downstream of State Highway 67                            | 0.984                       | 0.988                    |
|              |                                                |                                 | About 1.4 miles upstream of State Highway 67                             | 0.982                       |                          |

Maps available for inspection at the City Hall, Tamag, Nebraska.

| Nevada       | Caliente (City), Lincoln County (FEMA-6130).   | Meadow Valley Wash             | 100 feet upstream of center of U.S. Highway 92                            | 0.986                       | 0.984                    |
|              |                                                |                                 | Intersection of Rowan Drive and Depot Avenue                             | 0.984                       |                          |
|              |                                                | Dover Wash                     | 100 feet upstream of center of Union Pacific Railroad                     | 0.986                       |                          |
|              |                                                | Antelope Canyon Wash           | 100 feet upstream of center of U.S. Highway 92                            | 0.986                       |                          |

Maps available for inspection at City Clerk's Office, City Hall, Caliente, Nevada.

| New Jersey   | Camden Point, Township, Salem County (Docket No. FEMA-6146). | Delaware River                | Entire Shoreline within the corporate limits                               | 0.986                       | 0.986                    |
|              |                                                               |                                 |                                                                          | 0.986                       |                          |

Maps available for inspection at the City Hall, Camden Point, New Jersey.

| New Jersey   | Passaic Park, Borough, Bergen County (Docket No. FEMA-6146). | Overpeck Creek                | Downstream Corporate Limits                                               | 0.986                       | 0.986                    |
|              |                                                               |                                 |                                                                          | 0.986                       |                          |

Maps available for inspection at the Borough Hall, 275 Broad Avenue, Passaic Park, New Jersey.

| New Jersey   | West Deptford, Township, Gloucester County (Docket No. FEMA-6122). | Delaware River                | Downstream Corporate Limits                                               | 0.986                       | 0.986                    |
|              |                                                               |                                 |                                                                          | 0.986                       |                          |

Maps available for inspection at the Township Administrator, West Deptford Municipal Building, Thorton, New Jersey.

| New York     | Cleveland, Village, Onondaga County (Docket No. FEMA-6146).   | Onondaga Lake                 | Entire Shoreline                                                          | 0.986                       | 0.986                    |
|              |                                                               |                                 |                                                                          | 0.986                       |                          |

Maps available for inspection at the Village Hall, Cleveland, New York.

| New York     | Marcellus, Village, Onondaga County (Docket No. FEMA-6124).   | Nine Mile Creek               | Downstream Corporate Limits                                               | 0.986                       | 0.986                    |
|              |                                                               |                                 |                                                                          | 0.986                       |                          |

Maps available for inspection at the Marcellus Village Hall, 8 Blooming Street, Marcellus, New York.

| New York     | Port Byron, Village, Cayuga County (Docket No. FEMA-6130).   | Owasco Lake Outlet            | Downstream Corporate Limits                                               | 0.986                       | 0.986                    |
|              |                                                               |                                 |                                                                          | 0.986                       |                          |

Maps available for inspection at the Village Hall, 95-99 Utica Street, Port Byron, New York.

Maps available for inspection at the Village Hall, 95-99 Utica Street, Port Byron, New York.
## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>City/town/county</th>
<th>Source of flooding</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>Senates, Town, Onondaga County (DOcket No. FEMA-6145)</td>
<td>Senates Creek</td>
<td>Downstream Corporate Limits</td>
</tr>
<tr>
<td>North Carolina</td>
<td>City of Goldboro, Wayne County (DOcket No. FEMA-6147)</td>
<td>Neuse River</td>
<td>Just upstream of State Road 1915</td>
</tr>
<tr>
<td>Ohio</td>
<td>(Clinic), Hamilton County, Docket No. FEMA-6124</td>
<td>Great Miami River</td>
<td>At confluence with Ohio River</td>
</tr>
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</table>

### Notes

- Depth in feet above ground
- Elevation in feet (NAD83)
- Elevation in feet (MLLW)

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Maps available for inspection at the Senates, Town Hall, 24 Jordan Road, Senates, New York.

Maps available for inspection at the City Hall, Goldboro, North Carolina 27530.
### FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>City/town/county</th>
<th>Source of flooding</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oregon</td>
<td>Cave Junction (City), Josephine County (FEMA-6143)</td>
<td>East Fork Illinois River</td>
<td>250 feet downstream from center of Redwood Highway (U.S. Highway 199).</td>
</tr>
<tr>
<td>Oregon</td>
<td>Dayton (City), Yamhill County (FEMA-6130)</td>
<td>Yamhill River</td>
<td>Intersection of Water Street and Ferry Street.</td>
</tr>
<tr>
<td>Oregon</td>
<td>Josephine County (Unincorporated Area) (FEMA-6124),</td>
<td>Rogue River</td>
<td>1,000 feet north along Rogue River from Center of Robertson Bridge.</td>
</tr>
<tr>
<td>Oregon</td>
<td>Josephine County (Unincorporated Area) (FEMA-6124),</td>
<td>Jumpoff Joe Creek</td>
<td>20 feet downstream from center of Monument Drive.</td>
</tr>
<tr>
<td>Oregon</td>
<td>Josephine County (Unincorporated Area) (FEMA-6124),</td>
<td>Louie Creek</td>
<td>20 feet downstream from center of Southern Pacific Railroad Bridge.</td>
</tr>
<tr>
<td>Oregon</td>
<td>Josephine County (Unincorporated Area) (FEMA-6124),</td>
<td>Applegate River</td>
<td>10 feet downstream from center of U.S. Highway 199 (Redwood Highway).</td>
</tr>
<tr>
<td>Oregon</td>
<td>Josephine County (Unincorporated Area) (FEMA-6124),</td>
<td>State Creek</td>
<td>25 feet downstream from center of State Highway 236 (Williams Highway).</td>
</tr>
<tr>
<td>Oregon</td>
<td>Josephine County (Unincorporated Area) (FEMA-6124),</td>
<td>Murphy Creek</td>
<td>1,045 feet downstream from center of Fish Hatchery Road.</td>
</tr>
<tr>
<td>Oregon</td>
<td>Josephine County (Unincorporated Area) (FEMA-6124),</td>
<td>Illinois River</td>
<td>1,072 feet downstream from center of Southside Road (Williams Highway).</td>
</tr>
<tr>
<td>Oregon</td>
<td>Josephine County (Unincorporated Area) (FEMA-6124),</td>
<td>East Fork Illinois River</td>
<td>1,251 feet downstream from center of Pinch Road.</td>
</tr>
<tr>
<td>Oregon</td>
<td>Josephine County (Unincorporated Area) (FEMA-6124),</td>
<td>West Fork Illinois River</td>
<td>1,320 feet downstream from center of Walnut Road.</td>
</tr>
<tr>
<td>Oregon</td>
<td>Josephine County (Unincorporated Area) (FEMA-6124),</td>
<td>Deer Creek</td>
<td>1,300 feet downstream from center of Old Redwood Highway (old U.S. Highway 199).</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Lehigh River</td>
<td>Formerit Corporate Limits.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Confluence of Little Lehigh Creek</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Hamilton Street downstream</td>
<td>35 feet below center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Tilden Street downstream</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Upstream Corporate Limits</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Confluence of Lehigh River</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Approximately 2,800 feet upstream of confluence with Lehigh River</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Little Lehigh Creek</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Little Lehigh Creek</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Little Lehigh Creek</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Little Lehigh Creek</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Tributary to Lehigh River</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Little Lehigh Creek</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Little Lehigh Creek</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Trout Creek</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Trout Creek</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Trout Creek</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>West Branch Trout Creek</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>West Branch Trout Creek</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Jordan Creek</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Allentown, City, Lehigh County (Docket No. FEMA-6124),</td>
<td>Jordan Creek</td>
<td>249 feet upstream from center of Lehigh River.</td>
</tr>
</tbody>
</table>

Maps available for inspection at the Planning Department, Hamilton County Courthouse, 1000 Main Street, Cincinnati, Ohio.

Maps available for inspection at City Hall, 222 East, Cave Junction, Oregon.

Maps available for inspection at City Recorder's Office, 416 Ferry Street, Dayton, Oregon.
<table>
<thead>
<tr>
<th>State</th>
<th>City/town/county</th>
<th>Source of flooding</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>Dauphin Township, Beaver County (Docket No. FEMA-6147)</td>
<td>Cedar Creek</td>
<td>Confluence with Little Lehigh River</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Moosor Street upstream</td>
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<td></td>
<td></td>
<td></td>
<td>Hamilton Street upstream</td>
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<td></td>
<td></td>
<td></td>
<td>50th Street upstream</td>
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<td></td>
<td></td>
<td></td>
<td>Cedar Crest Boulevard upstream</td>
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<td></td>
<td></td>
<td></td>
<td>Confluence with Cedar Creek</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Tipton Street upstream</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Corporate Limits</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>approximately 200' upstream of the Corporate Limits</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Elwood City, Borough, Lawrence and Beaver Counties (Docket No. FEMA-6146)</td>
<td>Beaver River</td>
<td>Downstream Corporate Limits</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Corporate Limits</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Confluence of Tributary to Blockhouse Run</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Private Drive (Upstream side) approximately 1,290' upstream of confluence of Tributary to Blockhouse Run</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>approximately 5,680' upstream of confluence of Tributary to Blockhouse Run</td>
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<td></td>
<td></td>
<td></td>
<td>Confluence with Blockhouse Run</td>
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<td></td>
<td></td>
<td></td>
<td>Blockhouse Run Road (Upstream side)</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Frithorn Road (Upstream side)</td>
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<td></td>
<td></td>
<td>Silver Spring Road (Upstream side)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>approximately 700' upstream of Silver Spring Road</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Hollidaysburg, Borough, Blair County (Docket No. FEMA-6147)</td>
<td>Beaverdam Branch Juncta River</td>
<td>Upstream State Route 36</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Allegheny Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Corporate Limits, approximately 1,500' upstream Allegheny Street</td>
</tr>
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<td></td>
<td></td>
<td>Upstream Corporate Limits</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Brush Run</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Scotch Valley Road</td>
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<td></td>
<td></td>
<td></td>
<td>Upstream Edge Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 5,300' upstream Penn Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Corporate Limits</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Mifflin Township, Bucks County (Docket No. FEMA-6124)</td>
<td>Humtzi Creek</td>
<td>Downstream Corporate Limits</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Township Bridge Road (upstream side)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Allentown Road bridge (upstream side)</td>
</tr>
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<td></td>
<td></td>
<td>Millford Square Pike bridge (upstream side)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sleanch Lane bridge (downstream side)</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>North Sewickley Township, Beaver County (Docket No. FEMA-6146)</td>
<td>Beaver River</td>
<td>Downstream Corporate Limits</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Pennsylvania Turnpike upstream</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Corporate Limits</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>approximately 3,520' downstream of State Route 65 bridge.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 100' upstream of State Route 65 bridge</td>
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<td></td>
<td></td>
<td></td>
<td>Upstream Corporate Limits</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Confluence with Conocoquessing Creek</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 2,200' upstream of Sibbyron Road</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>approximately 5,175' upstream of Sibbyron Road bridge.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Putnall Township, Beaver County (Docket No. FEMA-6147)</td>
<td>Tributary to Blockhouse Run</td>
<td>Downstream Corporate Limits (Upstream side of Private Driveway)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1.310' upstream of Corporate Limits</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rochester Road (Upstream side)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Corporate Limits</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Susquehanna, Township, Juniata County (Docket No. FEMA-6147)</td>
<td>Susquehanna River</td>
<td>Downstream Corporate Limits</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Confluence with West Mahantango Creek</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>West Mahantango Creek</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 1,300' upstream of Township Route 425</td>
</tr>
<tr>
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<td></td>
<td></td>
<td>Upstream Route 104 (Upstream)</td>
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<td></td>
<td></td>
<td></td>
<td>Confluence with West Branch Mahantango Creek</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1.300' upstream of Corporate Limits</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Township Route 482 (Upstream)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 750' upstream of Legislative Route 34012</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Confluence with West Branch Mahantango Creek</td>
</tr>
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<td></td>
<td></td>
<td>Township Route 431 (Upstream)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 1,840' upstream of Township Route 431</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Confluence with West Branch Mahantango Creek</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Legislative Route 34012 (Upstream)</td>
</tr>
<tr>
<td>State</td>
<td>City/town/county</td>
<td>Source of flooding</td>
<td>Location</td>
</tr>
<tr>
<td>-------------</td>
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<td>-----------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Texas</td>
<td>City of Tawas. Tarrant County (FEMA-6149)</td>
<td>Tributary B.</td>
<td>Approximately 5.277' downstream of Township Route 417.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Township Route 417 (Downstream)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Confluence with Dobson Run</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 3.840' upstream of Dobson Run</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Confluence with West Branch Mahanango Creek</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Township Route 415 (Downstream)</td>
</tr>
<tr>
<td>Washington</td>
<td>Bothell (City), King County (FEMA-6124)</td>
<td>Sammamish River</td>
<td>At intersection of Sammamish River and Burlington Northern Railroad.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At intersection of North Creek and Northeast 150th Street.</td>
</tr>
<tr>
<td>Washington</td>
<td>Centralla (City), Lewis County (FEMA-6130)</td>
<td>Chalahita River.</td>
<td>100 feet downstream from center of Meaden Street.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Intersection of Denny Way and Alexander Street.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Intersection of Eastern Avenue and Road Avenue.</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>200 feet upstream from center of Roanoke Street.</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Intersection of Cedar Street and Plum Street.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Intersection of Fair Street and Kenyey Avenue.</td>
</tr>
<tr>
<td>Washington</td>
<td>Hamilton (Town), Skagit County (FEMA-6143)</td>
<td>Skagit River.</td>
<td>Intersection of Baker Street and Ashford Street.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Intersection of Washington Street and Noble Avenue.</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Cedar Grove, Town, Kanawha County (Docket No. FEMA-6147).</td>
<td>Kanawha River.</td>
<td>Downstream Corporate Limits.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Corporate Limits.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Confluence with Kanawha River.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Downstream of Private Drive.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Corporate Limits.</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Chesapeaks, Town, Kanawha County (Docket No. FEMA-6147).</td>
<td>Kanawha River.</td>
<td>Downstream Corporate Limits.</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Upstream Corporate Limits.</td>
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<td></td>
<td></td>
<td></td>
<td>Confluence with Kanawha River.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Corporate Limits.</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Dunbar, City, Kanawha County (Docket No. FEMA-6147).</td>
<td>Kanawha River.</td>
<td>Downstream Corporate Limits.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 1,200' downstream Interstate 64 bridge.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Corporate Limits.</td>
</tr>
<tr>
<td>West Virginia</td>
<td>East Bank, Town, Kanawha County (Docket No. FEMA-6147).</td>
<td>Kanawha River.</td>
<td>Downstream Corporate Limits.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Corporate Limits.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream of Corporate System.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream of Interstate 64.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Downstream of State Route 61.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 1,340' upstream State Route 61.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Corporate Limits.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Confluence with Moncree.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Montgomery Bridge (downstream side).</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream Corporate Limits.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Confluence with Kanawha River.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Old State Route 61 bridge (upstream side).</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 600' upstream of Old State Route 61.</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>(a) Twin Lakes, Kenosha County (Docket No. FEMA-6139)</td>
<td>Lake Mary.</td>
<td>Within corporate limits.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Within corporate limits.</td>
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<td></td>
<td></td>
<td></td>
<td>Within corporate limits.</td>
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<td></td>
<td></td>
<td></td>
<td>At downstream corporate limits.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 9,000 feet upstream of corporate limits.</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>(c) Whitewater, Walworth County (Docket No. FEMA-6144).</td>
<td>Whitewater Creek.</td>
<td>About 1,400 feet downstream of Clarion Road.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just downstream of East Main Street.</td>
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<td></td>
<td></td>
<td></td>
<td>At upstream corporate limits.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Shoreline.</td>
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<td></td>
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<td>Shoreline.</td>
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<td></td>
<td></td>
<td>Shoreline.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At upstream corporate limits.</td>
</tr>
<tr>
<td>Wisconsin</td>
<td></td>
<td></td>
<td>Just upstream of Franklin Street.</td>
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<td></td>
<td></td>
<td></td>
<td>At upstream corporate limits.</td>
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<td></td>
<td>At upstream corporate limits.</td>
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<td></td>
<td>At upstream corporate limits.</td>
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<td></td>
<td></td>
<td></td>
<td>At upstream corporate limits.</td>
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</tbody>
</table>
FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1


Practice and Procedure; Equal Access to Justice Act Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

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

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


SUPPLEMENTARY INFORMATION:

Report and Order


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

3. The Administrative Conference of the United States and the National Association of Broadcasters (NAB) suggest that we clarify the rule dealing with coverage of the EAJA to note that revocation proceedings fall within the scope of the Act. Since this will carry out congressional intent, we are modifying Rule 1.1503 as suggested. We believe this modification will sufficiently clarify the scope of the rules so that it is unnecessary to list the proceedings covered, as suggested by the Administrative Conference and the National Radio Broadcasters Association (NRBA).

4. The NRBA and Putrese & Hunsaker raise concerns that the goals of the EAJA might be frustrated by limiting coverage of the rules to revocation proceedings, while most of the Commission's enforcement efforts are carried out in renewal proceedings.

5. The NRBA suggests that, since both revocation and renewal proceedings are based on the same types of alleged misconduct, exclusion of renewal proceedings is inequitable and contrary to the results apparently intended by Congress. In response, we note that the statute itself excludes from coverage "an adjudication endorsed by a license" for the purpose of granting or renewing a license. 5 U.S.C. 504(b)(1)(C).

6. MDCD also submits that the agency "which has wronged a licensee" should not "pass final judgment on the amount of reimbursement." Comments of MDCD at 2. It suggests that the Administrative Law Judges' decisions should be final. The EAJA states, however, that the ALJ's decision "shall be made a part of the record containing the final decision of the agency." 5 U.S.C. 504(a)(3) (emphasis added). This reflects a congressional determination that the agency itself has the authority to make the final determination to award appropriate fees.

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

8. Since the EAJA went into effect on October 1, 1981, immediate implementation of these rules is appropriate. Thus, good cause is
established for waiver of the 30 day effective period. 5 U.S.C. 553(d).


Federal Communication Commission.

William J. Tricario,
Secretary.

Appendix

PART 1—PRACTICE AND PROCEDURE

1. In § 1.267, paragraph [c] is revised to read as follows:

§ 1.267 Initial and Recommended Decisions.

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

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

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

General Provisions

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

Information Required From Applicants

1.1511 Contents of application.

Procedures for Considering Applications

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

Authority: Sec. 203(a)(1), Pub. L. 96–481; 94 Stat. 2325 (5 U.S.C. 554 in which the position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the procedures and standards that the Commission will use to make them.

§ 1.1502. When the EAJA applies.

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


(a) The EAJA applies to adversary adjudications conducted by the Commission. These are adjudications under 5 U.S.C. 554 in which the position of this or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Coverage of the EAJA begins at designation of a proceeding or issuance of a show cause order. Any proceeding in which the Commission may establish or fix a rate is not covered by the EAJA. Proceedings to grant or renew licenses are also excluded; but proceedings to revoke licenses are covered if they are otherwise “adversary adjudications.”

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

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

§ 1.1504. Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the EAJA, the applicant must be a party, as defined in 5 U.S.C. 553(2), to the adversary adjudication for which it seeks an award. The applicant must show that it meets all conditions of eligibility set out in this paragraph and in paragraph (b) of this section.

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

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

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

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

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

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the Administrator determines that such treatment would be unjust and contrary to the purposes of the EAJA in this paragraph constitute special circumstances that would make an award unjust.

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

§ 1.1505 Standards for awards.

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

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

§ 1.1506 Allowable fees and expenses.

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

(b) No award for the fees of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which the Commission pays expert witnesses. However, an award may also include the reasonable expenses of the attorney; agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges its clients separately for such expenses.

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

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

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

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

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

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

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

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

§ 1.1507 Rulemaking on maximum rates for attorney fees.

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

(b) Any person may file with the Commission a petition for rulemaking to increase the maximum rate for attorney fees, in accordance with Subpart C of this chapter. The petition should identify the type or types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. This agency will respond to the petition by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

§ 1.1508 Awards against other agencies.

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

Information Required From Applicants

§ 1.1511 Contents of application.

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

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

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

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

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

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

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

§ 1.1512 Net worth exhibit.

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

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

§ 1.1513 Documentation of fees and expenses.

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

§ 1.1514 When an application may be filed.

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

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

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

Procedures for Considering Applications

§ 1.1521 Filing and service of documents.

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

§ 1.1522 Answer to application.

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

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

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

§ 1.1523 Reply.

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

§ 1.1524 Comments by other parties.

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

§ 1.1525 Settlement.

The applicant and Bureau counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and Bureau counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the
proposed settlement. If the Administrative Law Judge approves the proposed settlement, it shall be forwarded to the Commission for final approval.

§ 1.1526 Further proceedings.
(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or Bureau counsel, or on his or her own initiative, the Administrative Law Judge may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

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

§ 1.1527 Decision.
The Administrative Law Judge shall issue an initial decision on the application as soon as possible after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the Commission's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

§ 1.1528 Commission review.
Either the applicant or Bureau counsel may seek Commission review of the initial decision on the fee application, or the Commission may decide to review the decision on its own initiative, in accordance with §§ 1.276-1.282 of this Chapter. Except as provided in § 1.1525, if neither the applicant nor Bureau counsel seeks review and the Commission does not take review on its own initiative, the initial decision on the application shall become a final decision of the Commission 50 days after it is issued. Whether to review a decision is a matter within the discretion of the Commission. If review is taken, the Commission will issue a final decision on the application or remand the application to the Administrative Law Judge for further proceedings.

§ 1.1529 Judicial review.
Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(e)(2).

§ 1.1530 Payment of award.
An applicant seeking payment of an award from the Commission shall submit to the General Counsel a copy of the Commission's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts, or a copy of the court's order directing payment. The Commission will pay the amount awarded to the applicant unless judicial review of the award or the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

73 FR 27982

73 CFR Part 73

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

Operation of Television Broadcast Stations by Remote Control

AGENCY: Federal Communications Commission.

ACTION: Final rule.

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


FOR FURTHER INFORMATION CONTACT:
Herbert Zeiler, Broadcast Bureau, (202) 632-0660.

SUPPLEMENTARY INFORMATION:
Adopted: December 17, 1981.
Released: January 14, 1982.

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

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

Making 1 in the above entitled matter. The Notice proposed to amend §§ 73.676, 73.689, and 73.1820 of the rules by deleting the specific vertical interval test signals (VITS) for remotely controlled television stations and the accompanying mandatory transmission requirement.

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

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

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

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

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

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

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

8. Regulatory Flexibility Act Final Analysis

I. Need for Rule.

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

II. Purpose of Rule.

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

III. Flexibility Issues Raised in the Comments.

None.

IV. Significant Alternatives Not Adopted.

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

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

10. For further information contact Herbert Zeiler, Broadcast Bureau, (202) 632-0660.


Federal Communications Commission.

William J. Tricarico,
Secretary.

Appenidix

PART 73—RADIO BROADCAST SERVICES

§ 73.678 [Amended]

1. Section 73.678 is amended by removing paragraph [f] in its entirety.

§ 73.699 [Amended]

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

§ 73.1820 [Amended]

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

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

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

(c) From time to time the staff is queried on the exact meaning of this proviso in paragraph (a) of § 73.1930, Political editorials: "Where such editorials are broadcast within 72 hours prior to the day of the election, * * *."

The question posed is, does the 72 hour period exclude election day, or does the rule mean election day and the 72 hours preceding it? The proper interpretation is the latter. It is the 72 hours prior to the day of election plus election day. The Commission made this interpretation quite clear in Bel Air Broadcasting Company, Inc., Memorandum Opinion and Order, in the Matter of Liability of Bel Air Broadcasting Co., Inc., Licensee of Radio Station WVOB, Bel Air, Md. For Forfeiture, 47 FCC 2d 985. In that judgment, the Commission based its decision to issue a Notice of Apparent Liability on certain "apparent facts" including: "that the editorial was broadcast on each of the three days prior to the election as well as on election day and thus well within the 72-hour period established by the Rule during which licensees broadcasting such editorial oppositions must meet the Rule's affirmative obligations. * * *"
§ 73.1930(a) will be amended to clarify its meaning in this respect. (See Appendix, item 3.)

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

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

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

(e) The procedures to be followed in comparative broadcast hearing cases in consideration of specialized programming formats is stated in Memorandum Opinion and Order released February 7, 1980, 75 FCC 2d 721. For many years Commission policy in this matter was found in Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393 (1965) and Commercial Radio Institute, Inc., 48 FCC 2d 322 (Rev. Bd 1974). However, in George E. Cameron, Jr., Communications, 71 FCC 2d 461 (1979), we retreated from our longtime approach and announced a revision in this policy area. Subsequent to Cameron, the Commission adopted the Report and Order in General Docket 79-137, Revised Procedures for the Processing of Contested Broadcast Applications, 72 FCC 2d 202, where we initiated certain procedural reforms, one of which created a contradiction between the new procedure and the Cameron policy. The Declaratory Ruling was given clarifying the matter in the subject Memorandum Opinion and Order. The appropriate addition is made to the Policy listings via this Order. (See Appendix, item 5.)

(f) In adopting the Report and Order in Docket 19571, 41 FCC 2d 534, the Commission elected to set policy rather than adopt a rule change in the matter of restricting transmission of the stereophonic pilot subcarrier by FM stations during periods of monophonic program transmission. Via this Order, the policy is listed as “Stereophonic pilot subcarrier use during monophonic programming. It is numbered as § 73.4246 in the Policy listings in Part 73. (See Appendix, item 6.)

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

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

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

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

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

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

6. For further information on this Order, contact Steve Crane, John Reiser or Philip Cross, Broadcast Bureau, (202) 632-8660.


Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix

PART 73—RADIO BROADCAST SERVICES

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

§ 73.653 Operation of TV aural and visual transmitters.

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

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

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

§ 73.1201 Station identification.

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

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

§ 73.1930 Political editorials.

(a) Where a licensee, in an editorial, (1) Endorses or, (2) Opposes a legally qualified candidate or candidates, the licensee shall, with 24 hours after the editorial, transmit to, respectively, (i) The other qualified candidate or candidates for the same office or, (ii) The candidate opposed in the editorial, (A) Notification of the date and the time of the editorial, (B) A script or tape of the editorial and (C) An offer of reasonable opportunity for the candidate or a spokesman of the candidate to respond over the licensee’s
facilities. Where such editorials are broadcast on the day of the election or within 72 hours prior to the day of the election, the licensee shall comply with the provisions of this paragraph sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion.

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

§ 73.4065 Combination advertising rates; joint sales practices.


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

§ 73.4082 Comparative broadcast hearings—specialized programming formats.

(a) See Memorandum Opinion and Order, FCC 80-33, adopted January 30, 2018. 75 FCC 2d 721.


(c) See Memorandum Opinion and Order, FCC 79-208, adopted March 30, 1979. 71 FCC 2d 400.

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

§ 73.4246 Stereophonic pilot subcarrier use during monophonic programming.


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

§ 73.4247 STV: Competing applications.


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

§ 73.4267 Time brokerage.


[FR Doc. 83-2058 Filed 1-28-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 351

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

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Final rule.

SUMMARY: Section 916k of the Whaling Convention Act, 16 U.S.C. 916 et seq., requires that the Secretary of Commerce publish the Schedule of the International Convention for the Regulation of Whaling, 1946, in the Federal Register, so that the Schedule will "become effective with respect to all persons and vessels subject to the jurisdiction of the United States in accordance with the terms of such regulations."

This final rule publishes the most recent amendments to the Schedule of the International Convention for the Regulation of Whaling as required even though 50 CFR Part 351 (except as provided for in § 351.36) relates to commercial whaling which is currently proscribed for all persons and vessels subject to the jurisdiction of the United States. Subsistence whaling by U.S. citizens will be subject of a separate, rulemaking to be published in 50 CFR Part 230.

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


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

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

Regulations under the Whaling Convention Act relating to the 1982 harvest of bowhead whales by Alaskan Natives will be published at a later date and will appear in 50 CFR Part 230. 16 U.S.C. 916k requires the Secretary to promulgate IWC Schedule amendments. These amendments result from a process in which NOAA provided ample opportunity for public comment in the development of the U.S. position for the most recent IWC meeting. Because of the perfunctory nature of this publication and in view of the public's participation in preparing for the IWC meeting that produced the subject Schedule amendments, I find good cause that a delay of 30 days in effectiveness under 5 U.S.C. 553 is impracticable and contrary to the public interest. Also, this promulgation is exempt from the NEPA environmental document requirements pursuant to Section 6(c)(3) of the revised NOAA Directive (NDM 02-10; 45 FR 49321) implementing NEPA because it constitutes a programmatic function with no potential for significant environmental impact.

The Administrator has reviewed this final rule in accordance with the specifications of Executive Order 12291. "Federal Regulation," and the Department guidelines implementing that Order and determined that it has no
impact on competition, employment, investment, or productivity. Accordingly, no regulatory impact analysis is required.

The Administrator has certified that this rule will not have a significant economic impact on a substantial number of small entities because it would regulate activities that are otherwise prohibited with the exception of aboriginal whaling allowed under 50 CFR 351.36. This exception will be the subject of a separate rulemaking to be published in 50 CFR Part 230. Accordingly, no regulatory flexibility analysis is required. Finally, this action does not increase the Federal paperwork burden for agencies, individuals, small businesses, or other persons. Therefore, the Paperwork Reduction Act of 1980 does not apply.


Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

PART 351—WHALING

For reasons set out in the preamble, Part 351 of Title 50, Code of Federal Regulations, is amended as set forth below.

1. The authority citation for Part 351 reads as follows:


2. By adding an entry for $351.30 to the table of contents for Part 351 that reads as follows:

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>351.30</td>
<td>Humane Killing</td>
</tr>
</tbody>
</table>

3. By adding a new §351.30 to read as follows:

§ 351.30 Humane Killing.

The killing for commercial purposes of whales, except minke whales, using the cold grenade harpoon shall be forbidden from the beginning of the 1980/81 pelagic and 1981 coastal seasons.

4. By revising paragraphs (d) and (e) of §351.33 to read as follows:

§ 351.33 Classification of areas and divisions.

(d) Geographical boundaries in the North Pacific. The geographical boundaries for the sperm and Bryde's whale stocks in the North Pacific area:

**Sperm Whale Stocks**

**Western Division**

West of a line from the ice-edge south along the 180° meridian of longitude to 180°, to 50°N, then east along the 50°N parallel of latitude to 160°W, 50°N, then south along the 160°W meridian of longitude to 160°W, 40°N, then east along the 40°N parallel of latitude to 150°W, 40°N, then south along the 150°W meridian of longitude to the Equator.

By revising Tables 1, 2, and 3 which follow Subpart D to read as follows:

<table>
<thead>
<tr>
<th>Table 1. Baleen Whale Stock Classifications and Catch Limits (excluding Bryde's whales)</th>
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**Northern Hemisphere—1982 season**

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| **Geographical boundaries for Bryde's whale stocks in the Southern Hemisphere** |        |        |        |        |        |          |          |            |          |        |

- Southern Indian Ocean, 20°E to 130°E, south of the Equator.
- Solomon Islands, 150°E to 170°E, 20°S to the Equator.
- Western South Pacific, 130°E to 150°W, south of the Equator (excluding the Solomon Islands stock area).
- Peruvian, 100°W to the South American coast, 10°S to 10°N.
- Eastern South Pacific, 150°W to 70°W, south of the Equator (excluding the Peruvian stock area).
- South Atlantic, 70°W to 20°E, south of the Equator (excluding the South African Inshore stock area).
- South African Inshore, 30nm seawards off the southwest coast of South Africa from 25°S latitude down and around the coast to 23°E longitude.

5. By revising Tables 1, 2, and 3 which follow Subpart D to read as follows:

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

<table>
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<tr>
<th>Area</th>
<th>Classifications</th>
<th>Catch Limit</th>
<th>Classifications</th>
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Table 2. Bryde's Whale Stock Classifications and Catch Limits—Continued

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Table 3. Toothed Whale Stock Classifications and Catch Limits

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<th>Area</th>
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<td>North Pacific-1982 season</td>
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<td>Northern Indian Ocean</td>
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Table 2. Bryde's Whale Stock Classifications and Catch Limits—Continued

1. The total catch of minke whales shall not exceed 1,678 in the five years 1980 to 1984 inclusive.
2. The total catch of minke whales shall not exceed 3,634 in the five years 1980 to 1984 inclusive.
3. Pending satisfactory estimate of stock size.
4. Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 13b.
5. The total catch of minke whales shall not exceed 5,778 in the five years 1981 to 1985 inclusive.
6. Pending submission of data leading to an adequate assessment.
7. The total catch of sei whales shall not exceed 324 in the five years 1980 to 1985 inclusive.

§ 351.39 Catch limits for sperm whales.

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

Appendix A—[Amended]

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

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

Catcher name—Year built—Attached to expedition/landing station—Season—Overall length—Wooden/steel hull—Type of engine—H.P.—Maximum speed—Average searching speed—Asdic set, make and model—Date of installation—Make and size of cannon—Type of harpoon used—explosive/electric/non-explosive—Length and type of forerunner—Height of barrel above sea level—Speedboat used, Yes/No—Name of Captain.
Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Increase in fishing time.

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

EFFECTIVE DATE: January 3, 1982.

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

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

The Regional Director has reviewed harvest statistics from the latter part of 1981 and has determined that fishing time for surf clams should be increased from the 12 hours per week currently in effect to 24 hours, to facilitate the harvest of the full quarterly quota for surf clams, expected to be approximately 585,000 bushels. The Regional Director recognizes that harvest rates fluctuated dramatically during the last year, and intends continually to review progress toward attainment of the quarterly quota so that he can make timely adjustments to the allowable fishing time.
This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

**NUCLEAR REGULATORY COMMISSION**

10 CFR Part 50

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

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule; correction.

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

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

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

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

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

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

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

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

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

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

   [FR Doc. 82-2076 Filed 1-25-82; 8:45 am]

   BILLING CODE 7590-01-M

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**FEDERAL ELECTION COMMISSION**

11 CFR Part 110

[Notice 1982-1]

Communications; Advertising

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of proposed rulemaking

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

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

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

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

**SUPPLEMENTARY INFORMATION:** The Commission is considering several proposed changes in 11 CFR 110.11(a), to clarify certain aspects of that section and to follow recent advisory opinions issued by the Commission. The proposed rules being published today include revisions which would require that the appropriate disclaimer notice be displayed on posters and on solicitations or express advocacy communications which are paid for by "any person" but are not authorized by any candidate. The proposed rules would also make clear that no disclaimer is necessary on solicitations made by a separate segregated fund to its permissible class of solicitees under 11 CFR Part 114.

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

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

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

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

Finally, a proposed addition to §110.11(a)(2) has been drafted. This new provision would provide a second exception from the requirement to display a disclaimer notice. The new exemption would apply to advertisements on very tall structures, such as water towers, and for skywriting since the disclaimer would be unreadable.
PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS

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

§ 110.11 Communications; advertising.

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

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

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

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

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

(B) For purposes of this section, whenever a separate segregated fund solicits contributions to the fund from those persons it may solicit under the applicable provisions of 11 CFR Part 114, such communication shall not be considered a form of general public advertising and need not contain the disclaimer set forth in paragraph (a)(1)(iv)(A) of this section.

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

* * * * *

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

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


Frank P. Reiche, Chairman, Federal Election Commission.

[FR Doc. 82-2000 Filed 1-30-82; 8:45 am]
BILLING CODE 671S-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Cuyahoga Valley National Recreation Area; Alcoholic Beverages

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

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

DATE: Written comments, suggestions, or objections will be accepted until January 30, 1982.

ADDRESS: Comments should be directed to: Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 155, Peninsula, Ohio 44264.

FOR FURTHER INFORMATION CONTACT: Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, Telephone: (216) 655-4414.

SUPPLEMENTARY INFORMATION:

Background

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

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

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

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

Public Participation

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

Drafting Information

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

Compliance with Other Laws

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

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

The Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 19192, February 19, 1981), and that this rulemaking would not have a "significant economic effect on a substantial number of small entities," nor will they require the preparation of a regulatory analysis within the meaning of the Regulatory Flexibility Act, 94 Stat. 1164, 5 U.S.C. 601 et seq. (Section 3 of the Act of August 25, 1916, 39 Stat. 353, as amended (16 U.S.C. 3)).

J. Craig Potter,
Acting Assistant Secretary for Fish and Wildlife and Parks.

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

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

§ 7.17 Cuyahoga Valley National Recreation Area, Ohio.

(a) Alcoholic beverages. (1) Possession. The possession of a bottle, can, or other receptacle, containing an alcoholic beverage which has been opened, or a seal broken or the contents of which have been partially removed is prohibited, except in residence or other areas specifically authorized by the superintendent as to time and place.

(2) Definition. —Alcoholic beverages.

Any liquid beverage containing 14 to 1 percent or more of alcohol by weight.

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

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

Sodium Chlorate; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

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

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

ADDRESS: Written comments to: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-787C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (202-557-7123).

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

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

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

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

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

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

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

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

As required by Executive Order 12291, the EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from
the OMB review requirements of Executive Order 12291, pursuant to section 6(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-542, 94 Stat. 2615, 5 U.S.C. 603–610), the Administrator of Agriculture 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 24550).

Dated: January 12, 1982.

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

Douglas D. Campt,
Director, Registration Division, Office of Pesticide Programs.

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

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

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

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

[FR Doc. 82-150 Filed 1-26-82; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15 and 90

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

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

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

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

DATES: Comments are due by April 8, 1982 and replies by May 6, 1982.


FOR FURTHER INFORMATION CONTACT: Mr. Sam Tropea/Mr. George Sarver, Office of Science and Technology, 2000 M Street, N.W., Washington, D.C. 20554; (202) 835-8187.

SUPPLEMENTARY INFORMATION:


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

I. Introduction

1. The Commission has under consideration a petition in the above-entitled matter filed by the Utilities Telecommunications Council \(^{1}\) (hereinafter UTC). The petition requests that Parts 2, 13 and 90 of the Commission's Rules be amended to provide appropriate regulatory recognition for electric power utility Power Line Carrier (PLC) systems in the 10 to 490 kHz frequency band. The petition also suggests the establishment of a data base and a notification procedure so that band occupants can cooperate in minimizing or eliminating mutual interference.

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

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

II. System Description

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

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

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

III. Regulatory History

6. While PLCs have operated on an unlicensed basis, the Commission has had much contact with these systems. The Commission's rules with regard to low power devices including carrier current systems date from 1939. Formal rulemaking proceedings commenced on August 28, 1939. The Commission invited interested parties to comment on proposed regulations governing the operation of low power devices and to

\(^{1}\) UTC is the national representative on telecommunications matters for the nation's electric, gas, water and steam utilities.
November energy is intentionally incorporated into the design
1947 (14 FR
Power Radio Frequency Electrical Devices Used for
Relative to the Operation of Radio
Release No.
below
writing, images and sounds or
used for the transmission of signs,
device” as a restricted radiation device
to define a “low power communications
Proposed Rule Making
Commission in its Third Notice of
their use between
April 14, 1976, the Commission
adopted a Notice of Proposed Rule
Making in Docket 20780 to amend Part
15 of the Rules to redfine and clarify
the rules governing restricted radiation
devices and low power communications
deVICES. Paragraph 12 of that proceeding
states in part:
“Public utilities use carrier current systems
extensively for performing a number of
switching and controlling functions. Typically
these systems are designed to have minimal
interference effects. Experienced technicians
maintain these systems, performance is
checked periodically and any interference
problem caused by such operation receives
immediate attention.”
While that rulemaking proceeding has
not been finalized as yet, the document
recognizes the importance of the
functions performed by carrier current
systems and suggests the need for
specific rules concerning their operation.
IV. Problems Confronting PLC Systems
10. Power line carriers technically
operate as wireline systems since they
superimpose signals on electrical
transmission lines. At the same time
they do radiate and receive radio
high powered radio communication and
radio navigation systems operating on
the same frequencies. As restricted
radiation devices under Part 15 of the
Commission’s Rules, PLC systems can
only operate on an unprotected,
noninterference basis to licensed
stations and receive no protection from
licensed radio stations, UTC states that
because of the low power used by PLC
systems, interference from PLC to other
users in the band will normally occur
within about one mile or less from the
transmission line. It is anticipated that
this interference can be minimized if
advance information is made available
regarding the frequency of operation and
the location of the other radio
facility.
11. On the other hand, UTC also states
that interference to PLC systems from
high powered radio communication and
radio navigation systems operating on
the same frequency is possible at much
greater distances, up to 150 miles.
In most cases the only remedial course
of action available to the utility company
is to shift its PLC system to a different
frequency than that used by the
interfering station. Locating an available
frequency, if any, and making the
necessary equipment modifications can
have a substantial cost effect on the
electric utility company.
12. The matter of interference
potential between PLC and other users
of the 10 to 400 kHz band has been
highlighted by the establishment of an
Ad Hoc Group by the Interdepartment
Radio Advisory Committee (IRAC) to
investigate the matter. The Group,
designated as Ad Hoc 162, was formed
by IRAC to address interference
problems among carrier current systems,
existing radio systems and proposed
radio systems below 535 kHz. Ad Hoc
162 has submitted a report dated April
7, 1981, to IRAC recording its findings
and recommendations concerning PLC.
The recommendations and information
contained in that report are discussed
below in paragraph 28 et seq.
V. Action Requested by Petitioner
13. In an effort to provide a resolution
to the mutual interference problems
between PLC and radio users of the
band, UTC’s petition proposes a
regulatory framework so most
interference situations can be
anticipated and avoided. At the same
time UTC recognizes that PLC
operation in the band is only on an
unprotected, noninterference basis and
it does not propose that electric utilities
be afforded allocation and protection.
In this regard the petitioner acknowledges
that PLC systems will still be required to
change frequencies in those cases where
such action is the only reasonable way
of solving an interference situation with
licensed users. Accordingly, without
seeking allocation status, UTC proposes
that means be considered to make band
occupants aware of the presence of PLC
systems and the important function they
serve in fulfilling the nation’s power
utility needs and thereby achieve some
measure of cooperation to resolve
interference situations.
14. UTC in its petition suggested that
the following four options were
available to the Commission in the
matter:
b. Include PLC systems in a frequency
data base and require informal prior
notification of new radio
communications or radio navigation
stations.
c. Provide co-equal allocation status for
PLC.
d. Add a U.S. Footnote to the allocation
table to recognize and protect PLC
systems.
California Edison Company indicated in its comments that adequate regulatory provisions in the Authority (TVA) are necessary to ensure the continued reliability of electric service. The Department of Energy (DOE) stated that regulatory recognition is essential to prevent damage to transmission facilities thereby maintaining power system stability and enhancing reliability of service to customers. DOE also indicated its preference, as stated in a letter dated April 20, 1981, UTC, by its attorneys, that modifications be made to its proposed footnote which incorporates provisions of the second and fourth options together. The letter suggests that the draft footnote provide recognition of PLC systems along with the provision that applicants for new or revised radio and PLC systems provide each other with prior notification concerning proposed facilities and cooperate in minimizing potential interference to the degree practicable.

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

VI. Summary of Comments

16. All supporting comments expressed agreement that PLC regulatory recognition is essential to insure continued reliability of electric service. The Department of Energy indicated its support for the petition and said it agrees with UTC regarding the use of PLC, how it works, the functions PLC's perform, their importance, and the continuing and growing need for PLC to protect and control electric transmission systems. The Tennessee Valley Authority (TVA) stated that there are inadequate regulatory provisions in the present Commission's Rules for PLC and the Union Electric Company submitted a petition dated March 13, 1981, UTC, that this is an important use of the spectrum and vital to providing electric power to the public. The Southern California Edison Company indicated that PLC operation is in the public interest and that other systems such as those using microwave communications are not a viable alternative, particularly in congested urban areas. In this regard, the Northern States Power Company stated that it is critical to protect energy transmission lines and that PLC is the only practical and economical alternative that offers the needed protection. Commenters such as the New York State Electric and Gas Company, and the Public Service Electric and Gas Company stressed that future growth in usage of electricity will require more generating and transmission facilities resulting in the need for increased PLC usage. Some commenters, e.g. the Allegheny Power System, stressed the importance of the technical operation aspects of PLC such as the isolation of electrical faults in 50 to 100 milliseconds to prevent damage to transmission facilities thereby maintaining power system stability and enhancing reliability of service to customers. The National Electric Manufacturers Association agreed that recognizing the existence and importance of PLC operation in the 10 to 400 kHz band is necessary and that a prior notification procedure would benefit to PLC system planning.

17. Opposing comments were filed by licensed users of the band, unlicensed low power users of the band including Dynascan Corp., Megapulse, Inc., Radio Directional Finding, Inc., and the Allied Telecommunications Association (ATA), and the Airline Operators and Pilots Association. Dynascan Corp. expressed its concern over the effect of PLC operation on nondirectional radio beacons (NDB) operating in the 190 to 415 kHz band for navigational information during flight. These concerns include opposition to allocation status for PLC's, delay of license processing for NDB's due to coordination requirements, and possible impediment to the licensing of new users due to PLC recognition. In this regard, Atlantic Research also expressed its concern over the effect of PLC recognition would have on existing users and potential new users of the band. In addition, the United States Coast Guard (USCG), while it supports the idea of entering PLC's into a data base, expressed its concerns regarding PLC's effects on Omega, LORAN, radio beacon and radio directional finding stations. Megapulse, Inc., also expressed its concern for possible interference to LORAN-C operations and suggested that PLC operation be excluded from operating between 90-110 kHz. The majority of the opposing comments were submitted by unlicensed low power radio remote control device users who operate under Part 15 of the Rules. The comments of Dynascan Corp., which manufactures and sells radio remote control devices to control overhead traveling bridge cranes and other equipment to move heavy materials, are representative of the problems anticipated by the low power users. The concerns include the possibility of interference to radio remote control devices by PLC operations, the eventual institution of licensing requirements to regulate presently unlicensed operations, and the unfair advantage that would be afforded to PLC over other low power users of the 200-400 kHz band. Finally, AT&T in its comments stated that while it does not oppose a footnote regarding PLC use for transmission facilities, it does object to the use of PLC for power distribution facilities. In this regard, AT&T contends that the UTC does not address the different problems and needs of distribution PLC's or the interference potential to local telephone subscribers.

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

20. UTC in its Reply Comments responded to the concerns of the airine industry by reaffirming that it is not seeking co-equal allocation status and that throughout the 10-490 kHz band it desires and intends to retain a secondary status for PLC systems when they would interfere with existing or needed radio communications or radionavigation systems. While UTC originally requested a type of "permitted" status for PLC's, it did modify its request to continue operations on a noninterference basis. Concerning AT&T's comments, UTC had no objection to handling PLC operations.
distribution systems in a separate rulemaking action. Here again, UTC originally intended to include both PLC distribution and transmission systems in its petition, but, as mentioned earlier, in its reply comments it agreed that distribution and transmission systems could be considered separately. UTC also cited some test results made in New Jersey by an AT&T subsidiary, the equipment manufacturer and Bell Labs. The test allegedly demonstrated that when the distribution power line carrier system and the telephone company system were both operated under normal operating conditions there was no detectable harmful interference to telephone services. In reply to the USCG and Megapulse comments, UTC stated that in the record of the proceeding there is no documented evidence of interference into LORAN-C maritime radionavigation operations from PLC systems. UTC further points out its proposals are intended to provide a mechanism to anticipate and avoid interference and not to cause interference by PLC systems. Responding to the comments of unlicensed remote control device users such as Dynascan, UTC stated that no documented cases of interference from PLC were cited. It also pointed out that most transmission line PLC systems would be sufficiently distant from the areas where the control devices would be in use. Further, it said that control device users in large industrial areas are served by dedicated transformer banks that heavily attenuate PLC signals. In addition, UTC stated that its petition should not result in the licensing of remote control devices and that in regard to interference concerns, access to the proposed data base would be available to control device users and could help in anticipating and avoiding interference situations.

VII. Discussion

A. Recognition of PLC

21. The Commission recognizes the importance of PLC operations in monitoring and protecting the electrical transmission systems that supply energy to the nation's homes and businesses. We also agree that because of the nationwide functions performed by PLC operations more regulatory provision is desirable and in the public interest. However, since PLC has operated under the unlicensed provisions of Part 15, the Commission's first concern is that any recognition of PLC systems not be interpreted as the promotion of PLC at the expense of other unlicensed Part 15 users. Further, we agree with the comments of the Atlantic Research Corp. that regulatory action must not deny the use of the band 10-490 kHz to any radio users or to improved facilities by existing users. In addition, the Commission is in agreement with the comments that request avoidance of regulatory action that results in licensing delays.

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

B. Interference Concerns

23. The major concern of commenters both from licensed and unlicensed users of the 10-490 kHz band involved the question of alleged interference from PLC operations. The U.S Coast Guard in its comments indicated that it operates four radionavigation systems susceptible to interference in the band—OMEGA (10-14 kHz), LORAN-C (90-130 kHz), Radio beacon (285-325 kHz), and Radio Direction-Finding (405-415 kHz). The aircraft interests expressed their concerns regarding the interference potential from PLC's to the aeronautical radionavigation aids operating between 190-415 kHz. Likewise, MRFAC and the low power equipment handling devices use the frequencies between 200-400 kHz and suspect that increased interference from PLC systems may occur.

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

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

2. There has been only one identifiable case of interference to an aeronautical beacon. The beacon was installed after the PLC system was already in service so the power company could not predict the problem.

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

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

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

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

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

26. In regard to interference from PLC operations, several favorable observations can be noted for PLC. First, the near absence of reported interference from PLC systems appears to indicate that the present operations are reasonably compatible with other users of the band. Second, the petitioner is not proposing any modification to the existing mode of operation, i.e., increased operating power; or to operating authority, i.e., licensing of PLC systems. Lastly,
operation will continue on an unprocessed, noninterference basis to licensed users and on a noninterference basis with unlicensed users. We also realize that the near absence of documented interference complaints does not guarantee that there haven't been more interference problems or that there will be none in the future. However, continued operation on a noninterference basis along with implementation of a notification procedure as proposed should help alleviate interference concerns even in view of expected increases in band usage.

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

C. IRAC Input

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

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

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

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

d. Theoretical and experimental studies as referenced in this report confirm that the potential for mutual interference between PLC systems and authorized radio services exist and the number of cases of interference is expected to increase as the number of all types of systems using the band grows.

e. While PLC systems are regulated under NTIA Manual of Regulations and Procedures for Federal Radio Frequency Management Chapter 7 and Part 15 of the FCC Rules and Regulations, no formal procedures exist within the spectrum management community to resolve conflicts and to coordinate the use of frequencies between PLC systems and the authorized radio services since PLC have no allocated status.

f. If there is to be technical regulation of PLC systems, the provisions of NTIA Manual of Regulations and Procedures for Federal Radio Frequency Management Chapter 7 and FCC Part 15 are inadequate for technical regulation of PLC systems.

g. There does not exist within Government or industry a centralized data base containing the location and technical characteristics of each existing PLC system. All Government frequency assignments are documented.

The Ad Hoc Group recommendations included establishment of a data base for PLC systems in which all members agreed. The recommendations also included discussion of whether a footnote should be added to the National Table of Allocations to provide for recognition of PLC systems. The military members of the group objected to the inclusion of a footnote because they considered it would confer some type of allocation status for PLC.

Regarding frequency provisions for PLC, DOE/TVA and DOE recommended allowing PLC continued access to the entire band on a noninterference basis. The majority of the Ad Hoc Group members recommended that PLC have access to the entire 10-490 kHz except those portions allocated to Omega and Loran-C (10-14 kHz and 90-110 kHz, respectively).

29. While a consensus was not reached within IRAC regarding the Ad Hoc 162 Report, NTIA advised the Commission that the vast majority of the IRAC members concur in the following NTIA recommendation that:

a. As a matter of general policy, allocation status should not be provided to uses which have been developed on an unprotected non-interference basis under Part 15 of the FCC rules or Chapter 7 of the NTIA Manual of Regulations and Procedures for Federal Radio Frequency Management.

b. PLC system may continue to operate on an unprotected, noninterference basis under existing FCC and NTIA rules and regulations.

c. The use of frequencies by PLC's will be made known to radio service users in advance of such usage.

d. Assignments of frequencies by the FCC and NTIA to radio service users will be made known to PLC users in advance of such use.

e. Both PLC and radio service users will consider the exchanged data and will cooperate to the extent practicable to prevent major disruptions to services being conducted by each other.

f. In the event of conflicting use of the spectrum, the PLC users will adjust to meet the requirements of the radio service users, or accept any interference as now required under existing rules and regulations.

g. Language be placed in the appropriate portions of the FCC Rules and Regulations and the NTIA Manual of Regulations and Procedures for Federal Radio Frequency Management. (The recommended language appears later on in this notice. See paragraph 32.)

h. New uses of the spectrum by PLC systems in the bands 9-14 and 90-110 kHz shall be discouraged because of the contemplated expanded use of the Omega and Loran systems in these bands.

i. These procedures have been developed as an exception, recognizing the importance of PLC systems to the electric utilities in providing power to the U.S. These exceptions shall not be a precedent to other users under FCC Part 15 and NTIA Chapter 7.

j. PLC users be encouraged to continue to develop and employ alternate means to transmit the necessary control of communications signals.

30. The work of Ad Hoc 162 and the NTIA recommendations emphasize the importance of this proceeding and the need for regulatory action to deal with the situation. The Commission also believes it is in close agreement with the recommendations of Ad Hoc 162 to IRAC concerning the need for a data base and notification procedure to minimize spectrum utilization problems.
As we have previously indicated, any such action should not be interpreted to afford allocation status to PLC and they would continue to operate on an unprotected, noninterference basis.

D. Footnote Implementation

31. UTC in its petition and subsequent revisions thereto suggests that a footnote be included in the Table of Frequency Allocations and recommended the following wording:

U.S.— In the band 10–490 kHz, electric utilities operate Power Line Carrier (PLC) systems under the provisions of Part 15 of the Federal Communications Commission’s Rules and Regulations and Chapter 7 of the National Telecommunications and Information Administration’s Manual of Regulations and Procedures for Federal Radio Frequency Management on a noninterference basis to Services operating in accordance with the Table. These PLC systems utilize Hertzian waves conducted on power transmission lines for the purpose of telecontrol, teleprotection, telemetry and other communications important to the reliability and security of electric service to the public. Licensed users and prospective licensees as well as the electric utilities should be aware that their operations may cause mutual interference. Applicants for stations to be licensed in this band and electric utilities shall provide each other with prior notification of proposed new or modified facilities and will cooperate in minimizing potential interference. Nothing in this footnote shall be construed to afford PLC systems allocation status.

32. As indicated in the NTIA recommendations, the majority of the IRAC members favor appropriate language regarding PLC to be placed in the FCC and NTIA rules. While there is no unanimity whether the language should be in the form of a footnote or a remark to the allocation table or in some other rule part, IRAC suggests the following wording for such language:

"In the spectrum below 490 kHz, electric utilities operate Power Line Carrier (PLC) systems on power transmission lines for communications important to the reliability and security of electric service to the public. These PLC systems operate under the provisions of Part 15 of the Federal Communications Commission’s Rules and Regulations or Chapter 7 of the National Telecommunications and Information Administration’s Manual of Regulations and Procedures for Federal Radio Frequency Management, on an unprotected, noninterference basis to authorized radio services. Notification of intent to place new or revised radio assignments or PLC frequency uses in the bands below 490 kHz shall be made in accordance with the Rules and Regulations of the FCC or NTIA, and users are urged to minimize potential interference to the degree practicable. Nothing in this remark shall be construed to afford PLC systems allocation status."

33. IRAC members opposing the implementation of a U.S. Footnote expressed concern that such action would provide a measure of allocation status to PLC systems. On the other hand, they could agree to the placement of an NG (Non-Government) Footnote in the Commission’s rules along with similar language added to the NTIA Manual. The Commission’s feeling is that an NG note is, by definition, a stipulation applicable only to non-Government stations (See § 2.105(h)(3)]. Also, it would remain unclear how this proposal would establish any permanent obligation on the part of the Government users to implement any changes with regard to PLC systems. The Commission therefore sees this alternative to be inadequate to accomplish the intended purpose.

34. Accordingly, while the Commission agrees that descriptive language is necessary in specific FCC and NTIA rule parts, particularly with regard to the requirements and procedures for notification, we also consider it desirable to reference or initiate awareness to the specific rules by the use of a U.S. footnote in the FCC or NTIA frequency allocation tables. The purpose of such a footnote would not be to confer allocation status to PLC systems but rather to inform table users of the presence of PLC systems and to clearly set forth the basis for their usage of the frequencies. A footnote could possibly provide the most abbreviated and least cumbersome means of informing users of the affected portions of the radio spectrum of the presence of PLC systems in the band. Further, it would appear desirable to use the strength of a footnote to assure authorized users that PLC operation must be conducted on an unprotected, noninterference basis to services with allocated frequencies. Additionally, the language of the NTIA remarks has been agreed upon by a consensus of authorized government radio users and closely resembles the UTC language suggested. The Commission considers it appropriate for use if a U.S. Footnote were implemented. For these reasons the Commission believes the use of a U.S. Footnote as the mechanism to clearly set forth the basis for the recognition of PLC operations in the 10–490 kHz band would be advantageous.

E. Notification Procedure and Data Base Implementation

35. The proposed footnote and remarks as discussed above state that notification be given of intent to establish new or revised radio assignments or PLC uses. The purpose of notification is to provide a mechanism through which both PLC and radio service users can exchange particulars of their proposed station operations prior to commencement of operation. By cooperating in this notification procedure a means can be established to resolve frequency usage conflicts and to prevent major disruption to services. Cooperation between parties should be to the extent practicable and, in any event, the PLC users must realize that in the event conflicts on spectrum usage cannot be resolved on a cooperative basis, their operation on a nonallocated basis must adjust to meet the requirements of the authorized radio services.

36. A two-way notification procedure is considered necessary for the approach to be effective. First it would require that the use of frequencies by PLC systems be revealed to radio service users in advance of such use. To do this, notification of intended PLC frequency usage could be provided to the frequency liaison office for the FCC and NTIA by some notification activity for the utilities. Secondly, it would also require that the assignment of frequencies by the FCC (for non-government users) and NTIA (for government users) be made known to PLC users in advance of such use. The FCC and NTIA could supply appropriate application and licensing information concerning the radio user to the notification activity for the utilities as a means of notification. Thirdly, the procedure should be as simple and unburdensome as possible to the filer and the intended user should be able to expect to be alerted to possible problem in a reasonable amount of time. The detailed procedure, including the handling of classified assignments, would be developed jointly by the FCC and NTIA.

37. To effect this notification procedure, it is proposed that the FCC and NTIA jointly designate a notification activity to establish a central point for the receipt and assembling of data regarding frequency usage. Since the FCC does not possess the resources to fulfill this function and since the services to be provided will be of great benefit to the power companies, they have induced a willingness to assume this responsibility through a representative agency. The establishment of a data base would help the users of PLC systems anticipate and avoid interference situations and minimize the cost of changing frequency when interference results. This
procedure would provide for the expeditious dissemination of frequency usage information and avoid unnecessary FCC or NTIA regulatory involvement with an unlicensed user, which is consistent with current deregulatory objectives. Specific comments are invited concerning the proposed notification procedure and the notification activity discussed.

F. Conditions of Operation

38. Although not specifically identified, PLC Systems are subject to the general operating and noninterference requirements of a restricted radiation device under Part 15 of FCC Rules. These systems, in general, have not been a source of harmful interference to radio reception, due in part to the cooperation and degree of responsibility shown by public utilities to correct identified radio interference problems. Therefore, we will continue to require the operation of these systems on a noninterference basis; i.e., the public utility will be held responsible for correcting radio interference problems. To make it clear that these systems are subject to this condition of operation, we are proposing a new § 15.6 for PLC operation. UTC in its petition did not propose specific technical standards for PLC operations. However, the Commission is aware of activities being conducted by the Power Engineering Society of the Institute of Electrical and Electronics Engineers concerning technical standards for PLC operations. Part of the objective of this new voluntary standard is to include specific technical guidelines to minimize the interference potential of PLC systems to other users of the radio spectrum. The Commission welcomes this effort by the industry and is hopeful that these standards can serve as guidelines to minimize interference. Thus, the Commission is not proposing additional standards at this time since allocation status is not being requested and continued operation on an unprotected, noninterference basis is contemplated for PLC's under a new rule section in Part 15 of the rules.

VIII. Proposals

39. Because PLC’s provide protection and control to the electric transmission systems essential to supplying the nation’s electrical power needs, the Commission considers regulatory recognition of these systems to be in the public interest. To effect this recognition, the Commission proposes to amend Parts 15 and 90 of its rules to cover non-government entities. Changes involving government stations would be implemented by the NTIA in their Manual of Regulations and Procedures for Federal Frequency Management. No rule change will be proposed that requires the licensing of PLC or other Part 15 users. Specifically, the Commission proposes to permit a notification activity to be created to exchange the operating parameters of PLC and licensed radio users in the band below 490 kHz; to develop those rules necessary to establish a notification procedure, and to maintain PLC's in an unlicensed status operating on an unprotected, noninterference basis to licensed users but on an equal basis to other unlicensed users who are authorized to operate under the provisions of Part 15.

40. Although the Commission as discussed earlier considers the U.S. Footnote approach to have merit, the Commission is hesitant to propose the establishment of a U.S. Footnote without the support of IRAC since the majority of the users affected are Government administered. Accordingly, the Commission is requesting comments from the public on the proposed need and impact of a Footnote governing PLC operations. Specifically, the Commission is requesting comments regarding the following alternatives:

a. Establish a U.S. Footnote to afford regulatory recognition to PLC's.

b. Establish an NTIA Footnote to afford regulatory recognition to PLC's with similar language placed in the NTIA manual.

c. Establish no footnote but incorporate the language and necessary elements of the footnote into Parts 15 and 90 of the Commission’s rules as proposed and into the NTIA manual.

The Commission will also consider other alternatives that may be submitted. Based on the comments received, the Commission will evaluate the response to the alternatives and determine the course of action necessary with regard to footnote implementation and modification of Part 2.

41. Accordingly, it is proposed to amend Part 2, § 2.106, on the basis of the alternatives suggested above regarding PLC systems if public response so warrants. It is also proposed to amend Parts 15 and 90 of the Commission’s rules as follows:

A. Section 15.3 is amended to indicate general operating conditions involving PLC systems.

B. Section 15.7 is amended to exclude PLC devices.

C. A new § 15.8 is added to Subpart A titled Operation of a PLC System.

D. Section 90.h3 is amended to add a new paragraph (b) to govern the notification and data base requirements applicable to PLC systems.

IX. Procedural Matters

42. For further information concerning procedures to follow with respect to this rulemaking proceeding, contact Sam Tropea (202) 633-8167.

43. The proposed amendments to Parts 15 and 90 of the rules as set forth in Appendix B, are issued pursuant to the authority contained in sections 4(i) and 303(e), (b) and (g) of the Communications Act of 1934, as amended.

44. Pursuant to applicable procedures set forth in § 1.415 of the Commission’s Rules, interested persons may file comments on or before April 6, 1982, and reply comments on or before May 6, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission’s reliance on such information is noted in the Report and Order.

45. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that ex parte contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an ex parte presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission’s staff which addresses the merits of the proceedings. Any person who submits a written ex parte presentation must serve a copy of that presentation on the Commission’s Secretary for inclusion in the public file. Any person who makes and oral ex parte presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation, on the day of oral presentation, that written summary must be served on the Commission’s Secretary for inclusion in the public file, with a copy to the Commission official.
receiving the oral presentation. Each ex
dum presentation described above
must state on its face that the Secretary
has been served, and must also state by
docket number the proceeding to which it
relates. See generally, § 1.1231 of the
Commission's rules, 47 CFR 1.1231. A
summary of these Commission
procedures governing ex durn
presentations in informal rulemaking is
available from the Commission's
Consumer Assistance Office, FCC,
Washington, D.C. 20554.

46. The rulemaking action contained
herein does not propose any change to
the present use of the frequencies in the
10-490 kHz band and since operation by
PLC users will continue to be on an
unprotected, noninterference basis to all
potential licensed users, large or small, no significant impact on
primary users is expected. Accordingly,
the Commission certifies that sections
603 and 604 of the Regulatory Flexibility
Act do not apply to this proceeding. See
U.S.C. 605(b). It is ordered, that a copy
of this Notice shall be sent to the Chief
Council for Advocacy of the Small
Business Administration.

47. In accordance with the provisions of
§ 1.1419 of the Commission's Rules, an
original and 5 copies of all statements,
briefs or comments filed shall be
furnished the Commission. Responses
will be available for public inspection
during business hours in the
Commission's Public Reference Room in
its headquarters in Washington, D.C.
(48 Stat., as amended 1066, 1082, 1083; 47 U.S.C. 154, 303, 307) -
Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix A

Comments Filed By:
Aeronautical Radio Inc. (ARINC) and Air
Transport Association of America (ATA)
Airline Operator and Pilots Association
(AOPA)
Alabama Power Company
Allegheny Power Company
Alis—Chalmers Corporation
Alumax Mill Products, Incorporated
American Electric Power Service Corporation
American Steel Foundries
American Telephone and Telegraph
Company (AT&T)
Art Iron, Incorporated
Arvin Automoives
Atlantic Research Corporation
Bridgeport Brass Company
Butler Manufacturing Company
Carolina Power and Light Company
The Cleveland—Cliffs Iron Company
The Cleveland Electric Illuminating Company
Colt Industries
Cylopra Corporation
Detroit Edison Company
Department of Energy
DRW Chemical, USA
Dynascand Corporation
Edison Electric Institute
Enamel Products and Plating Company
Eveloth Mines
General Electric Company (Fairfield, CN)
General Electric Company (Pittsfield, MA)
Intalco Aluminum Corporation
Iowa Electric Light and Power Company
Jenex Mountain Electric Cooperative, Incorporated
Kerr—McGee Corporation
Libby—Owens—Ford Company
Lukens Steel Company
Marmon/Keystone Corporation
The Master Products Company
Mepulpe, Incorporated
Midco—Pipe and Tube, Incorporated
National Electric Manufacturers Association
New York State Electric and Gas Corporation
Northern States Power Company
Papaseo and Back Rivers Railroad Company
Pittsburgh Tube Company
Power Engineering Society, IEEE
Public Service Electric and Gas Company
Revere Copper Products, Incorporated
Robertson and Swartz Incorporated
Sholtz Equipment and Sales Company, Incorporated
Southern California Edison Company
The Stacey Manufacturing Company
Standard Tube of Detroit Corporation
Tennessee Valley Authority (TVA)
True Temper
Union Camp Corporation
Union Electric Company
United Illuminating Company
United States Coast Guard (USCG)
VARCO Prudent Metal Building Systems
Virginia Electric Power Company
Weyerhanser Company
Weeling Pittsburg Steel Corporation
The Wild Goose Association

Reply Comments Filed By:
Electronics Industry Association (EIA)
Manufacturers Radio Frequency Advisory
Committee (MRFAC)
Utilities Telecommunications Council (UTC)

Late Comments Filed By:
Bethlehem Steel Corporation

Appendix B

Parts 15 and 90 of Chapter I of Title 47
of the Code of Federal Regulations are
proposed to be amended as follows:

PART 15—RADIO FREQUENCY
DEVICES

1. Section 15.3 is revised to read as
follows:

§ 15.3 General conditions of operation.

Persons operating restricted or
incidental radiation devices (including
Power Line Carrier Systems) shall not
be deemed to have any vested or
recognized right to the continued use
of any given frequency by virtue of prior
registration or certification of
equipment, or on the basis of prior
notification of use pursuant to § 90.63(h)
of this chapter. Operation of these
devices is subject to the conditions that
no harmful interference is caused and
that interference must be accepted that
may be caused by other incidental or
restricted radiation devices, industrial
scientific or medical equipment, or from
any authorized radio service.

2. In § 15.7, the note is revised to read
as follows:

§ 15.7 General requirement for restricted
radiation devices.

Note—Radio receivers, cable television
systems, Class I TV devices, low power
communications devices, and power line
carrier systems are regulated elsewhere
in this chapter and are not regulated by
this section.

3. A new § 15.8 is added to Subpart A
to read as follows:

§ 15.8 Operation of a Power Line Carrier
System.

(a) A Power Line Carrier System is a
system of telecommunications used by
the electric power utility entities for
protective relaying, telemetering,
genral supervision of the power system
and voice communications and operates
by the transmission of radio frequency
signals in the 10 to 490 kHz band by
conduction over the power transmission
lines of the system.

(b) A power utility proposing to add a
Power Line Carrier System or to make
changes in an existing system shall
submit the details of such installation or
change to a notification activity as set
forth in § 90.63(h) of this chapter. No
notification to the FCC is required.

(c) The operating parameters of a
Power Line Carrier System (particularly
the frequency) shall be selected to
achieve the highest degree of
compatibility with licensed users of the
radio spectrum. A Power Line Carrier
System shall operate on an unprotected,
noninterference basis in accordance with
§ 15.3 of this Part. If interference occurs,
the power utility shall discontinue or
adjust its operation, as required, to
remedy the interference.

(d) Power Line Carrier System
apparatus shall be operated with the
minimum power possible to accomplish
the desired purpose.

(e) The best engineering principles
shall be utilized in the generation of
radio frequency currents by Power Line
Carrier Systems so as to guard against
interference to established radio services, particularly on the fundamental and harmonic frequencies.

(f) Power Line Carrier System apparatus shall conform to such engineering standards as may from time to time be promulgated by the Commission.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. Section 90.63 is amended by the addition of a new paragraph (h) to set forth the frequencies available for and the limitations placed on the use of power line carrier systems as follows:

§ 90.63 Power Radio Service.

(h) The frequencies 10–490 kHz are used to operate electric utility Power Line Carrier (PLC) Systems on power transmission lines for communications essential to the reliability and security of electric service to the public, in accordance with Part 15 of this chapter. Any electric utility fulfilling requirements in paragraph (a)(1) of this section may operate PLC systems and shall supply to a Federal Communications Commission/National Telecommunications and Information Administration recognized notification activity, information on all existing and proposed systems for inclusion in a data base, such as the frequency, power, location of transmitter(s), and other technical and operational parameters, which would characterize the system's potential both to interfere with users in authorized radio services, and to receive destructive interference from these users. The notification activity shall notify the National Telecommunications and Information Administration and the Commission of these system characteristics prior to implementation of any proposed PLC system. The Federal Communications Commission and National Telecommunications and Information Administration shall supply appropriate application and licensing information to the notification activity regarding licensed radio stations operating in the band. PLC systems in this band operate on a noninterference basis to radio systems assigned frequencies by the NTIA or licensed by the FCC and are not protected from interference to these radio operations.

47 CFR Part 74

[BC Docket No. 81-793]

Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services; Current Policy and Procedure; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: The FCC extends the time for filing reply comments by two weeks in order to allow adequate time for comment on the merits of a petition for rule making filed by the Cetec Vega Corporation concerning re-channelization of certain frequencies available pursuant to Subpart H of Part 74 of the Commission's Rules. It is felt that the Cetec Vega petition does not warrant an individual rule making proceeding and it has been included as a comment in this matter. However, due to a clerical oversight, the Cetec Vega petition was not placed in the BC Docket No. 81–793 file until five days after the comment period. The two week extension, made on the Commission's own motion, should afford all interested parties an adequate reply comment period.

DATES: The period for filing reply comments is hereby changed from January 19, 1982, to and including February 2, 1982.


FOR FURTHER INFORMATION CONTACT: Steven D. Linn, Broadcast Bureau, (202) 632–7698.


In the matter of revision of Subparts D, E, F, and H of Part 74 of the Commission's rules to reflect current policy and procedure; order extending time for filing reply comments.


2. Subsequently, the Commission received a petition for rule making dated December 7, 1981, by Earnest W. Pappenfus, President, Cetec Vega Corporation [Cetec Vega], Cetec Vega is a manufacturer of wireless microphones operated as low power auxiliary stations pursuant to Subpart H of Part 74 of the Commission's Rules.

3. Cetec Vega notes that presently § 74.802(b) of the Commission's Rules provides for assignment of channels in 200 kHz increments starting 600 kHz above the lower edges of Channels 7 through 13 and ending 600 kHz below the upper frequency limits of these channels. This yields 24 assignable frequencies per TV channel for low power auxiliary station operation; but in practice, the number of channels usable at a given location is limited to 6 due to adverse effects of transmitter and receiver intermodulation products. The number of usable channels can be doubled, says Cetec Vega, if certain midband channels are offset by 25 kHz or multiples thereof. For example, twelve intermodulation-free channels within TV Channel 7 (174–180 MHz) could be assigned as follows: 174.600, 174.800, 175.025, 175.275, 175.550, 175.850, 176.175, 176.550, 176.950, 177.400, 177.825 and 178.625 MHz. It should be noted that the present 200 kHz minimum spacing between assignable frequencies would be satisfied under this proposal.

4. In a December 22, 1981, letter to Cetec Vega, the Commission noted that while it has not yet had an opportunity to verify the calculations in the petition, the overall approach seemed straightforward and noncontroversial. Accordingly, rather than originate another rule making proceeding in response to the petition, it would be included as a comment in the above-mentioned proceeding, where its merits could be addressed in comments and reply comments.

5. However, due to clerical oversight, the Cetec Vega petition and the Commission's December 22nd reply letter, were not placed in the BC Docket 81–793 file until January 9, 1982, five days after the close of the comment period.

6. We wish to solicit reply comments on the merits of the Cetec Vega petition but we believe that the present reply comment period, which expires on January 19, 1982, is inadequate for this purpose; and that the public interest would be served by a two week extension.

7. Accordingly, it is ordered, that the time for filing reply comments in BC Docket 81–793 is extended to and including February 2, 1982.

8. This action is taken pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.
Proposed quotas for the surf clam and ocean quahog fisheries for 1982 are proposed for public review and comment. The quotas have been selected from a range defined as the optimum yield for each fishery. The quotas establish allowable harvests of surf clams and ocean quahogs from the fishery conservation zone in 1982.

EFFECTIVE DATE: Comments will be accepted for 30 days, through February 26, 1982.

ADDRESS: Comments should be sent to: Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930-3007. A copy of a report on establishing the quotas is available for public inspection at this address; copies may be requested in writing.

FOR FURTHER INFORMATION CONTACT: Frank Grice, (Chief, Management Division), 617–281-3600.

SUPPLEMENTARY INFORMATION: Portions of Amendment 3 to the Fishery Management Plan for the Surf Clam and Ocean Quahog Fisheries were implemented by emergency interim regulations published on October 28, 1981 (46 FR 33181). One of the provisions of the amendment directs the Secretary, in consultation with the Mid-Atlantic Fishery Management Council, to specify quotas for surf clams and ocean quahogs on an annual basis from within ranges which have been identified as optimum yield for each fishery.

The harvest of surf clams during 1981 exceeded the adjusted annual quota for the year by approximately 525,000 bushels. Resource managers and scientists recognized that this overharvest would occur, but believed that available information on harvests and the status of the resource showed that while optimum yield as specified was exceeded, harvest was consistent with the availability of the resource and the ability of the stock to sustain further, and perhaps greater, removals in the future. A retroactive increase in the 1981 quota to accommodate the overharvest was considered, but was found to be impractical and of little real value. To permit management to proceed with a clean slate under the provisions of the recent comprehensive amendment, the overharvest in 1981 will not be deducted from quotas for the 1982 fishing year.

The 1982 quotas were developed with full knowledge of the expected 1981 overharvest, and reflect the ramifications of that harvest on the condition of the resource. NOAA believes this action to be consistent with the requirements for conservation of the resource, and the intent and desire of the Council.

To implement this regulatory provision for establishing quotas, the Regional Director has considered the following information: stock assessments; catch records and other relevant information concerning exploitable biomass and spawning biomass; fishing mortality rates; incoming recruitment; projected effort and catches; and areas likely to be reopened for fishing. Proposed quotas based on the information are published here for public review and comment:

<table>
<thead>
<tr>
<th>Fishery</th>
<th>1982 Quota</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mid-Atlantic Surf Clam</td>
<td>2,550,000</td>
</tr>
<tr>
<td>New England Surf Clam</td>
<td>50,000</td>
</tr>
<tr>
<td>Ocean Quahog</td>
<td>4,000,000</td>
</tr>
</tbody>
</table>

Much of the increase in the mid-Atlantic surf clam quota for 1982 is attributed to the Regional Director’s expectation that portions of the area now closed to surf clam fishing off Atlantic City, New Jersey will be reopened during the year, and that significant amounts of surf clams will be taken from the reopened portions.

Comments on these proposed quotas will be accepted for 30 days, through the date given above. Comments will be considered by the Secretary, who will determine appropriate final annual quotas for each fishery and publish those quotas in the Federal Register.

A final supplement to the Environmental Impact Statement was filed with the Environmental Protection Agency on January 8, 1982.

Classification

This action is a prescribed management action taken under 50 CFR 652.21 and is exempt from Sections 3, 4, and 7 of Executive Order 12291.

The action is expected to have an incremental effect on the economy of less than $1 million annually, and is not expected to lead to an increase in costs or prices of more than 10 percent. The action will not adversely affect competition, investment, or productivity. Each of the recommended management measures is likely to produce net benefits to the fishery, the region, and the national economy. The measures have positive general impacts in that they tend to increase stability in the fishery and encourage the highest value use of the resource.

The Administrator certified that Amendment 3 does not have a significant economic impact on a substantial number of small business entities and, therefore, does not require a regulatory flexibility analysis. This action is prescribed by Amendment 3, and consequently, is covered by the certification of Amendment 3. The conclusion of the regulatory impact review prepared for Amendment 3 was that determination of annual quotas is expected to result in net benefits to the fishery (i.e., small businesses), the region, and the national economy.

No reporting and recordkeeping requirements are imposed by this action.


Robert K. Crowell, Deputy Executive Director, National Marine Fisheries Service.
CIVIL AERONAUTICS BOARD

[Order 82-1-94]

Application of Reeve Aleutian Airways for Certificate Amendment Under Subart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (82-1-94).

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

DATES: Objections: All interested persons having objections to the Board issuing the proposed certificate amendment shall file, and serve upon all persons listed below no later than February 16, 1982, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESSES: Objections to the issuance of a final order shall be filed in Docket 40266, and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Reeve Aleutian Airways; the mayor and airport manager of each city to which the pleading refers; and the Alaska Transportation Commission.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-1-94 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82-1-94 to that address.

By the Bureau of Domestic Aviation:
January 20, 1982.
Phyllis T. Kaylor,
Secretary.

[Docket 40269]

Visit USA Fare/Export Inland Contract Rate Investigation; Postponement of Prehearing Conference

On January 19, 1982, Japan Air Lines Company, Ltd., Lufthansa German Airlines, Philippine Airlines, Inc., Singapore Airlines, Limited, and Swissair, Swiss Air Transport Company, Ltd., (collectively "Foreign Carriers"), moved for an extension of time to file their prehearing conference submissions. They request this extension in light of their pending petition for reconsideration of Board Order 81-11-182, which could affect the scope of this proceeding, and the length of time needed for consultation with overseas clients. Their motion states that counsel for each of the U.S. carriers in this proceeding, for the other foreign carrier, and for the Bureau of International Aviation are aware of the motion and do not object to the extension of time provided the filing date for their submissions would also be extended.

Accordingly:
Notice is hereby given that the prehearing conference in the above-entitled matter scheduled to be held on January 26, 1982 (46 FR 60866, December 14, 1981) is hereby postponed until February 11, 1982, at 8:45 a.m. (local time) in Hearing Room "A", Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned administrative law judge.

The Bureau of International Aviation has already submitted its prehearing conference materials. All other parties shall submit their prehearing conference materials on or before February 5, 1982. Their submissions shall be limited to points on which they differ with the Bureau's submission and shall use the marking and lettering used by the Bureau to facilitate cross-referencing. The February 5 date is for actual delivery of materials and is not a mailing date.


John M. Vittone,
Administrative Law Judge.

[FR Doc. 82-3004 Filed 1-28-82; 8:45 am]  
BILLING CODE 6320-01-M
COMMISSION ON CIVIL RIGHTS

Florida Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida Advisory Committee to the Commission will convene at 1:00 p.m., and will end at 6:00 p.m., on February 26, 1982, at the Howard Johnson, 200 Second Avenue, South East, Miami, Florida 33131. The purpose of this meeting is to conduct orientation for the new members; discuss program planning for fiscal year 1982; and appoint members to subcommittee(s).

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Teresa Saldise, 815 South West, 13th Court, Miami, Florida, (305) 855-1363 or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, North East, Room 362, Atlanta, Georgia 30303, (414) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.


John I. Binkley,
Advisory Committee Management Officer.

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

Proposed Foreign-Trade Zone and Subzone, Portsmouth, New Hampshire; Application and Public Hearing

Notice is hereby given that the New Hampshire State Port Authority has submitted an application to the Foreign-Trade Zones Board (the Board) for authority to establish a general-purpose foreign-trade zone in Portsmouth, New Hampshire, within the Portsmouth Customs port of entry, and requesting special-purpose subzone status for Nasha Corporation facilities in Nashua and Merrimack, New Hampshire, adjacent to the Lawrence, Massachusetts, Customs port of entry.

The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81u-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on January 22, 1982. The applicant is authorized to make this proposal under Section 271-A:11 of the New Hampshire RSA.

The general-purpose zone will cover 10 acres within the Port Authority's deep water port facility at 555 Market Street on Portsmouth Harbor. Two multipurpose buildings totaling 50,000 square feet are available for warehousing, display and processing operations. Open space is also available for the construction of new facilities. The Port Authority plans to operate the zone initially, but may select an independent operator as the project develops.

The application contains evidence of the need for general zone services in the Portsmouth area. Prospective tenants have indicated an interest in using the zone for warehousing, distribution, testing and processing of industrial machinery, business machines and equipment, cable, electrical instruments, electronic items and leather goods.

The proposed subzone sites are at Nashua Corporation's facilities in Nashua and nearby Merrimack. The corporation is an international manufacturer and distributor of photocopier and computer products and supplies, with its headquarters in Nashua. Its Nashua facility covers 14 acres at 44 Franklin Street, Nashua, and the one in Merrimack, some 5 miles distant, is located on a 101-acre parcel on Daniel Webster Highway, both being used mainly to assist the company in its reexport of service parts for copiers it has sold abroad and in the storage of chemicals used in the production of carbonless paper. The savings will help the company resist cost pressures to move these operations overseas.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consist of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner (Operations), U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; and Colonel C. E. Edgar, III, Division Engineer, U.S. Army Engineer Division New England, 424 Trapelo Road, Waltham, Massachusetts 02154.

As part of its investigation, the Examiners Committee will hold a public hearing on February 25, 1982, beginning at 9:00 a.m., in the City Council Chambers, City Hall, 126 Daniels Street, Portsmouth. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202)/377-2862 by February 19, 1982. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through March 29, 1982. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

New Hampshire Port Authority, 555 Market Street, Portsmouth, New Hampshire 03801

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3721,
International Trade Administration

Ceramic Wall Tile From the United Kingdom; Preliminary Results of Administrative Review of Antidumping Finding and Intent To Revoke

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding and of intent to revoke.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on ceramic wall tile from the United Kingdom. The review covered the period January 1, 1980, through March 20, 1981. All sales by this exporter, H & R Johnson, Ltd., were made at not less than fair value for the period. There is no indication of any sales at less than fair value since that time. As a result of this review the Department intends to revoke the finding. Interested parties are invited to comment on these preliminary results.

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SUPPLEMENTARY INFORMATION:

Background

On March 20, 1981, the Department of Commerce ("the Department") published in the Federal Register the preliminary results of its first administrative review of and tentative determination to revoke the antidumping finding on ceramic wall tile from the United Kingdom. The review covered the period December 1, 1975 through December 31, 1979. On June 11, 1981, the Department published the final results of the administrative review and announced its intent to conduct the next administrative review by the end of May 1982 (46 FR 30841). As required by section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has now conducted that administrative review.

Scope of the Review

Merchandise covered by this review is glazed ceramic wall tile, currently classifiable under item 532.2400 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only one exporter of ceramic wall tile from the United Kingdom to the United States still covered by the finding. That firm is H & R Johnson, Ltd.

The review covers the period January 1, 1980, through March 20, 1981, the date of the Department's tentative determination to revoke.

United States Price

In calculating United States price the Department used purchase price or exporter's sales price, as defined in section 773 of the Tariff Act. Purchase price was based on the F.O.B. packed price to unrelated purchasers. Where applicable, we deducted cash discounts and U.K. inland freight from this price. Exporter's sales price was calculated on the basis of the delivered price from the related U.S. party to unrelated U.S. purchasers. Where applicable, deductions were made for cash discounts, U.K. inland freight, ocean freight, U.S. duty insurance, and U.S. selling expenses. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. H & R Johnson sold 86% of its total production in the home market during the covered period. The home market prices here are based on delivered prices with adjustments, where applicable, for cash discounts, U.K. inland freight, and a packing differential. Where appropriate, we made adjustments, based on differences in value, for physical differences in merchandise, under 19 CFR 353.16. Adjustments for differences in circumstances of sale, in accordance with § 353.15 of the Commerce Regulations, were made for the costs of technical services and assumption of purchasers' advertising. When home market price was compared to exporter's sales price, we made an additional adjustment for home market selling expenses as an offset to selling expenses paid in the U.S. market. In accordance with § 353.15(c) of the Commerce Regulations. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we have concluded that there were no sales at less than fair value by H & R Johnson, Ltd. for the period January 1, 1980, through March 20, 1981. There is no indication of any sales at less than fair value by this firm since March 20, 1981.

As provided for in § 353.54(e) of the Commerce Regulations, H & R Johnson, Ltd. has agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that ceramic wall tile produced by H & R Johnson and thereafter imported into the United States is being sold at less than fair value.

Intent To Revoke

As a result of our review we intend to revoke the finding on ceramic wall tile from the United Kingdom. If the finding is revoked it shall apply to unliquidated entries entered, or withdrawn from warehouse, on or after March 20, 1981. Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing. The Department will issue appraisement instructions for this exporter directly to the Customs Service.

This administrative review, intent to revoke, and notice are in accordance with section 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Gary N. Horlick,
Deputy Assistant Secretary for Import Administration.

January 22, 1982.

Elemental Sulphur From Canada; Final Results of Administrative Review and Partial Revocation of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

Elemental Sulphur From Canada; Final Results of Administrative Review and Partial Revocation of Antidumping Finding

As a result of our comparison of United States price to foreign market value, we have concluded that there were no sales at less than fair value by H & R Johnson, Ltd. for the period January 1, 1980, through March 20, 1981. There is no indication of any sales at less than fair value by this firm since March 20, 1981.

As provided for in § 353.54(e) of the Commerce Regulations, H & R Johnson, Ltd. has agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that ceramic wall tile produced by H & R Johnson and thereafter imported into the United States is being sold at less than fair value.

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As a result of our review we intend to revoke the finding on ceramic wall tile from the United Kingdom. If the finding is revoked it shall apply to unliquidated entries entered, or withdrawn from warehouse, on or after March 20, 1981. Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing. The Department will issue appraisement instructions for this exporter directly to the Customs Service.

This administrative review, intent to revoke, and notice are in accordance with section 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Gary N. Horlick,
Deputy Assistant Secretary for Import Administration.

January 22, 1982.
EXECUTIVE SUMMARY: Notice of Final Results of Administrative Review and Partial Revocation of Antidumping Finding.

SUMMARY: On April 9, 1981, the Department of Commerce published the preliminary results of its administrative review of the finding of dumping with respect to five firms. The review covered the period January 1, 1977 through February 8, 1979. For Chevron Standard, Canadian Superior Oil, Ltd., and Gulf Oil Canada, Ltd., the review covered the period May 1, 1977 through February 8, 1979. For Canadian Superior Oil, Ltd., the review covers the period May 1, 1977 through February 8, 1979.

Analysis of Petitioner's Comments

(1) Comment: Petitioner argued that the issue whether these two firms had made sales at less than fair value during the period of review was finally resolved in the Department's prior determination, and that the Department had already made findings in favor of these firms. Petitioner did not request additional information in response to the Department's request for additional information.

Position: The Department's prior determination was based on different data than the current review. Petitioner has not shown that sales at less than fair value were made during the period of review.

(2) Comment: Petitioner objected to the lack of adequate non-confidential summaries for the review period from these two companies.

Position: We have adequate non-confidential summaries for the review period from these two companies.

Final Results of Review

After analysis of the comments and supplemental information received, we conclude that all sales made at less than fair value by Canadian Superior Oil, Ltd., and Shell Canada, Ltd., during the period of review January 1, 1977 through February 8, 1979, were made at less than the cost of production and are thus subject to revocation of antidumping duties.

Determination

As a result of this review, the Department revokes the antidumping finding on elemental sulphur from Canada with respect to Canadian Superior Oil, Ltd., and Shell Canada, Ltd.

This revocation applies to all unliquidated entries of this merchandise entered, or withdrawn from warehouse, during the period of review from January 1, 1977 through February 8, 1979. Since all sales by Shell Canada between January 1, 1977 and February 8, 1979, and all sales by Canadian Superior Oil from May 1, 1977 through February 8, 1979, were made at less than fair value, the Department shall instruct the Customs Service to liquidate all entries in those periods without regard to dumping duties. The Department will issue appraisement instructions directly to the Customs Service.

This administrative review, revocation in part, and notice are in accordance with sections 751(a)(1) and 751(a)(2) of the Tariff Act of 1930.
Scope of the Review

The imports covered by this review are shipments of kraft condenser paper, meaning capacitor tissue or condenser paper containing 80% or more by weight chemical sulphate or soda wood pulp based on total fiber content. Kraft condenser paper is currently classifiable under items 252.4000, 252.4200 and 256.3080 of the Tariff Schedules of the United States Annotated (TSUSA). Tervakoski Osakeyhtio is the only known exporter of the United States of Finnish kraft condenser paper. This review covers two consecutive time periods from February 20, 1979, the date of suspension of liquidation, through August 31, 1980.

Analysis of Comments Received

1. Tervakoski requests that the Department make an overall adjustment to the foreign market value for "broke" (wastage due to slitting) in those comparisons where an adjustment was made to the United States price for broke.

Position: Tervakoski has furnished requisite data to make the adjustment and we agree that an adjustment is appropriate.

2. The domestic industry agrees that broke is a cost commonly associated with the manufacture and slitting of kraft condenser paper. However, they are concerned that the amounts claimed by Tervakoski are "implausibly high" and thus would result in an excessive adjustment to foreign market value. In addition, they believe that the sample rates selected by Tervakoski are not properly representative and actually vary for substantially identical products.

Position: Because we did not verify the broke percentages by paper size submitted by Tervakoski, we have decided to make the adjustment to Tervakoski's foreign market value using information submitted by respondent on its overall "broke" for the periods involved, that is 15 percent. This is lower than the rates of concern to petitioners.

3. Tervakoski claims that the preliminary margin for the second period that was to be used to establish the estimated duty deposit rate (0.7381 percent) is de minimis and that the Department should declare it so because there is no fixed policy for determining what is de minimis.

Position: We disagree. The Department has consistently used 0.50 percent as its benchmark for establishing a de minimis margin. The Department knows of no reason why a different standard should be used for this industry. At the same time, because of our recalculations the rate for the second period is now less than 0.50 percent and therefore de minimis.

4. The domestic industry claims that the Department's circumstance of sale adjustment for differences in credit terms is improper because it fails to take into account interest expenses incurred between the date of shipment from Finland and the date of sale in the United States.

Position: We disagree. Expenses incurred for maintaining merchandise in inventory prior to sale, including the time during which the merchandise is in transit, are not directly related to the sale of that merchandise and, therefore, are not a circumstance of that sale.

However, the Department recognizes that Tervakoski, U.S.A., Inc. (TUSA) has incurred an indirect expense relative to holding the merchandise from the time it was received by TUSA until it was sold and shipped in the United States. We have calculated the weighted average and deducted that expense as a part of the General, Administrative and Selling Expenses.

Final Results of Review

As a result of adjustments made based on comments received, and our subsequent analysis, we determine that the following margins exist on shipments by Tervakoski Osakeyhtio:

<table>
<thead>
<tr>
<th>Time period</th>
<th>Percent margin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feb. 20, 1979 to Dec. 31, 1979</td>
<td>2.03</td>
</tr>
<tr>
<td>Jan. 1, 1980 to Aug. 31, 1980</td>
<td>0.02</td>
</tr>
</tbody>
</table>

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on applicable entries made with purchase dates or export dates, as appropriate, during the periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions for this exporter directly to the Customs Service.

The Department has decided to waive the cash deposit requirement, as provided for in § 353.48(b) of the Commerce Regulations, since the most recent weighted-average margin is less than 0.5 percent and therefore de minimis. This waiver shall apply to all entries, or withdrawals from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review. The Department is conducting the next administrative review by the end of September 1982.
Metal-Walled Above Ground Swimming Pools From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of Administrative Review of Antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on metal-walled above ground swimming pools from Japan. The review covers the four known manufacturers/exporters and various periods from April 4, 1977 through August 31, 1980. This review indicates the existence of dumping margins for all firms with shipments during the review periods.

As a result of this review, the Department has preliminarily determined to assess dumping duties for two firms equal to the calculated differences between purchase price and foreign market value on shipments during the period of review. Where company-supplied information was inadequate, the Department has used the best information available to establish the margins shown in this notice. The Department has preliminarily determined not to assess dumping duties for a third firm pending receipt and analysis of additional data. The margin shown in this notice for that firm will be used only for cash deposit purposes.

Interested parties are invited to comment on these preliminary results. EFFECTIVE DATE: January 27, 1982.


SUPPLEMENTARY INFORMATION:

Background

On September 7, 1977, a dumping finding with respect to metal-walled above ground swimming pools from Japan was published in the Federal Register as Treasury Decision 77-223 (42 FR 44811). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on metal-walled above ground swimming pools from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of Japanese metal-walled above ground swimming pools, currently classifiable under item numbers 857.2590 and 774.5500 of the Tariff Schedules of the United States Annotated (TSUSA). Metal-walled above ground swimming pools exported from third countries which contain components manufactured in Japan are within the scope of the finding if the pool parts, as shipped to the third country, are capable of functioning as a pool.

The Department knows of four firms engaged in the manufacture and exportation of Japanese metal-walled above ground swimming pools to the United States. The Department has preliminarily determined not to assess dumping duties for Asahi Chemical Industry Co., Ltd. ("Asahi"), pending receipt of additional data. The margin shown in this notice for Asahi will be used only for cash deposit purposes. Another firm, Kenny, had no shipments during its review period. The rate for cash deposit purposes will be based on Kenny's last shipments. A third firm, Seiwa Sangyo Co., Ltd., provided an adequate response for the period April 4, 1977 through March 1978. Since Seiwa Sangyo was non-responsive for the period April 1978 through August 1980 we shall use the rate from the prior period for assessment and cash deposit purposes. A fourth firm, Hakuyo Sangyo, Ltd., was non-responsive for the entire period. Since it was not investigated during the original fair value investigation and we have no previous information on the firm, we shall use, for both assessment and cash deposit purposes, the highest current rate for responding firms, since it is higher than the sole fair value rate.

Eleven third-country firms possibly transshipped Japanese pools and/or pool parts to the U.S. and will be covered in a subsequent review. This review covers various periods from April 4, 1977 through August 31, 1980. Treasury reviewed all prior periods.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued appraisement instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

Purchase Price

Purchase price, as defined in section 203 of the 1921 Act, was based on the ex-factory, packed price to unrelated purchasers in the United States. No adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 205 of the 1921 Act. The home market prices were based upon ex-factory, packed prices. No adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of purchase price to foreign market value, we preliminarily determine that the following margins exist:

<table>
<thead>
<tr>
<th>Manufacturer/exporter</th>
<th>Time period</th>
<th>Margin (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asahi Chemical Industry Co., Ltd.</td>
<td>1/17-7/31/80</td>
<td>43.74</td>
</tr>
<tr>
<td>Seiwa Sangyo Co., Ltd.</td>
<td>4/4/77-7/31/80</td>
<td>78.00</td>
</tr>
<tr>
<td>Kenny</td>
<td>4/1/78-6/30/80</td>
<td>80.00</td>
</tr>
<tr>
<td>Hakuyo Sangyo</td>
<td>4/4/77-6/31/80</td>
<td>12.5</td>
</tr>
</tbody>
</table>

* No shipments during this period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.
The Department shall determine, and the U.S. Customs Service shall assess, dumping duties, where appropriate, on all entries of metal-walled above ground swimming pools manufactured/exported by any of the above-listed firms, except Asahi Chemical Industry Co., Ltd., with purchase dates during the time periods involved. The Department shall issue appraisement instruments separately on these firms directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments by these four firms of metal-walled above ground swimming pools from Japan entered, or withdrawn from warehouse, for consumption or after the date of publication of the final results. These deposit requirements shall remain in effect until publication of the final results. These administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,
Assistant Secretary for Import Administration.

January 21, 1981.

[FR Doc. 82-2073 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-05-M

Minority Business Development Agency

Financial Assistance Application Announcement; Louisville, Ky., SMSA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982, in the Louisville, Kentucky, SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 04-10-62013-01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.


ADDRESS: Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street, NE., Suite 505, Atlanta, Georgia 30309.

FOR FURTHER INFORMATION CONTACT: Mr. Charles F. McMillan, Regional Director. (404) 881-4091.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can coordinate and broker private and public sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program. MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to so do (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/Staff.—Provide information that demonstrates the organization’s capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff’s capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventing resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization’s receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public, and private entities that can possibly enhance the BDC program effort i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. Primary consideration will be given to inhouse capability.

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. Techniques and Methodology.— Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as guides and will become part of the award document. Include start-up plan and example of work plan format. Fully
explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources.—Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. Cash contributions; 2. fee for services; and 3. in-kind contributions.

A. Cash contribution.—Cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. Fee for services.—A fee will be charged to clients for assistance provided by BDC.

C. In-Kind contribution.—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient’s in-kind contribution.

IV. Costs.—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and
—The extent to which the applicant can leverage federal program funds and operate with economy and efficiency.

In conclusion, the applicant’s schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant’s plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on February 12, 1982, at 1:00 p.m. (Catalog of Federal Domestic Assistance 11.800 Minority Business Development)


Charles F. McMillan, Regional Director.

[F.R. Doc. 82-1982 Filed 1-20-82; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement; Memphis, Tenn., SMSA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982. in the

Memphis, Tennessee, SMSA. The cost of the project is estimated to be $250,000. The maximum federal participation amount is $225,000. The minimum amount required for non-federal participation is $25,000. The project number is 04-10-82001-01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.


ADDRESS: Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street, NE., Suite 505, Atlanta, Georgia 30309.

FOR FURTHER INFORMATION CONTACT: Mr. Charles F. McMillan, Regional Director, (404) 881-4091.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program. MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right
when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/Staff.—Provide information that demonstrates the organization’s capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff’s capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization’s receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—if any contractors are to be utilized, identify and indicate areas and level of experience. Primary consideration will be given to inhouse capability.

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. Techniques and Methodology.—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as guidelines and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: Outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources.—Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA’s 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. Cash contributions; 2. fee for services; and 3. in-kind contributions.

A. Cash contribution.—Means cash that is contributed or donated by the recipient, other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. Fee for services.—Are charges to the client for assistance provided by BDC.

C. In-Kind contribution.—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives: top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient’s in-kind contribution.

IV. Costs.—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—the extent to which the applicant can leverage federal program funds and operate with economy and efficiency.

In conclusion, the applicant’s schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant’s plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification for all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered nonresponsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on February 12, 1982, at 1:00 p.m. (Catalog of Federal Domestic Assistance 11.800 Minority Business Development)

Dated: January 18, 1982.

Charles F. McMillan,
Regional Director.
Financial Assistance Application Announcement; Nashville/Davidson County, Tenn.; SMSA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982 in the Nashville/Davidson County, Tennessee SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 04-10-82007-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by an MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

1. Capability and Experience of Firm/Staff.—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organization, banks, SBA, HUD, state, city and county government agencies, etc.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. Primary consideration will be given to inhouse capability.

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. Techniques and Methodology.—

Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as guides and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources.—Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. Cash contributions; 2. Fee for services; and 3. In-kind contributions.

A. Cash contribution.—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.
B. Fee for services.—Are charges to the client for assistance provided by BDC.

C. In-Kind contribution.—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are high technology items to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient’s in-kind contribution.

IV. Cost.—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for start of BDC operation should be included in Part Two. Part Two will be known as the applicant’s plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained. The failure to supply information in any given category of the criteria will result in the application being considered nonresponsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

C. A Pre-Application conference to assist all interested applicants will be held at the above address on February 12, 1982, at 1:00 PM.

(Date of Federal Domestic Assistance 11,500 Minority Business Development)

Dated: January 18, 1982.

Charles F. McMilla, Regional Director.

National Bureau of Standards

Advisory Committee for International Legal Metrology; Open Meeting

The Advisory Committee for International Legal Metrology will meet from 9:30 a.m. to 5:00 p.m. on Tuesday, February 16, 1982, and from 8:00 a.m. to 12:00 noon on Wednesday, February 17, 1982. The meeting will be held in Lecture Room A, Administration Building, National Bureau of Standards, Gaithersburg, Maryland.

The Committee, initially established in March 1974 (39 FR 6130), advises the Department, through the Director, National Bureau of Standards (NBS), on technical and policy matters relating to NBS’ assigned general responsibilities for the development of U.S. positions on technical issues arising in the International Organization of Legal Metrology (OIML). The Committee consists of approximately 40 members selected to ensure balanced representation among government, professional metrologists, national standards bodies, industry and trade associations, and consumers.

The purpose of the February meeting of the Committee is to establish U.S. positions for the 18th Meeting of the International Committee of Legal Metrology (CIML) to be held March 24-26, 1982, in Paris, France. The agenda includes the following items:

1. Update of OIML activities since last meeting of the Committee:
   (a) Report on results of the 1980 International Conference of Legal Metrology.
   (b) Highlights of OIML Technical Program.
   2. 18th CIML agenda and issues:
      (a) Changes to “Working Methods of Secretariats”.
      (b) Creation of new secretariats.
      (c) Examination of the status of certain secretariats.
      (d) Use of work from other organizations.
      (e) Establishment of OIML certification system.


The meeting will be open to public observation, and a period will be set aside for oral comments or questions by the public which do not exceed ten minutes each. More extensive questions or comments should be submitted in writing before February 9, 1982. Other public statements regarding committee affairs may be submitted at any time before or after the meeting. Approximately 20 seats will be available for the public on a first-come, first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mr. David E. Edgerly, Office of Domestic and International Measurement Standards, National Bureau of Standards, Washington, D.C. 20234, telephone: 301-921-3307.


Ernest Ambler, Director, National Bureau of Standards.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Increase in the Import Restraint Level for Certain Cotton Textile Products From Pakistan

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by 50,000 dozen the level of restraint for women’s, girls’ and infants’ cotton shirts, other than T and sweatshirts, in Category 3399pt. (only T.S.U.A. numbers 362.0668 and 362.0671), produced or manufactured in Pakistan and exported during the eighteen-month period which began on January 1, 1981. The adjusted level will be 374,270 dozen.


SUMMARY: The Governments of the United States and Pakistan have agreed to amend the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, to increase the level of
restraint for cotton textile products in Category 339pt. (only T.S.U.S.A. numbers 382.0699 and 382.0671) during the agreement period which began on January 1, 1981 and extends through June 30, 1982.

EFFECTIVE DATE: January 20, 1982.


SUPPLEMENTARY INFORMATION: On December 24, 1980, there was published in the Federal Register (45 FR 65140) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton textile products, including Category 339 and its subcategory, produced or manufactured in Pakistan and exported to the United States during the eighteen-month period which began on January 1, 1981 and extends through June 30, 1982. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements, pursuant to an amendment to the bilateral agreement, directs the Commissioner of Customs to increase the level for Category 339pt. (only T.S.U.S.A. numbers 382.0699 and 382.0671) to 374,270 dozen.

Paul T. O’Day,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements
Commissioner of Customs, Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports in the United States of certain cotton textile products, produced or manufactured in Pakistan.

Under the terms of the Agreement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton Trade Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 20, 1982, and for the eighteen-month period beginning on January 1, 1981 and extending through June 30, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 339pt. produced or manufactured in Pakistan, in excess of 374,270 dozen.

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,
Paul T. O’Day,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-1993 Filed 1-26-85; 8:45 am]
BILLING CODE 3510-25-M

Adjusting Import Restraint Levels for Certain Cotton and Man-Made Fiber Apparel Products From the Dominican Republic
January 22, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing the levels of restraint established for men’s and boy’s woven cotton shirts in Category 340 from 139,078 dozen to 130,968 dozen and man-made fiber brassieres in Category 649 from 1,500,000 dozen to 1,453,501 dozen to account for carryforward used during the twelve-month period which began on June 1, 1981 and extended through May 31, 1981. These adjustments apply to Categories 340 and 649, produced or manufactured in the Dominican Republic and exported to the United States during the twelve-month period which began on June 1, 1981 and extends through May 31, 1982. In accordance with the terms of the agreement, the Chairman of the Committee for the Implementation of Textile Agreements, in the letter published below, directs the Commissioner of Customs to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 340 and 649 in excess of the adjusted levels of restraint.

Paul T. O’Day,
Chairman, Committee for the Implementation of Textile Agreements.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic provides, among other things, for the borrowing of yardage from the following agreement year (carryforward) with the amount used being deducted from the level in the following year. In accordance with the terms of the bilateral agreement, the import restraint levels established for Categories 340 and 649 are being adjusted for carryforward used during the previous agreement year.


SUPPLEMENTARY INFORMATION: On May 25, 1981, there was published in the Federal Register (46 FR 28206) a letter dated May 20, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established import restraint levels for certain specified categories of cotton and man-made fiber textile products, including Categories 340 and 649, produced or manufactured in the Dominican Republic and exported to the United States during the twelve-month period which began on June 1, 1981 and extends through May 31, 1982. In accordance with the terms of the agreement, the Chairman of the Committee for the Implementation of Textile Agreements, in the letter published below, directs the Commissioner of Customs to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 340 and 649 in excess of the adjusted levels of restraint.

Paul T. O’Day,
Chairman, Committee for the Implementation of Textile Agreements.

January 22, 1982.

Commissioner of Customs, Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On May 20, 1981, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption or withdrawal from warehouse for consumption, during the twelve-month period which began on June 1, 1981 and extends through May 31, 1982 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Dominican Republic, in excess of designated levels of restraint. The
Chairman further advised you the levels of restraint are subject to adjustment.1  
Effective on January 22, 1982, the levels of restraint established for Categories 340 and 649 in the directive of May 20, 1981 are adjusted to the following:

**Category** and Adjusted Twelve-Month Level of Restraint  1

<table>
<thead>
<tr>
<th>Category</th>
<th>Original Level</th>
<th>Adjusted Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>340</td>
<td>190,969 dozen</td>
<td></td>
</tr>
<tr>
<td>649</td>
<td>1,453,501 dozen</td>
<td></td>
</tr>
</tbody>
</table>

The actions taken with respect to the Government of the Dominican Republic and with respect to imports of cotton and man-made fiber textile products from the Dominican Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,  
Chairman, Committee for the Implementation of Textile Agreements.

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**DEPARTMENT OF DEFENSE**

**Department of the Army**

**Army Science Board; Cancellation of Meeting**

In accordance with section 10(a)[2] of the Federal Advisory Committee Act (Pub. L. 92–463) and AR 15–1, Committee Management, notice of cancellation of a meeting of the Army Science Board on January 28 and 29, 1982 (47 FR 843, January 7, 1982) is hereby given.  

Due to extenuating circumstances the meeting of the Army Science Board Summer Study Group on Science and Engineering Personnel was called off and is being rescheduled.

Helen M. Bowen,  
Administrative Officer.


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**DEPARTMENT OF EDUCATION**

**Direct Grant Programs; Application Notices for Fiscal Year 1982; Correction**

**AGENCY:** Department of Education.  

**ACTION:** Amendments to application notices for direct grant programs for fiscal year 1982.

The Secretary of Education makes changes in certain application notices previously announced for fiscal year 1982.

On October 28, 1981 a notice containing application announcements for certain direct grant programs was published in the Federal Register (46 FR 53278–53317). For various reasons, changes are made to the following notices:

1. **84.000—Indian Education Grants to Local Educational Agencies and Tribal Schools—Closing date: December 4, 1981**

The closing date for transmittal of applications for new and noncompeting continuation projects under the Indian Education Program entitlement grants to local educational agencies and tribal schools is extended to February 12, 1982.

2. **84.003A—Bilingual Education Act—Desegregation Support Program—Closing date: January 15, 1982**

Although the original application notice correctly listed $768,000 as the total amount of money available for new awards, the amount of money listed as available for the two types of projects supported under this program were incorrect and are corrected as follows:

The amount of money available for bilingual-bicultural curriculum development projects (34 CFR 520.10(a)[1]) is $200,000.

The amount of money available for implementation of instructional programs of bilingual-bicultural education (34 CFR 520.10(b)[1]) is $558,000.

The competition for this program is cancelled for fiscal year 1982 due to funding limitations.

T. H. Bell,  
Secretary of Education.  
January 20, 1982.

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**Office of Postsecondary Education**

**Special Needs Program; Application Notice for New Projects for Fiscal Year 1982**

Applications are invited for new projects under the Special Needs Program.

Authority for this program is contained in sections 321–324 and 341–347 of Title III of the Higher Education Act of 1965 as amended.

(20 U.S.C. 1060–1063, and 1066–1069c)

The Special Needs Program assists eligible institutions of higher education to become self-sufficient by providing funds to improve their academic quality and strengthen their planning, management, and fiscal capabilities. To this end, the Secretary awards planning grants and non-renewable development grants to eligible two and four year, public and private institutions of higher education. The purpose of the planning grants is to assist institutions to develop their long-range plans. The purpose of the development grants is to assist institutions to implement portions of their long-range plans, thereby becoming self-sufficient.

**Closing Date for Transmittal of Applications:** An application for a planning or development grant must be mailed or hand delivered by April 2, 1982.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center.
An applicant must show proof of mailing consisting of one of the following:

1. A legibly dated U.S. Postal Service postmark.
2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
3. A dated shipping label, invoice, or receipt from a commercial carrier.
4. Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A pre-addressed, pre-metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5973, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Program Information

General. In general, the Secretary will accept an application for a planning grant or a development grant from any institution designated eligible for the Special Needs Program in Fiscal Year 1982.

Planning Grants

1. The Secretary will not accept an application for a planning grant from institutions applying as a cooperative arrangement unless the purpose of the grant is to develop a separate long-range plan for each participating institution.
2. Approval of a planning grant does not commit the Secretary to fund a subsequent application for a development grant.

Requests for Designation as an Eligible Institution: Potential applicants must submit a request for designation as an eligible institution by the established date published separately in the Federal Register. Those institutions that do not submit a request by the established date or are not designated by the Secretary as eligible to apply for a grant in FY 1982 will not be considered for funding.

Available Funding: The Third Continuing Resolution, which expires on March 31, 1982, authorizes $57,600,000 to be made available for the Special Needs Program for Fiscal Year 1982. Although processing of applications will proceed on this basis, it should be noted that these estimates do not bind the Department of Education. Final resolution of spending limits for FY 1982 may result in a change of available funds.

The Secretary intends to award not less than $27,035,000 of the amount available to institutions with special needs that have historically served substantial numbers of black students. Further, the Secretary intends to award not less than 30 percent of the amount available to junior or community colleges with special needs. Approximately $384,000 will be used to fund planning grants.

Planning grants will range between $10,000 and $25,000 while development grants will range between $100,000 and $800,000 per year. These estimates, however, do not bind the Secretary as to the minimum amount of any grant.

Application Forms: Application forms and program information packages are expected to be ready for mailing by January 26, 1982. They may be obtained by writing to the Institutional Aid Programs, U.S. Department of Education, L’Enfant Plaza Station, Post Office Box 23868, Washington, D.C. 20024.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that (1) the individual parts of the application not exceed the page limitations identified in the application materials, and (2) applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to the program include the following:

(a) The regulations in 34 CFR Part 624;
(b) The regulations in 34 CFR Part 628; and
(c) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions), except that 34 CFR 75.128(a)[2] and 34 CFR 75.129(a) do not apply to cooperative arrangements. These parts were previously codified as 45 CFR Part 100a and 45 CFR Part 100c respectively.

Parts 624 and 628 of Title 34 of the Code of Federal Regulations were published in the Federal Register of January 5, 1982, 47 FR 540-557.

Further Information: For further information contact Dr. Claude A. Mayberry, Director, Division of Institutional Development, U.S. Department of Education (Room 3919, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202-3311. Telephone: (202) 245-0691.

(20 U.S.C. 1060-1063 and 1066-1069c)
(Catalog of Federal Domestic Assistance No. 84.031A—Special Needs Program)
T. H. Bell,
Secretary of Education.

[FR Doc. 82-2077 Filed 1-20-82; 8:45 am]
BILLING CODE 4000-01-M

Strength Program; Application Notice for New Projects for Fiscal Year 1982

Applications are invited for new projects under the Strengthening Program.

Authority for this program is contained in sections 311-313 and 341-347 of Title III of the Higher Education Act of 1965 as amended.

The Strengthening Program assists eligible institutions of higher education to become self-sufficient by providing funds to improve their academic quality and strengthen their planning, management, and fiscal capabilities. To this end, the Secretary awards planning grants and renewable and non-renewable development grants to eligible two and four year, public and private institutions of higher education.

The purpose of the planning grants is to assist institutions to develop an institutional long-range plan or an application for a development grant. The purpose of the development grants is to assist institutions to implement portions of their long-range plans to enable their move toward or achieve self-sufficiency.

Closing Date for Transmittal of Applications: An application for a planning or development grant must be mailed or hand delivered by March 30, 1982.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.031A, Washington, D.C. 20202-3561.

An applicant must show proof of mailing consisting of one of the following:
(1) A legibly dated U.S. Postal Service postmark.
(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
(3) A dated shipping label, invoice, or receipt from a commercial carrier.
(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.
If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.
An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.
An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.
Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room S673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.
The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.
An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.
Program Information:
General. In general, the Secretary will accept an application for a planning grant or a development grant from any institution designated eligible for the Strengthening Program.
Planning grants.
1. The Secretary will not accept an application for a planning grant solely to develop an application for a development grant unless the applicant submits, as part of its application, its long-range plan containing all the elements required in § 624.22 of the Institutional Aid Programs General Provision Regulation (34 CFR 624.22) published in the Federal Register of January 5, 1982, 47 FR 540, 543–544.
2. The Secretary will not accept an application for a planning grant to develop a long-range plan from institutions applying as a cooperative arrangement unless the purpose of the grant is to develop a separate long-range plan for each participating institution.
3. Approval of a planning grant does not commit the Secretary to fund a subsequent application for a development grant.
Development grants.
An institution may not apply for both a renewable and a non-renewable development grant under this program either individually or as part of a cooperative arrangement.
Requests for Designation as an Eligible Institution: Potential applicants must submit a request for designation as an eligible institution by the established date published separately in the Federal Register. Those institutions that do not submit a request by the established date or are not designated by the Secretary as eligible to apply for a grant in FY 1982 will not be considered for funding.
Available Funding: The Third Continuing Resolution, which expires on March 31, 1982, authorizes $57,600,000 to be made available for the Strengthening Program for Fiscal Year 1982. Although processing of applications will proceed on this basis, it should be noted that these estimates do not bind the Department of Education. Final resolution of spending limits for FY 1982 may result in a change of available funds. The Secretary intends to award not less than 24 percent of the amount available to eligible junior or community colleges.
Planning grants will range between $10,000 and $25,000, renewable development grants will range between $50,000 and $200,000 per year, and non-renewable development grants will range between $100,000 and $800,000 per year. These estimates, however, do not bind the Secretary to the minimum amount of any grant.
Seventy-five percent of the amount available will be set-aside to fund non-renewable development grants. Approximately $354,000 will be used to fund planning grants.
Application Forms: Application forms and program information packages are expected to be ready for mailing by January 26, 1982. They may be obtained by writing to the Institutional Aid Programs, U.S. Department of Education, L’Enfant Plaza Station, Post Office Box 23968, Washington, D.C. 20022.
Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that (1) the individual parts of the application not exceed the page limitations identified in the application materials, and (2) applicants not submit information that is not requested. Applicable Regulations: Regulations applicable to the program include the following:
(a) The regulations in 34 CFR Part 624; and
(b) The regulations in 34 CFR Part 625; and
(c) the regulations in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR 77 (Definitions), except that 34 CFR 75.128(a)(2) and 34 CFR 75.129(a) do not apply to cooperative arrangements. These parts were previously codified as 45 CFR Part 100a and 45 CFR Part 100c respectively.
Parts 624 and 625 of Title 34 of the Code of Federal Regulations were published in the Federal Register of January 5, 1982, 47 FR 540–557.
(Catalog of Federal Domestic Assistance No. 84.031A—Strengthening Program)
T. H. Bell,
Secretary of Education.
[FR Doc. 82-2078 Filed 1-26-82; 8:45 am]
BILLING CODE 4000-01-M

Challenge Grant Program; Application Notice for New Projects for Fiscal Year 1982

Applications are invited for new projects under the Challenge Grant Program.
Authority for this program is contained in sections 331–332 and 341–347 of Title III of the Higher Education Act of 1965 as amended.
(20 U.S.C. 1064–1060c)
The Challenge Grant Program assists eligible institutions of higher education to seek alternative sources of funding to become self-sufficient. To this end, the Secretary awards grants to eligible institutions of higher education including, two-year and four-year, public and private institutions, graduate institutions, and institutions providing medical education programs.
Closing Date for Transmittal of Applications: An application for a grant must be mailed or hand delivered by April 5, 1982.
Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.031C, Washington, D.C. 20202–3361.
An applicant must show proof of mailing consisting of one of the following:

1. A legibly dated U.S. Postal Service postmark.
2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
3. A dated shipping label, invoice, or receipt from a commercial carrier.
4. Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5763, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: Applications for new grants will be accepted from all institutions designated as eligible under the Institutional Aid Programs in Fiscal Year 1982. However, in awarding grants under this part, the Secretary gives preference to applications from institutions that are receiving grants under the Strengthening Program or the Special Needs Program.

Requests for Designation as an Eligible Institution: Potential applicants must submit a request for designation as an eligible institution by the established date published separately in the Federal Register. Those institutions that are not designated by the Secretary as eligible to apply for a grant in FY 1982 will not be considered for funding.

Available Funding: The Third Continuing Resolution, which expires on March 31, 1982, authorizes $9,216,000 to be made available for the Challenge Grant Program for Fiscal Year 1982. Although processing of applications will proceed on this basis, it should be noted that these estimates do not bind the Department of Education. Final resolution of spending limits for FY 1982 may result in a change of available funds. Awards will range between $150,000 and $800,000 per year.

However, these estimates do not bind the Secretary as to the amount of any grant.

Application Forms: Application forms and program information packages are expected to be ready for mailing by January 26, 1982. They may be obtained by writing to the Institutional Aid Programs, U.S. Department of Education, L'Enfant Plaza Station, Post Office Box 23868, Washington, D.C. 20024.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that (1) the individual parts of the application not exceed the page limitations identified in the application materials, and (2) applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to the program include the following:

(a) The regulations in 34 CFR Part 624;
(b) The regulations in 34 CFR Parts 625 and 628;
(c) The regulations in 34 CFR Part 627; and
(d) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions). These parts were previously codified as 45 CFR Part 100a and 45 CFR Part 100c respectively.

Parts 624, 625, 626, and 627 of Title 34 of the Code of Federal Regulations were published in the Federal Register of January 5, 1982, 47 FR 545-557.

Further Information: For further information contact Dr. Claude A. Mayberry, Director, Division of Institutional Development, U.S. Department of Education (Room 3919, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202-3311. Telephone: (202) 245-9691.

(20 U.S.C. 1064-1069c)


T. H. Bell,
Secretary of Education.

[FR Doc. 82-2079 Filed 1-28-82; 8:49 am] BILLING CODE 4000-01-M

Strengthening Program, Special Needs Program, and Challenge Grant Program; Transmittal of Requests for Designation as an Eligible Institution for Fiscal Year 1982

Institutions of higher education that wish to apply for a grant under the Strengthening Program, the Special Needs Program or the Challenge Grant Program, collectively known as the Institutional Aid Programs, are invited to apply for designation as an "eligible institution" under one or more of these programs by submitting a "Request for Designation as an Eligible Institution" form. The Institutional Aid Programs are authorized under section 301-347 of Title III of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1051-1069c)

The Institutional Aid Programs assist eligible institutions to become self-sufficient by providing funds to improve their academic quality and strengthen their planning, management and fiscal capabilities.

Institutions of higher education that wish to apply for a grant for any of the Institutional Aid Programs must first be designated as an eligible institution under that program in accordance with the applicable regulations.

Closing Date for Transmittal of Requests: A "Request for Designation as an Eligible Institution" form must be mailed or hand-delivered by February 16, 1982.

Requests Delivered by Mail: A request sent by mail must be addressed to the Evaluation Section, Division of Institutional Development, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024.

Proof of mailing must consist of one of the following:

1. A legibly dated U.S. Postal Service postmark.
2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
3. A dated shipping label, invoice, or receipt from a commercial carrier.
4. Any other proof of mailing acceptable to the U.S. Secretary of Education.

If a request is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.
An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its request will not be considered.

Requests Delivered by Hand: A request that is hand-delivered must be taken to the Evaluation Section, Division of Institutional Development, Room 3045, Regional Office Building, 3, 7th and D Streets, SW., Washington, D.C. Hand delivered requests must be receipted by the staff of the Evaluation Section.

The staff of the Evaluation Section will accept and receipt hand-delivered requests between 9:00 a.m. and 4:30 p.m. (Eastern Time) daily, except Saturdays, Sundays and Federal holidays.

A request that is hand-delivered will not be accepted after 4:30 p.m. on February 16, 1982.

Request Forms: Eligibility request forms are expected to be ready for mailing by January 26, 1982. They may be obtained by writing to the Evaluation Section, Division of Institutional Development, L’Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024.

Applicable Regulations: Regulations applicable to the eligibility process include §§ 624.2, 624.3 and 624.20 of the Institutional Aid Programs—General Provisions Regulations, 34 CFR 624.2, 624.3, and 624.20; §§ 625.2 and 625.3 of the Strengthening Program Regulations, 34 CFR 625.2 and 625.3; §§ 626.2 and 626.3 of the Special Needs Program Regulations, 34 CFR 626.2 and 626.3; and § 627.2 of the Challenge Grant Program Regulations, 34 CFR 627.2. These regulations were published in the Federal Register of January 5, 1982, 47 FR 540–557.

Program Information: The Secretary will use award year 1979–80 (July 1, 1979–June 30, 1980) as the base year for calculating the variables used to determine an institution’s eligibility under § 625.2(a)(2) and (3) of the Strengthening Program, § 626.2(a)(2) and (3) of the Special Needs Program, and § 627.2(d)(2) of the Challenge Grant Program. These variables include for the Strengthening Program (1) the percentage of full-time equivalent (FTE) undergraduate students that received Pell Grants that were enrolled in the institution and (2) the average Pell Grant award per recipient. For the Special Needs Program the variables include (1) the percentage of FTE undergraduate students that received Pell Grants, Supplemental Educational Opportunity Grants (SEOG), College Work-Study (CWS) employment, and National Direct Student Loans (NDSL) that were enrolled in the institution and (2) the average amount of such assistance per recipient. For the Challenge Grant Program, the base year variable relates to whether a medical institution had an enrollment in the base year of at least 35 percent minority and educationally disadvantaged students.

The base year to be used for calculating the variables in §§ 625.2(a)(4) and 626.2(a)(4) will also be 1979–80. These variables, for the Strengthening and Special Needs Programs, include the educational and general (E&G) expenditures per FTE undergraduate student at the institution. Institutions are to submit E&G expenditure data for the 12-month period on which they reported in the “Higher Education General Information Survey (HEGIS XV), Financial Statistics of Institutions of Higher Education for Fiscal Year Ending 1980.”

The Department of Education will use Pell Grant data currently on file in the Department in making its determinations under the financial aid eligibility criteria in 34 CFR 625.2 and 626.2. The Department will use the figures as they have been corrected and updated as of March 2, 1982.

Conversion tables which explain how the Secretary assigns points to institutions applying for eligibility designation are published as an appendix to this Notice.

Under the Challenge Grant Program Regulations, § 627.2(e), the Secretary is authorized to waive requirements set forth in § 624.2(b)(2) of the Institutional Aid Programs—General Provisions. In Fiscal Year 1982, the Secretary chooses not to waive these requirements.

Eligibility forms will be processed and reviewed by the Evaluation Section in the order in which they are received. Institutions that provide only statistical data under Part I of the request form and do not complete items 6a and 6b, thereby indicating that they are not reconciling Pell Grant data with the Office of Student Financial Assistance (OSFA) of the U.S. Department of Education, will be notified of their designation status no later than March 1, 1982. Institutions that are requesting a waiver of certain eligibility requirements or special designation status under Part II of the request form, or that are reconciling Pell Grant data with the OSFA will be notified as soon as possible.

An institution that does not submit its eligibility form by February 16, 1982, will not be eligible to apply for an Institutional Aid Program grant and will not be eligible for Institutional Aid Program assistance in Fiscal Year 1982.


20 U.S.C. 1051–1069c
(Catalog of Federal Domestic Assistance Number: 84.031—Institutional Aid Programs)

T. H. Bell,
Secretary of Education.
### Threshold Chart

<table>
<thead>
<tr>
<th>Categories of Potentially Eligible Institutions</th>
<th>Minimum Thresholds</th>
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<td>Strengthening Program</td>
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<td>Overall Threshold</td>
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<tr>
<td>Two-Year Public Institutions</td>
<td>148</td>
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<tr>
<td>Two-Year Non-profit Private Institutions</td>
<td>145</td>
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<tr>
<td>Four-Year Public Institutions</td>
<td>188</td>
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<td>Four-Year Non-profit Private Institutions</td>
<td>194</td>
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<tr>
<td>*Graduate Public Institutions</td>
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<tr>
<td>*Graduate Non-profit Private Institutions</td>
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*Institutions that do not award bachelor's degrees but do award graduate, postgraduate or professional degrees may request designation for the Challenge Grant Program under the eligibility criteria for the Special Needs Program.*
DEPARTMENT OF ENERGY

Energy Information Administration

American Statistical Association Committee on Energy Statistics; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the American Statistical Association's Committee on Energy Statistics will meet with representatives of the Energy Information Administration (EIA) on Friday, February 12, 1982, at the Hotel Washington, 15th and Pennsylvania Avenue, NW., Washington, D.C., from 9:00 a.m. to approximately 3:30 p.m., in the Capitol Room.

The purpose of the meeting is to enable the EIA to utilize the American Statistical Association's Committee on Energy Statistics to obtain advice on EIA programs and to benefit from the Committee's expertise concerning other energy statistical matters.

The tentative agenda is as follows:
A. Opening Remarks
B. Major Topics
1. Production Decline of U.S. Surveillance Oil Fields
3. A simplified Approach to Extending Short-Term Projections for the Next Five Years
4. Problems in Estimating World Oil Inventories
5. Quick Response Capabilities for Use Prior to and During a Supply Interruption
6. EIA's Changing Role in Light of New Directives
C. Other Business
1. Topics for Future Meetings
2. Public Comments

The meeting is open to the public. Any member of the public may file a written statement with the EIA for forwarding to the Committee, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should inform Mr. Bruce D. Dwyer, EIA Committee Liaison, (202) 252-6460, or Dr. Fred C. Leone, Executive Director of the American Statistical Association, (202) 383-3253, at least five days prior to the meeting and reasonable provisions will be made to include their presentations on the agenda. Subsequent to approval by the Committee, minutes and an executive summary of the meeting will be available for public review and copying at the Office of Planning and Resources, EI-32, EIA, 1000 Independence Avenue, SW., Room 2H05B, Washington, D.C. 20585, (202) 252-6460, between the hours of 8:00 a.m. and 4:40 p.m., Monday through Friday.


J. Erich Evered,
Administrator, Energy Information Administration.

Federal Energy Regulatory Commission

(Docket No. ER82-215-000)

Bangor Hydro-Electric Co.; Filing
January 20, 1982.

Take notice that the Bangor Hydro-Electric Company (Bangor) on January 8, 1982 tendered for filing as a rate schedule an executed agreement dated as of November 1, 1981 between Bangor and Fitchburg Gas and Electric Light Company (Fitchburg). The agreement provides for sale of unit power by Bangor to Fitchburg from January 1, 1982 through January 31, 1982, according to Bangor.

Bangor requests an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Bangor states that copies of this filing have been mailed to Fitchburg.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 252-6460, or Dr. Fred C. Leone, Acting Secretary.

[PR Doc. ER82-215 Filed 1-20-82; 8:45 a.m]
BILLING CODE 6450-01-M

Continental Hydro Corp.; Surrender of Preliminary Permit


Take notice that Continental Hydro Corporation (Continental), Permittee for the Trenton Dam, Project No. 3584, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 3584 was issued on May 21, 1981, and would have expired on November 1, 1982, the project would have been located on the Republican River in Hitchcock County, Nebraska.

Continental's review of the reconnaissance estimates on the energy potential of the site, as well as the flow records supplied by the Nebraska State Department of Water Resources indicates that the releases are relatively low and irregular, and that the release period is less than 3 months each year. Continental concluded that these findings suggest that the sites is not feasible for hydropower development.

Continental filed its request for Project No. 3584 on October 28, 1981, and the surrender of Project No. 3584 has been deemed accepted as of the date of this notice.

Lois D. Cashell,
Acting Secretary.

[PR Doc. ER82-1931 Filed 1-20-82; 8:45 a.m]
BILLING CODE 6171-01-M

(Docket No. ER82-217-000)

Detroit Edison Co.; Proposed Tariff Change


The filing company submits the following:

Take notice that the Detroit Edison Company (Detroit) on January 4, 1982, tendered for filing an Amendment to the Interconnection Agreement between the City of Detroit and Detroit. This amendment will increase the rates for Emergency Power, Short Term Power, and Displacement Power, and Transmission Service to normal current industry levels and also will bring the agreement into compliance with the Commission's Rule 64B.

Detroit states that the proposed changes are desirable by the parties to assure adequate and fair compensation for services rendered and to encourage the availability of the full range of service. Detroit proposes an effective date of January 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to...
intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 82-1932 Filed 1-20-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-219-000]

Florida Power & Light Co.; Filing

January 20, 1982.

The filing Company submits the following:

Take notice that on January 11, 1982, Florida Power & Light Company (FP&L) tendered for filing an initial rate and executed contract entitled “Contract for Interchange Service Between Florida Power & Light Company and Sebring Utilities Commission.” FP&L states that under the contract, FP&L and the Sebring Utilities Commission will engage in the interchange of electric capacity and energy indirectly through the electric transmission systems of other utilities.

FP&L requests that the proposed Contract be made effective no later than 60 days from the date of filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission’s Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 82-1933 Filed 1-20-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-218-000]

Idaho Power Co.; Filing

January 20, 1982.

The filing Company submits the following:


Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission’s Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 82-1934 Filed 1-20-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5786-000]

Lawrence J. McMurtrey; Application for Preliminary Permit


Take notice that Lawrence J. McMurtrey (Applicant) filed on December 17, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(j) for Project No. 5786 to be known as the Circle Creek Power Project located on Circle Creek in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection.

Correspondence with the Applicant should be directed to Mr. Lawrence J. McMurtrey, 12322 196th NE, Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) multiple diversion structures on Circle Creek; (2) a 7,000-foot long diversion conduit; (3) a powerhouse with a total installed capacity of 2.4 MW; and (4) a 115-kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 15.0 GWh. The proposed project is located entirely on U.S. Forest lands owned by Snoqualmie-Mt. Baker National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 38 months during which it would conduct technical, environmental and economic studies; and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $20,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981)]; and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 5, 1982, and should specify the type of application for which the application is forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission’s regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 3, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all comments, protests, or other comments filed, but only those who file a petition to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 5, 1982.

Filing and Service of Responsive Documents— Any filings must bear in all capital letters the title "COMMENTS", “NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the
Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,
Acting Secretary.

[Federal Register Doc. 82-1935 Filed 1-29-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-214-000]
Nevada Power Co.; Filing

January 20, 1982.

The filing Company submits the following:

Take notice that on January 8, 1982, Nevada Power Company (Nevada) tendered for filing an Interconnection Agreement between it and the City of Riverside (Riverside) dated July 15, 1980. Nevada states that the primary purpose of this Interconnection Agreement is to provide for the exchange of generating capacity and energy between the electric systems of the parties. Nevada further states that service may be provided under three Service Schedules:

1. Service Schedule A — Emergency Assistance
2. Service Schedule B — Economy Energy Interchange
3. Service Schedule C — Banked Energy

Nevada requests an effective date of July 15, 1980, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Nevada's jurisdictional customer, the CP National Corporation, and upon the Public Service Commission of Nevada and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Federal Register Doc. 82-1937 Filed 1-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-213-000]
Nevada Power Co.; Filing


The filing Company submits the following:

Take notice that on January 8, 1982, Nevada power Company (Nevada) tendered for filing an Interconnection Agreement between it and the City of Anaheim (Anaheim) dated June 17, 1980. Nevada states that the primary purpose of this Interconnection Agreement is to provide for the exchange of generating capacity and energy between the electric systems of the parties.

Nevada states that service may be provided under three Service Schedules:

1. Service Schedule A — Emergency Assistance
2. Service Schedule B — Economy Energy Interchange
3. Service Schedule C — Banked Energy

Nevada requests an effective date of June 17, 1980, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Nevada's jurisdictional customer, the CP National Corporation, and upon the Public Service Commission of Nevada and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Federal Register Doc. 82-1938 Filed 1-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-212-000]
Nevada Power Co.; Filing

January 20, 1982.

The filing Company submits the following:

Take notice that on January 28, 1982, Nevada Power Company (Nevada) tendered for filing an Interconnection Agreement between it and the City of Vernon (Vernon) dated December 15, 1981. Nevada states that the primary purpose of this Interconnection Agreement is to provide for the exchange of generating capacity and energy between the electric systems of the parties.

Nevada further states that the service may be provided under three Service Schedules:

1. Service Schedule A — Emergency Assistance
2. Service Schedule B — Economy Energy Interchange
3. Service Schedule C — Banked Energy

Nevada requests an effective date of January 1, 1982, for this Agreement.

Copies of this filing were served upon Nevada's jurisdictional customer, the CP National Corporation, and upon the Public Service Commission of Nevada and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Federal Register Doc. 82-1939 Filed 1-26-82; 8:45 am]
BILLING CODE 6717-01-M
The Bar 717 Ranch, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity


Take notice that on November 16, 1981, The Bar 717 Ranch, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) [16 U.S.C. 2705 and 2706 as amended], for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 5649) would be located at Corral Creek in Trinity County near Hayfork, California.

Portions of the proposed project would be located within the Trinity National Forest. Correspondence with the Applicant should be directed to: Mr. J. M. Noda, Sverdrup & Parcel and Associates, Inc., 417 Montgomery Street, San Francisco, California 94104.

Project Description—The proposed project would consist of:

1. A 5-foot high diversion structure;
2. An 11,000-foot long, 48-inch diameter, low pressure steel pipe;
3. A 3,500-foot long, 36-inch diameter penstock;
4. A powerhouse with a total installed capacity of 4,600 kW;
5. A 0.75-mile long transmission line connecting with an existing Pacific Gas and Electric transmission line.

The Applicant estimates that the average annual energy output would be 6.1 million kWh.

Purpose of Exemption—An exemption, if issued, will give the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice an appropriate response as to any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none.

Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit a notice to the Commission on or before March 10, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (b) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 10, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Acting Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing.

Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell, Acting Secretary.

[Docket No. CP82-127-000]

Transcontinental Gas Pipe Line Corp., and United Gas Pipe Line Co.; Application

January 22, 1982.

Take notice that on December 18, 1981, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1476, Houston, Texas 77251, and United Gas Pipe Line Company (United), P.O. Box 1476, Houston, Texas 77001, filed in Docket No. CP82-127-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Transco and United entered into an agreement dated September 24, 1981, which would assist them in receiving into their respective systems natural gas from various production sources. Under the agreement Transco and United would exchange up to 6 billion Btu equivalent of gas per day and could exchange additional quantities tendered if capacity therefor is available. United's gas would be delivered to Transco from Tarton Oil and Gas Company's T.N. Menefee Estate No. 1 well, Wharton County, Texas, Howell Petroleum Corporation's Thibodaux Field, LaFourche Parish, Louisiana, and Texas Oil and Gas' Adcock #2, #3, and #4 wells, Richard Adcock Field, Victoria County, Texas, with redelivery at an existing interconnection between Esperanza Transmission Company and Transco in Wharton County, Texas, at Exxon's Thibodaux Plant, LaFourche Parish, Louisiana, and at Transco's measuring and regulating station, Victoria County, Texas. Transco's gas would be delivered to United at the Tomlinson Interest, Inc. #1 Crosby 8-10 and #1 Southern Minerals wells, Pistol Ridge Field, Forrest County, Mississippi, with redelivery at an existing delivery.

[Docket No. CP82-127-000]

Transcontinental Gas Pipe Line Corp., and United Gas Pipe Line Co.; Application

January 22, 1982.

Take notice that on December 18, 1981, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1476, Houston, Texas 77251, and United Gas Pipe Line Company (United), P.O. Box 1476, Houston, Texas 77001, filed in Docket No. CP82-127-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Transco and United entered into an agreement dated September 24, 1981, which would assist them in receiving into their respective systems natural gas from various production sources. Under the agreement Transco and United would exchange up to 6 billion Btu equivalent of gas per day and could exchange additional quantities tendered if capacity therefor is available. United's gas would be delivered to Transco from Tarton Oil and Gas Company's T.N. Menefee Estate No. 1 well, Wharton County, Texas, Howell Petroleum Corporation's Thibodaux Field, LaFourche Parish, Louisiana, and Texas Oil and Gas' Adcock #2, #3, and #4 wells, Richard Adcock Field, Victoria County, Texas, with redelivery at an existing interconnection between Esperanza Transmission Company and Transco in Wharton County, Texas, at Exxon's Thibodaux Plant, LaFourche Parish, Louisiana, and at Transco's measuring and regulating station, Victoria County, Texas. Transco's gas would be delivered to United at the Tomlinson Interest, Inc. #1 Crosby 8-10 and #1 Southern Minerals wells, Pistol Ridge Field, Forrest County, Mississippi, with redelivery at an existing delivery.

[Docket No. CP82-127-000]
point in Forrest County, Mississippi. Any balancing required would be accomplished on a thermal basis monthly with Transco’s delivering balancing gas to United at the existing interconnection between their systems near Inez, Victoria County, Texas, and United’s delivering balancing gas to Transco at the existing interconnection between Transco and U-T Offshore System near Johnson’s Bayou, Cameron Parish, Louisiana.

It is further stated that the agreement provides that additional supply sources could be added as necessary to facilitate exchanges of other production-area gas. Transco and United therefore request blanket authority to exchange gas from such additions without further authorization from the Commission. It is stated that any minor connection facilities required, if not within the gathering exemption of the Natural Gas Act, would be constructed and operated under Transco’s and United’s respective budget-type authorizations.

It is stated that there would be no charge to either party by the other because the benefits derived from the exchange are substantially equal and mutually beneficial.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission’s Rules of Practice and Procedure (18 CFR 1.6, 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestors parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission’s Rules.

Take further notice that, pursuant to the authority contained in the subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission’s Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 83-1940 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

(Docket No. CP82-125-000)

Transcontinental Gas Pipe Line Corp.; Application

January 22, 1982

Take notice that on December 18, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-125-000 an application pursuant to Sections 3 and 7(c) of the Natural Gas Act for authorization to import natural gas from Canada and for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to import from Canada into the United States 300,000 Mcf of natural gas per day which it has contracted to purchase from TransCanada Pipe Lines Limited (TransCanada), for a term of 10 years and 75,000 Mcf of gas per day which it has contracted to purchase from Sulpetro Limited (Sulpetro) for a term of eight years.

In order to facilitate such importation of natural gas from Canada, Applicant proposes to construct and operate approximately 158 miles of primarily 42-inch pipe (the Transco Niagara Pipeline System) extending from a point on the United States-Canada border near Niagara Falls, New York, to Applicant’s existing system at the Leidy Storage Field near Tamarack, Pennsylvania. It is stated that the proposed pipeline would traverse Niagara, Erie, Wyoming, Allegany, and Cattaraugus Counties, New York; and McKean, Potter, and Clinton Counties, Pennsylvania. In addition, Applicant proposes to construct and operate two compressor stations, one of 38,000 horsepower near Lewiston, New York, and one of 19,000 horsepower near Tamarack, Pennsylvania, along with appurtenant metering and regulating stations.

Applicant states that it intends to import natural gas and the construction and operation of the facilities are needed to augment Applicant’s total gas supply available to its customers as well as to make available to Applicant’s customers an important new storage service.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission’s Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestors parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission’s Rules.
Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell, Acting Secretary.

[FR Doc. 82-1941 Filed 1-28-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5062-000] Diamond Power Corp.; Application for License (5 MW or Less)

January 22, 1982.

Take notice that the Diamond Power Corporation [Applicant] filed on June 22, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as the Quinebaug—Five Mile Pond Project No. 5062. The project would be located on the Quinebaug and Five Mile Rivers in Windham County, Connecticut. Correspondence with the Applicant should be directed to: Mr. Peter Kasch, Barkan Properties, 1330 Boylston Street, Chestnut Hill, Massachusetts 02167.

Project Description—The proposed project would consist of: (1) two existing dams, the Rojak Dam being 14 feet high and 250 feet long and the Five Mile Pond Dam being 18.5 feet high and 135 feet long; (2) two old canals, one 20 to 30 feet wide, 7 feet deep and 450 feet long and one 30 feet wide, 7 feet deep and 900 feet long; (3) a new penstock 72 inches in diameter and 420 feet long; (4) three new powerhouse facilities, the two major ones containing units totaling 1,960 kW and 238 kW and the minor one having one 75-kW unit; (5) two new 2.3–kV transmission lines, one 120 feet long and one 250 feet long; and (6) appurtenant facilities.

Purpose of Project—The project's annual generation of 1.68 million kWh would be sold to the Connecticut Light and Power Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal
Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 86-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Competing Applications—** Anyone desiring to file a competing application must submit to the Commission, on or before April 5, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d)] or a notice of intent [See 18 CFR 4.33(b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c) or 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 5, 1982.

**Filing and Service of Responsive Documents—** Any filings must bear in all capital letters the title “COMMENTS”, “NOTICE OF INTENT TO FILE COMPETING APPLICATION”, “COMPETING APPLICATION”, “PROTEST”, or “PETITION TO INTERVENE”, as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission’s regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Loris D. Cashell, Acting Secretary.

[FOR FR Doc. 82-1970 Filed 1-26-82; 8:45 am] BILLING CODE 6717-01-M

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**[Project No. 5627-000] Enrogenics Systems, Inc.; Application for Preliminary Permit**


Take notice that ENERGENICS SYSTEMS, INC. (Applicant) filed on November 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825[r]] for Project No. 5627 to be known as the Orwell Dam Project to be located at the U.S. Army Corps of Engineers’ Orwell Dam and flood control project, on the Otter Tail River near Fergus Falls, in Otter Tail County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, ENERGENICS SYSTEMS, INC., 1727 Q Street, NW., Washington, D.C. 20009.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers’ dam and reservoir. Project No. 5627 would consist of: (1) A proposed penstock extending from the outlet works; (2) a proposed powerhouse located on the northwest shore of the river; (3) transmission lines; and (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be approximately 2 MW, and the annual energy output to be 7 GWh.

Purpose of Project—Energy produced at the proposed project would be sold to Otter Tail Power Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments, and recommendations relevant to the project. The Applicant estimates the cost of the work studies would be $35,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 3, 1982, the competing application itself [See 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 5, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission’s regulations [See 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 5, 1982.
representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 82-1458 Filed 1-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5770-000]

Energenics Systems Inc.; Application for Preliminary Permit

January 21, 1982

Take notice that Energenics System Inc. (Applicant) filed on December 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5770 to be known as the Keyhole Dam Project located on the Belle Fourche River in Crook County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Thomas H. Clarke, Jr., Energenics System, Inc., 1727 Q Street NW., Washington, D.C. 20009.

Project Description—The Applicant would utilize an existing dam and reservoir owned by the United States under the jurisdiction of the Bureau of Reclamation. The proposed project would consist of: (1) A proposed powerhouse with an installed generating capacity of 900 kW; (2) a proposed 1.5-mile long transmission line; (3) a proposed 120-foot long penstock; (4) a proposed 75-foot long tailrace; and (5) appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it proposes to conduct economic and environmental studies, prepare application for necessary State and Federal permits, and to develop designs of the project. The Applicant estimates the cost of the proposed studies would be $30,000.

Competing Application—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 5, 1982, the competing application itself [see: 18 C.F.R. 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 5, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission’s regulations [see: 18 C.F.R. 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission’s regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 82-1458 Filed 1-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5665-000]

Essex County Industrial Development Agency; Application for Preliminary Permits

January 22, 1982.

Take notice that Essex County Industrial Development Agency (Applicant) filed on November 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5665 to be known as the Alice Falls Water Power Project located on the Ausable River in Essex and Clinton Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: County of Essex, New York, Ms. Barbara Boster, Executive Director, Essex County Industrial Development Agency, Church Street, Elizabethtown, New York 12932.

Project Description—The proposed run-of-the-river project would consist of: (1) The existing stone masonry dam with a height of 50 feet and a length of 215 feet owned by the New York State Electric & Gas Corporation; (2) the existing reservoir having a surface area of less than 20 acres, with a normal maximum surface elevation of 350 feet m.s.l.; (3) two new 9-foot diameter steel penstocks; (4) a proposed powerhouse with two generating units with a total installed capacity of 2,800 kW; (5) a proposed 600-foot long transmission line; and (6) appurtenant facilities. The applicant estimates that the annual energy output would be 12,000,000 kWh. Project energy would be used to offset energy costs of the local citizenry.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which the Applicant would perform a study to determine feasibility, of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. The Applicant estimates the cost of the studies under the permit would be $75,000.

Competing Applications—This application was filed as a competing application to the preliminary permit for the Alice Falls Project No. 4698 filed on May 18, 1981, by New York State Electric & Gas Corporation. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the
Commission's regulations. No competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981) as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 9, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell, Acting Secretary.

[FR Doc. 82-1090 Filed 1-26-82; 8:45 am]
BILLING CODE 6717-01-M

Project No. 5690-000

Groveton Papers Co., Application For Preliminary Permit

January 22, 1982.

Take notice that Groveton Papers Company (Applicant) file on November 25, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 18 U.S.C. 791(a)-825(r)] for Project No. 5690 to be known as the Brooklyn Dam Project located on the Upper Ammonoosuc River near the Town of Northumberland in Coos County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. George Pascale, Vice President, Groveton Papers Company, c/o Diamond International Corporation, 733 Third Avenue, New York, New York 10017.

Project Description—The proposed run-of-river project would consist of: (1) the Applicant's existing rock crib dam, 90 feet long, creating no storage or pondage but providing 33 feet of head when topped by 3-foot flashboards; (2) an existing powerhouse on the east bank housing two 250 kW units; (3) a 620-foot-long, 4.16-kV transmission line; and (4) appurtenant facilities.

The average annual generation of 2.0 million kWh would probably be sold to the Public Service Company of New Hampshire.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 3, 1982 the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 2, 1982, and should specify the types of application forthcoming. Application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", “NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell, Acting Secretary.

[FR Doc. 82-1091 Filed 1-26-82; 8:45 am]
BILLING CODE 6717-01-M
Applicant seeks issuance of a preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for Project No. 5692 to be known as the Weston Project located on the upper Ammonoosuc River near the town of Northumberland in Coos County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. George Pascale, Vice President, Groveton Papers Company, c/o Diamond International Corporation, 733 Third Avenue, New York, New York 10017.

Project Description—The proposed run-of-river project would consist of: (1) the Applicant's existing rock crib dam, 115 feet long, creating no storage or pondage but providing 11 feet of head when topped by 4-foot flashboards; (2) a new powerhouse built on the site of a previously washed away powerhouse on the west bank housing two 250-kW horizontal turbine/generator units; (3) a new 0.75-mile long, 4.16-kV transmission line; and (4) appurtenant facilities.

The average annual generation of 1.9 million kWh would probably be sold to the Public Service Company of New Hampshire.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $50,000.

Competition Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 3, 1982, the competing application itself [see 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 2, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,
Acting Secretary.

[F.R. Doc. 82-1952 Filed 1-26-82; 8:45 a.m.]
BILLING CODE 0717-01-M

Project No. 5661-000
Hydro Management, Inc.; Application for Preliminary Permit


Take notice that Hydro Management, Incorporated (Applicant) filed on November 16, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for Project No. 5661 to be known as the Kopsi Creek Power Project located on Kopsi Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. M. H. Edelman, III, president, Hydro Management, Incorporated, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) an 18-foot long, 3-foot high diversion structure on Kopsi Creek; (2) an 11,600-foot long, 12-inch diameter penstock; (3) a powerhouse with a total installed capacity of 500 kW; and (4) a 5,000-foot long, 14.4-kV transmission line from the powerhouse to the Blue Sky Creek transmission line. The Applicant estimates that the average annual energy production would be 3,024 million kWh. The proposed project is located entirely on federal lands owned by Kootenai National Forest.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies, and also prepare a FERC license application. The Applicant estimates that the cost of undertaking these studies would be $5,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to
submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 5, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 3, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.0 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell, Acting Secretary.

Project No. 5408-000

Richard K. Linville; Application for Preliminary Permit


Take notice that Richard K. Linville (Applicant) filed on September 22, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(f) for Project No. 5408 to be known as the Mann Creek Dam Project located on Mann Creek in Washington County, Idaho, on lands of the United States. The application is on file with the Commission and is available for public inspection.

Correspondence with the Applicant should be directed to: Mr. Richard K. Linville, 7021 Sand Point Way, NE., #B-305, Seattle, Washington 98115.

Project Description—The proposed project would consist of: (1) The existing Mann Creek Dam and reservoir; (2) new 1,000-foot long penstock; (3) a powerhouse containing generating equipment with a capacity of 1225 kW and annual energy production of 2.52 GWh; (4) transmission line; and (5) appurtenant facilities. Generated power would be sold to the Idaho Power Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $40,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981)].

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license of exemption must be submitted to the Commission on or before April 5, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person for file an acceptable competing application for preliminary permit no later than June 3, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.0 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests of other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell, Acting Secretary.
[Project No. 5793-000]

Lawrence J. McMurtrey; Application for Preliminary Permit


Take notice that Lawrence J. McMurtrey (Applicant) filed on December 17, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825[r] for Project No. 5793 to be known as the Owl Creek Power Project located on Owl Creek in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122—196th NE, Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) multiple diversion structures on Owl Creek; (2) an 11,200-foot long diversion conduit; (3) a powerhouse with a total installed capacity of 1.1 MW; and (4) a 115-kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 6.8 GWh. The proposed project is located entirely on U.S. Forest lands owned by Snoqualmie-Mt. Baker National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $20,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission on or before April 5, 1982, the competing application itself, or a notice of intent to file such an application [see 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 5, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission’s regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 3, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10. (1980).

In determining the appropriate action to take, the Commission will consider all protest or other comments filed, but only those who file a petition to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission’s regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 82-30555 Filed 1-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5440-000]

Lawrence J. McMurtrey; Application for Preliminary Permits

January 22, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on September 39, 1981, and revised on November 30, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825[r] for Project No. 5440 to be known as the Upper Troublesome Creek Project located on East Fork and West Fork Troublesome Creeks in Snohomish County, near Index, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122 196th NE., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) an intake structure placed in the bed of; (2) Blanca Lake, a natural lake; (3) two intake structures placed in the streambed of West Fork and East Fork Troublesome Creeks; (4) 20,000 feet of combination pipeline and penstock; (5) a powerhouse to contain two turbine-generating units with a total rated capacity of 4.8 MW; and (6) a 2-mile long, 115-kv transmission line. The project would be located within the boundaries of the Snoqualmie-Mt. Baker National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month permit to study the feasibility of constructing and operating the proposed project. No new road would be required to conduct the studies.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 2, 1982 either the competing application itself or a notice of intent to file such an application [see 18 CFR 4.30 et seq. (1981)].

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 2, 1982 and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission’s regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 1, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit...
is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurry, 12122-190th N.E., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) a 36-inch concrete inlet structure in the streambed at elevation 3,000 feet; (2) a diversion pipeline 5,000 feet long; (3) a powerhouse containing a turbine generator with 1.47 MW capacity and 8,1 GW annual energy output; and (4) transmission line. The potential market for project-generated power includes Puget Sound Power & Light Company and the Snohomish Public Utility District.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support an application for an FERC license to construct and operate the project. The estimated cost of permit activities is $20,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 5, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 4, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell, Acting Secretary.

[PR Doc. 83-1957 Filed 1-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5788-000]

Lawrence J. McMurry; Application for Preliminary Permit

January 22, 1982.

Take notice that Lawrence J. McMurry (Applicant) filed on December 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 18 U.S.C. 791(a)-825(r)] for Project No. 5788 to be known as the Crystal Creek Project located on Crystal Creek, in Snohomish County, Washington in the Snoqualmie-Mt. Baker National Forest. The application...
Applicant should be directed to: Mr. Paul C. Turnipseed, Box 128, Filer, Idaho 83328 and Mr. John Lorain, Jr., Rte. 2, Filer, Idaho 83328.

**Project Description**—The proposed project would consist of: (1) a 5-foot high inlet structure and 3-foot high inlet structure; (2) a 42-inch diameter, 1,700-foot long penstock and an 18-inch diameter, 1,000-foot long penstock leading to; (3) a powerhouse to contain three generating units with a combined rating of 1,730 kW; and (4) a 1.25-mile long, 12.5-kV transmission line. The average annual energy output would be 11 million Kwhs.

**Purpose of Exemption**—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applications that would seek to take or develop the project.

**Agency Comments**—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 406 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Competing Applications**—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before March 10, 1982 either the competing license application that proposes to develop at least 7.5 Megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 10, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,
Acting Secretary.

**Spring River Power Developers and the City of Searcy, Arkansas; Application for Preliminary Permit**


Take notice that Spring River Power Developers and the City of Searcy, Arkansas (Applicants) filed on August 11, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-(825(r)) for Project No. 5219 to be known as the Dam No. 3 Project, located on the Spring River near Mammoth Spring in Fulton County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: Mr. Glenn N. Sink, P.O. Box 1052, Searcy, Arkansas 72143.

**Project Description**—The proposed project would consist of: (1) An existing concrete dam owned by the Arkansas Power & Light Company, 150 feet long and 30 feet high; (2) an impoundment with a storage of approximately 350 acre-feet at an elevation of 240 msl; (3) new trash racks and inlet works; (4) a rehabilitated wood frame powerhouse, 20 by 30 feet, containing two turbine/generating units with a total capacity of 350 kW; (5) a rehabilitated switchyard at the east end of the dam; and (6) an existing 33-kV transmission line 200 yards long. The average annual generation of 1.5 million kWh would probably be sold to the Arkansas-Missouri Power Corporation.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicants seek issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicants estimate the cost of the studies under the permit would be $19,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981)].

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 5, 1982 and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the
Commission’s regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 3, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before April 5, 1982.

Filing and Service of Responsive Documents—Any filings must be in all capital letters the title “COMMENTS”, “NOTICE OF INTENT TO FILE COMPETING APPLICATION”, “COMPETING APPLICATION”, “PROTEST”, or “PETITION TO INTERVENE”, as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission’s regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell, Acting Secretary.

[FR Doc. 82-1959 Filed 1-30-82; 8:45 am]
BILLING CODE 6717-01-M

James H. Stephens; Application for Preliminary Permit

January 22, 1982.

Take notice that James H. Stephens (Applicant) filed on December 1, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for Project No. 5704 to be known as the Stephens Project located on Sweetwater Creek, in Garfield County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Eric Reus Jacobsen, Hydro-West/Colorado, Box 2162, Grand Junction, Colorado 81502.

Project Description—The proposed project would occupy lands administered by the Bureau of Land Management and would consist of: (1) The existing Stephens diversion, 12 feet long and 4 feet high, formed by a loose fill rock weir and headgates; (2) a new 21-inch, 1,200-foot long steel penstock; (3) a new 8-by-10-foot powerhouse containing one 90-kW turbine/generator unit operating under an effective head of 92 feet; (4) a 600-foot long, 4.4-kV transmission line; and (5) appurtenant facilities.

The average annual generation of 1.2 million kWh would be sold to the Holy Cross Electric Association.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform preliminary engineering and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $27,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 10, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 9, 1982, and should specify the type of application forthcoming. Application for licensing or exemption from licensing must be filed in accordance with the Commission’s regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before April 5, 1982.

Filing and Service of Responsive Documents—Any filings must be in all capital letters the title “COMMENTS”, “NOTICE OF INTENT TO FILE COMPETING APPLICATION”, “COMPETING APPLICATION”, “PROTEST”, or “PETITION TO INTERVENE”, as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission’s regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell, Acting Secretary.

[FR Doc. 82-1959 Filed 1-30-82; 8:45 am]
BILLING CODE 6717-01-M

Project No. 5704-000

James H. Stephens; Application for Preliminary Permit

January 22, 1982.

Take notice that James H. Stephens (Applicant) filed on December 1, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for Project No. 5704 to be known as the Stephens Project located on Sweetwater Creek, in Garfield County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Eric Reus Jacobsen, Hydro-West/Colorado, Box 2162, Grand Junction, Colorado 81502.

Project Description—The proposed project would occupy lands administered by the Bureau of Land Management and would consist of: (1) The existing Stephens diversion, 12 feet long and 4 feet high, formed by a loose fill rock weir and headgates; (2) a new 21-inch, 1,200-foot long steel penstock; (3) a new 8-by-10-foot powerhouse containing one 90-kW turbine/generator unit operating under an effective head of 92 feet; (4) a 600-foot long, 4.4-kV transmission line; and (5) appurtenant facilities.

The average annual generation of 1.2 million kWh would be sold to the Holy Cross Electric Association.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform preliminary engineering and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $27,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 10, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 9, 1982, and should specify the type of application forthcoming. Application for licensing or exemption from licensing must be filed in accordance with the Commission’s regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before April 5, 1982.

Filing and Service of Responsive Documents—Any filings must be in all capital letters the title “COMMENTS”, “NOTICE OF INTENT TO FILE COMPETING APPLICATION”, “COMPETING APPLICATION”, “PROTEST”, or “PETITION TO INTERVENE”, as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission’s regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell, Acting Secretary.

[FR Doc. 82-1959 Filed 1-30-82; 8:45 am]
BILLING CODE 6717-01-M
Take notice that Western Hydro Electric Incorporated [Applicant] filed on August 18, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 792(a)-(d)] for construction and operation of a water power project to be known as Causey Hydro Project No. 5244. The project would be located on the South Fork of the Ogden River in Weber County, Utah. Correspondence with the Applicant should be directed to: J. Kirk Rector, Attorney at Law, 4832 Colony Circle, Salt Lake City, Utah 84117.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Causey Dam and Reservoir, operated and maintained by the Weber Basin Water Conservation District, and would consist of: (1) A 42-inch diameter steel penstock utilizing the existing outlet works near the left dam abutment and leading to (2) a new powerhouse containing two generating units having a rated capacity of 300 kW and 1,100 kW, respectively, for a total rated capacity of 1,400 kW; (3) a transmission line; (4) new and replacement 12.5-kV transmission lines; (5) a switchyard; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 5,393,780 kWh.

Purpose of Project—Project energy would be sold to the Utah Power and Light Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 2, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d)] or a notice of intent [See 18 CFR 4.33(b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protest, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice. Lois D. Cashell, Acting Secretary.

Alabama Power Co.; ProposedTariff Change


The filing Company submits the following:

Take notice that Alabama Power Company (Alabama) on January 18, 1982, tendered for filing the proposed changes in its FERC Electric Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $9,430,810 based on the calendar year 1982.

Alabama states that the rate increase is necessary to cover the increased cost of providing service to its distribution cooperative and municipal customers. Alabama cites increased expenses, increased utility plant investment and increased cost of capital, as the major reasons for the requested increase. Alabama requests an effective date of March 19, 1982.

Copies of the filing were served upon the affected distribution cooperatives and municipalities, Alabama Public Service Commission and Southeastern Power Administration.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with § 3.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 12, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 82-4034 Filed 1-29-82; 8:45 am]
BILLING CODE 6717-01-M

Allegheny Power Service Corp.; Filing


The filing Company submits the following:

Take notice that Allegheny Power Service Corporation, (Allegheny) on January 15, 1982, tendered for filing on behalf of Monongahela Power Company, the Potomac Edison Company and West Penn Power Company, the electric utilities which make the integrated Allegheny Power System, Amendment No. 5 dated January 1, 1982, to the Power Supply Agreement dated January 1, 1968 between Monongahela Power Company, the Potomac Edison Company and West Penn Power Company, designated Monongahela Rate Schedule FERC No. 27, Potomac Edison Rate Schedule FERC No. 29 and West Penn Rate Schedule FERC No. 25.

[FR Doc. 82-1086 Filed 1-29-82; 8:45 am]
BILLING CODE 6717-01-M
Allegheny states that Amendment No. 5 increases the rates, after provision for federal and state income taxes, so as to provide an overall rate of return of 10.7% rather than the 9.1% factor presently included in the Agreement.

Allegheny further states that since capacity equalization charges depend upon the load capacity situations of each of the parties from time to time, it is impossible to estimate the increase in revenue of each of them which would result from Amendment No. 5.

Allegheny requests an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

According to Allegheny the change proposed is for the purpose of reflecting increased costs of financing incurred by the companies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 12, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

(BILLING CODE 6717-01-M)

[FR Doc. 82-2039 Filed 1-26-82; 8:45 am]

[Docket No. ER82-227-000]

Central Illinois Light Co.; Filing

The filing Company submits the following:


CILCO requests waiver on the Commission's notice requirements in order to allow for an effective date of March 15, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 12, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

(BILLING CODE 6717-01-M)

[FR Doc. 82-2038 Filed 1-26-82; 8:45 am]

[Docket No. ER82-592]

Allegheny Power Service Corp.; Compliance Filing

The filing company submits the following:


Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 12, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

(BILLING CODE 6717-01-M)

[FR Doc. 82-2037 Filed 1-26-82; 8:45 am]

[Docket No. ER82-224-000]

Cincinnati Gas & Electric Co.; Proposed Tariff Change

The filing Company submits the following:

Take notice that The Cincinnati Gas & Electric Company (Cincinnati) tendered for filing on January 12, 1982, a Fourth Supplemental Agreement dated as of October 1, 1981 to the Interconnection Agreement dated September 15, 1969, between Cincinnati and the City of Hamilton, Ohio designated Cincinnati's Rate Schedule FPC No. 32.

Cincinnati states that the Fourth Supplemental Agreement increases the Demand Charge for Short-Term Power from $0.70 per kilowatt per week to $1.05 per kilowatt per week. Increases the Capacity Charge for Capacity Reservation Power Service from $3.75 per kilowatt per month to $5.50 per kilowatt per month and adds a provision that the costs of Capacity Reservation Energy purchased by Cincinnati from a third party shall be Cincinnati's out-of-pocket costs for such purchased Energy plus 1.1 mill per kilowatt-hour. There is no estimate of increased revenues from the proposed charges since Short-Term Power and Capacity Reservation Power Service transactions will occur only as load and capacity conditions dictate.

Cincinnati further states that the reason for the increase is to establish equitable rates for Short-Term Power and Capacity Reservation Power Service for the City of Hamilton.

Cincinnati requests an effective date of October 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 12, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 82-2036 Filed 1-26-82; 8:45 am]

[BILLING CODE 6717-01-M]

[FR Doc. 82-2035 Filed 1-26-82; 8:45 am]

[Docket No. ER82-222-000]

Hydro Resource Co.; Application for Preliminary Permit
January 22, 1982.

Take notice that Hydro Resource Company (Applicant) filed on November 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project

Lois Cashell,
Acting Secretary.
No. 5641 to be known as the Harlan Creek Project located on Harlan Creek, near Skykomish, within the lands of Snoqualmie National Forest in King County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jerry L. Johnson, Hydro Resource Company, P.O. Box 485, Lynden, Washington 98264.

Project Description—The proposed project would consist of: (1) An 8-foot high, 50-foot long concrete gravity dam; (2) a reservoir with no active storage and less than 1-acre surface area; (3) a 3,800-foot long, 24-inch diameter pipeline; (4) a 1,850-foot long, 24-inch diameter penstock, (5) a powerhouse with total installed capacity of 2,000 kW and (6) a 20,000-foot long, 345-kV transmission line from the powerhouse to an existing powerline. The Applicant estimates that the average annual energy production would be 17.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be required for conducting these studies.

The Applicant estimates that the cost of undertaking these studies would be $150,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 5, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 3, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydopower Licensing, Federal Energy Regulatory Commission, Room 208-B. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell, Acting Secretary.

MAPP states that this filing is on behalf of the following who are the jurisdictional parties of the subject Agreement:
- Interstate Power Company
- Iowa Electric Light and Power Company
- Iowa-Illinois Gas and Electric Company
- Iowa Power and Light Company
- Iowa Public Service Company
- Iowa Southern Utilities Company
- Lake Superior District Power Company
- Minnesota Power and Light Company
- Montana-Dakota Utilities Company
- Northwestern Public Service Company
- Otter Tail Power Company

MAPP further states that Amendment No. 14 is the result of review of Pool Service Schedules by the Rates Subcommittee of the Pool Administrative Committee. Specifically Agreement Amendment No. 14 revisions can be summarized as follows:
1. Increase the demand charge rate for Service Schedule B.
2. Increase demand charge rates for Service Schedule K.

MAPP proposes an effective date of May 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with § 1.8, 1.10 (1980). All such petitions or protests should be filed on or before February 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell, Acting Secretary.
fifteen customers. The proposed Level A rates would result in increased revenues of approximately $1,671,950 (40.1%) for the twelve-month period ending December 31, 1981. The proposed Level B rates would result in an additional increase in revenues of approximately $352,870. Penn Power requests that the Level A rates be permitted to become effective, subject to refund, on January 23, 1982. The company further requests waiver of the requirements of § 35.13(d)(3)(i)(B) of the Commission's regulations since the proposed effective date is more than nine months from the commencement of Period II. The company, however, seeks to implement the Level B increase prospectively only, with that increase of any other increase above Level A found to be justified on the basis of an Initial Decision in this proceeding, to become effective from the date of such Initial Decision and subject to refund pending Commission determination of the just and reasonable rate level. The stated purpose of this bifurcated rate request is to reduce Penn Power's potential refund liability.

Notice of the filing was issued on October 19, 1981, with responses due on or before November 9, 1981. On November 9, 1981, the Boroughs of Ellwood City, Grove City, Wampum, New Wilmington and Zelienople (Boroughs) filed a petition to intervene, protest and motion to reject the filing as patently discriminatory and anticompetitive. The Boroughs allege price squeeze. Thus, it is necessary for a determination of the just and reasonable rates. The Boroughs request that the Boroughs' motion to require the filing of additional information of their motion to reject the filing as anticompetitive and discriminatory because the submittal substantially complies with the Commission's filing requirements and because the issues which have been identified present questions of fact which should be addressed on the basis of an evidentiary record. Further, we shall deny the motions for summary disposition inasmuch as each of the issues raised requires analysis of a hearing record. However, with respect to the tax adjustment clause which has been challenged by the Boroughs, we note that implementation of this provision will require timely notice and filing pursuant to § 35.13 of the Commission's regulations. As noted, Penn Power has requested waiver of that portion of § 35.13 which provides that the test period shall begin no earlier than nine months prior to a utility's proposed effective date. According to the company, it has selected a calendar year 1981 test period and a January 23, 1982 proposed effective date so that both the test year and the effective date would correspond precisely to those proposed for purposes of its retail rates. The intent of the company is to thereby alleviate concerns which have previously arisen regarding anticompetitive effects stemming from disparate effective dates. Under these limited circumstances, we find that good cause exists to grant the Boroughs' request for waiver.

Our analysis indicates that Penn Power's proposed rates have not been shown to be just and reasonable and that they may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below. In a number of suspension orders, we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances are presented here. While the intervenors have raised issues warranting further inquiry at hearing, our preliminary review of the filing suggests that Penn Power's Level A rates may not produce excessive revenues. The company has agreed to collect these rates subject to refund and has proposed to collect the Level B rates only after a hearing. Accordingly, we shall suspend the Level A rates for one day, to become effective on January 24, 1982, subject to refund. In accordance with Penn Power's request, the Level B rates will be set for hearing along with the Level A rates, with the rates found by an Initial Decision in this proceeding to be just and reasonable to become effective from the date of such Initial Decision, subject to refund pending final Commission order.

We shall deny the Boroughs' request not to phase the price squeeze issue and, in accordance with the Commission's policy established in Arkansas Power and Light Company, Docket No. ER79-339 (August 6, 1979), we shall phase the proceeding so that the matter of price squeeze may be considered following a determination of the otherwise just and reasonable rates. As we have previously noted, we believe that the proper rates to be analyzed for purposes of cost-revenue price squeeze comparisons are those rates which would be considered just and reasonable in the absence of a price squeeze. Thus, it is necessary for a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the

1See Attachment A for rate schedule designations.

2In support of the motion to reject, Boroughs state that the proposed rates exacerbate the price squeeze found to exist by the initial Decision in Docket No. ER77-275 which is currently before the Commission for decision.

3The requests for summary disposition address Penn Power's: (1) Use of a rate tilt in the rate design; (2) inclusion of a tax adjustment clause in the proposed rates; (3) a rate schedule provision which allows Penn Power sole discretion to refuse to increase the capacity of service facilities in order to furnish off-peak demands; (4) a rate schedule provision which allows Penn Power sole discretion to change peak periods for billing demand purposes; (5) a rate schedule provision which requires that Penn Power only attempt and not guarantee to supply continuous service to Boroughs; (6) inclusion of permanent ex-service nuclear fuel disposal costs in the cost of service; (7) inclusion of decommissioning costs (reflecting a total dismantlement method of decommissioning) in the cost of service; (8) inclusion of amortization costs for cancelled nuclear units in the cost of service; (9) the recovery of above-market coal costs in the fuel adjustment clause; and (10) the recovery of replacement power costs due to outages of Beaver Valley Unit No. 1.

4See Municipal Light Boards of Reading and Wakefield, Massachusetts v. FTC, 490 F2d 1341 (D.C. Cir. 1971).
intervenors or staff, a price squeeze persists following the preliminary portion of this proceeding, a second phase of the proceeding may follow.

The Commission Orders

(A) The Boroughs’ motions for rejection or summary disposition are hereby denied.

(B) Penn Power’s request for waiver of § 35.13(d)(3)(ii)(A) of the Commission’s regulations is hereby granted.

(C) Penn Power’s proposed Level A rates are hereby accepted for filing and are suspended for one day, to become effective on January 24, 1982, subject to refund.

(D) Penn Power’s proposed Level B rate increase is hereby accepted for filing, with the rates found by an Initial Decision in this docket to be just and reasonable to become effective from the date of that Initial Decision, subject to refund pending final Commission order in this proceeding.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act, and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission’s Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR Chapter I], a public hearing shall be held concerning the justness and reasonableness of Penn Power’s rates and rate schedule provisions.

(F) Boroughs are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; Provided, however, That participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and Provided, further, That the admission of any intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order of the Commission in this proceeding.

(G) The Commission staff shall serve top sheets in this proceeding on or before January 22, 1982.

(H) A presiding administrative law judge to be designated by the Chief Administrative Law Judge shall convene a conference in this proceeding to be held within approximately fifteen (15) days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 255 North Capitol Street NE., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission’s Rules of Practice and Procedure.

(I) Penn Power is hereby informed that implementation of its tax adjustment clause will require timely notice and filing with the Commission pursuant to section 35.13 of the regulations, together with appropriate cost data to support such change.

(J) We hereby order initiation of price squeeze procedures and further order that this proceeding shall be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission’s regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(K) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Lois D. Cashell,
Acting Secretary.

Attachment A—Pennsylvania Power Co. Rate Schedule Designations

(Docket No. ER81-779-000)
Filed: October 7, 1981

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[Attachment A-Pennsylvania Power Co. Rate Schedule Designations]

[FR Doc. 82-2041 Filed 1-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-225-000]

Resources Recovery (Dade County), Inc.; Filing


The filing Company submits the following:

Take notice that on January 12, 1982, Resources Recovery (Dade County), Inc., (RRD) tendered for filing pursuant to 18 CFR 35.1 and 35.12 proposed FERC Rate Schedule No. 1, applicable to sales of energy and capacity to Florida Power and Light Company (FPL) from a solid waste resource recovery facility operated by RRD in Dade County, Florida.

RRD proposes that the rates under its rate schedule shall be the full avoided costs as determined by the Florida Public Service Commission for FPL purchases from qualifying facilities in Florida under Orders 9970, 10198 and 10331 of the Florida Public Service Commission, and generally applicable orders amending those orders. For the period from October 1, 1981 through March 31, 1982, the Florida Public Service Commission mandates the following rates for purchases of energy by FPL from qualifying facilities with installed capacity of 0.1 megawatts or more: (1) on peak at 6.492¢ per kWh, (2) off peak at 5.093¢ per kWh, and (3) average at 5.443¢ per kWh. Under Florida Public Service Commission orders, those are minimum payment rates, subject to upward true-revisions to reflect the hourly actual decremental cost.

We note, however, that the procedures adopted in Arkansas Power & Light Company permit the presiding judge to exercise scheduling discretion where good cause exists.

consideration by the Commission and, in any event, will pertain to a locked-in period. Penn Power has since filed to increase both its wholesale and retail rates, thus necessitating renewed rate comparisons.
Tennessee requested an informal conference be convened for the purpose of discussing the issues raised by the petitions to intervene.

Take notice that an informal conference in the above-captioned docket will be convened at 10:00 a.m., on February 3, 1982, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceeding.

Lois D. Cashell,
Acting Secretary.

BILLING CODE 6717-01-M

[Docket No. ER82-223-000]

Washington Water Power Co.; Proposed Tariff Change

The filing Company submits the following:

Take notice that The Washington Water Power Company (WWP) on January 12, 1982, tendered for filing proposed changes in its FERC Electric Service Tariff, Schedule 61. The proposed changes would increase revenues from jurisdictional sales and service by approximately $997,000 based on the 12-month period ending September 30, 1981.

WWP states that the proposed rate change is submitted for the purpose of compensating The Washington Water Power Company for increases in its cost of capital, labor, materials, supplies and taxes.

WWP requests an effective date of March 13, 1982.

Copies of the filing have been served upon the five WWP wholesale customers affected by this filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission’s Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 12, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of said petition are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[BILLING CODE 6717-01-M]

[Docket No. ER82-222-000]

Wisconsin Power and Light Co.; Filing

The filing Company submits the following:

Take notice that on January 12, 1982, Wisconsin Power and Light Company (WPL) tendered for filing supplements and amendments to Service Schedules B and D (Emergency Energy and Short Term Power respectively) dated December 1, 1981 between the Wisconsin Public Service Corporation and WPL. WPL states that this filing constitutes an amendment and supplement to the Service Schedules between the parties on file with the Commission.

WPL requests an effective date of December 1, 1982, and therefore requests waiver of the Commission’s notice requirements.

WPL further states that copies of the filing were sent to the Wisconsin Public Service Corporation and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest this filing should file a petition to intervene. Copies of said petition are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[BILLING CODE 6717-01-M]
intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission’s Rules of Practice and Procedure. All such petitions or protests should be filed on or before February 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. ER82-221-000]
Wisconsin Power and Light Co.; Filing


The filing Company submits the following:

Take notice that on January 12, 1982, Wisconsin Power and Light Company (WPL) tendered for filing supplements and amendments to Service Schedules B and D (Emergency Energy and Short Term Power respectively) dated December 1, 1981 between the Madison Gas and Electric Company and WPL. WPL states that this filing constitutes an amendment and supplement to the Service Schedules between the parties on file with the Commission.

WPL requests an effective date of December 1, 1981, and therefore requests waiver of the Commission’s notice of requirements.

WPL further states that copies of the filing were sent to the Madison Gas and Electric Company and the Wisconsin Public Service Commission.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission’s Rules of Practice and Procedure. All such petitions or protests should be filed on or before February 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FIR Doc. 82-2040 Filed 1-25-82; 8:45 am]
BILLING CODE 6717-01-M

[WPL] tendered for filing supplements and amendments to Service Schedules B and D (Emergency Energy and Short Term Power respectively) dated December 1, 1981 between the Madison Gas and Electric Company and WPL. WPL states that this filing constitutes an amendment and supplement to the Service Schedules between the parties on file with the Commission.

WPL requests an effective date of December 1, 1981, and therefore requests waiver of the Commission’s notice of requirements.

WPL further states that copies of the filing were sent to the Madison Gas and Electric Company and the Wisconsin Public Service Commission.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission’s Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FIR Doc. 82-2046 Filed 1-25-82; 8:45 am]
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Wednesday, January 27, 1982 / Notices 1859
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*Notes:*
- JD NO: Job Number
- JA OKT: Job Administration Order Number
- API NO: API Number
- SEC(1) SEC(2): Section 1 and 2
- FIELD NAME: Field Name
- PROD: Production
- PURCHASER: Purchaser
The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before February 11, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 mile rule)
102-3: New well (1000 ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper
107-GB: Geopressed brine
107-CS: Coal seams
107-DV: Devonian shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation

Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.
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**OTHER PURCHASERS**

8212234 - MESA PIPE LINE CO

**BILLING CODE 6717-01-C**
The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential

Tentative agenda: Discussion of draft report of Conservation Panel

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, DC, on January 21, 1982.

J. Ronald Young,
Office of Energy Research.

Office of Fossil Energy

Implementation of the Advisory Committee on Federal Assistance for Alternative Fuel Demonstration Facilities

The Federal Nonnuclear Energy Research and Development Act (the Act) (Pub. L. 95-238), as amended by Pub. L. 95-238, established an advisory panel to advise the Secretary of Energy on matters relating to the development of alternative fuels.

As required by Pub. L. 95-238, the Committee will include Governors or their designees which are designated by the Chairman of the National Governors Conference; and representatives of Indian tribes, industry, environmental organizations, and the general public designated by the Secretary of Energy.

Further information concerning this Advisory Committee may be obtained by contacting the DOE Advisory Committee Management Office at (202) 287-5187.


James B. Edwards,
Secretary of Energy.

SUMMARY: Section 5(f) of the Federal Insecticide, Fungicide, and Rodenticide
Act (FIFRA), as amended (Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136 et seq.) and the implementing regulations of 40 CFR Part 172, Subpart B, require each State desiring to issue experimental use permits to submit a plan to EPA for its experimental use permit program. Any State experimental use program under this section shall be maintained in accordance with the State Plan approved under this section. This is a notice of intent to approve such a plan for the State of Idaho.

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


Comments should bear the identifying notation OPP 55000. The administrative record supporting this action is available for public inspection in Rm. E–107 at the address noted above from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays. Complete copies of the Idaho State Plan are available for public inspection at:

Idaho Department of Agriculture, 120 Klotz Lane, Boise, Idaho 83701;


SUPPLEMENTARY INFORMATION: Section 5(f) of FIFRA as amended, and the implementing regulations at 40 CFR Part 172, Subpart B, require each State desiring to issue experimental use permits to submit a plan for its experimental use permit program to EPA for approval. Any State experimental use permit program shall be maintained in accordance with the State Plan approved under this section.

On September 19, 1980, EPA received such a plan from the State of Idaho. EPA finds that the Idaho State Plan satisfies the requirements of section 5(f) of the amended FIFRA and 40 CFR Part 172. Subpart B, and EPA intends to approve the Idaho State Plan. Complete copies of the Idaho State Plan are available for public inspection, and public comment is solicited. Accordingly, this intent to approve shall become effective immediately.

Dated: December 8, 1981.

John R. Spencer,
Regional Administrator, Region X.
[FR Doc. 82–1444 Filed 1–20–82; 8:45 am]
BILLING CODE 6560–35–M

[OPP 55001; A–1–FRL–1991–1–3]

Vermont; Intent To Approve State Plan for Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136 et seq.) and the implementing regulations of 40 CFR Part 172, Subpart B, require each State desiring to issue experimental use permits to submit a plan to EPA for its experimental use permit program. Any State experimental use program authorized under this section of FIFRA shall be maintained in accordance with the State Plan as approved. This is a notice of intent to approve such a plan for the State of Vermont.

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


Comments should bear the identifying notation OPP 55001. The administrative record supporting this action is available for public inspection in Rm. E–107 at the address noted above from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays. Complete copies of the Vermont State Plan are available for public inspection at:

Vermont Department of Agriculture, 120 Klotz Lane, Montpelier, Vermont 05602;
U.S. Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Montpelier, Vermont 05602;
U.S. Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.


SUPPLEMENTARY INFORMATION: Section 5(f) of FIFRA as amended, and the implementing regulations at 40 CFR Part 172, Subpart B, require each State desiring to issue experimental use permits to submit a plan for its experimental use permit program to EPA for approval. Any State experimental use permit program shall be maintained in accordance with the State Plan approved under this section.

On March 23, 1981, EPA received such a plan from the State of Vermont. EPA finds that the Vermont State Plan satisfies the requirements of section 5(f) of the amended FIFRA and 40 CFR Part 172, Subpart B, and EPA intends to approve the Vermont State Plan.

Complete copies of the Vermont State Plan are available for public inspection, and public comment is solicited. The Office of Management and Budget (OMB) has granted EPA an exemption from OMB Review [under the authority of Executive Order 12291, section 8(b)] of notice of intent to approve [and final approval] State Plans for issuing state experimental use permits. Accordingly, this intent to approve shall become effective upon publication.

Dated: November 4, 1981.

Lester A. Sutton,
Regional Administrator, Region I.
[FR Doc. 82–1443 Filed 1–20–82; 8:45 am]
BILLING CODE 6560–38–M

[OPP–C30210; PH–FRL–2036–3]

Certain Companies; Applications to Conditionally Register Pesticide Products含含New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to conditionally register pesticide products containing new active ingredients not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comments by January 26, 1982.

ADDRESS: Written comments, identified by the document control number [OPP–C30210] and the file number, should be submitted to: William Miller, Product Manager (PM–16), Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: William Miller (PM–16), (703–557–2600).

SUPPLEMENTARY INFORMATION: EPA received applications to conditionally register the following pesticide products containing active ingredients not included in any previously registered pesticide product in accordance with the
provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

Applications Received


Notice of approval or denial of an application to register a pesticide product will be announced in the Federal Register if an application is approved. Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available in the product manager's office between 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the product manager's office to ensure that the file is available on the date of intended visit.

19.1%

[Sec. 3(c)(4) of FIFRA, as amended]

DATED: January 12, 1982.

Douglas D. Campi, Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-163 Filed 1-26-82; 8:45 am]

BILLING CODE 6560-32-M

[OPP-301078; PH-FRL-2036-4]

Roussel Corp.; Approval of Application To Register a Pesticide Product Containing New Active Ingredient.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has approved the application by Roussel Corp. to register the pesticide product Paraclox Slimicide containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: Arturo Castillo, Product Manager (PM) 32, Registration Division (TS-707C), Office of Pesticide Programs, Environmental Protection Agency, CM#2 Rm. 303, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7170).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of March 1, 1976 (41 FR 8623) that Roussel Corp., 155 E. 44th St., New York, NY 10017, had submitted an application to register the pesticide product IROR R80 Slimicide containing 15 percent of the active ingredient paraclox (parahydroxy-2-oxophenylaceteydrolumic acid chloride).

The application was approved on November 17, 1981 under the name "Paraclox Slimicide." The active ingredient was redesignated as (4-dihydroxy-alpha-oxobenzene-ethanimidoyl chloride). The product was assigned EPA registration No. 5086-11.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 130), will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after registration date. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M St. SW., Washington, D.C. 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

[Sec. 3(c)(2) FIFRA, as amended]

DATED: January 11, 1982.

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

[FR Doc. 82-1600 Filed 1-28-82; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL-2036-2; PF-254]

Certain Companies; Notice of Filing of pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed pesticide petitions with the EPA proposing that tolerances be established for certain pesticide chemicals in or on certain raw agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each petition at the address below:

Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-254]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each specific petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the agency proposing establishment of tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for
determining residues, where required, is given in each petition.

PP 2F2607. The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49001. Proposes amending 40 CFR 180.200 by establishing tolerances for the combined residues of the fungicide 2,6-dichloro-4-nitroaniline in or on peanuts at 0.5 part per million (ppm); peanut hulls at 5.0 ppm; peanut hay (vines) at 50.0 ppm; fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.06 ppm; and milk at 0.01 ppm. The proposed analytical method for determining residues is mass spectrometry in combination with gas chromatography. (PM 21, Henry M. Jacoby, 703-557-1900).

PP 8E2100. Janssen R&D, Inc., 501 George St., New Brunswick, NJ 08903. Proposes amending 40 CFR 180.200 by establishing tolerances for the combined residues of the fungicide 1-[2,4-dichlorophenyl]-2-[2-(propenyl)oxy]ethyl]-1H-imidazole and its metabolites a-[2,4-dichlorophenyl]-1H-imidazole-1-ethanol and 3{[2,4-dichlorophenyl]-2-[1H-imidazole-1-yl] ethoxy}-1,2-propanediol in or on bananas [whole] at 2.0 ppm of which no more than 0.2 ppm is in the edible pulp. The proposed analytical method for determining residues is high-pressure liquid chromatography with a reverse phase system using an ultraviolet detector. (PM 21, Henry M. Jacoby, 703-557-1900).

PP 2F2608. American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540. Proposes amending 40 CFR 180.352 by establishing a tolerance for the combined residues of the insecticide terbufos (S-[1,1-dimethylethyl] thiol)methyl]O,O-diethyl-phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity soybean at 0.05 ppm. The proposed analytical method for determining residues is a gas chromatographic procedure equipped with a flame photometric detector in the phosphorus mode. (PM 16, William H. Miller, 703-557-2600).

PP 2F2609. American Cyanamid Co. Proposes amending 180.395 by establishing tolerances for residues of the insecticide tetrahydro-5,5-dimethyl-2-[1H]-pyrimidinone [3-[4-[trifluoromethyl]phenyl]-1-[2-[4-[trifluoromethyl]phenyl]-ethenyl]-2-propenylidene]hydrazine in or on the raw agriculture commodities pineapple and sugarcane at 0.05 ppm. The proposed analytical method for determining residues is high pressure liquid chromatography (HPLC) utilizing an electron capture detector. (PM 15, Georgia LaRocca, 703-557-2400).

Federal Communications Commission

National Industry Advisory Committee, Domestic and International Common Carrier Communications Services Subcommittee; Meeting

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Domestic and International Common Carrier Communications Services Subcommittee of the National Industry Advisory Committee (NIAC) to be held Wednesday, February 10, 1982. The Subcommittee will meet in Commission Meeting Room 856, at the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. at 10:00 a.m.

Purpose: To consider emergency communications matters.

Agenda: As follows:

Items: 1. Opening remarks by Chairman.
2. Establishment of a Mutual Aid system for domestic communications common carrier companies.
   a. Report by satellite carriers of procedures used in the event of a major satellite failure by any cause.
   b. Present and proposed safeguards to protect facilities from terrorist activities.
   c. Identification of requirements needed to develop and implement a domestic mutual aid system.
3. Submission by NCS/FEMA report on progress and actions necessary to develop a survivable communications network as stated in Presidential Directive # 53.
   a. On a voluntary basis by carriers.
   b. On a reimbursable basis.

Note: All subcommittee members should come prepared to comment regarding the above on behalf of their companies.

4. Update of RP's certified by FCC.
5. Report by representatives of the Broadband Services Subcommittee regarding problems associated with reconfiguration of the National level Emergency Broadcast System.
6. Other business.
7. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, (202) 632-7232.

The Commission's Advisory Committee Management Officer has reviewed this notice and agrees that the desirability of holding this meeting on the assigned date requires this notice be given with less than the usual 15-day advance.

William J. Tricarico,
Secretary, Federal Communications Commission.
FEDERAL EMERGENCY MANAGEMENT AGENCY
[FEMA-651-DR]

California; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-651-DR), dated January 7, 1982, and related determinations.

DATED: January 15, 1982


Notice: The Notice of a major disaster for the State of California dated January 7, 1982, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 7, 1982:

- Alameda County for Individual Assistance and Public Assistance.
- San Joaquin and Santa Clara Counties for Public Assistance only.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance)

Lee M. Thomas,
Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82-1986 Filed 1-20-82; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION
[Docket No. 82-8-6]

Compliance With General Order 7, Revised, Self-Policing; Order To Show Cause

Section 15 of the Shipping Act, 1916, (Act) (46 U.S.C. 814) requires the disapproval of conference and ratemaking agreements which are not adequately self-policing. In 1963, the Commission promulgated rules which prescribed general reporting requirements and directed conferences and ratemaking groups to include in their agreements a general description of the methods used to police their activities under these agreements (46 CFR 528 et seq.). Subsequent trade investigations conducted by the Commission over a ten-year period, however, revealed that malpractices remained a major problem in some trades. Consequently, the Commission determined that greater guidance should be given to the industry concerning the scope and type of self-policing required to fulfill the obligations of conference and ratemaking groups under the Act.

Accordingly, on February 23, 1973, the Commission issued a notice of Proposed Rulemaking to revise regulations governing section 15 agreements and to specifically amend those portions of General Order 7 dealing with self-policing systems.1 This Proposed Rule required: (1) conferences to engage a policing body independent of the conference; (2) policing bodies to inspect conferences' books and records; and (3) availability of all self-policing records for Commission inspection. After receipt of comments, the Commission issued a further notice of Proposed Rulemaking on October 17, 1973 to amend the self-policing regulations.2 These amendments basically proposed to broaden the original reporting requirements set forth in General Order 7.

After permitting interested parties an opportunity to comment on these proposed rules, the Commission promulgated its "Final Rules" relating to General Order 7 on April 28, 1978.3 However, the Commission subsequently entertained nineteen petitions for reconsideration. After evaluating these petitions, the Commission issued its "Reconsideration and Modification of Final Rules" on September 14, 1978.4 The Commission denied petitioners' Request for Reconsideration of the September Rules and affirmed these rules on December 18, 1978.

General Order 7, revised (46 CFR 528), was intended to establish minimum standards for judging the adequacy of self-policing activities. assist ocean carriers in obtaining expeditious approval of the self-policing aspects of their section 15 agreements, provide the Commission with access to reliable information concerning the nature and performance of self-policing systems, and curtail rebating and other malpractices by ocean carriers (46 CFR 528.0(a)). It requires that every section 15 ratemaking agreement filed with the Commission contain provisions establishing and describing a system for self-policing its members, that these provisions establish a policing authority and an impartial "arbitrator" or "adjudicator" and describe their functions, and that the conferences be prohibited from inserting provisions in their Agreement which deny the Commission access to self-policing records. (46 CFR Part 528)

Many conferences challenged these revisions to General Order 7 on both substantive and procedural grounds, appealing to the United States Court of Appeals, District of Columbia Circuit. Their appeal challenged those provisions of General Order 7 requiring Agreement members to engage an independent self-policing body, granting self-policing entities certain investigative authority, and prohibiting Agreement members from denying the Commission access to self-policing records or documents. On September 11, 1980, the court upheld the Commission's neutral body self-policing rules in Trans-Pacific Freight Conference of Japan/Korea v. FMC, — F. 2d —, 15 SRR 775 (D.C. Cir. 1980), cert. denied, — U.S. —, May 20, 1981. The court stated that:

Commission regulations prescribing the kind of self-policing body that the conferences must employ, as well as dictating to that body the procedures that must be followed for investigating and adjudicating breaches of conference agreements, the type of reports that must be submitted to the Commission, were not taken as a whole, contrary to congressional intent that the conferences engage in self-regulation. In view of the widespread failure on the part of the conferences to secure their members' adherence to the obligations in the conference agreements and to the Shipping Act, the Commission was authorized to adopt as a general rule more detailed and comprehensive provisions concerning the type and scope of the self-policing systems that the Commission deemed necessary to ensure that malpractices in the industry were curtailed.

Since the date of this final decision, the conferences listed in Appendix A have taken no action whatsoever to comply with the requirements of General Order 7. Because section 15 of the Shipping Act, 1916, requires the disapproval of agreements which are not adequately self-policing, it is therefore necessary to institute formal proceedings and require the conferences listed in Appendix A to show cause why their agreements should not be disapproved for failure to comply with the requirements of General Order 7.

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the Respondents listed in Appendix A, and their member lines, are ordered to show cause why their Agreements should not be disapproved for failure to comply with General Order 7 (46 CFR Part 528).

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of
Hearings and Field Operations shall be a party to this proceeding:

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memoranda of law and replies thereto pursuant to the following schedule:

By the close of business March 10, 1982, affidavits of fact and memoranda of law shall be filed by Respondents and served upon all parties.

By the close of business April 9, 1982, reply affidavits and memoranda shall be served upon the Commission’s Bureau of Hearings and Field Operations and served upon all parties.

By the close of business April 16, 1982, all parties must file requests for evidentiary hearing and/or discovery, if desired, which requests must be accompanied by a statement setting forth in detail the facts to be proven or developed, their relevance to the issues in this proceeding and why such proof cannot be submitted through further affidavit.

Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission.

It is further ordered, That notice of this Order be published in the Federal Register and that a copy thereof be served upon Respondents.

It is further ordered, That persons other than those already parties to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 72 of the Commission’s Rules of Practice and Procedure (46 CFR 502.72) no later than close of business February 19, 1982.

It is further ordered, That persons permitted to intervene in support of Respondents’ position shall conform to the filing schedule assigned to Respondents: and, that persons permitted to intervene in opposition to Respondents’ position shall conform to the filing schedule assigned to the Commission’s Bureau of Hearings and Field Operations.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and fifteen copies as well as being mailed directly to all other parties of record.

By the Commission.

Francis C. Hurney, Secretary.

Appendix A

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 49(a) of the Shipping Act, 1916 (75 Stat. 592 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

James Robert McDermott, P.O. Box 2871, El Cajon, CA 92021

Logistics International, Inc., 8508 Cedar Street, Silver Spring, MD 20910.
Officers: Quang Luong Phan, President, Arnold Davidson, Secretary/Treasurer, David Mayer, Director

Migdal International, Inc., 223 Sunshine Drive, Pacifica, CA 94044. Officers: Miguel W. Heras, President/Director, Halford M. Kekuewa, Executive Vice President/Director, Fiordelis B. Kekuewa, Secretary, Rosalinda S. Sapinoso, Treasurer, Lee Ann K. Ceretea, Assistant Treasurer, Brian K. Shih, Director/Vice President of Administration.

By the Federal Maritime Commission.

Dated: January 22, 1982.

Francis C. Hurney, Secretary.

[FR Doc. 82-2015 Filed 1-26-82; 8:45 am]
BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2191]

R. P. C. Shipping Co.; Order of Revocation

On January 21, 1982, R. P. C. Shipping Company, 2401 N.W. 33rd Avenue, Miami, FL 33142 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2191.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(e) dated November 12, 1981:

It is ordered, that Independent Ocean Freight Forwarder License No. 221 issued to Intercontinental Transport, be revoked effective January 8, 1982 without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 221 issued to Intercontinental Transport be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Intercontinental Transport.

Albert J. Klingel, Jr.
Director Bureau of Certification and Licensing.

[FR Doc. 82-2015 Filed 1-26-82; 8:45 am]
BILLING CODE 6730-01-M
Register and served upon R. P. C. Shipping Company.
Albert J. Klingel, Jr.,
Director, Bureau of Certification and Licensing.
[FR Doc. 82-2019 Filed 1-26-82; 8:45 am]
BILLING CODE 6730-01-M

(Independent Ocean Freight Forwarder License No. 1870-R)

Sea Cargo, Inc.; Order of Revocation


Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1870-R issued to Sea Cargo, Inc. be revoked effective January 15, 1982, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Sea Cargo, Inc.
Albert J. Klingel, Jr.,
Director, Bureau of Certification and Licensing.
[FR Doc. 82-2019 Filed 1-26-82; 8:45 am]
BILLING CODE 6730-01-M

(Independent Ocean Freight Forwarder License No. 2236)

Mary Y. Upton, d.b.a. Houston Expeditors; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Mary Y. Upton d.b.a. Houston Expeditors was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2236 would be automatically revoked unless a valid surety bond was filed with the Commission.

W. F. Whelan & Co.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of W. F. Whelan & Co., P.O. Box 484222 International Terminal, Room 241, Metropolitan Airport, Detroit, MI 48242 was cancelled effective January 15, 1982.

By letter dated December 21, 1981, W. F. Whelan & Co. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2033 would be automatically revoked unless a valid surety bond was filed with the Commission.

W. F. Whelan & Co. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2033 be and is hereby revoked effective January 15, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 2033 issued to W. F. Whelan & Co. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon W. F. Whelan & Co.
Albert J. Klingel, Jr.,
Director, Bureau of Certification & Licensing.
[FR Doc. 82-2019 Filed 1-26-82; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

BSD Bancorp, Inc.; Acquisition of Bank

BSD Bancorp, Inc., San Diego, California, has applied for the Board’s approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to American Valley Bank, El Cajon, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 12, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.
[FR Doc. 82-2182 Filed 1-26-82; 8:45 am]
BILLING CODE 6210-01-M

Buffalo Bancorporation, Inc.; Formation of Bank Holding Company

Buffalo Bancorporation, Inc., Buffalo, South Dakota, has applied for the Board’s approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 67 percent or more of the voting shares of First State Bank, Buffalo, South Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to
comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 19, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

Carolina BanCorp, Inc., Acquisition of Bank

Carolina BanCorp, Inc., Sanford, North Carolina, has applied for the Board’s approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Bank of Alamance, Graham, North Carolina. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 19, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

Central Bancorporation, Inc., Central Colorado Co., C.C.B., Inc.; Acquisition of Bank

Central Bancorporation, Inc., Central Colorado Company, and C.C.B., Inc., all located in Denver, Colorado, have applied for the Board’s approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Central Bank of Chapel Hills, N.A., Colorado Springs, Colorado, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

Central Bancorporation, Wichita, Kansas, has applied for the Board’s approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of CENAR Corporation, Wichita, Kansas, thereby indirectly acquiring 90 percent of the voting shares of Central Bank and Trust Company, Wichita, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

Central Counties Bancorp, Inc.; Formation of Bank Holding Company

Central Counties Bancorp, Inc., State College, Pennsylvania, has applied for the Board’s approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Central Counties Bank, State College, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 16, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

First Alsip Bancorp, Inc.; Formation of Bank Holding Company

First Alsip Bancorp, Inc., Alsip, Illinois, has applied for the Board’s approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.0 percent or more of the voting shares of First State Bank of Alsip, Alsip, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[F.R. Doc. 82-2100 Filed 1-20-82; 8:45 am]
BILLING CODE 6210-01-M

First Bancorp of Belleville, Inc.; Acquisition of Bank

First Bancorp of Belleville, Inc., Belleville, Illinois, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with First United Bancshares, Inc., Belleville, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[F.R. Doc. 82-2132 Filed 1-20-82; 8:45 am]
BILLING CODE 6210-01-M

First Texas Financial Corp.; Formation of Bank Holding Company

First Texas Financial Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First Texas Bank, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[F.R. Doc. 82-2181 Filed 1-20-82; 8:45 am]
BILLING CODE 6210-01-M

First Massachusetts Management Corp.; Formation of Bank Holding Company

First Massachusetts Management Corporation, Boston, Massachusetts, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First Massachusetts Financial Corporation, Boston, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 19, 1982.

Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[F.R. Doc. 82-2100 Filed 1-20-82; 8:45 am]
BILLING CODE 6210-01-M

F&M Financial Services Corp.; Formation of Bank Holding Company

F&M Financial Services Corporation, Menomonee Falls, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers & Merchants Bank, Menomonee Falls, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 17, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[F.R. Doc. 82-2181 Filed 1-20-82; 8:45 am]
BILLING CODE 6210-01-M

GRP, Inc.; Acquisition of Bank

GRP, Inc., Atlanta, Georgia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of
Island American Bancshares, Inc.; Formation of Bank Holding Company

Island American Bancshares, Inc., Galveston, Texas, has applied for the Board’s approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent or more of the voting shares of American Bank, Galveston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 12, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

Keene Bancorp, Inc.; Formation of Bank Holding Company

Keene Bancorp, Inc., Keene, Texas, has applied for the Board’s approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank, Keene, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

Lyon County State Bancshares, Inc.; Formation of Bank Holding Company

Lyon County State Bancshares, Inc., Emporia, Kansas, has applied for the Board’s approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Lyon County State Bank, Emporia, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

Maryland National Corp.; Acquisition of Bank

Maryland National Corporation, Baltimore, Maryland, has applied for the Board’s approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Central Atlantic Bank, National Association, Newark, Delaware, a de novo bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 12, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

Minneaha Bancshares, Inc.; Acquisition of Bank

Minneaha Bancshares, Inc., Sioux Falls, South Dakota, has applied for the Board’s approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 94 percent or more of the voting shares of Farmers State Bank, Flandreau, South Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 1982. Any comment on an
Any comment on an application for The Merchants National Bank of Corpus Christi, Texas, and substantially all of the assets of Pan American Banks, Inc., Miami, Florida, has applied for the Board’s approval under section 3(a) of the Act (12 U.S.C. 1842(c)). The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 19, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

Peoples Capital Corporation, Union, Mississippi, has applied for the Board’s approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Peoples Bank of Mississippi, N.A., Union, Mississippi.

The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

Pan American Banks, Inc., Miami, Florida, has applied for the Board’s approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 66 per cent or more of the voting shares of People American National Bank of North Miami, North Miami, Florida; Peoples First National Bank of Miami Shores, Miami Shores, Florida; Peoples First National Bank of North Miami Beach, North Miami Beach, Florida; Peoples Hialeah National Bank, Hialeah, Florida; Peoples Liberty National Bank of North Miami, North Miami, Florida; and Peoples National Bank of Commerce, Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

National Bancshares Corporation of Texas; Acquisition of Bank

National Bancshares Corporation of Texas, San Antonio, Texas, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First State Bank, of Corpus Christi, Corpus Christi, Texas. and substantially all of the assets of Corpus Christi Bankshares, Inc., Corpus Christi, Texas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

Peoples Capital Corp; Formation of Bank Holding Company

Quad Cities First Co.; Formation of Bank Holding Company

Quad Cities First Company, Rock Island, Illinois, has applied for the Board’s approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of the Quad Cities, Rock Island, Illinois. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any person wishing to comment on the applications should submit views in writing to the Reserve Bank, to be
Board's approval under section 3(a)(3) of Acquisition of Bank Texas American Bancshares, Inc.; Assistant Secretary of the Board.


The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than February 18, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Texas American Bancshares, Inc.; Acquisition of Bank

Texas American Bancshares, Inc., Fort Worth, Texas, has applied for the Board’s approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First National Bank in Breckenridge, Breckenridge, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 12, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Union Colony Bancorp.; Formation of Bank Holding Company

Union Colony Bancorp., Greeley, Colorado, has applied for the Board’s approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Union Colony Bank, Greeley, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Trabanc; Formation of Bank Holding Company

Trabanc, Salt Lake City, Utah, has applied for the Board’s approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Tracy Collins Bank & Trust, Salt Lake City, Utah. The factors that are considered in acting on the application are set forth in section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The First National Bank of Wabash, Wabash, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 19, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Wabash Valley Bancorporation, Inc.; Formation of Bank Holding Company

Wabash Valley Bancorporation, Inc., Peru, Indiana, has applied for the Board’s approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Wabash Valley Bank and Trust Company, Peru, Indiana. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 17, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.
DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Rape Prevention and Control Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of February 1982.

Rape Prevention and Control Advisory Committee
February 24; 9:00 a.m.—Open—Conference Room F
February 25; 9:00 a.m.—Open—Conference Room L
5600 Fishers Lane, Rockville, Maryland (Parklawn Building)

Contact: Mary Lystad, Ph.D., Executive Secretary, Room 15-99, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, (301) 443-1910

Purpose: The Rape Prevention and Control Advisory Committee advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, through the National Center for the Prevention and Control of Rape (NCPCR), on matters regarding the needs and concerns associated with rape in the United States and makes recommendations pertaining to activities to be undertaken by the Department to address the problems of rape.

Agenda: The entire meeting will be open to the public. The Committee will report on research, training, and prevention activities, the fiscal year 1982 and 1983 budgets, as well as an in-house project focusing on exemplary rape crisis centers. The Committee will report on recent research on sexual abuse in the family, rape of adolescents, and research on sexual abuse, the law and the criminal justice system.

Substantive information may be obtained from the contact person listed above. Mrs. Helen Garrett, Committee Management Officer, NIMH, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, telephone (301) 443-4333, will furnish upon request summaries of the meeting and rosters of the Committee members.


Elizabeth A. Connolly,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

Office of Human Development Services

Discretionary Funds Programs

AGENCY: Office of Human Development Services, HHS.

SUBJECT: Extension closing date for submitting applications under Program Announcement Number 13612-82.

SUMMARY: The Administration for Native Americans (ANA) in the Office of Human Development Services (OHDS) announced November 12, 1981, 46 FR 55779, that funds were available for Native American Projects. This announcement extends the closing date of the November 12th announcement.


As a result of national adverse weather conditions, the closing date for submission of preapplications is extended to January 22, 1982. Conditions for meeting the closing date remain as stated in the November 12 announcement.


Dorcas R. Hardy,
Assistant Secretary for Human Development Services.

Office of Policy Development (OPD), and the Office of Policy Coordination and Review (OPCR) announced November 16, 1981, 46 FR 56364 that competing preapplications would be accepted for new research, demonstration, evaluation and training and technology transfer grants and cooperative agreements authorized by its multiple discretionary funding program legislation. This announcement extends the closing date of the November 16 announcement.


As a result of national adverse weather conditions, the closing date for submission of applications is extended to January 22, 1982. Conditions for meeting the closing date remain as stated in the November 12 announcement.


Dorcas R. Hardy,
Assistant Secretary for Human Development Services.

BILLING CODE 4130-01-M
Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Blackfeet Irrigation Project, Montana

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 230 DMI and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIA M. The authority to issue regulations is vested in the Secretary of the Interior by U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(a).

Pursuant to final rule published on June 14, 1977, in 42 FR 30361, this notice sets forth changes to the operation and maintenance charges and related information applicable on all lands in the Blackfeet Irrigation Project. These charges were proposed pursuant to the authority contained in the Acts of 1982 and subsequent years until further notice.

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provisions. Fourteen written comments were received during the 30-day comment period. All comments received opposed the 100% increase as previously projected. Through the necessity of negotiation a $2.00 raise was obtained.

In compliance with the above, the operation and maintenance charges for the lands under the Blackfeet Irrigation Project, Montana for the calendar year 1982 and subsequent years until further notice, are hereby fixed at $5.00 per acre for the assessable area under the constructed works on all irrigable lands within Designated Boundaries of the Blackfeet Irrigation Project.

221-131. Excess Water Assessment. Additional water, when available, may be delivered upon request at the rate of $3.33 per acre foot or fraction thereof.


M. A. Fairbanks,
Superintendent, Blackfeet Agency.

Realty Action Sale of Public Lands in Park County, Wyoming

January 18, 1982.

The following described lands have been determined to be suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at no less than the fair market value.

Sixth Principal Meridian, Wyoming
T. 52 N., R. 104 W., Sec. 18, Lot 49.

Containing 0.4 acres.

The land is to be sold noncompetitively to Lee and Charlotte Wurst. The purpose of this sale is to resolve a longstanding occupancy trespass. The terms and conditions applicable to the sale are:
1. A reservation to the United States of the right to construct ditches or canals pursuant to the Act of August 30, 1890, 43 U.S.C. 945;
2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe;

Detailed information concerning the sale is available for review at the Bureau of Land Management, Worland District Office, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401.

On or before March 4, 1982, interested parties may submit comments to the State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Mineral Survey No. 903, known as the Empire, Lizzie and Republic lode claims, in the Chitina (formerly Valdez) Mining District of Alaska.

T. 2 S., R. 20 E. (Partially Surveyed)
Sec. 1. Lots 1 to 6, inclusive, S1/4 NW1/4, SW1/4, W1/4 SE1/4;
Sec. 2. Lots 1 to 4, inclusive, S1/2 NW1/2, S1/2;
Sec. 3. Lots 1 to 4, inclusive, S1/2 NW1/2, S1/2;
Sec. 4. Lots 1 to 6, inclusive, S1/4 NW1/4, NE1/4 SW1/4, SE1/4;
Sec. 5. Lots 1 to 5, inclusive;
Sec. 6. Lots 1 to 9, inclusive, SE1/4, SW1/4;
Sec. 7. Lots 1 to 8, inclusive, W1/2 NE1/4, SE1/4 NW1/4, NW1/4 and the unsurveyed portion south and west of the left bank of Tonsina River;
Sec. 8. Lots 1 to 5, inclusive, SW1/4 SW1/4;
Sec. 9. Lots 1 to 4, inclusive;
Sec. 10. Lots 1 to 4, inclusive, NE1/4, NW1/4, SE1/4 NW1/4, SE1/4 SE1/4; S1/2 NS, NE1/4 NS;
Sec. 11. Lots 1 to 12;
Sec. 12. Lots 1 to 4, inclusive, N1/4 NS, N1/4 SE1/4;
Sec. 13. Lots 1 to 4, inclusive, NE1/4;
Sec. 23, Lots 1 to 5, inclusive, SW 1/4 SW 1/4, E 1/2 SW 1/4 SE 1/4;
Sec. 24, Lots 1 to 4, inclusive;
Sec. 25, excluding the Copper River and Native allotment AA-5972 Parcels B and C;
Sec. 26, excluding the Copper River and U.S. Survey No. 3554;
Sec. 27, excluding the Copper River, U.S. Survey No. 3547 and U.S. Survey No. 3550;
Secs. 28 to 35, inclusive;
Sec. 36, excluding the Copper River.
Containing approximately 1,967 acres.

T. 2 S., R. 5 E. (Unsurveyed)
Sec. 1, excluding the Copper River;
Sec. 2, excluding U.S. Survey No. 1506;
Secs. 3 to 10, inclusive;
Sec. 11, excluding U.S. Survey No. 1506 and U.S. Survey No. 1875;
Sec. 12, excluding the Copper River;
Sec. 13, excluding the Copper River, U.S. Survey No. 598, U.S. Survey No. 1225, U.S. Survey No. 5221 and Native allotment AA-5598 Tract 1;  
Sec. 15 to 21, inclusive;
Sec. 22, excluding Native allotment AA-6275;
Sec. 24, excluding the Copper River, U.S. Survey No. 3221, Native allotments AA-5730 and AA-6613;
Sec. 25, excluding the Copper River;
Sec. 26, excluding the Copper River and Native allotment AA-5730;
Secs. 27 to 34, inclusive;
Secs. 35 and 36, excluding the Copper River.
Containing approximately 19,955 acres.

T. 2 S., R. 6 E. (Unsurveyed)
Sec. 1, excluding the Copper River;
Sec. 23, containing approximately 640 acres.
Sec. 3, containing approximately 640 acres.

T. 2 S., R. 6 E. (Unsurveyed)
Sec. 1;
Secs. 7 to 29, inclusive;
Secs. 30 and 31, excluding the Copper River;
Secs. 32 to 36, inclusive.
Containing approximately 19,524 acres.

T. 2 S., R. 6 E. (Unsurveyed)
Secs. 2 and 3;
Secs. 4 and 5, excluding Mineral Survey No. 613;
Secs. 6, 9, and 10;
Containing approximately 4,938 acres.

T. 2 S., R. 7 E. (Unsurveyed)
Secs. 19 and 20;
Sec. 21, excluding Mineral Survey No. 905;
Secs. 22, 25 and 26;
Secs. 27, excluding Mineral Survey No. 630, Mineral Survey No. 661A and Mineral Survey No. 662A;
Sec. 28, excluding Mineral Survey No. 661A and Mineral Survey No. 665B;
Sec. 29, excluding Mineral Survey No. 661B and Mineral Survey No. 665B;
Secs. 30, 31 and 32;
Secs. 33, excluding Mineral Survey No. 661A;
Sec. 36, excluding Mineral No. 658, Mineral Survey No. 659 and Mineral Survey No. 660A.

Secs. 17 to 22, inclusive;
Secs. 18 to 22, inclusive;
Secs. 19 to 22, inclusive;
Secs. 17, 19, and 22;
Secs. 17, 19, and 22;
Secs. 17 to 22, inclusive;
Secs. 19 to 22, inclusive;
Secs. 18 to 22, inclusive.

Sec. 23, containing approximately 6,483 acres.
Sec. 19, Lots 1 and 2, W 1/2 SE 1/4, N 1/2 NW 1/4, N 1/2 SE 1/4;
Sec. 20, Lots 1 and 2, W 1/2 SE 1/4, N 1/2 NW 1/4, N 1/2 SE 1/4;
Sec. 21, Lots 1, 3 and 4, W 1/2 SE 1/4 SW 1/4, and the unsurveyed portion north of the right bank of the Copper River, excluding the Copper River;
Sec. 27, Lots 6 to 10, inclusive, SW 1/4 NE 1/4, W 1/2 NE 1/4, W 1/2 NW 1/4, S 1/2 NW 1/4, S 1/2 SW 1/4, S 1/2 NE 1/4, N 1/2 NW 1/4, N 1/2 NW 1/4, excluding Native allotments AA-5972 Parcel D, AA-6000 Parcel B, AA-7569 and AA-7637; and that portion north of the right bank of the Copper River, excluding the Copper River;
Sec. 28, Lots 1 and 2, N 1/2 SW 1/4, SE 1/4, excluding Native allotments AA-3101, AA-5929 Parcel D, AA-7687 and the unsurveyed portion south and west of the left bank of the Tonsina River;
Sec. 33, Lots 1 to 5, inclusive, E 1/2 NW 1/4, NW 1/2 NW 1/4, and the unsurveyed portion south and east of the left bank of the Tonsina River Excluding the Copper River, U.S. Survey No. 3111, U.S. Survey No. 3548, Native allotments AA-5605, AA-5929, AA-6016 and AA-6112;  
Sec. 36, excluding the Copper River.
Containing approximately 1,754 acres.

T. 3 S., R. 4 E. (Unsurveyed)
Sec. 1, excluding the Copper River, U.S. Survey No. 5198 and Native allotment AA-5707;
Sec. 2, excluding the Copper River, Native allotments AA-60660 and AA-6112;  
Sec. 3, containing approximately 1,510 acres.

T. 3 S., R. 5 E. (Unsurveyed)
Secs. 31 and 32, excluding the Copper River;
Secs. 33 and 36, inclusive. All.
Containing approximately 3,653 acres.

T. 3 S., R. 5 E. (Unsurveyed)
Secs. 1 and 2;
Secs. 3, 4 and 5, excluding the Copper River;
Sec. 6, excluding the Copper River, U.S. Survey No. 5198, and Native allotment AA-5882;
Sec. 7, excluding Native allotment AA-5862;
Sec. 8, excluding U.S. Survey No. 3578;
Sec. 9, excluding Native allotments AA-5967 Parcel B and AA-7651;
Sec. 10, excluding the Copper River, U.S. Survey No. 3548, and Native allotment AA-7685;
Sec. 11, excluding the Copper River and Native allotment AA-2539 Parcel B;  
Sec. 12;
Sec. 13, excluding the Copper River;
Sec. 14, excluding the Copper River and Native allotment AA-5972 Parcel A;
Sec. 15, excluding U.S. Survey No. 3548, Native allotments AA-7685 and AA-8045;
Sec. 16, excluding Native allotment AA-7651;
Secs. 17 to 22, inclusive;
Secs. 19 to 22, inclusive;
Secs. 19 to 22, inclusive;
Secs. 19 to 22, inclusive;
Secs. 19 to 22, inclusive;
Secs. 19 to 22, inclusive;
Secs. 19 to 22, inclusive;
Secs. 19 to 22, inclusive;
Secs. 19 to 22, inclusive;
Secs. 19 to 22, inclusive.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in casefile AA–6633–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**Allowable Uses**

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals,
snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Cross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site—The uses allowed for a site easement are: Vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 1 C3, C5, D1, L) An easement for an existing access trail twenty-five (25) feet in width from site EIN 27 C5 on the left bank of the Copper River in Sec. 3, T. 3 S., R. 5 E., Copper River Meridian, northeasterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 1c C3, C5, D1, L) An easement for an existing access trail, twenty-five (25) feet in width, from EIN 1g C3, C5, D1, L in Sec. 1, T. 4 S., R. 7 E., Copper River Meridian, northwesterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 1d C3, C5, D1, L) An easement for an existing access trail fifty (50) feet in width from road EIN 1g C3, C5, D1, L, in Sec. 12, T. 4 S., R. 7 E., Copper River Meridian, easterly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

d. (EIN 1g C3, C5, D1, L) An easement fifty (50) feet in width for an existing road from Omnibus Act Route No. 850 in Sec. 22, T. 4 S., R. 7 E., Copper River Meridian, near Strelnera, northerly to public lands. The uses allowed are those listed above for a sixty (60) foot wide road easement.

e. (EIN 6 C5, D9) An easement for an existing access trail twenty-five (25) feet in width from Liberty Falls Campground in Sec. 8, T. 3 S., R. 5 E., Copper River Meridian, westerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement, except for two- and three-wheel vehicles and small all-terrain vehicles which are limited to winter use only.

f. (EIN 7 C5, D9) An easement for an existing access trail fifty (50) feet in width from the Edgerton Highway in Sec. 26, T. 3 S., R. 5 E., Copper River Meridian, westerly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

g. (EIN 8 C5, D1) An easement sixty (60) feet in width for an existing road from site EIN 8a C5, D1 in Sec. 11, T. 4 S., R. 5 E., Copper River Meridian, southerly along the west shore of First Lake to the Edgerton Highway in Sec. 11, T. 4 S., R. 5 E., Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

h. (EIN 8a C5, D1) A one (1) acre site easement upland of the ordinary high water mark on the west shore of First Lake in Sec. 11, T. 4 S., R. 5 E., Copper River Meridian, with an additional twenty-five (25) foot wide easement on the bed of the lake along the waterfront of the site. The uses allowed are those listed above for a one (1) acre site easement.

i. (EIN 17 C8) An easement fifty (50) feet in width for an existing road from Omnibus Act Route FAS 851 in Secs. 25 and 35, T. 4 S., R. 5 E., Copper River Meridian, southeasterly to site EIN 22 C1 at the junction of O'Brien Creek and the Copper River. The uses allowed are those listed above for a sixty (60) foot wide road easement.

j. (EIN 18 C5, D1, L) An easement for a combination existing and proposed access trail twenty-five (25) feet in width from site EIN 19 C1, L on the left bank of the Copper River in Sec. 25, T. 4 S., R. 5 E., Copper River Meridian, southeasterly to public land in T. 5 S., R. 6 E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

k. (EIN 19 C1, L) A one (1) acre site easement upland of the ordinary high water mark in Sec. 25, T. 4 S., R. 5 E., Copper River Meridian, on the left bank of the Copper River. The uses allowed are those listed above for a one (1) acre site.

l. (EIN 22 C1) A three (3) acre site easement upland of the ordinary high water mark in Secs. 26 and 35, T. 4 S., R. 5 E., Copper River Meridian, on the right bank of the Copper River at the mouth of O'Brien Creek. The uses allowed are the same as those listed above for a one (1) acre site.

m. (EIN 26 L) An easement for an existing access trail twenty-five (25) feet in width from site EIN 36 C5 adjacent to the Edgerton Highway in Sec. 15, T. 2 S., R. 3 E., Copper River Meridian, northeasterly along the east boundary of Lot 37, U.S. Survey No. 4977 to the Copper River. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

n. (EIN 33 E) A one (1) acre site easement upland of the ordinary high water mark in Sec. 12, T. 4 S., R. 5 E., Copper River Meridian, on the left bank of the Copper River. The uses allowed are those listed above for a one (1) acre site.

o. (EIN 33a E) An easement fifty (50) feet in width for an existing road from the Omnibus Act Route FAS No. 850 in Sec. 7, T. 4 S., R. 6 E., Copper River Meridian, northerly to site EIN 33 E. The uses allowed are those listed above for a sixty (60) foot wide road easement.

p. (EIN 35 C5, L) An easement fifty (50) feet in width, twenty-five (25) feet on each side of the centerline, for existing telephone and electrical distribution lines along the Edgerton Highway from Sec. 31, T. 1 S., R. 3 E., Copper River Meridian, to the terminus of the distribution system located in Sec. 27, T. 2 S., R. 4 E., Copper River Meridian. The uses allowed are those uses associated with the operation and maintenance of telephone and electrical lines.

q. (EIN 37 C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 3, T. 3 S., R. 5 E., Copper River Meridian on the left bank of the Copper River. The uses allowed are those listed above for a one (1) acre site.

The grant of the above-described land shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by a lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971, (43 U.S.C. 1616(b)(2)(A), ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access is now provided for under existing law;

3. Any right-of-way interest in the Copper River Highway (FAS Route No. 851), extending one hundred fifty (150) feet on each side of the centerline, transferred to the State of Alaska by
Chitina-McCarthy Road

T. 4

Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) from T. 6 S., R. 4 E., Copper River Meridian, Alaska, northerly to a junction with FAS Route No. 850 at the village of Chitina, located in T. 4 S., R. 5 E., Copper River Meridian, Alaska; northerly to McCarthy.

Any right-of-way interest in the Edgerton Cutoff Highway (FAS Route No. 850) transferred to the State of Alaska by quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Pub. L. 86-70 (73 Stat. 141), from the village of Chitina in T. 4 S., R. 5 E., Copper River Meridian, Alaska, northerly to McCarthy.

5. Any right-of-way interest in the Chitina-McCarthy Road (FAS Route No. 850) transferred to the State of Alaska by quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Pub. L. 86-70 (73 Stat. 141) from the junction with FAS Route No. 851 at the village of Chitina in T. 4 S., R. 5 E., Copper River Meridian, Alaska, northerly to McCarthy.

6. The following are rights-of-way for Federal Aid Highway Act of August 27, 1958 as amended 23 U.S.C. 317:

a. A-65571, located in Sec. 35, T. 2 S., R. 4 E., Secs. 1 and 2, T. 3 S., R. 5 E., and Secs. 6, 7, 8, 9, 15 and 16, T. 3 S., R. 5 E., Copper River Meridian, Alaska;

b. A-57859, located in Sec. 8, T. 3 S., R. 5 E., Copper River Meridian, Alaska;

c. A-683403, located in lot 17 of U.S. Survey No. 3579, lots 14, 23, 24 and 37 of U.S. Survey No. 4977, and Sec. 27, T. 2 S., R. 4 E., Copper River Meridian, Alaska;


e. A-817, located in Sec. 27, T. 2 S., R. 4 E., Copper River Meridian, Alaska;

f. A-42527, located in U.S. Survey No. 1506 and Sec. 11, T. 1 S., R. 5 E., Copper River Meridian Alaska;

g. A-2922, located in Secs. 12 and 13, T. 4 S., R. 5 E., Copper River Meridian, Alaska;

h. A-5894, located in Sec. 13, T. 4 S., R. 5 E., Copper River Meridian, Alaska;

i. AA-363, located in Sec. 2, T. 4 S., R. 5 E., Copper River Meridian, Alaska;

g. AA-304, located in Secs. 25 and 28, T. 3 S., R. 5 E., Copper River Meridian, Alaska;

h. AA-2857, located in Secs. 13, T. 4 S., R. 5 E., Copper River Meridian, Alaska;

i. AA-8175, Parcel 5, located in Secs. 35, T. 2 S., R. 4 E., Copper River Meridian, Alaska;


9. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantees hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Chitina Native Corporation is entitled to conveyance of 155,200 acres of land selected pursuant to Sec. 12(a) of ANSCA. Together with the lands hereinabove approved, the total acreage conveyed or approved for conveyance is approximately 103,995 acres. The remaining entitlement of approximately 11,205 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANSCA, conveyance of the subsurface estate of the lands described above shall be issued to AHTINA, Incorporated, when the surface estate is conveyed to Chitina Native Corporation, and shall be subject to the same conditions as the surface conveyance.

Within the above described lands, only the following inland water bodies are considered to be navigable:

• The Copper River and its interconnecting sloughs.
• The Chitina River and its interconnecting sloughs.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence they were determined to be nonnavigable.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the COPPER VALLEY VIEWS.

Any party claiming a property interest in lands affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of the requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Chitina Native Corporation, P.O. Box 3, Chitina, Alaska 99568
AHTINA, Inc., Drawer G, Copper Center, Alaska 99573
State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7-005, Anchorage, Alaska 99510
Lower Tonsina, Inc., Drawer G, Copper Center, Alaska 99573
Ann Johnson,
Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-1890 Filed 1-26-82; 8:45 am]
BILLING CODE 4310-84-M

[UT-910]

Utah: Intensive Wilderness Inventory Decisions in Effect

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: On January 4, 1982 the Interior Board of Land Appeals (IBLA) dismissed the appeals on Wilderness Inventory Units UT-060-140A, 164, 167, 169, 188, 191, 196, 197, 198, 204, 205B, 224, 227, and 229. The appellant failed to file the appeal and a Statement of Reasons...
in a timely manner. Therefore, the Utah State Director's decision as originally published in the November 14, 1980 Federal Register (45 FR 75602) or as amended in the March 5, 1981 Federal Register (46 FR 5332), is now in effect. In that decision portions of the inventory units were found to contain wilderness characteristics and were identified as Wilderness Study Areas. Those areas identified as Wilderness Study Areas will remain under management restrictions imposed by section 603 of Pub. L. 94–579.

Also on January 4, 1982, the Interior Board of Land Appeals (IBLA) affirmed the Utah State Director's decision on the Wilderness Study Area (WSA) UT–060–201. Therefore the Utah State Director's decision as originally published in the November 14, 1980 Federal Register (45 FR 75602) and as amended in the March 5, 1981 Federal Register (46 FR 5332) is now in effect. In that decision approximately 65,000 acres were identified as a WSA. The WSA will remain under management restrictions imposed by section 603 of Pub. L. 94–579.

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Utah Wilderness Coordinator, (601) 524–5326.

Dated: January 10, 1982.

Roland G. Robinson Jr.,
State Director.

[FR Doc. 82–2031 Filed 1–20–82; 8:45 am]
BILLING CODE 4310–64–M

National Park Service

Maggie L. Walker National Historic Site

AGENCY: National Park Service, Interior.

ACTION: Notice of availability of environmental assessment (and its summary) for the general management plan, Maggie L. Walker National Historic Site, Richmond, Virginia.

SUMMARY: The National Park Service has prepared an Environmental Assessment (and its summary) as a step in General Management Planning process for Maggie L. Walker National Historic Site, Richmond, Virginia. This Assessment presents six alternatives for the future management and development of the site, with an assessment of the environmental impacts of each alternative.

The alternatives propose different levels of preservation, restoration, and adaptation of buildings on the site for visitor use and interpretation. Two alternatives proposed minimal expenditure of funds; three alternatives propose mixtures of visitor use and commercial leasing of space to fully protect and utilize the site; and one alternative proposes full National Park Service and visitor use of the site.

Discussion of these alternatives and their impacts by the National Park Service and the public will lead to the selection of an alternative and determination of need for an environmental impact statement.

Copies of the Environmental Assessment will be available for review beginning February 2, 1982, at the headquarters, Richmond National Battlefield Park, 3215 E. Broad Street, Richmond, Virginia 23223; at the Richmond City Library (downtown location); and at the Mid-Atlantic Regional Office, National Park Service 143 So. Third Street, Room 310, Philadelphia, Pennsylvania 19106.

With this Notice of Availability, the National Park Service is inviting written comments on the Environmental Assessment for the General Management Plan.

DATES: Written comments on the Assessment will be accepted until March 15, 1982.

ADDRESSES: Copies of the Environmental Assessment and its summary may be obtained from the Superintendent, Maggie L. Walker National Historic Site, c/o Richmond National Battlefield Park, 3215 E. Broad Street, Richmond, Virginia 23223. Written comments may also be directed to the Superintendent.

Dated: January 14, 1982.

James W. Coleman, Jr.,
Regional Director, Mid-Atlantic Region.

[FR Doc. 82–2046 Filed 1–20–82; 8:15 am]
BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Volume No. 223]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: January 22, 1982.


Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed. Some of the applications may have been modified prior to publication to

Dr. Norman P. Miller, Chairperson
Honorable Marvin Braude
Ms. Sarah Dixon
Ms. Margot Feuer
Dr. Henry David Gray
Mr. Edward Heidig
Mr. Frank Hendler
Ms. Mary C. Hernandez
Ms. Bob Lovellette
Ms. Susan Barr Nelson
Mr. Carey Peck
Mr. Donald Wallace

The major agenda item includes the following:

Draft report on management of parklands by local jurisdictions

Interim parking at Rancho Sierra Vista

Status report on trails

Superintendent's status report.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 22900 Ventura Boulevard, Suite 140, Woodland Hills, California 91364.

Minutes of the meeting will be available for public inspection by March 31, 1982, at the above address.

Dated: January 18, 1982.

Robert S. Chandler,
Superintendent Santa Monica Mountains National Recreation Area.

[FR Doc. 82–2050 Filed 1–26–82; 8:45 am]
BILLING CODE 4310–70–M
conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its request for removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922[h].

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board. Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich, Secretary.

MC 44300 (Sub-20)X, filed January 8, 1982. Applicant: HESS CARTAGE COMPANY, P.O. Box 3020, 17065 Hess Avenue, Melvindale, MI 48122.

Representative: Martin J. Leavitt, Sullivan & Leavitt, P.C., 22375 Haggerty Road, P.O. Box 400, Northville, MI 48170.

Lead and Subs 5, 6, 7, 8, 9, 11, 13 and 17. Broaden: sugar to “food and related products” in lead; chemicals, calcium chloride and dry chemicals in bulk, to “chemicals and related products” in lead and Subs 11 and 13; cement and dry cement also in bags, in bulk, to “clay, concrete, glass, or stone products in Sub-2;” (2) rough and cut stone to “clay, concrete, glass, or stone products in Sub-2;” (2) broadening of Under 40, from Cheviot, Bridgeton and Miamitown, OH to Hamilton County, OH.

MC 123279 (Sub-13)X, filed January 13, 1982. Applicant: CHARTER EXPRESS INC., 8416 Tallmadge Road, R.D. #6, Ravenna, OH 44266. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Sub 6F, broaden from Cheviot, Bridgeton and Miamitown, OH to Hamilton County, OH.

MC 124887 (Sub-137)X, filed January 12, 1982. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421.

Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Sub 116F certificate: (1) broaden iron and steel articles and metals to “metal products and ores and minerals,” and (2) remove “except in bulk” restriction.

MC 127304 (Sub-20)X, filed January 18, 1982. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 North West Street, Valley Center, KS 67148.

Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Sub-17F permit broaden: (1) To “petroleum, natural gas and their products, automotive supplies, and machinery” from lubricants, automotive supplies, and hand lubrication equipment and (2) to “between points in the U.S. (except AK and HI)” under continuing contract(s) with a named shipper.

MC 127887 (Sub-3)X, filed January 18, 1982. Applicant: RAINWATER TRUCKING CO., INC., 1123 South 39th Street, Fort Smith, AR 72901.

Representative: Troy R. Douglas, P.O. Box 1881, Fort Smith, AR 72902. Lead and Sub No. 1 (lead) and Sub No. 1 broaden heavy machinery, wooden or metal pole and bridge and construction steel to “those commodities which because of their size or weight require the use of special handling or equipment;” (2) remove exclusion of “Little Rock and points in its commercial
zone" from the territorial description, lead: (3) remove "prior movement by rail" restriction, lead.

MC 128446 (Sub-5X), filed January 8, 1982. Applicant: VICTOR LEASING COMPANY, d.b.a. WESTLAND TRUCKING CO.; P.O. Box 2900, Bakersfield, CA 93303. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. Subs 1 and 2F permits: (1) broaden to "metal products" from iron or steel articles and fabricated and prefabricated metal articles, Sub 1; (2) remove the "prior movement by water" restriction, Sub 1; and (3) broaden to "between points in the U.S., under continuing contract(s) with named shippers, both permits.

MC 134820 (Sub-14)X, filed January 8, 1982. Applicant: R. S. ALBRIGHT, INC., 6640 Ellis Ave., Seattle, WA 98108. Representative: R. S. Albright (same address as applicant). Subs 1, 3, 6 and 8 permits. Broaden to between points in U.S., under continuing contract(s) with named shippers.

MC 140581 (Sub-30)X, filed September 30, 1981, previously noticed in Federal Register on December 28, 1981, republished to notice the following omissions. Applicant: HAGWOOD ENTERPRISES, INC., 2472 Pinson Hwy., Birmingham, AL 35217. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Sub-No. 19: broaden Houston, TX, to include Galveston and Liberty Counties, TX, in addition to those counties previously noticed.

MC 140888 (Sub-12)X, filed January 11, 1982. Applicant: KENDRICK TRUCKING CORPORATION; P.O. Box 19097, Louisville, KY 40219. Representative: James W. Kendrick (same as applicant). Lead and Subs 1, 3F, 4F, 6F, 8F and 9F, (A) broaden in lead part (2), Subs 1, 9, and 6 to "such commodities as are dealt in or used by mining, earth moving or quarrying companies," from repair and maintenance parts for mining, earth moving, quarrying equipment, and vehicles used in mining, earth moving, and quarrying; Sub 3, part 2 to "pulp, paper and related products" from paper and paper products; Sub 4 part (1) to "machinery" from mechanical and fabric dust collectors and wet scrubbers; Sub 4, part (2) to "such commodities as are dealt in or used in the manufacture, sale and distribution of dryers," from iron or steel gears, pinions and trunnions and iron castings used in the manufacture of rotary dryers; Sub 4, part (3) "such commodities as are dealt in or used in the manufacture, sale and distribution of material handling systems" from equipment and supplies used in the construction of material handling systems; Sub 8 to "machinery" from surface-mounted hydraulic automobile lift, (B) all authorities to radial authority; (C) lead and Subs 3, 4, 8, and 6 delete the facilities limitions (D) lead and Subs 1, 3, 4, 6, by elimination of restrictions to transportation of traffic originating or destined to the named facilities: (E) remove restriction to shipment of no more than 5,000 pounds from one consignor to anyone consignee at one location in a single day in Sub-No. 1. (F) broaden Wise, VA, to Wise County in the lead; (G) delete in bulk exceptions in Sub 4 (parts 2 and 3).

MC 142546 (Sub-5X), filed January 11, 1982. Applicant: MER-LOU TRANSPORTATION, INC., P.O. Box 247, Millisboro, DE 19966. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. No. MC-142546 Sub 1 certificate, and lead MC-142546 and Subs 3, 7 and 8F permits: Broaden to "food and related products and materials, equipment and supplies used in the manufacture and distribution of food and related products." from (a) malt beverages, MC-142546 Sub 1; (b) pickled products, in containers, and supplies and materials, lead MC-136301 and Subs 3; (c) pickled products, in containers, MC-136301 Sub 7; and (d) foodstuffs, MC-136301 Sub 6F: Remove "except in bulk" restriction, MC-136301 Sub 3; Broaden to (a) county-wide, radial authority: Onondaga County, NY (South Volney), and New Castle County, DE (Wilmington), MC-142546 Sub 1: (b) between points in the U.S., under continuing contract(s) with a named shipper, in permits.

MC 145565 (Sub-4X), filed January 6, 1982. Applicant: C. D. BRESHARES, d.b.a. J & B SERVICES, 1307 S. Lincoln St., Casper, WY 82601. Representative: C. D. Breshares (same address as applicant). Sub-No. 2F: (1) broaden Casper, WY, to Netrona County; (2) delete the exception of oil drilling rigs; (3) add "machinery and materials" to equipment and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum.

MC 145637 (Sub-10X), filed January 7, 1982. Applicant: B&B EXPRESS, INC., P.O. Box 5552, Station B, Greenville, SC 29606. Representative: Henry E. Seaton, 929 Pennsylvania Blvd., 425 13th St., NW., Washington, DC 20004. MC-145637 Sub 2F permit: Broaden materials; supplies and equipment used in the manufacture of new furniture to "furniture and fixtures, and materials, equipment and supplies used in the manufacture and distribution of furniture and fixture;" to between points in U.S., under continuing contract(s) with named shipper.


MC 145856 (Sub-4X), filed January 15, 1982. Applicant: G & M TRUCKING, INC., 15313 Goodrich Dr., NW., Gig Harbor, WA 98335. Representative: Kenneth R. Mitchell, 2320A Milwaukee Wy, Tacoma, WA 98421. Sub 2F broaden: ice cream to "dairy products"; service to radial authority; and Union City to Alameda County, CA.

MC 146546 (Sub-3)X, filed January 11, 1982. Applicant: JOHN W. AND CARLENE C. ARNETT, d.b.a. LUCARJO CARRIERS, 4643 Prescott, Lincoln, NE 68506. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Sub 2 permit: (1) broaden furniture and materials, supplies and equipment to "furniture and fixtures, and materials, supplies and equipment;" and (2) broaden the territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 147387 (Sub-4)X, filed January 7, 1982. Applicant: BAMA TRANSPORTATION COMPANY, INC., 2272 East 11th St., Tulsa, OK 74104. Representative: Michael J. Masterson (same address as applicant). No. MC-139642 Sub-4 permit, broaden: (1) to "materials and supplies used in the manufacture of food and related products" from materials and supplies (except in bulk) used . . . bakery products; and (2) between points in the U.S. under continuing contract(s) with named shipper.

MC 149324 (Sub-4)X, filed January 11, 1982. Applicant: BLACK ARROW TRANSPORT, INC., 200 Chestnut Street, P.O. Box 1924, Springfield, MA 01101. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Sub 2X certificate, broaden part (1) to radial authority; and MC 144022 (Sub-2)F permit broaden to between points in the U.S. under continuing contract(s) with named shipper.

MC 149563 (Sub-13)X, filed December 3, 1981, previously noticed in the Federal Register of December 24, 1981, republished as corrected this issue. Applicant: SUPER TRUCKERS, INC.
Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10926 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1151.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must identify the operating authority upon which it relies. Also, the protest shall specify the service it will make and type of equipment it will make available for use in connection with the service contemplated.

Except as otherwise specifically noted, each applicant states that there is complete and pertinent protestor information. Also, protestor statements which may be examined at the Commission’s Regional Authority Center in Atlanta, GA. Note: Applicant intends to tack with its authority in docket number MC-121815 (Sub-3-3TA), filed January 12, 1982. Applicant: ALL SOUTH MOTOR FREIGHT, INC., P.O. Box 100893, Nashville, TN 37210.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2900, Chicago, IL 60604.

- MC 121815 (Sub-3-3TA), filed January 12, 1982. Applicant: ALL SOUTH MOTOR FREIGHT, INC., P.O. Box 100893, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Blvd., 425 13th Street NW., Washington, DC 20004. General commodities (except classes A&B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the US under continuing contract(s) with Ferro Corporation. Supporting shipper: Ferro Corporation, 20 Culvert St., Nashville, TN 37210.

- MC 54855 (Sub-1-2), filed January 15, 1982. Applicant: LOUISVILLE, NEW ALBANY, & CORYDON RAILROAD COMPANY, d.b.a. LOUISVILLE AND CORYDON TRANSFER, 210 Walnut St., Corydon, IN 47112. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transportation equipment and parts, lumber and wood products and those commodities dealt in and sold by home center supply stores between the facilities of Evans Products Company and its subsidiaries on the one hand, and, on the other, points in AL, CA, FL, GA, IL, IN, KS, KY, MI, MO, OH, PA, SC, TN and TX, for 270 days. Supporting shipper: Evans Products Company, Suite 900 East Tower, 2550 Golf Road, Rolling Meadows, IL 60008.

- MC 96154 (Sub-4-6TA) filed January 15, 1982. Applicant: BRUCE CARTAGE, INCORPORATED, 3460 East Washington Road, Saginaw, MI 48601. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Merchandise as are dealt in by retail depot stores between the facilities of Meijer, Inc., located at points in MI and OH. Supporting Shipper: Meijer, Incorporated, 2727 Walker Road, NW, Grand Rapids, MI 49504.


- MC 141620 (Sub-4-3TA), filed January 14, 1982. Applicant: VAN BUS DELIVERY, d.b.a. UNITED VAN BUS, 2601-32nd Avenue South, Minneapolis, MN 55406. Representative: Warren A. Goff, 2006 Clark Tower, 5100 Popular Avenue, Memphis, TN 38137. Contract irregular such commodities as are dealt in by retail stores and catalog outlets, between Minneapolis, MN, on the one hand, and, on the other, points in Pierce and St. Croix Counties, WI, under a continuing contract with Montgomery Ward and Company. Supporting shipper: Montgomery Ward and Company, One Montgomery Ward Plaza, Chicago, IL 60671.

- MC 144696 (Sub-4-7TA), filed January 14, 1982. Applicant: MEEUWSEN PRODUCE, INC., 9525 Ransom St., Zeeland, MI 49404. Representative: Edward N. Button, 535 Old Hill Ave., Hagerstown, MD 21740. Coal and Ice, from Punxsutawney, PA to points in MI, OH, IL, IN, WI, KY, and CT. Supporting shipper: Michigan Ice Services Company, 145½ E. Kalamazoo Ave., Kalamazoo, MI 49006.
MC 140602 (Sub-4-1TA), filed January 14, 1982. Applicant: J. C. HAULING CO., P.O. Box 12, Millstadt, IL 62260.

Representative: Joseph E. Rebman 314 N. Broadway, Suite 1300, St. Louis, MO 63102. Zine and zinc byproducts between Gary, IN, on the one hand, and, on the other, Cofeyville, KS and Hillboro, IL. Supporting Shipper: Sherwin-Williams Company, Chicago, IL.

MC 152514 (Sub-4-4TA), filed January 14, 1982. Applicant: MOTOR ACTIVITIES, LTD., 860 Skokie Hwy., Lake Bluff, IL 60044. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Such commodities as are sold or used by retail and wholesale food and drug outlets and industrial distributor bulk between Racine and Wadazle, WI and the Chicago, IL Commercial Zone, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting Shipper: S. C. Johnson & Son, Inc., Racine, WI 53403 and Park Corp., Birmingham, IL.

MC 152926 (Sub-4-2TA), filed January 14, 1982. Applicant: BLUE AND WHITE EXPRESS OF MICHIGAN, Inc., P.O. Box 1753, 27800 Mound Road, Warren, MI 48090. Representative: W. B. Elmer, 615 E. 8th Street, Traverse City, MI 49684. Canned and packaged foods, household supplies, beverages and equipment, material and store supplies, and such items as are dealt in by grocery stores; health and beauty aid items, toiletries, and general merchandise as dealt in by drug stores between points in Michigan, Scranton, PA, and commercial zone, Hayre De Grace, MD, Baltimore, MD and commercial zone, Evansville, IN and commercial zone, Miami, FL and commercial zone, Fostoria, OH, on the one hand and on the other, points and place in OH, IN, IL, WI, NY, PA, NJ, FL, Richmond, VA and Norfolk, VA and commercial zones, St. Louis, MO, Carrollton, MO, Marshall, MO, Kansas City, MO and commercial zones, Baltimore, MD and commercial zone and Kansas City, KS and a commercial zone.

Two supporting shippers: Chatham Super Markets, 2300 E. Ten Mile Road, Warren, MI 48091 and Faygo Beverages, Inc., 3579 Gratiot, Detroit, MI 48207.

MC 160088 (Sub-4-1TA), filed January 14, 1982. Applicant: TRAILER TRANSIT, INC., 719 Wabash Street, Michigan City, IN 46360. Representative: Brian R. Busch (same address as applicant). Transportation equipment between points in the U.S. *Supporting Shippers: Fruehauf Corporation, 1000 Harper Ave., Detroit, MI 48232; Evans Tank Co., P.O. Drawer 1589, Lubbock, TX 79401; Walker Stainless Equipment Co., Inc., P.O. Box 202, New Liiban, WI 53050; Brenner Tank Inc., 450 Arlington Ave., Fond du Lac, WI 54933; Transportation Equipment Corp., 900—6th Ave., SE, Minneapolis, MN 55414; The Heil Co., 3000 W. Montana, Milwaukee, WI 53215.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 152277 (Sub-5-4TA), filed January 15, 1982. Applicant: LONG MILE RUBBER COMPANY, 155 South Court, Exchange Park, Dallas, TX 75245. Representative: James Cody (same as applicant). Contract, Irregular; food and related products between points in the U.S. under a continuing contract with Ben C. Williams Sales Company, 6600 Denton Drive, Dallas, TX.

MC 24593 (Sub-5-6TA), filed January 15, 1982. Applicant: FRED STEWART COMPANY, P.O. Box 940, El Dorado, AR 71730. Representative: Tom E. Moore (same as above). Petroleum and related products between Jefferson County, AL and points in the U.S. Supporting shipper, International Oil Company, Birmingham, AL.

MC 144903 (Sub-5-3TA), filed January 14, 1982. Applicant: GLENN'S TRUCK SERVICE, INC., #1 Produce Row, St. Louis, MO 63102. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. Sponge rubber carpet cushion, from Cape Girardeau, Missouri, to points in California, Texas, Oklahoma, and Washington. Supporting shipper: Recticel Foam Corporation, P.O. Box 655, Buffalo, NY 14240.

MC 147378 (Sub-5-6TA), filed January 14, 1982. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular; Foodstuffs, from Tulsa, OK to points in Dallas, TX; Amarillo, TX; Lubbock, TX; Austin, TX; Albuquerque, NM; Wichita, KS; Denton, TX; Kansas City, MO; Denver, CO; Little Rock, AR; and from Santa Ana, CA to points in Tulsa, OK. Supporting shipper: The Original Chili Bowl, Inc., 9016 East 40th St., Tulsa, OK 74145.

MC 147442 (Sub-5-2TA), filed January 15, 1982. Applicant: BOND TRANSFER, INC., 1831 Mills Avenue, El Paso, TX 79901. Representative: Gary L. Thompson, President (same as applicant). General commodities, (except Class A & B explosives), household goods, as defined by the Commission and commodities in bulk), between points in El Paso County, TX; Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero and Sierra Counties, NM and points in Bernalillo, Curry, De Baca, Guadalupe, Quay, Roosevelt, Socorro and Torrance Counties, NM. Supporting shippers: 30.

Note.—Applicant intends to interline.

MC 151819 (Sub-5-24TA), filed January 15, 1982. Applicant: CARGO-MASTER, INC., 2815 Gaston Ave., Dallas, TX 75225-1306. Representative: Joseph Selasky, 2815 Gaston Ave., Dallas, TX 75225-1306. Malt beverages, and related materials and supplies from the facilities of the Joseph Schiltz Brewing Company at or near Longview, TX to points in CO. Supporting shipper(s): Twin City Distributing Company P.O. Box 637, Greeley, CO 80632; Murray Brothers Distributing Company, 1505 W. 3rd Ave., Denver, CO 80223.

MC 154436 (Sub-5-27TA), filed January 14, 1982. Applicant: MARILYN THOMAS, d.b.a. MAT TRUCKING, 2604 West Pleasant Ridge Road, Arlington, TX 76016. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract, Irregular; Plastics, and materials used in the manufacture of plastic products, between Dallas, TX, on the one hand, and, on the other Gardena, Valencia and Los Angeles, CA; Morgantown and West Jefferson, NC; Lake City, PA; Lynnbrook, NY; Providence, RI; Fort Gibson, MS; Minneapolis, MN; Laredo and Del Rio, TX; and Fredericksburg, TX; under continuing contract(s) with Plastics Manufacturing Company, Dallas, TX.

MC 150972 (Sub-2-1TA), filed January 14, 1982. Applicant: MID—AMERICA DAIRYMEN, INC., P.O. Box 1837 S.S.S., Springfield, MO 65805. Representative: F. R. Grant (same as applicant). General commodities (except classes A and B explosives, household goods, and commodities in bulk), (1) between points in and East of ND, SD, NE, CO, OK, TX, and (2) between points in CA, on the one hand, and, on the other, points in and East of ND, SD, NE, CO, OK, and TX. Restricted to traffic moving for the account of Grand Enterprises, Inc. Supporting shipper: Grand Enterprises, Inc., P.O. Box 10036, Springfield, MO 65808.

MC 159982 (Sub-5-1TA), filed January 14, 1982. Applicant: O. L. EXPRESS, LTD., P.O. Box 327, Carlisle, IA 50047. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Contract; Irregular. Meats, meat by-products and articles used by meat packing houses between the facilities of Swift Independent.
DATES: The exemptions are effective on February 26, 1982. Petitions to reopen this action for reconsideration must be filed March 18, 1982.

ADDRESSES: Send pleadings to:
(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th St. and Constitution Ave., Washington, D.C. 20423
(2) Petitioner's Representative, Linda Smith Dyer, Aroostook Valley Railroad Company, 32 Parsons Street, Presque Isle, ME 04769.

FOR FURTHER INFORMATION CONTACT:
Richard A. Kelly, (202)–727–7245
Irwin Elyn, (202)–275–7698.

SUPPLEMENTARY INFORMATION: Copies of the complete decision may be obtained from Room 2227 at the Commission's Headquarters at 12th and Constitution Avenue, N.W., Washington, DC 20423, or by calling the Commission's toll-free number for Court proceedings.

Decided: January 20, 1982.

By the Commission, Chairman Taylor, Vice-Chairman Gilliam, Commissioners Gresham and Clepp.

[FR Doc. 82–1992 Filed 1–28–82; 8:45 am]
BILLING CODE 7035–01–M

[Finance Docket No. 28640 (Sub-No. 8)]

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—Reorganization; Authorization of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Bond and Debenture Holders Protective Committee


AGENCY: Interstate Commerce Commission.

ACTION: Institution of proceeding.

SUMMARY: The Commission is instituting a proceeding under Section 27(p) of the former Bankruptcy Act (11 U.S.C. 205) to consider the application of the Chicago, Milwaukee, St. Paul and Pacific Railroad Bond and Debenture Holders Protective Committee (Committee) for authority to solicit authorizations from holders of debt securities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MLW) to represent them in proceedings for MLW's reorganization. This proceeding will be handled under modified procedure; the following schedule is set for the submission of evidence.

DATES: (1) Verified statements supporting or opposing the application are due February 22, 1982; (2) Verified replies are due March 8, 1982.

ADDRESSES: An original and 10 copies of all statements, referring to Finance Docket No. 28640 (Sub-No. 8), should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

Copies should also be served on:
(1) Applicant's representative: Robert W. Hallock, Kirkland & Ellis, 200 East Randolph Drive, Suite 6000, Chicago, IL 60601
(2) Clerk: United States District Court, Northern District of Illinois, Eastern Division, 209 South Dearborn Street, Chicago, IL 60606
(3) Parties to MLW's Reorganization Court proceedings.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: The Committee requests authority to solicit proxies or authorizations to represent and act for holders of the following MLW securities in MLW's reorganization proceedings:

(1) MLW First Mortgage Bonds, Series A, due 1994; principal amount $11,600,000.

(2) MLW General Mortgage Income Bonds, Series A, due 2019; principal amount $24,685,000.

(3) MLW General Mortgage Convertible Income Bonds, Series B, due 2044; principal amount $31,127,000.

(4) MLW Income Debentures, Series A, due 2055; principal amount $55,604,000.

(5) The Southern Indiana Railway Company First Mortgage Bonds, due 1994; principal amount $5,445,000.

(6) Chicago, Terre Haute and Southern Railway Company First and Refunding Mortgage Bonds, due 1994; principal amount $7,170,000.

(7) Chicago, Terre Haute and Southern Railway Company Income Mortgage Bonds, due 1994; principal amount $4,739,000.

The Committee is proposed of the following members:
(1) American Financial Corporation, One East Fourth Street, Cincinnati, OH 45202, Owner of $23,058,000 principal amount of MLW Income Debentures, Series A, due 2055, which is approximately 45 percent of the total amount outstanding of this security.

(2) Daniel R. Long III, Suite 330—the Quadrangle, Village of Cross Keys, Baltimore, MD 21210, Owner of $231,000 principal amount of MLW Income Debentures, Series A, due 2055, which is approximately 45 percent of the total amount outstanding of this security.

(3) Jerome L. Greene, Marshall, Bratter, Greene, Allison & Tucker, 430 Park Avenue, New York, NY 10021.
Owner of the following: (a) $755,000 principal amount of MILW Income Debentures, Series A, due 2055, which is approximately 1.4 percent of the total amount outstanding of this security. (b) $300,000 principal amount of Chicago, Terre Haute and Southeastern Railway Company First and Refunding Mortgage Bonds, due 1994, which is approximately 4.2 percent of the total amount outstanding of this security. (c) $200,000 principal amount of MILW First Mortgage Bonds, Series A, due 1994, which is approximately 1.7 percent of the total amount outstanding of this security.

Interested persons may participate as parties in this proceeding by filing verified statements as indicated above. Copies of the Committee's application may be obtained from its representative. The Committee may not act in a representative capacity until so authorized by the Commission. Each member of the Committee may participate in MILW reorganization proceedings on its own behalf until the Commission acts on the application.

By the Commission, Reese H. Taylor, Jr., Chairman.
Agatha L. Mergenovich, Secretary.

FOR FURTHER INFORMATION CONTACT:
Richard A. Kelly (202) 275-7245.
For copies of the full decision write to:
Interstate Commerce Commission, Room 2227, Washington, DC 20423, or call toll free: (800) 424-5403.
Pleadings should refer to Finance Docket No. 29535 (Sub-No. 1).

SUPPLEMENTARY INFORMATION: A decision in this proceeding containing additional information may be obtained from the Office of the Secretary.

By the Commission, Chairman, Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp.
Agatha L. Mergenovich, Secretary.

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-113]
Certain Log Splitting Pivoted Lever Axes
Order No. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Donald K. Duvall,
Chief Administrative Law Judge.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:
Background.—This investigation is being instituted in response to a petition filed on January 19, 1982, by counsel or. behalf of Atlantic Steel Co., Florida Wire and Nail, New York Wire Mills, Virginia Wire and Fabric, Tree Island Steel, Inc., and Armco Inc., U.S. producers of steel wire nails.

The Commission must make its determination in this investigation within 45 days after the date of the filing or, in this case, by March 5, 1982 (19 CFR 207.17). The investigation will be subject to Part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 17945, and particularly subpart B thereof.

Written Submissions.—Any person may submit to the Commission on or before February 16, 1982, a written statement of information pertinent to the subject matter of this investigation. A

1 For purposes of this investigation, brads, spikes staples and tacks are not included.
 Hoe to be held at 2:00 p.m., e.s.t., on February 12, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for this investigation, Mr. John MacHatton (202-523-0439). It is anticipated that parties in support of the petition for countervailing duties and parties opposed to the petition will each be allocated one hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

**Inspection of the Petition.**—A copy of the petition filed with the Department of Commerce in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

This notice is published pursuant to § 207.12 of the Commission's rules of practice and procedure (19 CFR 207.12). Issued: January 22, 1982.

By order of the Commission.

Kenneth R. Mason, Secretary.

**[Investigation No. 751-TA-5]**

**Salmon Gill Fish Netting of Manmade Fibers from Japan; Notice of Change of Public Hearing Date**

**AGENCY:** International Trade Commission.

**ACTION:** Change of date of public hearing in connection with investigation No. 751-TA-5.

**SUMMARY:** Notice is hereby given that the United States International Trade Commission has changed the date of the previously announced public hearing in the subject investigation (46 FR 62347). The hearing will now be held on March 2, 1982, beginning at 10:00 a.m. p.s.t., in room 223 of the New Federal Building, 1220 S.W. 3rd Street, Portland, Oregon.

**SUPPLEMENTARY INFORMATION:** Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.s.t.) on January 29, 1982. All persons desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 2:00 p.m., e.s.t., on February 2, 1982, in Room 117 of the U.S. International Trade Commission Building and must file prehearing statements on or before February 10, 1982. Any person may submit to the Commission on or before March 9, 1982, written statements of information pertinent to the subject matter of the investigation.


By order of the Commission.

Issued: January 20, 1982.

Kenneth R. Mason, Secretary.

**BILLING CODE 7020-02-M**

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**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**[Docket No. 81-18]**

Gail G. L. Li, M.D., Honolulu, Hawaii; Hearing

Notice is hereby given that on July 21, 1981, the Drug Enforcement Administration, Department of Justice, issued to Gail G. L. Li, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, AL0218962.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m., on Tuesday, February 2, 1982, in the U.S. Coast Guard Courtroom, Room 9126, 300 Ala Moana Boulevard, Honolulu, Hawaii.


Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration.

**BILLING CODE 4410-09-M**

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**NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE**

**Changed Meeting Date**

January 20, 1982.

Pursuant to Section 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) has changed the April 12 and 13 meeting.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government was established by Congress by Pub. L. 95–63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy,
coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The meeting dates are as follows:
- Monday and Tuesday—January 18 and 19
- Monday and Tuesday—March 1 and 2
- Tuesday and Wednesday—April 13 and 14

(revised)
- Monday and Tuesday—May 24 and 25
- Monday and Tuesday—July 19 and 20
- Monday and Tuesday—August 30 and 31
- Monday and Tuesday—October 25 and 26
- Monday and Tuesday—December 13 and 14

The public is welcome at the sessions and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning these meetings may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235. The telephone number is 202/653-7818.

Steven Anastasion,
Executive Director.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Radiological Effects; Meeting

The ACRS Subcommittee on the Reactor Radiological Effects will hold a meeting at 8:30 a.m. on February 11, 1982 in Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittee will listen to presentations and discuss BWR plant irradiation exposure experience and exposure reduction measures.

In accordance with the procedures outlined in the Federal Register on September 30, 1981, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, February 11, 1982—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to Mr. Herman, Alderman (telephone 202/344-1414) between 8:15 a.m. and 5:00 p.m., EST. The cognizant Designated Federal Employee for this meeting is Mr. John C. McKinley.

Dated: January 19, 1982.
John C. Hoyle,
Advisory Committee Management Officer.

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Radiological Effects; Meeting

The ACRS Subcommittee on the Reactor Radiological Effects will hold a meeting on Friday, February 5, 1982 from 1:30-5:30 p.m. and on Saturday, February 6, 1982 from 9:00 a.m.—3:30 p.m. Topics for discussion will include Federal Encouragement of Private Fundraising; Endowment Relationships with State and Local Arts Agencies; Program Review/Guidelines for Folk Arts, Inter-Arts, Endowment Fellows, Orchestra, Chorus, Music Training and Recording programs.

The remaining sessions of this meeting on Friday, February 5, 1982 from 9:00 a.m.—12:15 p.m., Saturday, February 6, 1982 from 3:30-5:30 p.m. and Sunday, February 7, 1982 from 9:00 a.m.—1:00 p.m. are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants, and for discussion and development of confidential FY 1983 budgetary materials to be submitted to the Office of Management and Budget and the Congress. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: January 22, 1982.
John H. Clark,
Director, Office of Council and Panel Operations National Endowment for the Arts.

Dated: January 22, 1982.
John H. Clark,
Director, Office of Council and Panel Operations National Endowment for the Arts.

Canada Power & Light Co. and North Carolina Municipal Power Agency No. 3 (Shearon Harris Nuclear Power Plant, Units 1 and 2); Receipt of Application for Facility Operating Licenses; Availability of Applicants' Environmental Report; Consideration of Issuance of Facility Operating Licenses; and Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application from Canada Power & Light Company and North Carolina Municipal
Power Agency Number 3 (the applicants) for facility operating licenses to possess, use, and operate the Shearon Harris Nuclear Power Plant, Units 1 and 2, two pressurized water reactors (the facility) located in Wake and Chatham Counties, North Carolina, approximately sixteen miles southwest of Raleigh, North Carolina. Each of the reactors is designed to operate at a core power level of 2785 megawatts thermal, with an equivalent net electrical output of approximately 900 megawatts each. At the time that construction permits were issued for the Shearon Harris Nuclear Power Plant, there were four units to the facility. Subsequently, by letter dated December 18, 1981, which transmitted the application for operating licenses, the applicants have stated that Units 3 and 4 of the facility have been cancelled.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report, as part of its application. The report, which discusses environmental considerations related to the proposed operation of the facility, is being made available at the State Clearinghouse, Division of Budget and Management, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611 and at the Triangle J. Regional Council of Governments, P.O. Box 12276, Research Triangle Park, North Carolina 27709.

After the environmental report has been analyzed by the Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the Federal Register, a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permits. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the Federal Register.

The Commission will consider the issuance of facility operating licenses to Carolina Power & Light Company and North Carolina Municipal Power Agency Number 3, which would authorize the applicants to possess, use and operate the Shearon Harris Nuclear Power Plant, Units 1 and 2 in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicants' application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facility was authorized by Construction Permit Nos. CPPR-158 and CPPR-158 issued by the Commission on January 27, 1978. The applicants have advised that construction will be completed by December 1984 and June 1986 for Units 1 and 2 respectively.

With regard to Executive Order 11986, Floodplain Management, the Shearon Harris facility will have structures (or construction activities) located on the floodplain. The subject of floodplain management will be discussed in the Commission's environmental statement referenced above.

By Commission Memorandum and Order CLI--80--12, dated April 17, 1980 (11 NRC 269), the Commission directed the staff to conduct a preliminary assessment of Carolina Power & Light Company on the issue of management qualifications for operation at the time that an application was tendered for operating licenses for the Shearon Harris facility, and to include the results of that assessment in the notice of opportunity for hearing under 10 CFR 2.105. The staff has completed its preliminary assessment of this issue in accordance with the Commission direction. It is recognized that the final organization to support and control plant operation may be somewhat different from that now described in the Shearon Harris Final Safety Analysis Report and as modified by changes now underway. The staff will review the final organization and management of Carolina Power & Light Company as part of its final review of the Shearon Harris application and will report the results of that review in the staff's safety evaluation report. For now, however, on the basis of the preliminary assessment, the staff has concluded that the proposed organization and management for operation of the Shearon Harris facility, at both the corporate and plant levels, are acceptable. A copy of Commission Memorandum and Order CLI--80--12 and the staff's preliminary assessment of Carolina Power & Light Company on the issue of management qualifications are available for public inspection at the Commission's Public Document Room at 1717 H Street NW, Washington, D.C. and at the Wake County Public Library, 104 Fayetteville Street, Raleigh, North Carolina 27601.

In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicants will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

By February 26, 1982, the applicants may file a request for a hearing with respect to issuance of the facility operating licenses. By February 26, 1982 any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date(s), the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board Panel, will rule on the request order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularly the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in
the proceeding; and [3] the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555. The use of the term 'petition' for leave to intervene or for a hearing will not be entertained for leave to intervene or for a supplement to a petition for leave to intervene, amended petitions, supplemental petitions or requests to intervene, or requests for leave to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Licensing, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Date at Bethesda, Maryland this 15th day of January, 1982. For the Nuclear Regulatory Commission. Frank J. Miraglia, Chief, Licensing Branch No. 3, Division of Licensing.

[Docket No. 50-321]

Georgia Power Co., et al. (Edwin I. Hatch Nuclear Plant, Unit No. 1); Modification of January 13, 1981 Order

I

The Georgia Power Company [the licensee] and three co-owners are the holders of Facility Operating License No. DPR-57 which authorizes the licensee to operate the Edwin I. Hatch Nuclear Plant, Unit No. 1 (the facility) at steady state reactor power levels not in excess of 2436 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Appling County, Georgia.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) the licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the Federal Register on January 28, 1981 (46 FR 9279) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than April 30, 1982, or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, by letter dated February 27, 1981, the licensee stated that unforeseen difficulties and delays have been encountered primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

Most of the major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping have been or will be completed by the existing Order date. These modifications comprise a significant portion of the total program effort. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission is aware that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance
with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee’s proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion dates for needed plant modifications. This Order continues in effect the General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 104, and the Commission’s rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, “Order for Modification of License,” is hereby changed to read as follows: “Prior to the start of Cycle 7.” The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order on or before February 28, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission, and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, “Order for Modification of License,” should be changed to: “Prior to the start of Cycle 7.”

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell C. Eisenhut,
Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-2232 Filed 1-28-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-366]

Georgia Power Co., et al. (Edwin I. Hatch Nuclear Plant, Unit No. 2); Modification of January 13, 1981 Order

I

The Georgia Power Company (the licensee) and three co-owners are the holders of Facility Operating License No. NPF-5 which authorizes the licensee to operate the Edwin I. Hatch Nuclear Plant, Unit No. 2 (the facility) at steady state reactor power levels not in excess of 2436 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee’s site in Appling County, Georgia.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) the licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the Federal Register on January 28, 1981 (46 FR 9280) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than January 31, 1982, or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, by letter dated February 27, 1981, the licensee stated that unforeseen difficulties and delays have been encountered primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort, have already been completed or are in process of being completed during the current outage. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission is aware that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee’s proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion dates for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.
Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 1611, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to: "Prior to the start of Cycle 4." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

The licensee may request a hearing on this Order on or before February 26, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to: "Prior to the start of Cycle 4."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.
Darrell G. Eisenhut,
Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-2024 Filed 1-26-82; 8:45 am]
BILLING CODE 7900-01-M

(Docket No. 50-277)

Philadelphia Electric Co., et al. (Peach Bottom Atomic Power Station Unit No. 2); Modification of January 13, 1981 Order

The Philadelphia Electric Company (the licensee) and three other co-owners are the holders of Facility Operating License No. DPR-44 which authorizes the licensee to operate the Peach Bottom Atomic Power Station, Unit No. 2 (the facility) at power levels not in excess of 3293 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Peach Bottom, York County, Pennsylvania.

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the Federal Register on January 28, 1981 (46 FR 9294) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than January 31, 1982, or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken. Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, in the June 28, 1981 Mark I Owners Group Status Summary Report, the licensee identified unforeseen difficulties and delays primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort, will be completed during the outage that is prior to or expected to coincide with the existing Order date. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion dates for needed plant modification. This Order continues in effect the exemption to General Design Criterion 59 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 1611, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "no later than the start of Cycle 6 for completion of the major modifications and no later than the start of Cycle 7 for completion of the remaining modifications." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

The licensee may request a hearing on this Order on or before February 26, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the
Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to read as follows: "no later than the start of Cycle 6 for completion of the major modifications and no later than the start of Cycle 7 for completion of the remaining modifications."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenbutt,
Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[F.R. Doc. 82-2025 Filed 1-28-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-278]

Philadelphia Electric Co., et al., (Peach Bottom Atomic Power Station Unit No. 3); Modification of January 13, 1981 Order

I

The Philadelphia Electric Company (the licensee) and three other co-owners are the holders of Facility Operating License No. DPR-56 which authorizes the licensee to operate the Peach Bottom Atomic Power Station, Unit No. 3 (the facility) at power levels not in excess of 3293 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Peach bottom, York County, Pennsylvania.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21089 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the Federal Register on January 28, 1981 (46 FR 9297) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than January 31, 1982, or, if the plant is shut down on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, in the June 29, 1981 Mark I Owners Group Status Summary Report, the licensee identified unforeseen difficulties and delays primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort have already been completed or are in the process of being completed during the current outage. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion dates for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "no later than the start of Cycle 6." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order on or before January 28, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to read as follows: "no later than the start of Cycle 6."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.
For the Nuclear Regulatory Commission.
Darrell G. Eisennut,
Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-2020 Filed 1-20-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-266 OLA and 50-301 OLA]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Units 1 and 2);
Oral Argument

Notice is hereby given that, in accordance with the Appeal Board’s Order of January 20, 1982, oral argument on the appeal of the intervenor, Wisconsin’s Environmental Decade, from the November 5, 1981 Memorandum and Order of the Licensing Board in this license amendment proceeding will be heard at 10:00 a.m. on Wednesday, February 10, 1982, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: January 20, 1982.
For the Appeal Board.
C. Jean Shoemaker,
Secretary to the Appeal Board.

[FR Doc. 82-2027 Filed 1-20-82; 8:45 am]
BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22365; (70-6306)]

Consolidated Natural Gas Co.; Proposed Extension of Period To Issue Common Stock Under Dividend Reinvestment Plan and Employee Stock Ownership Plan; Exception From Competitive Bidding

January 18, 1982.
The Consolidated Natural Gas Company ("Consolidated"), 100 Broadway, New York, New York 10005, a registered holding company, has filed with this Commission a post-effective amendment to its declaration previously filed and amended pursuant to sections 6(a), 7 and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50(a)(5) promulgated thereunder.

By order of June 7, 1979 (HCAR No. 21089), Consolidated was authorized to issue and sell 1,000,000 shares of common stock, $8 par value, from time to time through December 31, 1981, to the agent for Consolidated’s common stockholders participating in its dividend reinvestment plan ("DRP Plan") and to the Trustees of the Employee stock ownership plan ("ESOP Plan") of Consolidated and its participating subsidiaries.

By post-effective amendment Consolidated requested that the period authorized by the order of June 7, 1979 (HCAR No. 21089) for common stock issuance be extended to December 31, 1983 for the 899,978 shares remaining unissued.

Under the Economic Recovery Tax Act of 1981 ("ERTA") a domestic public utility company may establish a plan for issuance of qualified stock under which a shareholder shall have the right to receive dividends in cash (which will be taxable in the year of receipt) or dividends in stock (the tax on which will be deferred); Consolidated’s common stock is qualified under ERTA. For the calendar years 1982-1985, an individual electing to receive a stock dividend may exclude annually from his tax return up to $750 ($1,500 in the case of a joint return) of the value of the stock dividend received. However, the shares received as dividends must be newly issued common stock, and the number of shares distributed to a shareholder must be determined by reference to a value not less than 95% nor greater than 105% of the value of the stock during the period immediately preceding the distribution date. Consolidated intends to issue new common stock, particularly under its DRP plan, because based upon past experience Consolidated earns a greater net return from sales under its DRP and ESOP Plans than from public sale and its stockholders receive tax benefits.

Consolidated seeks an exception from the competitive bidding requirements of Rule 50 pursuant to subsection (a)(5) thereof because the nature of the proposed transactions does not require competitive bids to determine the reasonableness of fees and commissions.

The declaration as amended by the post-effective amendment and any amendments thereto are available for public inspection through the Commission’s Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by February 11, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the declaration as amended by the post-effective amendment or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority:
George A. Fitzsimmons,
Secretary.

[FR Doc. 82-1969 Filed 1-20-82; 8:45 am]
BILLING CODE 8010-01-M

TAHOE REGIONAL PLANNING AGENCY

Threshold Carrying Capacities for Lake Tahoe Basin, California and Nevada; Intent To Prepare an Environmental Impact Statement

The Tahoe Regional Planning Agency will prepare an environmental impact statement for the establishment of environmental threshold carrying capacities for the Lake Tahoe Basin. Environmental threshold carrying capacities will affect the entire Basin including portions of El Dorado and Placer Counties in California and portions of Douglas, Carson City, and Washoe Counties in Nevada. The environmental impact statement will be prepared in accordance with Article V of Public Law 95-551, and the Tahoe Regional Planning Compact. The establishment of environmental threshold carrying capacities in require by Article V(b) of this Compact.

Thresholds are the decision parameters to be used in updating the Tahoe Regional Plan; they are necessary to maintain significant scenic, recreational, educational, scientific and natural values of the region as well as maintain public health and safety within the region. Establishment of environmental threshold carrying capacities are therefore the steps in revising the long-range plan for the Lake Tahoe Basin; they establish the scope of the process by requiring each alternative to maintain its adopted environmental threshold.

Public notice will be given of meetings to explain this process and to determin
the scope of interest in the threshold capacity evaluations. In addition, there will be periodic open meetings of a steering committee to be appointed by the Governing Body of the Agency to oversee this process. Public notice will also be given to these meetings. Written comments and suggestions concerning the planning process may be submitted to the Agency. They should be received by February 1, 1982.

The resulting environmental impact statement will be made available for a 60-day public review and comment period beginning in April, 1982. Written comments will be solicited and a public hearing will be conducted during this review period also.

The Governing Board of the Tahoe Regional Planning Agency is ultimately responsible for both the certification of the environmental impact statement and establishment of environmental threshold carrying capacities. Send written comments and requests for further information to: Randy Sheffield, Tahoe Regional Planning Agency, P.O. Box 8896, South Lake Tahoe, California 95731. Phone (916) 541-0249.

Dated: January 18, 1982.

Philip A. Overeynder, Director, Tahoe Regional Planning Area.

DEPARTMENT OF THE TREASURY
Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 1–82]

Series N–1984 Treasury Notes; Interest Rate


The Secretary announced on January 20, 1982, that the interest rate on the notes designated Series N–1984, described in Department Circular—Public Debt Series—No. 1–82 dated January 15, 1982, will be 15 percent. Interest on the notes will be payable at the rate of 15 percent per annum.

Paul H. Taylor, Fiscal Assistant Secretary.

Washington, DC, on February 25, 1982, at 8:30 a.m. The purpose of the meeting will be to assemble and analyze information concerning toxicological issues which the Veterans Administration needs to formulate appropriate medical policy and procedures in the interest of veterans who may have encountered herbicidal chemicals used during the Vietnam Conflict.

The meeting will be opened to the public up to the seating capacity of the room. Members of the public may direct questions, in writing only, to the Chairman, Barclay M. Shepard, M.D., and submit prepared statements for review by the Committee. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Transcripts of the proceedings and rosters of the Committee members may be obtained from Mr. Donald Rosenblum, Office of the Special Assistant to the Chief Medical Director for Environmental Medicine (102), Room 848, Department of Medicine and Surgery, Veterans Administration Central Office, Washington, DC 20420 (Telephone: (202) 389-5411).


Robert P. Nimmo, Administrator.

VETERANS ADMINISTRATION
Advisory Committee on Health-Related Effects of Herbicides; Meeting

The Veterans Administration gives notice under the provisions of Pub. L. 92–463 that a meeting of the Advisory Committee on Health-Related Effects of Herbicides will be held in Room 119 of the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC.
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

Federal Deposit Insurance Corporation ........................................... 1, 2
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Nuclear Regulatory Commission ..................................................... 7
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1 FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, February 1, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

United Pacific Bank, a proposed new bank, to be located at 419 College Street, Los Angeles, California.

The Wolfeboro Savings Bank, a proposed new bank, to be located at the intersection of Center and Pine Streets, Wolfeboro, New Hampshire.

Application for consent to purchase assets and assume liabilities and establish one branch:

Olympic Bank Everett, Washington, for consent to purchase the assets of and assume the liability to pay deposits made in Bank of Anacortes, Anacortes, Washington, and to establish the sole office of Bank of Anacortes as a branch of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:


Memorandum and Resolution re: South Side Bank, Chicago, Illinois.


Memorandum re: Mileage rates paid to Corporation employees.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the
"Government in the Sunshine Act" [5 U.S.C. 55ab(c)(2) and (c)(6)].

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at [202] 389-4425.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson, Executive Secretary.

INFORMATION:

CONTACT PERSON FOR MORE
previously announced meeting.

Reserve System employees.

promotions, assignments, reassignments, and
regarding Treasury proposals of securities

MATTERS TO BE CONSIDERED:

STATUS:

PLACE:

February

TIME AND DATE:

Board of Governors
FEDERAL RESERVE SYSTEM

BILLING CODE

Secretary.

Kenneth F. Plumb,
Executive Secretary.

Item No., Docket No., and Company
CAG-25: CP-82-10-000, Consolidated Gas Supply Corporation

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company
CAG-25: CP-82-10-000, Consolidated Gas Supply Corporation

INFORMATION:

CONTACT PERSON FOR MORE
information.

MATTERS TO BE CONSIDERED:

2. President's Report.
5. The Inter-American Foundation in Guatemala.
6. The Inter-American Foundation in Colombia.

CONTACT PERSON FOR MORE
INFORMATION: Lawrence E. Bruce, Jr. (703) 841-3812.

James McAfee,
Assistant Secretary of the Board.

BILLING CODE 6210-01-M

5

INTER-AMERICAN FOUNDATION

TIME AND DATE: 9:30 a.m.-3:30 p.m., February 2, 1982.

PLACE: Board Room, Inter-American -
Foundation, 1515 Wilson Boulevard,
Arlington, VA 22209.

STATUS: Open.

MATTERS TO BE CONSIDERED:

2. President's Report.
5. The Inter-American Foundation in
Guatemala.
6. The Inter-American Foundation in
Colombia.

CONTACT PERSON FOR MORE
INFORMATION: Lawrence E. Bruce, Jr. (703) 841-3812.

James McAfee,
Assistant Secretary of the Board.

BILLING CODE 6210-01-M

6

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday,
February 3, 1982.

PLACE: Board Hearing Room, eighth
floor, 1425 K Street NW., Washington,
D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of Board actions taken by
 notation voting during the month of January.
1982.
2. Other priority matters which may come
before the Board for which notice will be
given at earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies
of the monthly report of the Board's
notation voting actions will be available
from the Executive Secretary's office
following the meeting.

CONTACT PERSON FOR MORE
INFORMATION: Mr. Rowland K. Quinn,
Jr., Executive Secretary; Tel: [202] 520-
5920.


FILED 1-25-82: 3:10 am.

BILLING CODE 7025-01-M

7

NUCLEAR REGULATORY COMMISSION

DATE: Week of January 25, 1982
(Revised) and Week of February 1, 1982.

PLACE: Commissioners Conference
Room, 1717 H Street, N.W., Washington,
D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Monday,
January 25:
2:00 p.m.:
Discussion of Management-Organization
and Internal Personnel Matters (closed
meeting) (as announced)

Wednesday, January 27:
10:00 a.m.:
Discussion of Diablo Canyon Report
(closed meeting)

2:30 p.m.:
Discussion of Export Licensing Policy
(closed meeting) (as announced; time
changed)

Thursday, January 28:
10:00 a.m.:
Discussion of Waste Confidence
Proceeding (closed meeting) (postponed
from January 21, 1982)

3:00 p.m.:
Affirmation/Discussion Session (public
meeting) ( items revised)

Items to be affirmed and/or discussed:

a. Revised General Statement of Policy and
Procedure for Enforcement Actions
(posponed from January 21)

b. Dr. George V. Taplin's Petition (PRM
35-1) Regarding 10 CFR Part 35, "Human
Uses of Byproduct Material"

c. General License for Mill Tailings in
Agreement States

Friday, January 29:
10:00 a.m.:
Discussion of Quality Assurance/Quality
Control (public meeting) (as announced)

Tuesday, February 2:
2:00 p.m.:
Briefing on Status of Committee for Review
of Generic Requirements (public meeting)

Wednesday, February 3:
10:00 a.m.:
Discussion of Contested Issues in TMI-1
Restart Proceeding (closed meeting)

Thursday, February 4:
10:00 a.m.:
Meeting with FEMA on Rulemaking on
Frequency of Exercises (public meeting)

2:00 p.m.:
Briefing by Industry on Plans for Quality
Assurance Improvement (public meeting)
(approximately 1½ hours)

3:30 p.m.:
Affirmation/Discussion Session (public
meeting)

Items to be affirmed and/or discussed:

a. Proposed Addition on 10 CFR 50.73
Establishing the Licensee Event Report
(LER) System

b. Final Rule for Eliminating Need for
Power and Alternative Energy Sources
as Issues in OL Proceedings

c. Amendments to Part 1 and 2 to
Implement the Commission's Delegation
of OL Antitrust Determination to Directors of NRR and NMSS
d. Petition for Reconsideration and Request for Immediate Suspension of New Safeguards Information Regulations Implementing Section 147 (postponed from January 21)
e. Diablo Canyon Physical Security—Governor Brown's Request for Public Disclosure of Non-Protection Information

Friday, February 5:
10:00 a.m.
  Meeting with ACRS (public meeting)
2:00 p.m.
  Briefing on Regulatory Reform Task Force (public meeting)

ADDITIONAL INFORMATION: By a vote of 5–0 on January 21, 1982, the Commission determined pursuant to 5 U.S.C. 552(b)(1) and 9.107(a) of the Commission's Rules, that Commission business required that Discussion of Enforcement Matter (closed meeting) and, by a vote of 4–0 (Commissioner Roberts not present), that affirmation of FOIA Appeal [81-A-18C] Regarding Military Functions Rule, held that day be held on less than one week's notice to the public.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Gary M. Gilbert, (202) 634–1410.

Gary M. Gilbert,
Office of the Secretary
[S–117–82 Filed 1–25–82: 5:10 pm]
BILLING CODE 7590–01–M

8
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
TIME AND DATE: 10 a.m. on February 4, 1982.
PLACE: Room 1101, 1825 K Street, NW., Washington, D.C.
STATUS: Because of the subject matter, it is likely that this meeting will be closed.
MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.
CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634–4015.
Dated: January 22, 1982.
[S–111–82 Filed 1–22–82: 4:16 pm]
BILLING CODE 7600–01–M

9
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
TIME AND DATE: 10 a.m. on February 11, 1982.
PLACE: Room 1101, 1825 K Street, NW., Washington, D.C.
STATUS: Because of the subject matter, it is likely that this meeting will be closed.
MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.
CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634–4015.
Dated: January 22, 1982.
[S–112–82 Filed 1–22–82: 4:16 pm]
BILLING CODE 7600–01–M

10
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
TIME AND DATE: 10 a.m. on February 18, 1982.
PLACE: Room 1101, 1825 K Street, NW., Washington, D.C.
STATUS: Because of the subject matter, it is likely that this meeting will be closed.
MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.
CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634–4015.
Dated: January 22, 1982.
[S–113–82 Filed 1–22–82: 4:16 pm]
BILLING CODE 7600–01–M
Part II

Architectural and Transportation Barriers Compliance Board

Minimum Guidelines and Requirements for Accessible Design; Amendment to Final Rule and Notice of Proposed Rulemaking
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1190

Minimum Guidelines and Requirements for Accessible Design

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Amendment to final rule.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (ATBCB or Board) to insure compliance with standards issued under the Architectural Barriers Act of 1968 (36 CFR 1190) scoping and technical provisions of the guidelines and requirements provide a basis for the issuance of consistent and improved accessibility standards by four Federal standard-setting agencies: General Services Administration (GSA), Department of Defense (DOD), Department of Housing and Urban Development (HUD), and the United States Postal Service (USPS), under the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151 et seq.).

A Notice of Intent on the guidelines and requirements was published in the Federal Register on February 22, 1980 (45 FR 12167), and a Notice of Proposed Rulemaking (NPRM) was published in the Federal Register on August 18, 1980 (45 FR 55101). A draft regulatory analysis, prepared in accordance with Executive Order 12264, was published in the August 18, 1980, Federal Register for comment along with the NPRM. The Final Rule was published in the Federal Register on January 16, 1981. These documents as well as other information used as the basis for the rule are available for inspection at the ATBCB offices.

On July 10, 1981, the ATBCB determined to publish in the Federal Register a notice proposing amendments to the telephone provisions (see 49 FR 39764, August 4, 1981, ATBCB Docket Number 81-G-2). A second notice proposing rescission of the guidelines and requirements was also published in the same Federal Register. For further information on Board actions concerning the notice proposing rescission and subsequent actions taken by the Board on the guidelines and requirements, see the notice of proposed rulemaking published elsewhere in this Federal Register.

At its December 1981 Board meeting, the ATBCB adopted as a final rule the amendments proposed at 49 FR 39764 on August 4, 1981, addressing scoping and technical requirements for public telephones and related equipment. The Board believes that these amendments to the rule resolve questions on specific issues raised concerning these requirements and, therefore, decided to publish these amendments separately from the rulemaking concerning other portions of the guidelines and requirements.

B. Overview of the Amendments

Amendments to the scoping provisions of the final rule provide that if one or more public telephones are provided and installed as single units or if two or more telephones are installed in a bank of telephones on any floor, then there shall be at least one accessible public telephone on each floor where public telephones are provided. Accessible telephones must meet the requirements of §1190.210 and can be either side-reach telephones with the highest operable part mounted at a maximum of 4'-6" or forward-reach telephones with the highest operable part mounted at a maximum of 4'-0". If two or more banks of telephones are provided on any floor, then it is required that at least one accessible telephone per floor be mounted with the highest operable part at a maximum of 4'-0". The installer must provide at least one accessible telephone—mounted at either 4'-0" or 4'-6"—in proximity to each bank. The accessible public telephone does not have to be attached to the bank as long as it is in proximity to the bank of telephones.

The telephone companies and enclosure manufacturers pointed out that the equipment provided for exterior installations is technically different from interior installations and, as a result, difficulties are encountered in providing adequate service if the 4'-0" mounting height is used for some exterior telephones. As a result, the Board includes an exception for exterior public telephones for areas which do not have dial-tone-first service. For these areas only, the forward reach 4'-0" telephone is not required.

On January 6, 1981, the Architectural and Transportation Barriers Compliance Board adopted as a final rule its "Minimum Guidelines and Requirements for Standards for Accessibility and Usability of Federal and Federally-Funded Buildings and Facilities by Physically Handicapped Persons" (Minimum Guidelines and Requirements for Accessible Design or guidelines and requirements). These guidelines and requirements were issued pursuant to the Rehabilitation Comprehensive Services and Developmental Disabilities Amendments of 1978, amending the Rehabilitation Act of 1973, Pub. L. 93-112, codified at 29 U.S.C. 792, and were published in the Federal Register on January 18, 1981 (46 FR 4270). The guidelines and requirements provide a basis for the issuance of consistent and improved accessibility standards by four Federal standard-setting agencies: General Services Administration (GSA), Department of Defense (DOD), Department of Housing and Urban Development (HUD), and the United States Postal Service (USPS), under the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151 et seq.).

1 The agency members are the heads or their designees (Executive Level IV or above) of the Departments of Education; Transportation; Health and Human Services; Housing and Urban Development; Labor; Interior; Justice; Defense; General Services Administration; Veterans Administration; United States Postal Service. The Act requires at least five of the members from the general public to be physically handicapped.

The requirement for volume controls remains unchanged from the rule issued January 6, 1981, except that language has been added encouraging the installation of additional volume controls. A paragraph requiring that signage directing persons to accessible telephones has also been added.

The technical portions for Human Data (§ 1190.40) and Telephones (§ 1190.210) are closely related; thus, if revisions in the technical provisions occur in one section, changes may also occur in the other. For example, a 10'' maximum distance is not permitted between the wheelchair and the object to be reached (Figure 4.17). These changes are also reflected in Figures 21.1 and 21.2 that appear in § 1190.210 Telephones. The amendments were made based on a 1975 Dreyfus study and on comments submitted by the telephone industry.

A maximum 2'-0'' depth is allowed for alcoves that are 2'-6'' wide because a wheelchair user entering an alcove that is deeper than 2'-0'' may experience significant problems getting out of that space (§ 1190.40(c)(6) and Figures 4.8, 4.9, 4.10, and 4.11). Alcoves requiring the use of a clear floor space deeper than 2'-0'' must have a 3'-0'' opening. Telephone equipment manufacturers were concerned as to the effects this requirement would have on the design of telephone enclosures. On examination of this provision, it was determined that the original requirements did not necessarily prohibit the use of a 2'-6'' opening if the alcove was over 2'-0'' in depth. Since such objects as telephones mounted in the alcove can protrude 6'' from the wall opposite the alcove’s entrance, the actual clear floor space that the wheelchair user requires becomes 2'-6'' deep rather than 2'-6''. A note clarifying paragraph 1190.40(c), along with changes to Figure 21.3, has been included in the final rule.

Two new figures (4.12 and 4.13) and explanatory text were added to the human data section to clarify reach limitation for wheelchair users. These provisions were also based upon dimensions found in the 1975 Dreyfus study and other well accepted research data establishing the 4'-0'' and 4'-6'' reach requirements.

Technical provisions at § 1190.210(d) in the telephone sections were revised to clarify that mounting height is based on the location of the highest operable parts which are essential to the basic operation of the telephone. The revision was necessary to include such technology as the dial-tone-first or the credit card emboss situation. A note has also been added to Figures 21.4 and 21.5 to reflect this clarification.

Figure 21.4 in § 1190.210 was revised to reflect that any width is permissible for the side reach telephone enclosure since clear floor space and minimum shelf height requirements specified by Figure 21.1 and 1190.40 will allow access to the telephone. It should also be noted that this clear floor or ground space is required to be positioned so that an object, such as a telephone, can be reached from a wheelchair (see Figure 4.12 and 4.13) and that it is permissible for this clear floor space to overlap the clear space required for other objects (1190.40(c)).

C. Analysis of Comments

Sixty-three responses were included in the ATBCB Docket Number 81–G–2. Respondents included the following: Two Board members (GSA and USPS); eleven State and local government agencies; fifteen handicapped organizations including six representing hearing impaired and deaf individuals; six veterans organizations (all representing Paralyzed Veterans of America); one code organization, National Conference of States on Building Codes and Standards, Inc.; three industries; six education-affiliated organizations; and eleven individual responses. Three duplicat responses and four responses that did not directly address the proposed rulemaking, were also received.

Twenty-eight respondents opposed the proposed amendments. General Telephone & Electronics (GTE), American Telephone and Telegraph (AT&T) and the Committee of Independent Telephone Enclosure Manufacturers were all complimentary of the Board’s efforts and willingness to respond to concerns raised by the industry. GTE said that the Board has struck a proper balance between accessibility and cost-effectiveness.

Eight respondents opposed the proposed amendments, with all except one of these comments recommending the inclusion of volume controls and TDD’s in the regulation.

Six respondents, including the California State University at Northridge and the Arkansas Department of Human Services, expressed a preference for the more stringent provisions contained in the January 1981 final rule.

Copies of these comments are available for inspection at the Board’s office.

D. Executive Order 12291 and Regulatory Flexibility Act

This amendment to the final rule has been reviewed under procedures established in Executive Order 12291 and has been designated as a “non-major rule.”

The Architectural and Transportation Barriers Compliance Board has concluded that the rule will not have a significant economic impact on a substantial number of small entities and that the requirement of the Regulatory Flexibility Act, Pub. L. 96–554, for a regulatory flexibility analysis is not applicable. The ATBCB rule directly impacts four Federal agencies—the General Services Administration, Department of Housing and Urban Development, Department of Defense, and United States Postal Service—who are to issue standards in accordance with the Architectural Barriers Act of 1968. Final determination of possible effect, if any, on recipients of Federal construction funds and on small businesses will be made at the time the standards based on these guidelines and requirements are issued by these standard-setting agencies.

In conclusion of the foregoing, Part 1190 of Title 36 of the Code of Federal Regulations is amended to read as set forth below.

Dated: December 1, 1981.

By vote of the Board.

Mason H. Rose, V, Chairperson, Architectural and Transportation Barriers Compliance Board.

Wm. Bradford Reynolds,
Vice Chairperson, Architectural and Transportation Barriers Compliance Board, and Assistant Attorney General for Civil Rights.

§ 1190.31 Accessible buildings and facilities: New construction.

(q) Telephones. (1) If public telephones are provided, then accessible public telephones shall comply with §§ 1190.210, Telephones, and the following table:
(2) At least one of the public telephones complying with § 1190.210, Telephones, shall be equipped with a volume control. The installation of additional volume controls is encouraged and these may be installed on any public telephone provided.

(3) Signage complying with § 1190.220, Signage, shall be provided at public telephones and shall direct persons to public telephones complying with § 1190.210, Telephones.

2. § 1190.40 is amended by revising the text of paragraph (c)(5) [excluding Figures 4.8 through 4.11] and the introductory text of paragraphs (d) and (d)(1); adding Figures 4.12 and 4.13 and inserting them following the revised introductory text of paragraph (d); and redesignating old Figures 4.12, 4.13, 4.14, 4.15, and 4.16 as Figures 4.14, 4.15, 4.16, 4.17, and 4.18.

§ 1190.40 Human Data

(c)

(5) If clear floor or ground space is confined or restricted on all or part of three sides, provide additional maneuvering space adjoining clear floor or ground space as shown in Figures 4.8, 4.9, 4.10, and 4.11. For example, a 2'-6" depth is satisfactory for a telephone enclosure that is 2'-6" square since the telephone protrudes from the wall 6" and thus reduces the actual depth of the "alcove" to 2'-0".

(d) Reach limitations for wheelchair users. Reach limitations for wheelchair users is a function of the mounting height of the object being reached and the distance the object is from the user (figs. 4.12 and 4.13).
(iii) Maximum height of reach for a forward approach over an obstruction shall comply with figures 4.15 and 4.16.

(2) Side reach (parallel approach):
   (i) Maximum height of reach for a parallel approach shall be 4’-6” (1,370 mm) (fig. 4.17).
   (ii) Minimum height of reach for a parallel approach shall be 9 inches (230 mm) (fig. 4.17).

(iii) Maximum height of reach for a side approach over an obstruction shall comply with figure 4.18.

3. § 1190.210 is amended by redesignating paragraphs (c) as (d) and (d) as (e); adding a new paragraph (c); revising figures 21.1, 21.2, and 21.3 and inserting them following new paragraph (c); revising newly designated (d)(1), inserting figures 21.4 and 21.5 and inserting them following paragraph (d)(1); and removing figure 21.6 as follows:

§ 1190.210 Telephones.

(c) Protruding Objects. Telephones shall comply with § 1190.50 (c). Protruding objects.
(d) Equipment characteristics. Telephone equipment shall:

1. Have the highest operable parts which are essential to the basic operation of the telephone located at a maximum of 4'-6" (1370 mm) above finish floor for side reach (fig. 21.4) and at a maximum of 4'-0" (1220 mm) above finish floor for forward reach.

```
forward approach
telephone enclosures

side reach
telephone enclosures

more than 2'-0"
610
1'-8" max.
510 SHELF HEIGHT
ABOVE FLOOR:
2'-3" MIN.,
2'-10" MAX.

2'-6"
760

2'-0" max.
610
1'-8" max.
510 SHELF HEIGHT
ABOVE FLOOR:
2'-3" MIN.,
2'-10" MAX.

2'-6"
760

forward reach
telephone enclosures

forward approach
telephone enclosures
```

See Figures 21.2 & 21.3 as required by Para. 1180.50(c)

See Figure 21.1 as required by Para. 1180.50(c)

*Highest operable parts which are essential to the basic operation of the telephone.
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1190

[ATBCB Docket Number 81-G-3]

Minimum Guidelines and Requirements for Accessible Design

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Architectural and Transportation Barriers Compliance Board issues a notice of proposed rulemaking to amend its minimum guidelines and requirements (guidelines and requirements) for standards for accessibility and usability of Federal and federally-funded buildings and facilities by physically handicapped persons published in the Federal Register as a final rule on January 18, 1981 (46 FR 4270, codified at 36 CFR Part 1190). The guidelines and requirements and this notice of proposed rulemaking are issued pursuant to the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, amending the Rehabilitation Act of 1973, Pub. L. 93–112. The guidelines and requirements provide a basis for the issuance of consistent and improved accessibility and usability standards issued by four standard setting agencies, the General Services Administration, Department of Housing and Urban Development, Department of Defense, and United States Postal Service, under the Architectural Barriers Act of 1988, as amended.

The Board intends by this action to amend the existing minimum guidelines and requirements so that they provide ready access and use, yet are more cost effective and consistent with other Federal and nationally recognized standards. A final rule consistent with this purpose may eliminate any need to rescind the existing minimum guidelines and requirements, as proposed in the Federal Register of August 4, 1981 (Docket 81-G–1) and in the notice of extension of comment period published on September 29, 1981. Each comment received in response to ATBCB Docket 81-G–1 will be included and evaluated as a response to this rulemaking (ATBCB Docket 81-G–3).

DATE: Written comments must be received or postmarked on or before March 15, 1982.

ADDRESS: Written comments should be submitted to the Docket Officer, ATBCB Rulemaking Docket Number 81-G–3, Architectural and Transportation Barriers Compliance Board, Room 1014, 330 C Street, SW., Washington, D.C. 20202. Comments received will be available for public inspection in room 1014 from 9 a.m. to 5:30 p.m., Monday through Friday. To inspect the docket, contact Mr. Larry Allison, Director of Public Information, Room 1014, 330 C Street, SW., Washington, D.C. 20202; 202/245–1591 (voice or TDD).

FOR FURTHER INFORMATION CONTACT: For information on the applicability, scoping, and technical provisions of the Board’s Minimum Guidelines and Requirements for Accessible Design (36 CFR Part 1190) and on this Notice of Proposed Rulemaking (NPRM) contact Ms. Sally Free, Office of Technical Services, Room 1014, 330 C Street, SW., Washington, D.C. 20202; (202) 427–2700 (voice) or Mr. Charles D. Goldman, General Counsel, Room 1010, 330 C Street, SW., Washington, D.C. 20202; (202) 245–1801 (voice or TDD).

Additional copies of this NPRM or of the ATBCB Minimum Guidelines and Requirements for Accessible Design (36 CFR 1190), contact Ms. Diane Pernick, Office of Public Information, Room 1014, 330 C Street, SW., Washington, D.C. 20202; (202) 245–1591 (voice or TDD). Copies of this NPRM and the Guidelines and requirements are available on tape for those with visual impairments. These documents may be obtained at the above address or by contacting Ms. Pernick.

SUPPLEMENTARY INFORMATION: On January 6, 1981, the Architectural and Transportation Barriers Compliance Board (ATBCB or the Board) adopted as a final rule its “Minimum Guidelines and Requirements for Standards for Accessibility and Usability of Federal and Federally Funded Buildings and Facilities by Physically Handicapped Persons (Minimum Guidelines and Requirements for Accessible Design or guidelines and requirements). These guidelines and requirements were issued pursuant to the Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978, codified at 29 U.S.C. 792, and were published in the Federal Register on January 16, 1981 (46 FR 4270). The guidelines and requirements are to provide a basis for the issuance of consistent and improved accessibility standards by four Federal standard-setting agencies: General Services Administration (GSA), Department of Defense (Defense), Department of Housing and Urban Development (HUD), and the United States Postal Service (USPS), under the Architectural Barriers Act of 1988, as amended (42 U.S.C. 4151, et seq.). On July 10, 1981, the ATBCB determined to publish in the Federal Register a notice proposing rescission of its January 6, 1981, Minimum Guidelines and Requirements for Accessible Design (46 FR 39764, August 4, 1981; ATBCB Docket 81-G–1) and the development of alternative minimum guidelines and requirements, as well as to publish a notice of proposed rulemaking regarding the regulation’s scoping and technical provisions for accessible telephones (46 FR 39764, August 4, 1981; ATBCB Docket 81-G–2). Because several Senators, Congressmen, individuals, and organizations requested additional time for the submission of comments to ATBCB Docket 81–G–1, the Board extended the period for comments to November 6, 1981. In the notice extending the comment period, the Board identified portions of its January, 1981, regulations in which specific comments were requested. Such items included parking and passenger loading zones, entrances, elevators, toilet and bathing facilities, alarms, listening systems, additions, alterations, leases, special use facilities, and residential structures. The Board emphasized that it sought public comments on all parts of the guidelines and requirements and specifically asked for comments on which sections of this regulation should be retained, which sections should be modified, and which sections should be reserved. The Board also requested comments on the clarity and format of the regulation.

For background on the Architectural and Transportation Barriers Compliance Board’s current guidelines and requirements, including the overview and section-by-section analysis of the current guidelines and requirements, see the Preamble at 46 FR 4270 (Jan. 16, 1981), codified at 36 CFR Part 1190, Preamble A.

Amendments are proposed to Subpart A—General, Subpart C—Scoping, and Subpart D—Technical. Amendments to the guidelines and requirements’ technical provisions (Subpart D) are proposed in order to reduce the number of differences between the Board’s guidelines and requirements and the American National Standard Institute Standard “Specifications for making Buildings and Facilities Accessible and Usable by Physically Handicapped Persons” (ANSI A117.1 (1980) or ANSI). Where such differences remain, the Board’s guidelines and requirements are in all material respects similar to the draft proposed Uniform Federal Standards as developed by the Uniform Task Force established at the request of the Director, Office of Management and
Budget. The General Services Administration, the Department of Housing and Urban Development, the United States Postal Service, and the Department of Defense—the four voting members of the Uniform Task Force—are working toward adopting a uniform federal standard as their required Architectural Barriers Act standards.

Subparts C and D present generic specifications for application to general building types intended for public or common use. Subpart E. Special Building or Facility Types or Elements, continues to be reserved for future development by the ATBCB. With regard to housing, said development will be consistent with the accessibility requirements currently contained in HUD’s Minimum Property Standards and 24 CFR Part 40. The proposed Uniform Federal Accessibility Standard now under development will address special building and facility types and elements and will provide a basis for future development of the reserve Subpart E.

The text of the proposed changes to the guidelines and requirements use ▶ ◄ arrows to indicate additions and [ ] brackets to indicate deletions. Proposed technical changes to Subpart D are highlighted in italics in addition to using the arrows and brackets. The equivalent ANSI technical provision is noted in the margin and under appropriate figures. Technical provisions and definitions contained in the guidelines and requirements but not found in ANSI are underlined. An asterisk (*) in the left margin notes a provision on which the Board requests public comment on a specific question or alternative. For information on ATBCB provisions which are proposed to remain unchanged, see the preamble at 46 FR 4270 (Jan. 16, 1981). A detailed analysis of the final rule will be published with the rule.

It is recognized that any of the requirements embodied in the standard based on the proposed amendments are subject to the waiver and modification provisions of section 8 of the Architectural Barriers Act, 42 U.S.C. 4156.

The proposed amendments respond to concerns registered by certain Board members and to issues raised in comments submitted to ATBCB Docket 81-G-1 (notice of proposed rulemaking proposing rescission of minimum guidelines and requirements) and 81-G-2 (notice of proposed rulemaking on telephones).

Three thousand three hundred and sixty-six (3,366) timely comments were received in response to the notice of proposed rulemaking to rescind the guidelines and requirements and to the subsequent notice of extension extending this notice (ATBCB Docket 81-G-1). The overwhelming numerical majority of the responses support having the Board issue minimum guidelines and requirements. A number of comments were received in response to questions posed in the NPRM and in the Notice of Extension. These comments, some of which included helpful substantive proposals to modify the existing guidelines, have been carefully considered in the development of this proposed rulemaking. The minutes of the December 1, 1981, Board meeting, all comments, summaries, and other documents pertaining to this rulemaking are available for inspection at the Board’s offices.

At its meeting of December 1, 1981, the Board voted unanimously to issue final amendments to the guidelines and requirements insofar as the regulation relates to telephones and related equipment. The final amendments are published elsewhere in this Federal Register. Paragraphs in this instant notice of proposed rulemaking affected by the issuance of the final amendments are noted in the text of this proposed rule.

This proposed rule has been reviewed in accordance with Executive Order 12291 and has been designated as a "major rule" for which the regulatory impact analysis has been waived.

The Architectural and Transportation Barriers Compliance Board has concluded that the proposed rule will not have a significant economic impact on a substantial number of small entities and that the requirement of the Regulatory Flexibility Act, Pub. L. 96-354, for a regulatory flexibility analysis is not applicable. The Architectural and Transportation Barriers Compliance Board’s proposed rule directly impacts four Federal agencies—the General Services Administration, Department of Housing and Urban Development, Department of Defense, and United States Postal Service—who are to issue standards in accordance with the Architectural Barriers Act of 1988. Final determination of possible effect, if any, on recipients of Federal construction funds and on small businesses will be made as these guidelines and requirements are issued by the standard-setting agencies.

The Architectural and Transportation Barriers Compliance Board has also determined that the issuance of the proposed amendments to the minimum guidelines and requirements will not have any significant impact on the environment. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4322.

Conclusion:

In consideration of the foregoing, it is proposed to revise Part 4150 of Title 36 of the Code of Federal Regulations to read as set forth below, with the exception of certain amendments to §§ 1190.31, 1190.40, and 1190.210 which are adopted as an amendment to a final rule in a document published elsewhere in this Federal Register.

Dated: December 1, 1981.

By vote of the Board.

Mason H. Rose, V.
Chairperson, Architectural and Transportation Barriers Compliance Board.

Wm. Bradford Reynolds,
Vice Chairperson, Architectural and Transportation Barriers Compliance Board, and Assistant Attorney General for Civil Rights, Department of Justice.
PART 1190 -- MINIMUM GUIDELINES AND REQUIREMENTS FOR ACCESSIBLE DESIGN

Subpart A--General

§ 1190.1 Purpose. The purpose of this part is to implement Section 502(b)(7) of the Rehabilitation Act of 1973 (29 U.S.C. 792(b)(7)), as amended, which requires the Architectural and Transportation Barriers Compliance Board to establish minimum guidelines and requirements for standards issued under the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.), as amended. This part and the standards based on it are intended to ensure that certain buildings and facilities financed with Federal funds are so designed, constructed, or altered as to be readily accessible to, and usable by, physically handicapped persons, including those having the inability to walk, difficulty walking, reliance on walking aids, sight and hearing disabilities, incoordination, reaching and manipulation disabilities, lack of stamina, difficulty interpreting and reacting to sensory information, and extremes in physical size.

§ 1190.2 Applicability: Buildings and facilities subject to guidelines and standards.

(a) Definitions. As used in this section, the term:

(1) "Constructed or altered on behalf of the United States" means acquired by the United States through lease-purchase arrangement, constructed or altered for purchase by the United States, or constructed or altered for the use of the United States.

(2) "Primarily for use by able-bodied military personnel" means expected to be occupied, used, or visited principally by military service personnel. Examples of buildings so intended are barracks, officers' quarters, and closed messes.

(3) "Privately owned residential structure" means a single or multi-family dwelling not owned by a unit or subunit of Federal, state, or local government.

(b) Buildings and facilities covered. Except as provided in paragraph (c) of this section, the guidelines and requirements, and the standards to be issued by the standard-setting agencies to conform to it, apply to any building or facility--

(1) The intended use for which either--

(i) will require that such building or facility be accessible to the public, or

(ii) may result in employment or residence therein of physically handicapped persons; and

(2) Which is--

(i) to be constructed or altered by or on behalf of the United States;

(ii) to be leased in whole or in part by the United States;

(iii) to be financed in whole or in part by a grant or loan made by the United States after August 12, 1968, if the building or facility may be subject to standards for design, construction, or alteration issued under the law authorizing the grant or loan; or

(iv) to be constructed under the authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or Title III of the Washington Metropolitan Area Transit Regulation Compact.

(c) Buildings and facilities not covered. The guidelines and requirements, and the standards do not apply to--

(1) Any privately owned residential structure, unless it is leased by the Federal government on or after January 1, 1977, for subsidized housing programs; or

(2) Any building or facility on a military installation designed and constructed primarily for use by military personnel.

(3) Although the ATBCB has not reviewed in detail the particular program statutes, it recognizes that, as a general rule, buildings purchased or acquired directly by the Government without construction or alteration are not covered by the Architectural Barriers Act.
(d) **Effective date of standards.** Any covered building or facility, as provided in this section, which is designed, constructed, or altered, [or leased] after the effective date of a standard issued under this guideline which is applicable to the building or facility, or any other building or facility, if and when required by law, subject to the requirements of the Architectural Barriers Act [shall] shall be designed, constructed, or altered, [or leased] in accordance with the standard. For purposes of this section, any design, construction, alteration or lease for which bids or offers are received before the effective date of the applicable standards, in response to an invitation for bids or requests for proposals, is not subject to the standard.

§ 1190.3 Definitions. As used in this part, the term:

"ATBCB" means the Architectural and Transportation Barriers Compliance Board.

"Access aisle" means a pedestrian space between elements such as parking spaces, seating, and desks.

"Accessible" means [complying] with the specifications and requirements of this part and with any applicable standard issued by a standard-setting agency. "Accessible" describes a site, building, facility, or portion thereof that complies with these requirements and that can be approached, entered, and used by physically handicapped persons. Accessible elements and spaces of a building or facility including doors provided immediately adjacent to a turnstile or a revolving door, shall be subject to the same use patterns as other elements and spaces of the building or facility.

"Accessible route" means a continuous unobstructed path connecting accessible elements and spaces in a building or facility and complying with the space and reach requirements of this part. (Interior accessible routes may include but are not limited to corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include but are not limited to parking access aisles, curb ramps, walks, ramps, and lifts.)

"Accessible space" means a space that complies with this part.

"Adaptability" means the ability of certain building spaces and elements such as toilet facilities and grab bars, to be added to, raised, lowered, or otherwise altered so as to accommodate the needs of either disabled or nondisabled persons, or to accommodate the needs of persons with different types or degrees of disability.

"Addition" means an expansion, extension, or increase in the gross floor area of a building or facility. "Agency" means a Federal department, agency or instrumentality, as defined in sections 551(1) and 701(b)(1) of Title 5, United States Code, or an official authorized to represent an agency.

"Alteration" means any change in a building or facility or its permanent fixtures or equipment. It includes, but is not limited to, remodeling, renovation, rehabilitation, reconstruction, changes or rearrangement in structural parts, and extraordinary repairs. It does not include normal maintenance, reroofing, interior decoration, or changes to mechanical systems.


"Assembly Area" means a room or space accommodating fifty or more individuals for religious, recreational, educational, political, social, or amusement purposes, or for the consumption of food and drink, and including all connected rooms or spaces with a common means of egress and ingress. Such areas as conference and meeting rooms accommodating less than fifty individuals are not considered assembly areas.

"Automatic door" means a door--

(1) Used for human passage and
(2) Equipped with a power-operated mechanism and controls that open and
close the door upon receipt of a momentary actuating signal.

"Building or facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, parks, sites, or other real property or interest in such property.

"Children" means people below the age of twelve (that is, elementary school age and younger).

"Circulation path" means an exterior or interior way of passage from one place to another for pedestrians, including but not limited to, walks, hallways, courtyards, stairways, stair landings, and elevators.

"Clear" means unobstructed.

"Common use areas" means those interior and exterior spaces available for use by all occupants and users of a building or facility, exclusive of any spaces that are made available for the use of a restricted group of people or the use of which is restricted to particular functions.

"Construction" means any erection of a new building or of an addition to an existing building or facility.

"Cross slope" means the slope that is perpendicular to the direction of travel (see "running slope").

"Curb ramp" means a short ramp cutting through a curb or built up to it.

"Disability" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following bodily systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine.

"Egress" or "means of egress" means a continuous and unobstructed way of exit travel from any point in a building or facility to an exterior walk or out of a fire zone. It includes all intervening rooms, spaces, or elements.

"Element" means an architectural or mechanical component of a building, facility, space, or site, e.g., telephone, curb ramp, door, drinking fountain, seating, water closet.

"Entrance" means any access point to a building or portion of a building or facility used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibules if provided, the entry door(s) or gates(s), and the hardware of the entry door(s) or gate(s).

The principal entrance of a building or facility is the main door through which most people enter.

"Essential features" means those elements and spaces that make a building or facility usable by, or serve the needs of, its occupants or users. Essential features include but are not limited to entrances, toilet rooms, and accessible routes. Essential features do not include those spaces that house the major activities for which the building or facility is intended, such as classrooms and offices.

"Exception" means a special provision in this part or in a standard which indicates an acceptable alternative, under specified circumstances, to a requirement stated directly above the exception.

"Executive Director" means the Executive Director of the ATBCB.

"Extraordinary repair" means the replacement or renewal of any element of an existing building or facility for purposes other than normal maintenance.

"Full and fair cash value" is calculated for the estimated date on which work will commence on a project and means--

(1) The assessed valuation of a building or facility as recorded in the assessor's office of the municipality and as equalized at one hundred percent (100%) valuation; or

Note: The one hundred percent (100%) equalized assessed value shall be based upon the state's most recent determination of the particular city's or town's assessment ratio. Example: Town X has an assessment ratio of forty percent (40%), and the particular building in question is assessed at $200,000.00. To determine the equalized assessed value of this
building, divide $200,000.00 by .40, and the equalized assessed value equals $500,000.00.

(2) The replacement cost; or
(3) The fair market value.

"Guidelines and requirements" means this part.

"Operable part" means a part of equipment or an appliance used to insert or withdraw objects, to activate or deactivate equipment, or to adjust the equipment (e.g., coin slot, push button, handle).

"Physically handicapped person" means any person who has a disability which substantially limits one or more major life activity, including but not limited to such functions as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"Power-assisted door" means a door--
(1) Used for human passage; and
(2) With a mechanism that helps to open the door, or relieve the opening resistance of a door, upon the activation of a switch or a continued force applied to the door itself.

"Public use" means any interior and exterior rooms or spaces made available to the general public. Public use may be provided at a building or facility that is privately or publically owned.

"Ramp" means a walking surface that has a running slope greater than 1:20.

"Reconstruction" means the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

"Restoration" means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later works or by replacement of missing earlier work.

"Running slope" means the slope that is parallel to the direction of travel (see "cross slope").


"Shall" denotes a mandatory requirement.

"Signage" means the display of written, symbolic, tactile, or pictorial information.

"Site" means a parcel of land bounded by a property line or a designated portion of a public right-of-way.

"Site improvements" means landscaping, paving for pedestrian and vehicular ways, outdoor lighting, recreational facilities, and similar site additions.

"Space" means a definable area, e.g., toilet room, hall, assembly area, parking area, entrance, storage room, alcove, courtyard, or lobby.

"Standard" means any standard for accessibility issued under the Architectural Barriers Act.

"Standard-setting agency" means one of the four agencies required to issue standards under the Architectural Barriers Act, i.e., the General Services Administration, the Department of Housing and Urban Development, the Department of Defense, and the United States Postal Service.

"Structural impracticability" means having little likelihood of being accomplished without removing or altering a load-bearing structural member and/or at an increased cost of 50 percent or more of the value of the element of the building or facility involved.

"Tactile" means perceptible through the sense of touch.

"Tactile warning" means a surface texture applied to or built into walking surfaces or other elements to warn visually impaired persons of hazards in the path of travel.

"Temporary" means elements are not permanent (i.e., installed for less than six months) and are not required for safety reasons.

"Walk" means an exterior pathway or space with a prepared surface intended for pedestrian use and having a slope of 1:20 or less. It includes general pedestrian areas such as plazas and courts.
§ 1190.4 Issuance of Architectural Barriers Act standards by standard-setting agencies.

(a) These guidelines and requirements are the minimum requirements for standards issued under the Architectural Barriers Act by the Administrator of General Services, Secretary of Housing and Urban Development, Secretary of Defense, and Postmaster General.

(b) Standards which conform to or exceed the provisions of the guidelines shall be deemed in compliance with the guidelines and requirements.

(c) Each standard-setting agency is encouraged to issue standards which follow the format of these guidelines and requirements. However, standards which differ in format from these guidelines and requirements but are otherwise consistent with the guidelines and requirements shall be deemed in compliance with these guidelines and requirements.

§ 1190.5 Guidelines: Other uses.

The guidelines and requirements may be used by other governmental and nongovernmental entities to make buildings and facilities accessible to, and usable by, physically handicapped persons.

§ 1190.6 Interpretation of guidelines.

(a) These guidelines and requirements shall be liberally construed to carry out the purposes and provisions of the Architectural Barriers Act and Section 502 of the Rehabilitation Act.

(b) Words importing the singular number may extend and be applied to the plural and vice versa. However, unless otherwise specified in the guidelines and requirements, each element or space of a particular building or facility shall comply with the guidelines and requirements.

(c) Use of the imperative mood, e.g., "provide," means the provision is mandatory. This form is being used to avoid wordiness and monotony but means the same as if the word "shall" had been included.

(d) The provisions in the minimum guidelines and requirements are based upon adult dimensions and anthropometrics.

(e) Dimensions that are not marked "minimum" or "maximum" are absolute, unless otherwise indicated in the text or captions. All dimensions are subject to conventional building tolerances for field conditions.

§ 1190.7 Effect of State or local law.

The obligation to comply with this part is not affected by any State or local law.

§ 1190.8 Site conditions. [Reserved]

§ 1190.9 Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of these guidelines and requirements is declared invalid for any reason, the remaining portions of these guidelines and requirements that are severable from the invalid part shall remain in full force and effect. If a part of these guidelines and requirements is invalid in one or more of its applications, the part shall remain in effect in all valid applications that are severable from the invalid applications.

Subpart B. [Reserved]
Subpart C—Scope

§ 1190.30 Scope. [Reserved]

Except as otherwise provided in this Subpart, any covered building or facility which is designed, constructed or altered after the effective date of an applicable standard shall comply with the provisions of such standard issued in conformance with the provisions of this Subpart. Any other building or facility covered by the Architectural Barriers Act, if and when required by law, shall comply with such standard issued in conformance with the provisions of §1190.31 Accessible Buildings and Facilities: New Construction.

§ 1190.31 Accessible buildings and facilities: New construction.

Except as otherwise provided in Subpart E, all new construction of buildings and facilities shall comply with the following minimum requirements:

(a) Accessible route. At least one accessible route shall comply with § 1190.50, Walks, floors, and accessible routes, and shall connect an accessible building entrance with:

   (1) Transportation facilities located within the property line of a given site, including passenger loading zones, public transportation facilities, taxi stands, and parking;

   (2) Public streets and sidewalks;

   (3) Other accessible buildings, facilities, elements, and spaces that are on the same site; and

   (4) All accessible spaces, rooms, and elements within the building or facility.

(b) Parking and passenger loading zones. (1) If any parking is provided for employees or visitors, or both, each such parking area shall comply with § 1190.60, Parking and passenger loading zones, and the following table:

<table>
<thead>
<tr>
<th>Total Parking in Lot</th>
<th>Minimum Number of Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1000</td>
<td>2% of Total</td>
</tr>
<tr>
<td>over 1000</td>
<td>20 plus 1 for each 100 over 1000</td>
</tr>
</tbody>
</table>

   (i) EXCEPTION: The total number of accessible parking spaces may be distributed among parking lots, if greater accessibility is achieved.

   (ii) EXCEPTION: This paragraph does not apply to parking provided for official government vehicles owned or leased by the government and used exclusively for government purposes.

   Parking spaces for side lift vans, § 1190.60(c)(2)(a), are accessible parking spaces and may be used to meet the requirements of this paragraph.

   (2) If passenger loading zones are provided, at least one passenger loading zone shall comply with § 1190.60, Parking and passenger loading zones.

   (c) Ramps and curb ramps. If there is an abrupt level or grade change, if the slope is greater than 1:20, and if no other means of accessible vertical access is provided, a ramp or curb ramp shall be provided. If a ramp or curb ramp is provided, it shall comply with § 1190.70, Ramps and curb ramps.

   (d) Stairs. Except as provided in paragraph 1190.31(f)(1), stairs connecting levels that are not connected by an elevator shall comply with § 1190.80, Stairs.

   (e) Handrails. Handrails shall be provided at each ramp and staircase as required in § 1190.70, Ramps and curb ramps, and § 1190.80, Stairs, respectively, and shall comply with
§ 1190.90, Handrails.

(f) Elevators. One passenger elevator complying with § 1190.100, Elevators shall serve each level in all multi-story buildings and facilities. If more than one elevator is provided, each elevator shall comply with § 1190.100, Elevators.

(1) Exception. Elevator pits, elevator penthouses, mechanical rooms, piping, or equipment catwalks are excepted from this requirement.

(2) Exception. Ramps or platform lifts complying with § 1190.70, Ramps and curb ramps, and § 1190.110, Platform lifts, respectively, may be used in lieu of an elevator.

(g) Platform lifts. If the slope is greater than 1:20, and if no other means of accessible vertical access is provided, a platform lift may be provided if there is an abrupt level or grade change. If a platform lift is provided, it shall comply with § 1190.110, Platform lifts.

(h) Entrances. (At least one entrance to a building or facility shall comply with § 1190.120 Entrances.)

(1) At least one principle entrance at each grade floor level to a building or facility shall comply with § 1190.120 Entrances. When a building or facility has entrances which normally serve any of the following functions: transportation facilities; passenger loading zones; parking facilities; taxi stands; public streets and sidewalks; accessible interior vertical access, then at least one of the entrances serving each such functions shall comply with § 1190.120, Entrances. When a building or facility has entrances on more than one exposure, then at least one entrance for each exposure shall comply with § 1190.120, Entrances, unless site conditions preclude accessibility. Because entrances also serve as exits, particularly in cases of emergency, the proximity of such accessible entrances and exits to all parts of the building and facility is essential. It is preferable that all or most entrances and exits be accessible.

(i) Doors.

(1) At each accessible entrance to a building or facility, at least one door shall comply with § 1190.130, Doors.

(2) [For each space] Within a building or facility, at least one door at each accessible entrance to the accessible space shall comply with § 1190.130, Doors.

(3) Each door required by paragraph 1190.50(h), Egress, shall comply with § 1190.130, Doors.

(4) Each door that is an element of an accessible route shall comply with § 1190.130, Doors.

(j) Windows. [Reserved]

(k) Toilet and bathing facilities. (Each toilet and bathing facility provided shall comply with § 1190.150, Toilet and bathing facilities, and in)

(1) If toilet facilities are provided, then each public and common use toilet room shall comply with § 1190.150, Toilet and bathing facilities. Other toilet rooms shall be adaptable. If bathing facilities are provided, then each public and common use bathroom shall comply with § 1190.150. In each such facility where any of the fixtures and accessories specified in 1190.150(e) and (f) are provided, at least one accessible fixture and accessory of each type provided shall comply with paragraph 1190.150(e) and (f). At least one standard size toilet stall (or the equivalent size toilet room containing one water closet and one lavatory) complying with § 1190.150(e)(2)(ii) and Figure 15.7 shall be provided in each building or facility. Signage complying with § 1190.200 shall be located at the entrance of each toilet room not containing a standard size toilet stall and it shall direct the user to the location of the toilet room containing the standard size toilet stall. For special use situations, refer to Subpart E, Special Building or Facility Types or Elements.

(1) Drinking fountains and water coolers. If drinking fountains or water coolers are provided, approximately 50% of those provided on each floor shall comply with § 1190.160, Drinking fountains and water coolers, and shall be dispersed throughout the floor. If only one
drinking fountain or water cooler is provided on any floor, it shall have two levels and the lower level shall comply with § 1190.160. It is preferred that if only one drinking fountain or water cooler is provided on any floor, then it should have two levels with the lower level complying with § 1190.160.

(m) Controls and operating mechanisms. If controls and operating mechanisms are provided, each shall comply with §1190.170, Controls and operating mechanisms.

(n) Alarms. If alarm systems are provided, each shall comply with § 1190.180, Alarms.

(o) Tactile warnings. Tactile warnings complying with paragraph 1190.130(g), Doors to hazardous areas, shall be provided on the hardware of all doors that lead to hazardous areas. Tactile warnings shall not be used at emergency exit doors.

(p) Signage.

(i) The international symbol of accessibility shall comply with paragraph 1190.200(a), Symbol of accessibility, and shall be used at the following locations:

(ii) Parking spaces designated as reserved for the physically handicapped;

(iii) Passenger loading zones;

(iv) Accessible toilet and bathing facilities.

(ii) Informational signing, if provided, shall comply with § 1190.200.

(i) Exception. The provisions of paragraph 1190.200(c) are not mandatory for temporary information on room and space signage.

(ii) Reserved.

(q) Telephones. See ATBCB Minimum Guidelines and Requirements for Accessible Design, Amendments to Final Rule, published elsewhere in this Federal Register.

(r) Seating, tables, and work surfaces. If fixed seating, tables, and work surfaces are provided, at least 5 percent but always at least one of each element shall comply with §1190.220, Seating, tables, and work surfaces.

(s) Assembly areas, conference and meeting rooms.

(1) If assembly areas are provided, accessible viewing positions shall comply with §1190.230, Assembly areas, and the following table:

<table>
<thead>
<tr>
<th>Capacity of Assembly Space</th>
<th>Number of Viewing Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1000</td>
<td>2% of total 100 over 1000</td>
</tr>
</tbody>
</table>

(2) For each assembly area, provide a permanent listening system to assist no fewer than two persons with severe hearing loss. For spaces used primarily as conference and meeting rooms, provide a listening system that may be either permanently installed or portable. A portable system may be used to serve more than one meeting or conference room.

(t) Storage. If storage facilities such as cabinets, shelves, closets and drawers are provided in accessible spaces for occupant use, at least one storage facility of each type provided shall comply with §1190.240, Storage. Additional storage may be provided

*The ATBCB requests comment on the two alternatives proposed for scoping requirements for listening systems. Which alternative, if either, is preferable?
§ 1190.32 Accessible buildings and facilities: Additions.

Each addition to an existing building or facility shall comply with § 1190.31, New construction, except as follows:

(a) Entrances. If a new addition to a building or facility does not have an entrance, then at least one entrance in the existing building or facility shall comply with § 1190.120, Entrances.

(b) Accessible route. If the only accessible entrance to the addition is located in the existing building or facility, then at least one accessible route shall comply with § 1190.50, Walks, floors, and accessible routes, and shall provide access through the existing building or facility to all rooms, elements, and spaces in the new addition.

(c) Toilet and bathing facilities. If there are no toilet rooms and bathing facilities in the addition and these facilities are provided in the existing building, then at least one toilet and bathing facility in the existing building shall comply with § 1190.150, Toilet and bathing facilities.

(d) Elements, spaces, and common areas. If elements, spaces, or common areas are located in the existing building and they are not provided in the addition, consideration should be given to making those elements, spaces, and common areas accessible in the existing building.

(e) EXCEPTION: Mechanical rooms, storage areas, and other such minor additions which normally are not frequented by the public or employees of the facility, are excepted from paragraphs a, b, and c of § 1190.32.

§ 1190.33 Accessible buildings and facilities: Alterations.

(a) General. Alterations to existing buildings or facilities shall comply with the following:

(1) If existing elements, spaces, essential features, or common areas are altered, then each such altered element, space, feature, or area shall comply with the applicable provisions of § 1190.31, Accessible buildings and facilities: New construction.

(2) If power-driven vertical access equipment (e.g., escalator) is planned or installed where none existed previously, or if new stairs (other than stairs installed to meet emergency exit requirements) requiring major structural changes are planned or installed where none existed previously, then a means of accessible vertical access shall be provided that complies with § 1190.70, Ramps and curb ramps; § 1190.100, Elevators; or § 1190.110, Platform lifts, except to the extent where it is structurally impracticable in transit facilities.

(3) If alterations of single elements, when considered together, amount to an alteration of a space of a building or facility, the entire space shall be made accessible.

(4) Signage. If an existing building or facility contains some but not all accessible elements and spaces, informational signage complying with § 1190.200, Signage, directing the user to accessible facilities shall be placed at each accessible entrance. Each inaccessible entrance and each inaccessible toilet room shall have signage directing the user to the accessible entrance(s) or toilet room(s).

(b) [Alterations involving more than 50% of the full and fair cash value. If the total cost of all alterations (including but not limited to electrical, mechanical, plumbing and structural changes) for a building or facility within any twelve (12) month period is 50% or more of the building's full and fair cash value (as defined by 1190.3), then each element or space that is altered or added shall comply with the applicable provisions of § 1190.31, Accessible buildings and facilities: New construction; and the altered building shall contain:]
and it is totally altered then it shall comply with § 1190.31 Accessible buildings and facilities: New construction, except to the extent where it is structurally impracticable.

(c) Where substantial alteration occurs to a building or facility, then each element or space that is altered or added shall comply with the applicable provisions of § 1190.31 Accessible buildings and facilities: New construction and the altered building or facility shall contain:

1. At least one accessible route complying with § 1190.50, Walks, floors, and accessible routes, and paragraph 1190.33(a);
2. At least one accessible entrance complying with § 1190.120, Entrances. If additional accessible entrances are altered, then they shall comply with paragraph 1190.33(a)(1); and
3. The following toilet facilities, whichever number is greater:
   (i) At least one toilet facility for each sex in the altered building complying with § 1190.150, Toilet and bathing facilities;
   (ii) At least one toilet facility for each sex on each substantially altered floor, where such facilities are provided, complying with § 1190.150, Toilet and bathing facilities.

In making the determination as to what constitutes "substantial alteration," the agency issuing standards for the facility shall consider the total cost of all alterations (including but not limited to electrical, mechanical, plumbing, and structural changes) for a building or facility within any twelve (12) month period. For guidance in implementing this provision, an alteration to any building or facility is to be considered substantial if the total cost for this twelve month period amounts to 50% or more of the full and fair cash value of the building as defined at 1190.3.

(4) Exception. If the cost of the elements and spaces required by paragraphs 1190.33(b)(1), (2), and (3) exceeds 15% of the total cost of all other alterations, then a schedule may be established by the standard-setting and/or funding agency to provide the required improvements within a 5 year period.

(5) Exception. If the alteration is limited solely to the electrical, mechanical, or plumbing system and does not involve the alteration of any elements and spaces required to be accessible under Part 1190 the 1190.33(b) does not apply.

(6) Exception. Consideration shall be given to providing accessible elements and spaces in each altered building or facility complying with:
   (i) § 1190.60, Parking and Passenger Loading Zones;
   (ii) § 1190.160, Drinking Fountains and Water Coolers;
   (iii) § 1190.180, Alarms;
   (iv) § 1190.210, Telephones;
   (v) § 1190.220, Seating Tables and Work Surfaces;
   (vi) § 1190.230, Assembly Areas;
   (vii) § 1190.240, Storage.

§ 1190.34 [Accessible buildings and facilities: Leased.] (RESERVED.)

(a) Buildings or facilities or portions thereof leased by the Federal government shall comply with the requirements of § 1190.31, New construction, § 1190.32, Additions, and § 1190.33, Alterations.

(b) If no fully accessible space is available, space may be leased only if the following conditions are met:

1. At least one accessible route is provided from an accessible entrance complying with § 1190.120, Entrances, to all leased portions of the building or facility and to each essential feature which serves that portion of the building or facility. The accessible route shall comply with the requirements of § 1190.50 Walks, floors, and accessible routes.

2. Each essential feature of the portion of the building or facility to be leased is accessible and complies with the applicable sections.

3. Common areas that are approved space needs of the occupant agency serving the portions of the building or facility to be leased are accessible.
and comply with the applicable section. 

(c) Exception. If no space complying with (a) or (b) is available, space as available may be leased, provided—

(1) The leasing authority certifies that space is unavailable due to remoteness of the area or that the lease is necessary for officials servicing natural or human-made disasters; and

(2) The ATBCB is provided a listing of instances in which this exception is applied as part of the semi-annual report to Congress.

(d) Any other deviation from the requirements of §1190.34 shall be made only through the waiver or modification process.

Note: The Minimum Guidelines and Requirements for Accessible Design require that all buildings and facilities covered by the Architectural Barriers Act are subject to this Part. As published on January 16, 1981, the Guidelines and Requirements specifically provided that all buildings and facilities leased by the Federal government must be accessible at the time the building or facility is leased. In view of the continuing controversy over the point at which the Architectural Barriers Act applies to leased buildings and facilities, this Part no longer specifies at which point the accessibility standard must apply to leased buildings and facilities. This change has been made solely in recognition of the fact that the issue concerning the applicability of the Architectural Barriers Act to leased buildings is a legal one on which the Board expresses no position.
Subpart D—Technical Provisions

§1190.40 Human data.

(a) General. This section is the basis for clearances and equipment location required by other sections.

(b) Moving wheelchair clearances. Provide the clearances for moving wheelchairs as follows:

(i) Exception. The clear width may be reduced to 2'-8" (610 mm) for a distance not to exceed 2'-0" (610 mm) in length at points such as doorways (fig. 4.1).

(ii) (Reserved)
Min. clear width for two wheelchairs to pass is 5'-0" (1,525 mm) (fig. 4.2).

Min. clear space to make a 180 degree turn is a 5'-0" (1,525 mm) diameter (fig. 4.3) or a T-shaped space that complies with fig. 4.4.
(c) **Clear floor or ground space.** Provide the following clear floor or ground space to accommodate a single, stationary occupied wheelchair:

1. Clear floor or ground space shall be a min. of 2'-6" by 4'-0" (760 mm by 1,220 mm) (fig. 4.5).

**ANSI 4.2.4.1**
**forward approach**

ANSI 4.2.4.1

(2) Position clear floor or ground space for either forward or parallel approach to an object or element as required (figs. 4.6 and 4.7).

4.2.4.1

(3) Clear floor or ground space may overlap the clear space required under some objects.

4.2.4.2

(4) Clear floor or ground space shall adjoin or overlap an accessible route or another clear floor or ground space for at least one full, unobstructed side.

**parallel approach**

ANSI Figure 4(c)
ANSI

4.2.4.2 (5) See ATBCB Minimum Guidelines and Requirements for Accessible Design, Amendment to Final Rule, published elsewhere in this Federal Register.

4.2.4.3 (6) Surfaces of clear floor or ground spaces shall comply with paragraph 1190.50(i), Walks, floors, and accessible routes.

(d) Reach limitations. See ATBCB Minimum Guidelines and Requirements for Accessible Design, Amendment to Final Rule, published elsewhere in this Federal Register.

4.27.3 (3) To be accessible, special equipment may require measurements different from those provided above and these measurements should be dictated by equipment design.
§1190.50 Walks, floors, and accessible routes.

(a) General. Accessible routes required by Subpart C—Scope shall comply with this section.

(b) Width. Provide the min. clear width for continuous passage and for point passage required by paragraph 1190.40(b)(1) (fig. 4.1). Provide maneuvering clearances as shown in figs. 5.1 and 5.2 if the accessible route requires a turn around an obstruction.

(c) Protruding objects. No protruding object shall reduce the clear width of an accessible route or maneuvering space below the min. required by paragraph 1190.40(b)(1) (fig. 5.3).
4.4.1 (1) Objects less than 2'-0" (610 mm) long that are fixed to wall surfaces shall not project into accessible routes more than 4 in. (100 mm) if mounted with their leading edges between 2'-3" and 6'-8" (685 mm and 2,030 mm) (nominal dimension) above finish floor (fig. 5.4).

4.4.1 (2) Objects fixed to wall surfaces may project more than 4 in. (100 mm) if mounted with the lower extreme of their leading edge less than 2'-3" (685 mm) above the finish floor. These objects shall not project into the required min. clear width (fig. 5.5).
I-Note: This overhang can be greater than 1'-0" (305 mm) because no one can approach the object from this direction.

Free standing objects mounted on posts or pylons may overhang 1'-0" (305 mm) max. from 2'-3" to 6'-8" (685 mm to 2,030 mm) above ground or finished floor surface (figs. 5.6 and 5.7).

Note: Cane hits post or pylon before person hits object.
(4) Objects greater than 1'-0" (305 mm) wide mounted with their leading edge less than 2'-3" (685 mm) may protrude any distance (figs. 5.8 and 5.9).

Objects mounted 4.4.1 with their leading edges at or below 2'-3" (685 mm) above the finished floor may protrude any amount (figs. 5.8 and 5.9).
(d) **Passing space.** If an accessible route has less than a 5'-0" (1,525 mm) clear width, provide accessible passing spaces at intervals not exceeding 200 ft. (61 m) unobstructed view. See figures 4.2 and 4.4 for examples of acceptable passing spaces.

(e) **Vertical clearance.** Provide a minimum vertical clearance (headroom) of 6'-8" (2,030 mm) throughout accessible routes. If vertical clearance of area adjoining accessible route is reduced to less than 6'-8", (nominal dimension) provide a barrier to warn blind or visually-impaired persons (figs. 5.4, 5.9 and 5.10).

(f) **Slope.** Accessible routes with running slopes of 1:20 or greater shall be considered ramps and shall comply with 1190.70, Ramps and curb ramps. Cross-slopes on accessible routes shall not exceed 1:48 (1/4 in. per foot).

(g) **Changes in level.** All changes in level or grade in accessible routes shall comply with the following:

1. Up to 1/4 in. (6 mm): vertical without edge treatment (fig. 5.11).
2. 1/4 in. to 1/2 in. (6 mm to 13 mm): beveled with slope not exceeding 1:2 (fig. 5.12).

Note: ANSI cross-slope requirement is 1:50 which is slightly more restrictive than the Board's.
(3) Greater than 1/2 in. (13 mm): comply with § 1190.70, Ramps and curb ramps; § 1190.100, Elevators; or § 1190.110, Platform Lifts.

4.13.8

(i) Exception. Exterior sliding door thresholds may be 3/4 in. (19 mm) max. if beveled with slope not exceeding 1:2.

(ii) [Reserved]

4.3.8

Stairs shall not be the sole means of vertical access along an accessible route.

4.3.10

(h) Egress. Arrange egress so as to be readily accessible from all accessible rooms and spaces. Where fire code provisions require more than one means of egress from any space or room, such means of accessible egress shall also be provided to handicapped persons.

(i) Exception. In multiple story buildings and facilities where at-grade egress from each floor is impossible, either of the following is permitted:

(ii) The provision of approved fire and smoke partitions within each story creating horizontal exits; or

(ii) The provision of areas of refuge within each floor approved by agencies having authority for safety.

4.5.1

(i) Ground and floor surfaces.

(1) Surface Condition. Surfaces of paving and floors shall be stable, firm, and slip-resistant. Irregular paving and flooring materials that may cause tripping or difficult wheelchair passage because of height differentials are not permitted on accessible routes.

4.5.4 &

4.8.8

(2) Drainage. Design accessible routes so that their surfaces will not collect water. Gratings located in accessible routes shall have openings no greater than 1/2 in. (13 mm) when measured in the dominant direction of travel (fig. 5.13). Gratings with elongated openings shall be so placed that the long dimension is perpendicular to the predominant route of travel (fig. 5.14).

Note: ANSI requires at 4.5.1 that surfaces be relatively nonslip under all weather conditions.
(3) Carpeting: If carpet or carpet tile is used on an accessible ground or floor surface, it shall:
   (i) Be securely attached;
   (ii) Have a firm cushion or pad or no cushion or pad;
   (iii) Have a construction of level loop, textured loop, level cut pile, or level cut/uncut pile;
   (iv) Have a max. combined thickness of pile, cushion, and backing height of 1/2 in. (13 mm) (fig. 5.15); and
   (v) Exposed edge(s) and trim shall be securely fastened in place and shall comply with paragraph 1190.50(g).

§1190.60 Parking and passenger loading zones.

(a) General. Parking and passenger loading zones required to be accessible by Subpart C—Scope shall comply with this section.

(b) Location. Accessible parking spaces and accessible passenger loading zones shall:
   (1) Be the spaces or zones located closest to the nearest accessible entrance on an accessible route; and
   (2) If located in a separate building or facility, be on the shortest accessible route to an accessible entrance of the parking facility.

(c) Accessible parking spaces. Provide accessible parking spaces (fig. 6.1) that:
   (1) Are at least 8'-0" (2,440 mm) wide;
   (2) Have an adjacent access aisle at least 5'-0" (1,525 mm) wide and shall comply with §1190.50, Walks, floors, and accessible routes;

(‡) Exception. If accessible parking spaces for [side lift] vans designed for handicapped persons are provided, each shall have an adjacent access aisle at least 8'-0" (2,440 mm) wide complying and shall comply with 1190.30 Walks, floors, and accessible routes shall be provided.

(i) [Reserved].
(3) May share a common access aisle between two parking spaces;
(4) Do not permit parked vehicle overhangs to reduce the clear width of accessible routes; and
(5) Have parking spaces and access aisles with surface slopes not exceeding 1:48 (1/4 in. per foot) in all directions.

ANSI

4.6.5 (d) Passenger loading zones. Provide accessible passenger loading zones that:
(1) Have an access aisle at least 4'-0" (1,220 mm) wide by 20'-0" (6 m) long adjacent, parallel, and level with the vehicle standing space;
(2) Have curb ramps conforming to 1190.70, Ramps and curb ramps, if there are curbs between the access aisle and other portions of the accessible route; and
(3) Have vehicle standing spaces and access aisles with surface slopes not exceeding 1:48 (1/4 in. per foot) in all directions (fig. 6.2).

(e) Vertical clearance. Provide min. vertical clearance of 9'-6" (2.9 m) at accessible parking spaces, for vans designed for physically handicapped persons at accessible passenger loading zones, and along vehicle access routes to such areas from site entrances.

4.6.4 (f) Signage. Signage reserving accessible parking spaces and identifying passenger loading zones and vehicle access routes shall comply with 1190.200, Signage. Signage shall incorporate the International Symbol of Accessibility and shall not be obscured by a vehicle parked in the space (fig. 20.2 and 20.3).

4.7 §1190.70 Ramps and curb ramps.

(a) General. Ramps and curb ramps required by Subpart C—Scope shall comply with this section.

(b) Slopes and rise. Provide the least practical slope for any ramp or curb ramp subject to the following maximums:

(1) New Construction requirements:
   (i) Max. running slope shall not exceed 1:12 (8.3%) (fig. 7.1).

* The Board request comments on the minimum vertical clearance needed to accommodate vans designed for physically handicapped persons. Is 9'-6" appropriate?
### Table 1

<table>
<thead>
<tr>
<th>Slope</th>
<th>Maximum Rise</th>
<th>Maximum Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:12 &lt; 1:16</td>
<td>30 in (760 mm)</td>
<td>30 ft (9 m)</td>
</tr>
<tr>
<td>1:16 &lt; 1:20</td>
<td>30 in (760 mm)</td>
<td>40 ft (12 m)</td>
</tr>
<tr>
<td>1:20</td>
<td>30 in (760 mm)</td>
<td>50 ft (15 m)</td>
</tr>
</tbody>
</table>

### Table 2

<table>
<thead>
<tr>
<th>Slope</th>
<th>Maximum Rise</th>
<th>Maximum Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:10 to 1:8</td>
<td>3 in (75 mm)</td>
<td>2 ft (0.6 m)</td>
</tr>
<tr>
<td>1:12 to 1:10</td>
<td>6 in (150 mm)</td>
<td>5 ft (1.5 m)</td>
</tr>
</tbody>
</table>

A slope steeper than 1:8 is not allowed.

### Maximum Rise & Projection

#### New Construction

**ANSI Figure 16**

#### Existing Construction

**ANSI Table 2**

A curb ramp steeper than 1:8 is not allowed.

**ANSI Figure 12(a)**

Note: ANSI does not require 4'-0" (1220 mm) at top of curb ramps.

#### ANSI

4.8.2

(i) Max. rise for any run shall not exceed 2'-6" (760 mm) [fig. 7.2].

(ii) Max. slopes of adjoining gutters, road surface, immediately adjacent to the curb ramp or accessible routes shall not exceed 1:20 and shall comply with paragraph § 1190.70(a)(6) [fig. 7.12].

4.8.3

(c) Width. Ramps and curb ramps shall have a min. clear width of 3'-0" (915 mm) exclusive of edge protection or flared sides.

4.8.6

(d) Cross-slope and surface. Cross-slope of ramp surfaces shall not exceed 1:48 (1/4 in. per foot). Ramp surfaces shall comply with 1190.50, Walks, floors, and accessible routes.

(e) Curb ramps. In addition to the requirements of paragraphs 1190.70 (a), (b), and (c), curb ramps shall comply with the following requirements:

1. Provide flared sides if ramps are located where pedestrians may walk across the ramp.
2. Provide flared sides if a circulation path crosses any part of the ramp or curb ramp not protected by handrails or guardrails; flared slope shall not exceed 1:10 [fig. 7.4] where a 4'-0" (1220 mm) landing is provided at the top of the curb ramp.
ANSI

4.7.5 If less than 4'-0" (1220 mm) is provided, the flared slope shall not exceed 1:12 (fig. 7.5). Where pedestrians will not normally walk across a ramp, returned curbs may be used (fig. 7.6).

4.7.6(2) Locate built-up curb ramps so that they do not project in vehicular traffic lanes (fig. 7.7).

**curb ramp**

**ANSI Figure 12(b)**

*Note: ANSI does not require 4'-0" (1220 mm) at top of curb ramp.*

**curb ramp**

**ANSI Figure 13**
Diagonal or corner type curb ramps having returned curbs or well defined edges, shall have such edges parallel to the direction of pedestrian flow (fig. 7.8). Diagonal or corner type curb ramps having flared sides shall have at least a 2'-0" (610 mm) long segment of straight curb located on each side of the curb ramp and within marked crossings (fig. 7.9).

Curb ramp discharge (top and bottom) shall be to a 4'-0" (1,220 mm) min. deep clear space (figs. 7.4 and 7.5). If the marked crossings are provided, locate bottom discharge entirely within marked crossings (figs. 7.8 and 7.9).

Locate curb ramps to prevent blockage of discharge areas by parked vehicles.
(6) Cut any islands through flush with street surfaces or ramp each side to permit crossing. Provide 4'-0" (1,220 mm) long rest area (see figs. 7.10 and 7.11)
(7) Curb ramps having less than a 6 in. (150 mm) rise do not require handrails. Curb ramps which cross a circulation path but do not have an abrupt change in level, do not require handrails.

(8) Transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt changes (fig. 7.12).

Note: ANSI 4.7.7 Warning Textures and ANSI Figure 14 Warning Signals at Curb Ramps have been deleted from the ATBCB Minimum Guidelines and Requirements until such time as sufficient research and/or field experience dictate a requirement in this area.

Note: ANSI 4.7.13 Uncurbed Intersections has been deleted from the ATBCB Minimum Guidelines and Requirements until such time as research and/or field experience dictate such a requirement.
ANSI Figure 17(a)
Note: ANSI does not specify handrail height requirements.

ramp with curb

ANSI Figure 17(b)
Note: ANSI does not specify handrail height requirements.

ramp with wall

ANSI Figure 17(c)
Note: ANSI does not specify handrail height requirements.

ANSI

4.8.4 Ramps. In addition to the requirements of paragraphs 1190.70 (a), (b), (c), and (d) provide the following at all ramps:

4.8.4 (1) Provide landings at the top, bottom, and at changes of direction. If ramp runs exceed max. projection given in figs. 7.2 and 7.3, provide intermediate landings. Landings shall:

4.8.4 (1) Have a width which shall be at least as wide as the widest ramp run approaching it.

4.8.4 (2) Have a minimum length of 5'-0" (1,525 mm).

4.8.4 (3) Have a min. size at direction changes that is 5'-0" by 5'-0" (1,525 mm by 1,525 mm).

4.8.4 (4) Comply with § 1190.130, Doors. If doors open into them.

4.8.5 (2) Provide handrails that comply with § 1190.90. Handrails, on both sides of any ramp run exceeding a 6 in. (150 mm) rise or a 6'-0" (1,830 mm) horizontal projection (figs. 7.13, 7.14, 7.15, and 7.16).
ramp with extended edge

Note: ANSI does not specify handrail height requirements.

(3) Provide curbs, walls, vertical guards or projected edges at ramps and landings with drop-offs. Min. curb height shall be 2 in. (50 mm) (fig. 7.17).

Exterior condition. Curb ramps, ramp, and landing surfaces shall comply with paragraph 1190.50(i)(2), Drainage.
§1190.80 Stairs

(a) General. Stairs required by Subpart C—Scope shall comply with this section.

4.9.2 (b) Risers. Provide risers that do not exceed 7 in. (180 mm) in height. Treads and risers. On any given flight of stairs, all steps shall have a uniform riser height and uniform tread widths. Stair treads shall be no less than 11 inches (280 mm) wide, measured from riser to riser. Open risers are not permitted (fig. 8.4.1).

4.9.3 (c) Nosings. Nosings shall:

1. Project a max. of 1-1/2" (38 mm);
2. Have a leading edge with a max. radius of curvature of 1/2 in. (13 mm); and
3. Be formed by risers that are sloped, or shall have undersides of the nosings which form an angle not less than 60 degrees from the horizontal (fig. 8.4.1).

4.9.4 (d) Handrails. Provide continuous handrails at both sides of stairways. Handrails shall comply with §1190.90, Handrails.

4.9.6 (e) Exterior conditions. Stair treads and landing surfaces shall comply with paragraph 1190.50 (i)(2), Drainage.

Note: ANSI 4.9.5 Tactile Warnings at Stairs has been deleted from the ATBC Minimum Guidelines and Requirements for Accessible Design until such time as sufficient research and/or field experience dictate a requirement in this area.
§1190.90 Handrails

(a) General. Handrails for ramps or stairs required by Subpart C—Scope shall comply with this section.

4.26.2 (b) Size and spacing. Size and spacing of handrails shall:

1 The handgrip portion of the handrail, if round, shall be not less than \(1\frac{1}{4}\) in. (32 mm) nor more than \(1\frac{1}{2}\) in. (38 mm) in diameter (fig. 9.1).

2 If the shape of the handrail is not round, then the larger dimension shall be not more than \(\frac{3}{4}\) in. (20 mm) (fig. 9.2).
If handrails are mounted adjacent to walls or other surfaces, provide a 1-1/2 in. (38 mm) (min./max.) clear space between the surface and the handrail (figs. 9.1, 9.2, 9.3, and 9.4). The handrail and the surfaces adjacent to the handrail shall be free of any sharp or abrasive elements. Edges shall have min. radius of 1/8 in. (3 mm). Free-standing rails located farther than 6 in. (150 mm) from wall or other vertical surfaces are not subject to this provision.

Handrails may be mounted in recesses if the recesses comply with fig. 9.4.

On switchbacks or dog-leg ramps or stairs, inside handrails shall be continuous.
(c) Handrail projections.

(1) If outside handrails are not continuous then:

(i) At a ramp landing, handrails shall project parallel with ramp or landing surface for a length of 1'-0" (305 mm) beyond the top and bottom of ramp surfaces (figs. 7.13, 7.14, 7.15, and 7.16).

(ii) At a stair landing, handrails shall project at least 1'-0" (305 mm) beyond the top riser and at least 1'-0" (305 mm) plus the depth of one tread beyond the bottom riser. The 1'-0" (305 mm) projection shall in each instance be parallel with the floor (figs. 9.5 and 9.6).

(iii) Exception. Full extension of handrails shall not be required in alterations where such extensions would be hazardous or impossible due to plan configurations.

Gripping surfaces shall not be interrupted with newel posts, balusters, or other obstructions.
ANSI

4.10.1 (a) General.

(1) Elevators required by Subpart C—Scope shall comply with this section. For additional information see the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, A17.1, and see also National Elevator Industry, Inc. (NEII) Suggested Minimum Elevator Requirements for the Handicapped.

(2) Freight elevators shall not be considered as meeting the requirements of this section, unless the only elevators provided are used as combination passenger and freight elevators for the public and employees.

4.10.2 (b) Operation and leveling. Elevators shall be automatic and shall be provided with a self-leveling feature that will automatically bring the car to the floor landing within a tolerance of 1/2 in. (13 mm) under normal loading and unloading conditions. The self-leveling feature shall, within its zone, be entirely automatic and independent of the operating device and shall correct for over-travel or under-travel and shall maintain the car approximately level irrespective of loading conditions.

4.10.7 (c) Elevator door operation. Elevator doors shall be a min. of 3'-0" (915 mm) wide and automatic door controls shall comply with the following requirements:

(1) The min. acceptable time from notification that a car is answering a call until the doors of that car start to close shall be as indicated in fig. 10.1.
door timing

ANSI Figure 21

Note: ANSI uses the graph shown at proposed table 10.1.

<table>
<thead>
<tr>
<th>distance</th>
<th>time</th>
</tr>
</thead>
<tbody>
<tr>
<td>ft</td>
<td>m</td>
</tr>
<tr>
<td>0 to 5</td>
<td>1.5</td>
</tr>
<tr>
<td>10</td>
<td>3</td>
</tr>
<tr>
<td>15</td>
<td>4.5</td>
</tr>
<tr>
<td>20</td>
<td>6</td>
</tr>
</tbody>
</table>

- Calculated from the following equation:
  \[ T = \frac{D}{1.5 \text{ ft/s}} \text{ or } T = \frac{D}{455 \text{ mm/s}} \]

where \( T \) = total time in seconds and \( D = \) distance in feet or millimeters.

The travel distance shall be established from a point in the center of the corridor or lobby (max. of 5'-0" (1,525 mm) directly opposite the farthest hall button to the centerline of the farthest hoistway entrance (fig. 10.2). and Table 10.1.

Table 10.1

Graph of Timing Equation

(2) Doors shall remain fully open for a min. of 5 seconds.

(3) Provide doors with a reopening device which will function to stop and reopen the car door and adjacent hoistway door in case the car door is obstructed while the door is closing. This reopening device shall also be capable of sensing an object or person in the path of a closing door without requiring contact for activation at a nominal height of 5 in. and 2'-5" (125 mm and 735 mm) above finish floor. Such devices shall remain effective for a period of not less than 20 seconds. For additional information, see ANSI A17.1.

(i) Exception. If a safety door is provided in existing automatic elevators, then the automatic door reopening devices may be omitted.

(ii) Reserved.
(d) Elevator cars.

4.10.9 (1) The minimum floor areas of elevator cars shall comply with figs. 10.3 and 10.4.

- The floor area of elevator cars shall provide space for wheelchair users to enter the car, maneuver within reach of controls, and exit from the car.

no similar figure in ANSI

(i) Exception. Where existing shaft or structural elements prohibit strict compliance in alteration work, these dimensions may be reduced by the min. amount necessary, but in no case shall they be less than 4'-0" by 4'-0" (1,220 mm by 1,220 mm) clear min. car size.

4.9.10 (2) Car floors shall comply with § 1190.50.

4.10.10 Walks, floors and accessible routes. The clearance between the car platform sill and the edge of any hoistway landing shall be no greater than 1-1/4 in. (32 mm).

4.10.12 (3) Car controls shall be readily accessible from a wheelchair.

4.10.12(1) (i) Buttons, exclusive of border, shall have a minimum dimension of 3/4 in. (19 mm) and shall be raised or flush* with the operating panel. Depth of flush buttons when operated shall not exceed 3/8 inch.*

(ii) Provide a visual signal indicating when each call is registered and answered.

4.10.12(3) (iii) Mount the highest floor buttons at a max. of 4'-0" (1,220 mm) above the floor and the lowest buttons at a min. of 2'-11" (890 mm) above the floor (fig. 10.5).

(A) Exception. If there is a substantial increase in cost as a result of the 4'-0" (1,220 mm) requirement, the highest floor buttons may be mounted at a max. of 4'-6" (1,370 mm).

(B) [Reserved].

4.10.12(3) (iv) Group emergency buttons at the bottom of the panel with their center-lines no lower than 2'-11" (890 mm).

* The ATBCB requests comments on whether or not to permit the use of recessed buttons at 1190.100(d)(3)(i).
Designate all control buttons by raised standard alphabet characters for letters, arabic characters for numerals, or standard symbols as shown in fig. 10.6. For additional information see ANSI A17.1 and see also NEII Suggested Minimum Elevator Requirements for the Handicapped. Place raised designations to the immediate left of the button to which they apply. Permanently attached, applied plates are acceptable. Locate the call button for the main entry floor in the left-most column and designate it with a raised star as shown in fig. 10.6. Characters shall comply with §1190.200 signage.

Locate control panels as shown in figs. 10.7 and 10.8.

The ATBCB requests comments on whether or not to permit the use of indented or incised alphabet characters, numerals, or symbols on elevator control buttons.
ANSI

4.10.5 (e) **Door jamb markings.** Provide floor designation markings at each hoistway entrance on both jambs and that comply with the following:

1. The center lines of characters shall be located 5'-0" (1,525 mm) above finish floor; and

4.10.3 (2) Characters shall be a minimum of 2 in. (50 mm) high and shall comply with §1190.200, Signage.

3. Permanently applied plates are acceptable (fig. 10.9).

(f) **Lobby call buttons.**

1. Call buttons shall:
   1. Be mounted with centerlines at 3'-6" (1,065 mm) above finish floor (fig. 10.9);
   2. Be a minimum of 3/4 in. (19 mm) in diameter;
   3. Have visual signals indicating when a call is registered and answered;
   4. Be raised or flush; and
   5. Have the button designating “up” mounted on top.

2. Objects mounted beneath lobby call buttons shall not project into the elevator lobby more than 4 in. (100 mm).

4.10.4 (g) **Hall lanterns.** Provide an audible and visual signal at each hoistway entrance to indicate car arrival and its travel direction.

1. Audible signals shall sound once for the up direction and twice for the down direction or shall annunciate the words “up” or “down”.

4.10.4(1) (2) Visual signals shall:
   1. Be mounted with their centerlines a min. of 6'-0" (1,830 mm) above finish floor (fig. 10.9);
   2. Have a min. dimension of 2-1/2" (64 mm);

* The ATBCB request comment on whether or not to permit the use of indented or incised lobby call buttons.
ANSI

(iii) Distinguish between up and down travel directions; and

4.10.4(3) (iv) Be visible from the vicinity of call buttons.

4.10.4(3) (3) In-car lanterns mounted on car door jambs and that comply with paragraph 1190.100(g)(2) are acceptable.

4.10.13 (b) Car position indicator and signal. Provide audible and visual car position indicators within each elevator car as follows:

1. Audible indicators shall:
   (i) Signal as the car passes or stops at each landing. Signal shall exceed the ambient noise level by at least 20 decibels with a frequency [below] of 1,500 Hz; or 2,000 Hz; or 4
   (ii) Provide an automatic verbal announcement.

4.10.13 (2) Visual indicators shall:
   (i) Be located above the car operating panel or over the car door;
   (ii) Visually display the floor number as the car passes or stops at a landing;
   (iii) Have characters that are a minimum of 1/2 in. (13 mm) high and that comply with §1190.200, Signage, except for paragraph 1190.200(c)(2).

4.10.11 (i) Illumination levels. Illuminate car controls, platform, car threshold, and landing sill to a minimum of 5 footcandles.

4.10.14 (j) Intercommunication systems. If provided, emergency intercommunication systems shall comply with the following:

Note:

1. Locate the highest operable part of the system no higher than 4'-0" (1,220 mm) above car floor;
2. Identify the system with raised lettering or symbols complying with §1190.200, Signage; and locate adjacent to the device.
3. If system employs a handset, provide a 2'-5" (735 mm) cord length;
4. If system is located in a closed compartment, compartment door hardware shall conform to §1190.170, Controls and operating mechanisms;
5. Provide a momentary contact button to allow hearing-impaired individuals to summon assistance.

* The ATBCB requests comments on whether or not indented or incised lettering or symbols should be permitted to identify the emergency intercommunication system.
§1190.110 Platform lifts.

(a) General. Platform lifts required by Subpart C—Scope, shall comply with this section.

4.11.2 Requirements. Platform lifts shall:

4.11.2 (b) Accommodate an occupied wheelchair within the space provisions of §1190.40, Human data;

4.11.2 (2) Facilitate unassisted entry and exit from the lift in accordance with the provisions of §1190.50, Walks, floors, and accessible routes;

4.11.2 (3) Have accessible controls complying with §1190.170, Controls and operating mechanisms; and

4.11.2 (4) Satisfy safety requirements of the agency having responsibility for safety of the facility.

§1190.120 Entrances.

(a) General. Entrances required to be accessible by Subpart C—Scope shall comply with §1190.50, Walks, Floors, and Accessible Routes; §1190.120, Entrances; and §1190.130, Doors.

4.11.2 (b) Service entrances. A service entrance is not to be used as the only accessible entrance unless it is the only entrance to the building or facility.

4.11.2 (c) Access to elevators. If elevators are provided, an accessible route shall be provided from an accessible entrance to the elevators.

The ATBCB requests comments on which of the following three alternatives is preferred for inclusion at 1190.110(b):

1. Retain provision as adopted on January 6, 1981 (language provided in text of notice).

2. Amend the language as follows: Facilitate unassisted entry from the lift in accordance with the provisions of §1190.50 Walks, floors, and accessible routes whenever lift is located in a controlled area.

3. Delete paragraph.
§1190.130 Doors.

(a) General. Doors required to be accessible by Subpart C—Scope shall comply with this section.

1. Gates, including ticket gates, shall comply with this section.

2. In double-leaf doorways, at least one leaf shall comply with this Section and it shall be the active leaf. Double-leaf automatic doors are excepted from the one leaf provision if both leaves are automatic.

3. Revolving doors or turnstiles are not accessible doors and shall not be the sole means of access at any accessible entrance or on any accessible route. An accessible door shall be immediately adjacent to the turnstile or revolving door and shall be subject to the same use pattern as the turnstile or revolving door. So designed as to facilitate the same use patterns.

(b) Clear width. Provide doorways with clear openings of 2'-8" (815 mm) as measured with the door open 90 degrees between the face of the door and the latch side stop (figs. 13.1, 13.2, and 13.3). Openings deeper than 2'-0" (610 mm) shall be a min. of 3'-0" (915 mm) wide (fig. 4.1).

(1) Exception. If a space and the elements within that space comply with the requirements of §1190.40, Human Data, and the user does not require full passage into that space, then the opening to that space may be min. of 1'-8" (510 mm) wide.

(2) [Reserved]
sliding

ANSI Figure 24(a) and 25(a)

folding

ANSI Figure 24(d) and 25(a)
(c) Maneuvering space. Provide the following space at all non-automatic and non-power-assisted doors:

1. At doors allowing front approach only, maneuvering space shall be as shown in figs. 13.2, 13.3, and 13.4. The min. maneuvering space (i.e., latch side clearance) required for a hinged opening is 1'-6" (455 mm), but 2'-0" (600 mm) is recommended wherever space is available.

(i) Exception. Front approach entry doors to acute care hospital patient bedrooms shall be exempt from the 1'-6" (455 mm) requirement of paragraph 1190.130(c)(1) latch side clearance shown in fig. 13.4 if the door is at least 3'-8" (1,120 mm) wide.

(ii) [Reserved]
(2) At doors allowing hinge side approach only, maneuvering space shall be as shown in fig. 13.5.

(3) At doors allowing latch side approach only, maneuvering space shall be as shown in fig. 13.8.

(4) The floor or surface area within the required maneuvering space shall be clear and shall comply with paragraph 1190.50(l). Ground and floor surfaces. It shall have a slope in any direction no greater than 1:48 (1/4 in. per ft.)

hinge approach

ANSI Figure 25(b) and (e)

Note: ANSI requires 5'-0" (1525 mm) min. if the latch/pull side approach is 3'-0" (915 mm) min.

latch approach

ANSI Figures 25(a) and (f)
(d) **Doors in series.** Between any two hinged or pivoted doors in series, provide a min. of 4'-0" (1,220 mm) plus the width of any door swinging into the space. Opposing doors shall not swing towards each other, into the intervening space (see figs. 13.7 and 13.8).

(e) **Thresholds.** Raised thresholds, if provided, shall be beveled with a slope not to exceed 1:2 and with heights not exceeding the following:
   1. Exterior sliding doors: 3/4 in. (19 mm) max.
   2. Other doors: 1/2 in. (13 mm) max. Bevel not required if less than 1/4 in. (6 mm).

(f) **Hardware.** Provide handles, pulls, latches, locks and other operating hardware that are easy to grasp with one hand and that do not require twisting of the wrist, tight grasping, or tight pinching to operate. Acceptable designs include, but are not limited to, lever-operated hardware, push-type hardware, and U-shaped handles. Operating hardware shall be exposed and usable from both sides when sliding doors are fully open. Mount no operating hardware higher than 4'-0" (1,220 mm) above finish floor.

   ![ANSI Figure 26](image)

[1) Exception. Mortise and surface mounted bolts used to secure the inactive leaf of a double leaf door without center mullion may be mounted at any height.

(2) [Reserved.]

(g) **Doors to hazardous areas.** Provide a textured surface on any door handle, knob, pull, or other piece of operating hardware on doors that lead to areas that may prove hazardous to blind people. Such areas may include, but are not limited to, loading platforms, mechanical equipment rooms, stages, and similar spaces. Textured surfaces may be achieved by knurling, roughening, or applying materials on the hand contact surface. Do not provide textured surfaces on hardware leading to emergency egress or on any doors other than those leading to hazardous areas.

**Note:** ANSI also addresses doors at accessible entrances to dwelling units at 4.29.3.
ANSI 4.13.10 (b) Closers and opening forces.

(1) Door closers, if provided, shall have a sweep period adjusted so that from a position of 70 degrees open it will take the door a min. of 3.5 to 3.8 seconds to reach a point 3 in. (75 mm) from the door jamb, measured from the leading edge of the door.

4.13.11 (2) Max. pushing or pulling opening forces for doors shall be as follows:

4.13.11(2)(a) (i) Exterior hinged doors: [Reserved]

4.13.11(2)(b) (ii) Interior hinged doors: 5 lbs. (2.3 Kg)

4.13.11(2)(c) (iii) Sliding or folding doors: 5 lbs. (2.3 Kg)

4.13.11(1) (iv) Adjust fire doors for the min. opening and closing forces required by the agency having responsibility for the safety of the facility.

4.13.2 (v) Power-assisted doors: Comply with paragraph 1190.130(b)(2) for closing force. These forces do not apply to forces required to retract or disengage latch bolts or other door latching devices.

4.13.12 (i) Automatic doors. If automatic pedestrian doors are provided:

(1) They shall not open to back check in less than 0.3 to 3.8 seconds; and,

(2) They shall not require more than 15 lbs. (6.8 Kg) to stop door movement;

(3) See the American National Standard for Power-Operated Pedestrian Doors, ANSI A156.10 (latest edition) for additional information on the requirements for both standard and custom designed installations. Paragraph 1.1.1 of the ANSI publication contains information on slow opening, low powered automatic pedestrian doors.

Note: ANSI requires that exterior hinged doors have a maximum pushing and pulling opening forces of 8.5 lbf (37.8N).
§1190.140 Windows [Reserved]

§1190.150 Toilet and bathing facilities.

(a) General. Toilet rooms and bathing facilities required to be accessible by Subpart C—Scope shall comply with this section.

(1) Exception. Where alterations to existing facilities make strict compliance with §1190.150 structurally impracticable, the addition of one "unisex" toilet per floor containing one water closet and one lavatory that complies with paragraph §1190.150(b) located adjacent to existing facilities will be acceptable in lieu of making existing toilet facilities for each sex accessible.

(2) [Reserved]

(b) Doors. Doors to toilet rooms and bathing facilities shall:

(1) Comply with §1190.130, Doors; and

(2) Not swing into clear floor spaces required at fixtures.

Note: ATBCB has reserved §1190.140 Windows until such time as research and/or field experience dictates a requirement in this area. ANSI requires a maximum of 5 lbf (22.2N) to open and close accessible windows.
ANSI

4.22.3 (c) Clear turning space. Each accessible toilet room and bathing facility shall have an unobstructed turning space that:
(1) Complies with paragraph 1190.40(b)(3);
(2) Adjoins an accessible route complying with §1190.50, Walks, floors, and accessible routes; and
(3) May overlap the accessible route and clear floor space at fixture(s).
   (i) Exception. In toilet rooms with one water closet, doors in a clear floor area that is 2'-8" by 5'-0" (815 mm by 1525 mm) may be provided in lieu of a clear turning space.

   In bathrooms with one water closet, one lavatory and/or shower, a clear floor space of 2'-6" by 5'-0" (792 mm x 1525 mm) may be used in lieu of the unobstructed turning space.

(ii) [Reserved]

4.30.1 (d) Signage. Signage required by Subpart C—Scope that identifies accessible toilet rooms and bathing facilities shall comply with 1190.200, Signage.

4.16 (e) Toilet fixtures and accessories.
4.22.4 (1) Water closets. Accessible water closets shall:
   (i) Be provided with clear floor access spaces complying with figs. 15.1, 15.2, 15.3 and 15.4 for fixtures not mounted in stalls. Clear floor space may be provided to allow either left-handed or right-handed approach.

4.16.2

ANSI Figure 28(b)

clear floor space

(right-hand approach)

ANSI Figure 28(c)

Note: ANSI does not illustrate the differences in dimensions needed for wall and floor mounted water closets. ANSI also does not show door and wall locations.
4.16.3 (ii) Have top of seats mounted 1'-5" to 1'-7" (430 mm to 485 mm) above finish floor (see figs. 15.5 and 15.6). Seats shall not be sprung to return to a lifted position when not in use.

4.16.5 (iii) Have automatic or hand-operated flush controls complying with §1190.170, Controls and operating mechanisms. Mount controls for use from the wide side of access area and no higher than 3'-8" (1,120 mm) above finish floor.

Clear floor space

(right-hand approach)

ANSI Figure 28(e)

Note: ANSI does not illustrate the differences in dimensions for wall and floor mounted water closets. ANSI also does not illustrate the possible location of walls and doors.
(iv) Have toilet paper dispensers mounted as shown in fig. 15.8. Do not use dispensers that control delivery or that do not permit continuous paper flow.

(v) Have grab bars mounted of the length and positioning as shown in figs. 15.1, 15.2, 15.3, 15.4, 15.5 and 15.6.

Rear wall elevation

side wall

without stall or alternate stall

Note: ANSI does not provide a dimension from the wall to the toilet paper dispenser.
Toilet stalls. Accessible toilet stalls shall:

(i) Have a water closet complying with paragraph 1190.150(e)(1); and

(ii) Be of the size and arrangement as shown in fig. 15.7. Stall configuration may be reversed for left or right-handed approach.

Exception. In instances of alteration work where provision of a standard stall (fig. 15.7) is structurally impractical or plumbing fixture code requirements prevent combining existing stalls to provide space, an alternate stall (fig. 15.8) may be provided in lieu of the standard stall.

(a) [Reserved]

(b) If a standard stall is provided in accordance with the requirements of §1100.31(k) toilet and bathing facilities.
(iii) Have toe clearances at the front partition and at least one side partition of 9 in. (230 mm) above finish floor. If stall depth is greater than 5'-0" (1,525 mm), then toe clearance is optional.

(iv) Have doors that comply with §1190.130, Doors, and that are outswinging; and have the symbol of access affixed to the outside of door.

(A) Exception. If toilet stall approach is from the latch side of the stall door, clearance between the door side of the stall and any obstruction may be reduced to a min. of 3'-6" (1,085 mm).

(B) [Reserved]

(v) Have grab bars mounted of the length and positioning shown in figs. 15.7, 15.8, 15.9 and 15.10. Grab bars may be mounted by any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required clear area. Grab bars shall comply with 1190.150(g).
Urinals. Accessible urinals shall:

(i) Have a clear floor space that complies with §1190.40, Human data.

(A) Exception. Urinal shields that do not extend beyond the front edge of the urinal rim may be provided with 2'-5" (735 mm) clearance between them (fig. 15.11).

(B) [Reserved]

(ii) Be floor mounted stall type or wall-hung with an elongated rim mounted at 1'-5" (430 mm) max. above finish floor (fig. 15.12).
ANSI 4.18.4

(iii) Have automatic or hand-operated controls complying with §1190.170, Controls and operating mechanisms, and mounted no higher than 3'-8" (1,120 mm) above finish floor.

4.19 (4) Lavatories and sinks. Lavatories and sinks shall meet the following requirements:

4.22.6

4.23.6

4.19.2

(i) Mount lavatories with the rim or counter surface no higher than 2'-10" (865 mm) above finish floor. Provide knee space between bottom of apron and finish floor of at least 2'-5" (735 mm) high, 2'-6" (760 mm) wide and 1'-7" (485 mm) deep (fig. 15.13).

4.24

(ii) Mount sinks with the rim or counter surface no higher than 2'-10" (865 mm) above finish floor. Provide knee space under the sink of at least 2'-3" (685 mm) high, 2'-6" (760 mm) wide and 1'-7" (485 mm) deep. Sink bowls shall be a max. of 6-1/2 in. (165 mm) deep (fig. 15.14).

Note: ANSI does not address knee space for lavatories.

ANSI Figure 51

sink

ANSI Figure 51

Note: ANSI provides range for sink heights: 2'-4", 2'-6", and 3'-0".
Clear floor space permitting front approach shall comply with §1190.40, Human Data. Clear floor space and knee space shall overlap 1'-7" (485 mm) max. (fig. 15.13).

Insulate or cover hot water and drain lines. Allow no sharp or abrasive surfaces to remain exposed under accessible lavatories or sinks.

Acceptable faucet control designs include level-operated, push type, touch-type, and electronically controlled mechanisms that comply with §1190.170, Controls and operating mechanisms.

(A) Exception. Self-closing valves are permitted at lavatories if the faucet remains open for at least 10 seconds.

(B) [Reserved]

Mirrors. Mount mirrors with the bottom edge of reflecting surface no higher than 3'-4" (1,015 mm) above finish floor (fig. 15.13).

Controls, dispensers, receptacles, or other equipment. Accessible equipment shall comply with §1190.170, Controls and operating mechanisms.

Bathing facilities. Bathtubs or showers shall:

Have clear access space as shown in figs. 15.16 to 15.20.

Note: The ATBCB does not address medicine cabinets, ANSI 4.23.9.
clear floor space
with ledge seat
ANSI Figure 33(b)

transfer stall
ANSI Figure 35

clear floor space
with in-tub seat
ANSI Figure 33(a)

roll-in stall
ANSI Figure 36(b)
4.20.3  A seat shall be provided in shower stalls 3'0" x 3'0" (915 mm x 915 mm) as shown in Figure 15.28. The seat shall be mounted 1'5" to 1'7" (450 mm to 485 mm) from the bathroom floor and shall extend the full depth of the stall. The seat shall be on the wall opposite the controls.

4.21.3  Have seats provided as shown in figs. 15.18 to 15.19, 15.24 and 15.26 to 15.28.

(i) Seats and their attachments shall safely support a 250 lbs. (114 Kg) continuous live load without sustaining permanent deflection. Seats shall not move when mounted during use. In-tub sets shall be portable.

(ii) Shear stress induced in a seat by the application of 250 lbf shall be less than the allowable shear stress for the material of the seat. If its mounting bracket or other support is considered to be fully restrained, then direct and torsional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.

(iii) Shear force induced in a fastener or mounting device from the application of 250 lbf shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.

(iv) Tensil force induced in a fastener by a direct force of 250 lbf plus the maximum moment from the application of 50 lbf shall be less than the allowable withdrawal load between the fastener and the supporting structure.
head with in-tub seat
ANSI Figure 36(a)

head with ledge seat
ANSI Figure 36(b)

bathtub back with ledge seat
ANSI Figure 36(b)

seat transfer shower
ANSI Figure 36
(3) Have grab bars mounted of the length and positioning shown in figs. 15.18 to 15.32.
(4) Have faucets and controls complying with §1190.170, Controls and Operating Mechanisms, located as shown in figs. 15.21, 15.29, and 15.31. In shower stalls 3'-0" x 3'-0" (915 mm x 915 mm), all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat.
(9) Have a shower spray unit with a flexible hose a min. of 5'-0" (1,525 mm) long that is usable as a fixed shower head and as a hand-held shower.

(i) Exception. In unmonitored facilities where vandalism is a concern, a fixed shower head mounted at 4'-0" (1,220 mm) above the tub bottom may be used in lieu of the hand-held unit.

(ii) [Reserved]
control wall

roll-in shower

ANSI Figure 3(b)

Have enclosures, if provided, that do not obstruct transfer from wheelchairs onto seats or into tubs or access to controls from clear floor spaces. Bathtub enclosures shall not have tracks mounted on the bathtub rims.

4.21.7 (7)

Note: ANSI permits 4 inch (100 mm) curbs in shower stalls 3'-0" x 3'-0"
(915 x 915 mm).
(g) **Grab bars.** Grab bars for accessible toilet and bathing fixtures shall:

1. Have a diameter or width of the gripping surfaces that is 1-1/4 in. to 1-1/2 in. (32 mm to 38 mm).
2. Have a 1-1/2 in. (38 mm) (max./min.) clear space between the bar and the mounting surface (fig. 15.33).
3. As installed, support a min. concentrated load of 250 lb. (114 Kg).

4.26.3(5)(i) Bending stress in a grab bar induced by the maximum bending moment from the application of 260 lbf shall be less than the allowable stress for the material of the grab bar.

(ii) Shear stress induced in a grab bar by the application of 250 lbf shall be less than the allowable shear stress for the material of the grab bar. If the connection between the grab bar and its mounting bracket or other support is considered to be fully restrained then direct and torsional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.

(iii) Shear force induced in a fastener or mounting device from the application of 120 lbf shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.

(iv) Tensile force induced in a fastener by a direct tension force of 250 lbf plus the maximum moment from the application of 250 lbf shall be less than the allowable withdrawal load between the fastener and the supporting structure.

(4) Not rotate in their fittings.
§1190.160 Drinking fountains and water coolers.

(a) General. Drinking fountains and coolers required by Subpart C—Scope shall comply with this section.

(b) Clearances. Drinking fountains and water coolers shall have clear floor or ground spaces that comply with §1190.40, Human data, and shall be:

4.15.5 * (1) Cantilevered units with a clear space allowing a forward approach and having a knee space under the unit that is at least 2'-3" (685 mm) high, 2'-6" (760 mm) wide, and 1'-5" (432 mm) deep (figs. 16.1 and 16.2); or 1'-7" (485 mm) deep (figures 16.1 and 16.2); or ✴

* Note: The ATBCB requests comments on the use of the 2'-3" minimum knee clearance required in Figure 16.1 for cantilevered drinking fountains. This dimension is also used for the minimum knee space under lavatories, see ATBCB Figure 16.5.
ANSI 4.15.8(2) (2) Free-standing or built-in units with a clear space allowing a parallel approach and not having knee-space (figs. 16.3 and 16.4 and 16.5).

free standing or wall hung drinking fountain

No similar figure in ANSI.

free standing or wall hung drinking fountain

ANSI Figure 2 (c)
ANSI (c) Spouts of drinking fountains and water coolers. Spouts shall:

4.15.2 (1) Be mounted no higher than 3'-0" (915 mm) above the finish floor, measured to the spout outlet.

4.15.3 (2) Be at the front of the unit and shall direct water flow trajectory parallel or nearly parallel the front of the unit.

4.15.3 (3) Direct water flow at least 4 in. (100 mm) above the unit basin to facilitate cup or glass insertion.

4.15.4 (d) Controls. Unit controls shall be front mounted or side mounted near the front edge and shall comply with §1190.170, Controls and operating mechanisms.
ANSI
§1190.170 Controls and operating mechanisms.

(a) General. Controls and operating mechanisms required to be accessible by Subpart C-Scope shall comply with this section.

(b) Location requirements. Controls and operating mechanisms shall adjoin clear floor or ground space complying with §1190.40, Human data. Mount controls and operating mechanisms in compliance with approach direction and reach limitations specified in paragraph 1190.40(c), Clear floor or ground space, and paragraph 1190.40(d), Reach limitations (figs. 17.1 and 17.2).

(c) Operation. Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbs.

(d) Specialized equipment. If specialized mechanical, electrical, or process equipment has inherent functional requirements which dictate location or force requirements other than those specified in this section, locate the equipment as dictated by its functional requirements.

Note: ANSI requires that except where special equipment dictates otherwise, electrical and communications system receptacles on walls shall be mounted no less than 1'-3" (300 mm) a.f.f. See §1190.40.
§1190.180 Alarms

(a) General. Alarm systems required to be accessible by Subpart C—Scope shall comply with this section.

(b) Audible alarms. Audible alarms shall produce a sound pressure level that exceeds ambient room or space noise by 15 decibels or any max. noise level of 30 seconds duration by 5 decibels, whichever is greater. Sound levels for alarm signals shall not exceed 120 decibels.

(c) Visual and other sensory alarms. If audible alarms are provided, then in addition, provide a visual alarm device adjacent to or within each exit sign which flashes in conjunction with audible alarms and operates from the same power source. Flash frequency of visual alarms shall be less than 5 Hz. If such alarms use electricity from the building as a power source, then they shall be installed on the same system as the audible emergency alarms.

(1) Exception. Specialized systems utilizing advanced technology may be substituted if equivalent protection is afforded handicapped users of the building or facility.

(d) Pull Stations. Alarm pull stations shall comply with §1190.170, Controls and operating mechanisms.

§1190.190 Tactile Warnings. [Reserved]

Note: For information on tactile warnings, see ANSI A117.1 (1980), Section 4.29.

Note: ANSI 4.29 Tactile Warnings has been deleted from the ATBCB Minimum Guidelines and Requirements until such time as sufficient research and/or field experience dictate a requirement in this area.
ANSI §1190.200 Signage.

(a) General. Information and identification of elements and spaces as required by Subpart C — Scope shall comply with this section.

(1) Exception. The provisions of paragraph 1190.200(c) are not mandatory for temporary information on room and space signage.

(2) [Reserved]

4.30.2 (b) Character proportion and contrast. Letters and numbers on sign systems shall:

(1) Have a width-to-height ratio of between 3:5 and 1:1.

(2) Have a stroke width-to-height ratio of between 1:5 and 1:10.

4.30.3 (c) Raised or incised characters. Provide numbers and letters that are:

(1) Raised or incised from the background surface 1/32 in. (0.8 mm). Also incise or raise symbols and pictographs in this manner.

(2) Between 5/8 in. (16 mm) and 2 in. (50 mm) high.

(3) Sans serif with sharply defined edges.

(4) If incised, provided with at least a 1/4 in. (6 mm) stroke width.

4.30.4 (d) Mounting location and height. Signage shall be placed in a standardized location throughout a building or facility as follows:

(1) Interior signage shall be located alongside of the door on the latch side and shall be mounted at between 4'-6" and 5'-6" (1,370 mm and 1,675 mm) above finish floor (fig. 20.1)

(2) Exterior signage shall be installed at entrances and walks to direct individuals to accessible routes and entrances as required.
(e) Symbol of accessibility. Identification of accessible facilities as required by Subpart C—Scope shall be by means of the International Symbol of Accessibility. Display as shown in figs. 20.2 and 20.3. Provide symbols of the following min. dimensions:

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<th>No similar chart in ANSI</th>
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<td></td>
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<tr>
<td>4 in. (100 mm)</td>
<td>Interior</td>
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</tr>
<tr>
<td>4 in. (100 mm)</td>
<td>Exterior</td>
<td>Up to 60 ft. (18 m)</td>
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<tr>
<td>8 in. (200 mm)</td>
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</table>

§1190.210 Telephones.

See ATBCB Minimum Guidelines and Requirements for Accessible Design, Amendment to Final Rule, published elsewhere in this Federal Register.
4.32 §1190.220 Seating, tables, and work surfaces.

(a) General. Fixed seating spaces, tables, or work surfaces required to be accessible by Subpart C—Scope shall comply with this section.

4.32.2 (b) Clearances. Seating spaces for people in wheelchairs at tables, counters, or work surfaces shall:

1 Have a clear floor or ground spaces that comply with §1190.40, Human data.

2 Have knee spaces that are at least 2'-3" (685 mm) high, 2'-6" (760 mm) wide, and 1'-7" (485 mm) deep. Clear access space and knee space may overlap 1'-7" (fig. 15.15).

3 Have table tops or work surfaces mounted between 2'-4" to 2'-10" (710 mm to 865 mm) above finish floor.

minimum clearances seating and tables

ANSI Figure 45
§1190.230 Assembly areas, conference, and meeting rooms.

(a) General. Assembly areas required to be accessible by Subpart C—Scope shall comply with this section.

4.33 Size and location of viewing positions: Accessible viewing positions shall:

1. Provide min. level clear floor or ground areas as shown in figs. 23.1 and 23.2.

Note: ANSI (2) Accommodate one occupied wheelchair or one portable seat to accommodate persons with crutches or leg braces.

2. Be in an adjoining configuration if only two positions are provided. Additional positions may be in single position configurations.

3. Be an integral part of the seating plan and shall be dispersed throughout the assembly area providing sight lines comparable to those for all seating.

(i) Exception. In alteration work where it is structurally impossible to alter seating locations to disperse seating throughout, seating may be located in collected areas as structurally feasible. Seating must adjoin an accessible route that also serves as a means of emergency egress.

(ii) [Reserved]

4.33.3 Adjoin an accessible route of emergency egress as required by paragraph 1190.50(h), Egress.

4.34.4 Have surfaces that comply with paragraph 1190.50(i), Ground and floor surfaces.

4.33.5 (c) Performing areas. Provide accessible routes that comply with §1190.50, Walks, floors, and accessible routes, to performing areas, including but not limited to stages, arena floors, dressing rooms, locker rooms, and other rooms and spaces required for use of the assembly area.

4.33.6 (1) Exception. In alteration work where it is structurally impracticable to alter all performing areas to be on an accessible route, at least one of each type shall be made accessible.

(2) [Reserved]

4.33.7 (d) Listening systems. Provide assembly areas with a listening system to assist no fewer than two persons with severe hearing loss.

*See questions highlighted for comment at 1190.31(a).
ANSI

4.33.6 (1) If the listening system serves individual seats, locate such seats within 50 ft (15 m) of the stage or arena. Such locations shall provide a complete view of the stage or arena.

4.33.7 (2) Acceptable types of listening systems include, but are not limited to, audio loops and radio frequency systems.

4.25 §1190.240 Storage

(a) General. Storage facilities required to be accessible by Subpart C—Scope shall comply with this section.

4.25.2 (1) Provide clear floor or ground spaces that comply with §1190.40, Human data.

4.25.3 (2) Provide storage spaces and clothes rods that comply with paragraph 1190.40(d), Reach limitations (fig. 24.1)

4.25.4 (3) Provide accessible hardware that complies with §1190.170, Controls and operating mechanisms.

(b) [Reserved]

Subpart E — Special Building or Facility Tapes or Elements. (Reserved)

Preamble A.

Part III

Department of Health and Human Services

Public Health Service

Abortion Services by the Indian Health Service
DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 36

Provision of Abortion Services by the Indian Health Service

AGENCY: Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: The Public Health Service is adding a new Subpart F to its regulations on Indian Health, making the Indian Health Service (IHS) policy on provision of abortion services consistent with that of other Department of Health and Human Services (HHS) programs. This regulation restricts abortion services available from the IHS to cases where the life of the mother would be endangered if the fetus were carried to term. Although this statutory restriction is not applicable by its terms to IHS funds which are appropriated under the Department of Interior and Related Agencies Appropriation Bill, this regulation will conform IHS practice to that of other programs administered by HHS and subject to the new congressional restriction.

We do not view the change in the congressional restriction as necessitating reissuance of a notice of proposed rulemaking. The notice clearly stated that the purpose of the regulation was to conform IHS practice to that of the rest of the Department in accordance with the applicable congressional guidelines. Although the Administrative Procedures Act requires that a notice must include "either the terms or substance of the proposed rule or a description of the subjects and issues involved," it is not legally required that the final rule be identical in all respects to the proposed rule, Chrysler Corporation v. Department of Transportation, 515 F.2d 153 (6th Cir., 1975). The notice is legally sufficient if the substance of the IHS action is presented to the public. National Industrial Traffic League v. United States, 396 F. Supp. 456 (D.C.D.C. 1975).

The final regulation reflects this most recent expression of congressional intent and restricts the IHS funding of abortions to situations where the life of the mother would be endangered if the fetus were carried to term.

A number of comments were received which expressed general opposition to or support of the proposed rule. Several commentors suggested that there was a need to extend the comment period because of the critical nature of the abortion issue to Indian people. We recognize that abortion is a complex issue which touches very sensitive cultural and religious beliefs, not only for Indian people, but for all people. The issues on both sides of the abortion question have received extensive public exposure and no useful purpose would be served by either extending the comment period or by entering into an extensive reexamination of the pros and cons surrounding the issue.

Legality of the Rule

Several commentators objected to limiting the IHS funding of abortions as an unconstitutional restriction upon the Indian woman's right to personal privacy under the Fifth and Fourteenth Amendments. The Supreme Court in Harris v. McRae, 100 S.Ct. 2671 (1980) determined that the constitutional constraint upon governmental interference in the area of abortion—established in the earlier cases of Roe v. Wade, 410 U.S. 173, 93 S.Ct. 705 (1973) and Doe v. Bolton, 410 U.S. 179, 93 S.Ct. 738 (1973) —did not create a companion duty on the part of the Government to fund abortions. The Court found that it was reasonable for the Government to fund medical services generally, but to restrict funding for abortions, since "(a) abortion is inherently different from other medical procedures, because no other procedure involves the purposeful termination of a potential life." McRae, supra at 2892. Moreover, in McRae, the Supreme Court upheld the constitutionality of all versions of the Hyde Amendment including the more restrictive amendment applicable during fiscal year 1977, which prohibited abortion funding in cases of rape or incest. The Court went on to conclude that encouragement and promotion of childbirth over abortion was a legitimate, rationally-based decision. McRae, supra, at 2897, citing Maher v. Roe, 443 U.S. 464, 474, 97 S.Ct. 2376, 2382-83 (1974).

Another constitutional issue raised in the comments is that of violation of First Amendment guarantees of religious freedom. One commentator suggested that by implementing this rule the IHS is trying to decide when human life begins, violating the Establishment Clause by incorporating into Government regulation the doctrines of the Roman Catholic Church and of fundamentalist Protestant sects. However, this regulation is as much a reflection of "traditionalist" views toward abortion as it is a reflection of the dogma of a particular religion. (Roe v. Wade, supra, at 128-131; Harris, supra, at 2689.) A Government action does not violate the Establishment Clause if it "happens to coincide or harmonize with the tenets of some or all religions." McCown v. Maryland, 366 U.S. 420, 442, 81 S.Ct. 1101, 1113 (1961) cited with approval in McCane, supra at 2891. The standard for determining whether agency action conflicts with the Establishment Clause is set forth in Committee for Public Education and Religious Freedom v. Regan, 100 S.Ct. 840, 846, 63 L.Ed. 2d 94 (1980). The Court stated that the
challenged Government action will be upheld if it "has a secular legislative purpose, if its principal or primary effect neither advances nor inhibits religion, and if it does not foster excessive governmental entanglement with religion." The District Court in McRae applied this test and concluded that the Establishment Clause was not violated by the Hyde Amendment. The Supreme Court concurred in the conclusion of the District Court. The same analysis applies to this regulation.

Nor does imposition of restrictions on abortion funding violate the Free Exercise Clause of the First Amendment. The Free Exercise Clause guarantees the right to practice one's religion without Government interference. This does not mean that the Government must bear the cost of each person's exercise of religious beliefs. In fact, the Supreme Court has upheld secular laws having the incidental effect of making some forms of religious observance more expensive than others. See McGowan v. Maryland, supra (upholding Sunday closing laws); Prince v. Commonwealth of Massachusetts, 321 U.S. 153, 64 S.Ct. 438 (1944) (upholding child labor laws prohibiting a minor from selling religious literature in public places).

It was suggested that because of the poverty and isolation of many Indian communities, a restriction upon IHS funding for abortion has the effect of prohibiting Indian women from obtaining the medical service. However, the effect of this restriction on Indian women is essentially identical to the effect of the "Hyde amendment upon rural Medicaid-eligible women which was found to be constitutionally permissible. The court recognized in McRae that prohibition of Medicaid funding for abortions could make them more difficult or impossible to obtain. However, it concluded that the indigent woman is in no different position than if the Government chose to fund no medical services at all. Similarly, the poverty and rural locale of some Indian communities is not a Government-imposed barrier to exercise of the right of privacy recognized in Roe v. Wade, supra, as deserving constitutional protection. The Indian woman is free to go to a facility in the surrounding area and procure an abortion with non-Federal resources on the same basis as any other citizen. A funding restriction does not constitute unconstitutional interference with the woman's right of privacy. In this regard, it is fundamentally different from a criminal statute (Roe, supra), a municipal ordinance forbidding abortions in city hospitals (Nybert v. City of Virginia, Case No. 5-73 D.Minn., November 25, 1980), or an unconditional requirement of spousal consent (Planned Parenthood of Central Missouri v. Danforth, 428 U.S. 52, 97 S.Ct. 2381), all of which have been found to be constitutionally impermissible.

Several commentators took the position that the proposed rule was inconsistent with legislation authorizing the IHS program. The IHS' basic statutory authority is the Snyder Act (25 U.S.C. 13). The statute provides for expenditure of "such monies as the Congress shall from time to time appropriate . . . for relief of distress and the conservation of health" of Indians. This general statutory authority to spend funds to promote Indian Health does not create an entitlement to a specific configuration of health services. Instead, the IHS is granted substantial discretion concerning fulfillment of its statutory obligation.

The discretion vested in the IHS to make rational program decisions was recognized by the Supreme Court in Morton v. Ruiz, 415 U.S. 199, 94 S.Ct. 1055 (1974). In Ruiz, the Court held that the Bureau of Indian Affairs had the discretion, under the general language of the Snyder Act, to make rational allocations of limited welfare funds even where some Indians otherwise within the scope of the appropriation may be left without benefits. Although the court's opinion in Ruiz dealt with allocation of limited financial resources, we think that the case stands for the broader proposition that administrators of discretionary assistance programs must of necessity make choices and that those choices will be upheld so long as they have a rational basis in light of statutory goals, as broad as they may be.

The Medicaid statute at issue in McRae authorized payment for "usual and necessary" medical expenses. Yet the Court concluded that authorization of payment for abortion in only the most compelling cases was rationally related to a legitimate governmental interest in the protection of potential life. In this case, the Department is exercising the broad administrative discretion recognized by the Court in Ruiz to conform IHS practice to the abortion funding policy which was found in McRae to have a rational basis. The Secretary has used his discretion in other instances to restrict medical services for reasons unrelated to fiscal constraints where he determines the restriction would promote the best interest of the beneficiary population. For example, IHS funds are not generally available for sterilization of minors or for psychosurgery.

Furthermore, the general "trust relationship" between the Federal Government and the Indian people does not, as several commentators suggested, create an independent legal obligation to provide Federal funds for abortion services for Indians in the absence of a specific statutory authorization.

Although the relationship between the Federal Government and the Indian tribes has sometimes been described as analogous to that of "guardian to ward", e.g., United States v. Kagama, 118 U.S. 375, 384 (1886), this "guardianship" is more of a metaphor than a term to be given its literal meaning. Gila River Pima-Maricopa Indian Community v. United States, 427 F.2d 1194 (Cl.Ct. 1970), cert. denied, 400 U.S. 819. To determine whether any legally enforceable duty on the part of the Government exists, as well as to determine its scope, the courts look to specific treaties, executive orders, and statutes. See Cohen Federal Indian Law, 1972 ed., p. 172; Sæmiso Nation v. United States, 316 U.S. 286, 293, 62 S Ct. 1049, 1053 (1942) (no enforceable obligation under broad treaty language to furnish specific education facilities); Sac and Fox Tribe of Indians of Oklahoma v. United States, 383 F.2d 991, 1001 (Cl. Ct. 1967) (no constructive trust placed on profits from Government resale of Indian land at high prices). In Scholder v. United States, 428 F.2d 1123, 1129 (9th Cir. 1970) cert. denied, 400 U.S. 942 (1970), the court stated that funds appropriated under the Snyder Act are simply "gratuitous appropriations of public moneys", and are not funds belonging to the Indians to which they have a constitutional proprietary interest. Therefore, although the IHS is obligated under the Snyder Act to spend its funds to promote "Indian health", and the trust relationship between the Government and the Indian people may provide a framework with which to analyze Indian claims to medical service, (See White v. Califano, 437 F.Supp. 543, 554 (1977)), it does not create an independent legally enforceable right to compel the IHS to provide abortion services.

Miscellaneous Comments

Some commentators raised the general principle of tribal sovereignty and the Indian Self-Determination Act (Pub. L. 93-638) as a justification for allowing freedom of choice for Indian people under the IHS program. However, the Indian Self-Determination Act is essentially a procedural statute which permits Indian tribes to enter into
contracts with the IHS to assume operation of health programs and facilities which otherwise would be operated by the Secretary. The scope of the contracted program is limited by section 103(a) of the statute to "those functions, authorities, and responsibilities under the Act of August 5, 1954 as amended." [The Act of August 5, 1954, also called the Transfer Act. Pub. L. 83-588, provided for the assumption of the responsibility for Indian health care by the Secretary of Health, Education, and Welfare.] The Indian Self-Determination Act does not permit a contracting tribe to use Federal funds under a Pub. L. 93-638 contract to provide services that are beyond the scope of the IHS program as defined by the Secretary. If, however, an Indian tribe wishes to use its own funds to provide abortion services to its members, the regulation does not impede exercise of this option. Some commentors urged a more liberal policy regarding the specifics of the rape and incest exception set forth in the notice of proposed rulemaking, or suggested that the IHS fund abortions where required to preserve the mother's health. We do not agree that we should adopt a more liberal policy than that enunciated in the notice of proposed rulemaking. Because congressional restrictions have been in effect since the proposed rule was published, adoption of these suggestions would be inconsistent with the goal of a uniform Department-wide abortion policy. As we indicated above, the Supreme Court in McRae, supra, upheld the constitutionality of all versions of the "Hyde" Amendment, including those which prohibited funding of abortion in all except life-threatening circumstances.

One commentor stated that IHS facilities performed many more abortions last year than the 638 reported in the preamble to the proposed rule. The notice of proposed rulemaking did not make clear that the 638 figure represented only inpatient induced abortions performed by or paid for by IHS in fiscal year 1979. An informal survey conducted by the IHS in response to this comment revealed that the IHS may have performed or paid for as many as 400 additional induced abortions on an outpatient basis during fiscal year 1979. This would raise the total number of induced abortions provided by the IHS for fiscal year 1979 to approximately 1,038.

A number of commentors expressed the concern that restricting abortion funding would lead to an increase in sterilization abuse, i.e., involuntary or uninformred sterilizations. The restriction of abortion may result in increased use of contraceptive methods, including sterilization. However, the Department and the IHS have strict regulations and procedural requirements governing sterilization which are designed to prevent either involuntary or uninformred sterilization and are vigorously enforced.

Some commentors requested clarification of the language "or otherwise provide for abortions" contained in § 36.53. This phrase simply means that Federal funds may not be used to provide abortion services either directly or indirectly. For example, IHS funds cannot be used to pay the salary of an individual who performs nonconforming abortions on salaried time, or for the costs incurred at an IHS facility where an abortion is performed. Nor can IHS contract care funds be used to reimburse a physician or a facility performing an abortion, for this would constitute indirect support.

Several commentors stated that the Department has failed to consult with the Indian tribes on this regulation and that such consultation is required because of the unique relationship between the tribes and the Federal Government. Unlike proposed changes in regulations implementing the Indian Health Care Improvement Act (Pub. L. 93-437) or the Indian Self-Determination Act (Pub. L. 93-638), there is no independent legal requirement of additional consultation before promulgation of a general program regulation. However, the Department did seek, and carefully considered the views of the Indian people elicited by the publication of the notice of proposed rulemaking in the Federal Register.

Section 36.51. Applicability, has been amended to clarify that this Subpart applies to Subparts H, I and J, i.e., to the use of IHS funds by contractors or grantees under Pub. L. 93-638 and the Indian Health Care Improvement Act, Pub. L. 94-467. Section 36.52. Definitions, has been amended to delete those definitions needed for the rape and incest provisions.

Determination Concerning Impact of the Proposed Rule.

The Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that this regulation will not have a significant economic impact on a substantial number of small entities. The reason for the Secretary's certification is that the regulation will not affect the level of Federal funds available to treat a pregnant woman and, if she chooses to continue the pregnancy, the treatment of her child.

Paperwork requirements contained in this regulation have been minimized to the extent that we are requesting only a simple certification from providers. These requirements, therefore, are not subject to Office of Management and Budget approval under the Paperwork Reduction Act of 1980.

The Secretary has also determined, in accordance with Executive Order 12291, that the proposed rule does not constitute a "major rule" because it will not have an annual effect on the economy of $100 million or more: result in a major increase in costs or prices for consumers, any industries, any governmental agencies or geographic regions; or have significant and adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Accordingly, it is the decision of the Department to amend the IHS program regulations as follows to make the IHS policy on provision of abortion services consistent with that of other programs administered by the Department.

Dated: November 18, 1981.
Edward N. Brandt, Jr.
Assistant Secretary for Health.
Approved: December 23, 1981.
Richard S. Schweiker,
Secretary.

PART 36—INDIAN HEALTH

Title 42 of the Code of Federal Regulations, Part 36, Indian Health, is amended by adding a new Subpart F to read as follows:

Subpart F—Abortions and Related Medical Services in Indian Health Service Facilities and Indian Health Service Programs

Sec. 36.51 Applicability.
36.52 Definitions.
36.53 General rule.
36.54 Life of the mother would be endangered.
36.55 Drugs and devices and termination of ectopic pregnancies.
36.56 Recordkeeping requirements.
Subpart F—Abortions and Related Medical Services in Indian Health Service Facilities and Indian Health Service Programs

§ 36.51 Applicability.
This subpart is applicable to the use of Federal funds in providing health services to Indians in accordance with the provisions of Subparts A, B, C, H, I and J of this part.

§ 36.52 Definitions.
As used in this subpart:
"Physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery at an Indian Health Service or tribally run facility, or by the State in which he or she practices.

§ 36.53 General rule.
Federal funds may not be used to pay for or otherwise provide for abortions in the programs described in § 36.51, except under the Circumstances described in § 36.54.

§ 36.54 Life of the mother would be endangered.
Federal funds are available for an abortion when a physician has found and so certified in writing to the appropriate tribal or other contracting organization, or service unit or area director, that "on the basis of my professional judgment the life of the mother would be endangered if the fetus were carried to term." The certification must contain the name and address of the patient.

§ 36.55 Drugs and devices and termination of ectopic pregnancies.
Federal funds are available for drugs or devices to prevent implantation of the fertilized ovum, and for medical procedures necessary for the termination of an ectopic pregnancy.

§ 36.56 Recordkeeping requirements.
Documents required by § 36.54 must be maintained for three years pursuant to the retention and custodial requirements for records at 45 CFR 74.20 et seq.

§ 36.57 Confidentiality.
Information which is acquired in connection with the requirements of this subpart may not be disclosed in a form which permits the identification of an individual without the individual's consent, except as may be necessary for the health of the individual or as may be necessary for the Secretary to monitor Indian Health Service program activities. In any event, any disclosure shall be subject to appropriate safeguards which will minimize the likelihood of disclosures of personal information in identifiable form.
Part IV

Office of Management and Budget

Budget Revisions and Deferrals
OFFICE OF MANAGEMENT AND BUDGET

Budget Recisions and Deferrals

To The Congress of The United States:

   In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority totaling $1,758.3 million, six revisions to existing deferrals increasing the amount deferred by $191.3 million, and five revisions to existing deferrals which do not affect the amounts deferred.

   The new deferrals involve International Security Assistance programs, Department of Transportation research and special programs, and the President's Commission for the Study of Ethical Problems in Medicine. The revisions to existing deferrals affect Appalachian Regional Development Programs as well as programs in the Departments of Agriculture, Commerce, Defense, Health and Human Services, State, and Transportation. The details of the deferrals are contained in the attached reports.

Ronald Reagan,

The White House,
January 22, 1982.
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<td>D82-13A</td>
<td>Office of Assistant Secretary of Health Scientific activities overseas (special) foreign currency program</td>
<td>7,000</td>
</tr>
<tr>
<td>D82-14A</td>
<td>Social Security Administration Cuban and Haitian Entrants, reception and processing</td>
<td>2,400</td>
</tr>
<tr>
<td>D82-15A</td>
<td>Cuban and Haitian Entrants, domestic assistance</td>
<td>48,398</td>
</tr>
<tr>
<td>D82-15I</td>
<td>Department of State United States Emergency Refugee and Migration Assistance fund</td>
<td>35,143</td>
</tr>
<tr>
<td>D82-21A</td>
<td>Department of Transportation Federal Aviation Administration Facilities and equipment (Airport and airway trust fund)</td>
<td>350,513</td>
</tr>
<tr>
<td>D82-22I</td>
<td>Research and Special Programs Administration Research and special programs</td>
<td>1,050</td>
</tr>
<tr>
<td></td>
<td>President’s Commission for the Study of Ethical Problems in Medicine: Salaries and expenses</td>
<td>262</td>
</tr>
<tr>
<td>Total Deferrals</td>
<td></td>
<td>2,291,498</td>
</tr>
</tbody>
</table>

Summary of Special Messages for FY 1982

<table>
<thead>
<tr>
<th>Rescissions</th>
<th>Deferrals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,758,292</td>
<td>191,323</td>
</tr>
<tr>
<td>1,949,615</td>
<td>2,759,802</td>
</tr>
<tr>
<td>108,700</td>
<td>4,709,417</td>
</tr>
</tbody>
</table>

Changes to amounts previously submitted.
SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. 082-1, transmitted to the Congress on October 1, 1981.

This revision to a deferral for Appalachian regional development programs under Funds Appropriated to the President increases the budgetary resources for these programs from $18,000,000 to $198,493,000. The increase of $180,493,000 is attributable both to an increase of $22,493,000 over the previous estimate of obligated balances brought forward into FY 1982, and to new budget authority of $158,000,000 provided by the Energy and Water Development Appropriation Act for FY 1982. These changes do not affect the amount deferred.

<table>
<thead>
<tr>
<th>Bureau: Appalachian Regional Development Programs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation title &amp; symbol: Appalachian Regional Development Programs</td>
</tr>
<tr>
<td>New budget authority: $150,000,000</td>
</tr>
<tr>
<td>Other budgetary resources: $46,493,000*</td>
</tr>
<tr>
<td>Total budgetary resources: $196,493,000*</td>
</tr>
<tr>
<td>Amount to be deferred: $18,000,000</td>
</tr>
<tr>
<td>Part of year:</td>
</tr>
<tr>
<td>Entire year: $18,000,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CRD Identification code: 11-0905-0-1-451</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal authority (in addition to sec. 1032)</td>
</tr>
<tr>
<td>☐ Antidesufficiency Act</td>
</tr>
<tr>
<td>☐ Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grant program: Yes ☐ No ☑</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of account or fund:</td>
</tr>
<tr>
<td>☐ Annual</td>
</tr>
<tr>
<td>☐ Multiple-year (expiration date)</td>
</tr>
<tr>
<td>☒ No-year</td>
</tr>
</tbody>
</table>

| Type of budget authority: |
| ☐ Appropriation |
| ☐ Contract authority |
| ☐ Other |

Justification: This appropriation provides funds for the Appalachian Regional Commission’s highway, area development, and research and local development district support activities. As part of the President’s comprehensive economic plan for spending reductions, the non-highway activities of the Commission were proposed for termination in 1981.

Until the issue of termination of the Commission is resolved, $15,000,000 associated with non-highway activities will be deferred. These deferred funds will be available to pay termination costs for this account.

Estimated effect: This deferral action will provide for termination costs associated with elimination of funding proposed for the Appalachian Regional Commission.

Outlay effect: This deferral has no effect on FY 1982 outlays.

* This account was the subject of a similar deferral in FY 1981 (081-79).
* Revised from previous report.
SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. DB2-2, transmitted to the Congress on October 1, 1981.

This revision to a deferral of Timber Salvage Sales funds in the Forest Service of the Department of Agriculture increases the amount deferred from $6,222,769 to $7,283,958. The increase of $561,189 is the result of a corresponding increase in the amount of unobligated balances brought forward into FY 1982.

Estimated Effects:

This deferral has no programmatic or budgetary effects. Rather, the reserve reflects the resources that are not currently required for obligational authority in meeting the current year's program requirements.

Any emergency funding needed to meet the necessary obligations to sell material as a result of a catastrophe must come from the available funds within the present reserve.

Outlay Effect:

There will be no outlay effect from this deferral action since the remaining funds are adequate to carry out the planned program.

* This account was the subject of a similar deferral in FY 1981 (DB1-1A).

* Revised from previous report.
### DEFERRAL OF BUDGET AUTHORITY

**Report Pursuant to Section 1013 of P.L. 97-344**

**Agency:** Department of Agriculture  
**Bureau:** Forest Service  
**Appropriation Title & Symbol:** Timber Salvage Sales 127204  

<table>
<thead>
<tr>
<th>Deferral No.</th>
<th>OMB-2A</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>New budget authority</th>
<th>$2,388,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other budgetary resources</td>
<td>$17,283,958*</td>
</tr>
<tr>
<td>Total budgetary resources</td>
<td>$19,672,958*</td>
</tr>
</tbody>
</table>

**Amount to be deferred:**  
- **Part of year:** $32,840  
- **Entire year:** $7,283,958*  

**ObjectId identification code:** 127204.0.2.202  
**Grant program:** Yes  

**Type of account or fund:**  
- **Annual**  
- **Multiple-year**  
- **No-year**  

**Type of budget authority:**  
- **Appropriation**  
- **Contract authority**  
- **Other**  

**Legal authority (in addition to sec. 1013):**  
- Antideficiency Act  
- Other  

**Justification:** The National Forest Management Act of 1976 provided the salvage sale fund to meet catastrophes that occur during a given year or when other market conditions occur so that immediate action can take place to harvest the dead and dying trees.  
Sufficient reserves must be held in order to meet these catastrophes, so that salvage sale activity can take place without undue delay.  

The Act authorized the Secretary to require purchasers of sales of dead, damaged, insect infested, or down timber to make monetary deposits into a designated fund to cover the costs associated with such sales.  

This deferral is necessary because of the time lag between the deposit of receipts from salvage sales and the expenditure of funds to cover costs associated with making additional sales.  

The collections becoming available in the current year are estimated and the related salvage sale operations may not necessarily be planned in the same year. Efficient program planning and accomplishment is facilitated by administering a stable program well within the funds available in any one year for this purpose.  

The amount deferred is a balance of the planned program requirement and is taken under the provisions of the Antideficiency Act (31 U.S.C. 655).  

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### DEFERRAL OF BUDGET AUTHORITY

**Report Pursuant to Section 1013 of P.L. 97-344**

**Agency:** Funds Appropriated to the President (AID)  
**Bureau:** International Security Assistance  
**Appropriation Title & Symbol:** Economic Support Fund, 1982  
**Grant program:** 111037  

<table>
<thead>
<tr>
<th>Deferral No.</th>
<th>OMB-219</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>New budget authority</th>
<th>$2,576,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other budgetary resources</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Total budgetary resources</td>
<td>$2,564,000,000</td>
</tr>
</tbody>
</table>

**Amount to be deferred:**  
- **Part of year:** $1,756,980,000  
- **Entire year:** $1,756,980,000  

**ObjectId identification code:** 111037.0.1.152  
**Grant program:** Yes  

**Type of account or fund:**  
- **Annual**  
- **Multiple-year**  
- **No-year**  

**Type of budget authority:**  
- **Appropriation**  
- **Contract authority**  
- **Other**  

**Legal authority (in addition to sec. 1013):**  
- Antideficiency Act  
- Other  

**Justification:** Pursuant to the Foreign Assistance Act of 1961, as amended, the President is authorized to furnish assistance to promote economic or political stability in foreign countries on such terms and conditions as he may determine. The Foreign Assistance and Related Programs Appropriations Act, 1982, P.L. 97-111, appropriates $2,576,000,000 for fiscal year 1982 to enable the President to carry out these authorities. Under Part IV, Chapter 4, of the Foreign Assistance Act, the Secretary of State is responsible for policy decisions and Justifications for such economic support programs, including the countries and amounts to be provided.  

Executive Order No. 12163 of September 29, 1979, further delegates the President's responsibilities under Chapter 4 to the Secretary of State insofar as they relate to policy decisions and Justifications for economic support programs. These functions will be exercised in cooperation with the Administrator of the Agency for International Development (AID).  

The funds are deferred pending approval of specific loans and grants to eligible countries by the Secretary of State. This will ensure that each approved program is consistent with the foreign, national security and financial policies of the U.S. and will not exceed the limits of available funds.  

**Estimated effect:** This deferral will have no programmatic or budgetary impact and is not restrictive in nature.  
**Outlay effect:** There is no outlay effect of this deferral because funds will be released as loans and grants are approved.  

1/ This account was the subject of a deferral in FY 1981 (OBI-24).  
5/ Reflects approved sub-function change from 151 to 152.
SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. 082-5, transmitted to the Congress on October 1, 1981.

This revision to a deferral for the National Oceanic and Atmospheric Administration in the Department of Commerce increases the budgetary resources by $2,945,285. This increase is attributable to larger unobligated balances brought forward into 1982 than originally estimated. This increase does not affect the amount deferred, which remains $2,000,000.

---

<table>
<thead>
<tr>
<th>Agency/Department of Commerce</th>
<th>New budget authority $ 0.0</th>
<th>Other budgetary resources $ 26,645,285*</th>
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<tr>
<td>Bureau National Oceanic and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Atmospheric Administration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation title &amp; symbol</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction 13x1452 /Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount to be deferred:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part of year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entire year</td>
<td></td>
<td>2,000,000</td>
</tr>
</tbody>
</table>

| OMB identification code:      | Legal authority (in addition to sec. 1013): |
| 13-1452-0-1-306              | ☐ Antideficiency Act          |
| Grant program ☐ Yes ☐ No     | ☐ Other                      |

| Type of account or fund:     | Type of budget authority:   |
| ☐ Annual                    | ☐ Appropriation              |
| ☐ Multiple-year             | ☐ Contract authority        |
| ☐ No-year                   | ☐ Other                     |

Justification: Public Law 96-38 included supplemental appropriations to fund NOAA's Western Regional Center (WRC) in Seattle, Washington. Due to delays in construction, the estimated date of completion has been extended into FY 1983. The above funds proposed for deferral will not be required during FY 1982. This deferral is consistent with congressional intent to provide no-year funding for this project and is taken under the provisions of the Antideficiency Act (31 U.S.C. 655).

Estimated Effects: The funds proposed for deferral will not affect the construction progress of the WRC during FY 1982.

Outlay Effect: This deferral action will have no effect on FY 1982 outlays.

* This account was the subject of a similar deferral in FY 1981 (281-4).
  * Revised from previous report.
This report updates Deferral No. 082-6 transmitted to the Congress on October 1, 1981.

This revision to a deferral of Department of Defense military construction funds increases the amount originally reported as deferred from $38,837,000 to $52,938,000. This net increase of $14,101,000 primarily results from foreign currency fluctuations savings in the Army construction accounts; specific projects have not been identified for these funds. Also, the budgetary resources have been revised to reflect the actual unobligated balances brought forward on October 1, 1981.

---

<table>
<thead>
<tr>
<th>Deferral No.</th>
<th>082-6A</th>
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</thead>
<tbody>
<tr>
<td><strong>DEFERRAL OF BUDGET AUTHORITY</strong></td>
<td></td>
</tr>
<tr>
<td>Report Pursuant to Section 1013 of P.L. 93-344</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agency</th>
<th>Department of Defense - Military</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bureau</td>
<td>New budget authority (PL)</td>
</tr>
<tr>
<td></td>
<td>Other budgetary resources</td>
</tr>
<tr>
<td>Appropriation title &amp; symbol</td>
<td>Total budgetary resources</td>
</tr>
<tr>
<td>See coverage section below</td>
<td>$1,747,982.20</td>
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<table>
<thead>
<tr>
<th>Amount to be deferred:</th>
<th>Part of year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 52,938,000</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Grant program</th>
<th>Yes</th>
<th>No</th>
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</thead>
<tbody>
<tr>
<td>Type of account or fund:</td>
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<td>September 30, 1983</td>
</tr>
<tr>
<td></td>
<td>Multiple-year</td>
<td>September 30, 1984</td>
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<tr>
<td></td>
<td>No-year</td>
<td>September 30, 1985</td>
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</table>

<table>
<thead>
<tr>
<th>Legal authority (in addition to sec. 1013):</th>
<th>Antideficiency Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of budget authority:</td>
<td>Appropriation</td>
</tr>
<tr>
<td></td>
<td>Contract authority</td>
</tr>
<tr>
<td></td>
<td>Other</td>
</tr>
</tbody>
</table>

---
### Appropriation | Symbol | Ident. Code | Amount Deferred
--- | --- | --- | ---
Military construction, Army | 211/20550 | 21-2055-0-1-051 | $40,200,000
Military construction, Army | 210/20550 | 21-2055-0-1-051 | 1,100,000
Military construction, Army | 219/20505 | 21-2050-0-1-051 | 1,700,000
Military construction, Navy | 171/12105 | 17-1210-0-1-051 | 1,700,000
Military construction, Navy | 179/31/295 | 17-1295-0-1-051 | 1,700,000
Military construction, Air Force | 211/32030 | 21-3203-0-1-051 | 1,700,000
Military construction, Air Force | 570/43300 | 57-3303-0-1-051 | 1,700,000
Military construction, Air Force | 579/33300 | 57-3303-0-1-051 | 1,700,000
Military construction, Defense Agencies | 971/50500 | 97-0500-0-1-051 | 538,000
Military construction, Defense Agencies | 970/40500 | 97-0500-0-1-051 | 538,000
Military construction, National Guard | 211/32085 | 21-3208-0-1-051 | 538,000
Military construction, National Guard | 210/42385 | 21-4238-0-1-051 | 538,000
Military construction, National Guard | 219/32085 | 21-3208-0-1-051 | 538,000
Military construction, National Guard | 971/03830 | 97-0383-0-1-051 | 538,000
Military construction, National Guard | 570/43383 | 57-3303-0-1-051 | 538,000
Military construction, National Guard | 579/33383 | 57-3303-0-1-051 | 538,000
Military construction, Army Reserve | 213/20566 | 21-2056-0-1-051 | 538,000
Military construction, Army Reserve | 219/20566 | 21-2056-0-1-051 | 538,000
Military construction, Naval Reserve | 171/12351 | 17-1235-0-1-051 | 538,000
Military construction, Naval Reserve | 179/31351 | 17-1235-0-1-051 | 538,000
Military construction, Air Force Reserve | 571/33730 | 57-3373-0-1-051 | 538,000
Military construction, Air Force Reserve | 570/43730 | 57-3373-0-1-051 | 538,000
Military construction, Air Force Reserve | 579/33730 | 57-3373-0-1-051 | 538,000
North Atlantic Treaty Organization | 9730804 | 97-0804-0-1-051 | 538,000

**Estimated Effect:**
These deferrals have no programmatic or budgetary effect because the funds would not be obligated if they were made available.

**Outlay Effect:**
These deferrals have no effect on FY 1982 outlays.

---

These accounts were the subject of a similar deferral during FY 1981 (D81-98).

**Justification:**
The above amounts in the listed five-year appropriations are currently deferred under provisions of the Antideficiency Act (21 U.S.C. 665) which authorize the establishment of reserves for contingencies.

These funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with other federal agencies or local government agencies. Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination.

* Revised from previous report.
SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. DB2-8, transmitted to the Congress on October 1, 1981.

This revision to a deferral of Department of Defense wildlife conservation funds increases the amount previously reported as deferred from $596,663 to $1,029,518. This net increase of $432,855 is attributable to upward reestimates of receipts and adjustments in unobligated balances brought forward on October 1, 1981, and also reflects the previously-reported release of $8,391 in this account.

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

<table>
<thead>
<tr>
<th>Agency</th>
<th>Department of Defense - Civil</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bureau</td>
<td>New budget authority $1,319,000*</td>
</tr>
<tr>
<td></td>
<td>(16 U.S.C. 670F (g))</td>
</tr>
<tr>
<td></td>
<td>Other budgetary resources 999,518*</td>
</tr>
<tr>
<td></td>
<td>Total budgetary resources 2,318,518*</td>
</tr>
<tr>
<td></td>
<td>Amount to be deferred: Part of year</td>
</tr>
<tr>
<td></td>
<td>Entire year 1,029,518*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OMB Identification code:</th>
<th>See coverage section below</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal authority (in addition to sec. 1013):</td>
<td></td>
</tr>
<tr>
<td>☑ Antideficiency Act</td>
<td></td>
</tr>
<tr>
<td>☐ Other</td>
<td></td>
</tr>
</tbody>
</table>

Type of account or funds: ☑ Annual ☐ Multiple-year ☑ No-year (expiration date)

Type of budget authority: ☑ Appropriation ☐ Contract authority ☐ Other

Coverage 1:

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Symbol</th>
<th>OMB Identification Code</th>
<th>Amount Deferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wildlife Conservation, Army</td>
<td>21-5095</td>
<td>21-1500-0-1-303</td>
<td>$758,583</td>
</tr>
<tr>
<td>Wildlife Conservation, Navy</td>
<td>17-5095</td>
<td>17-1501-0-1-303</td>
<td>114,619</td>
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<tr>
<td>Wildlife Conservation, Air Force</td>
<td>57-5095</td>
<td>57-1502-0-1-303</td>
<td>155,216</td>
</tr>
<tr>
<td>Wildlife Conservation, Air Force</td>
<td>57-5095</td>
<td>57-1502-0-1-303</td>
<td>$1,029,518</td>
</tr>
</tbody>
</table>

Justification:

These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances generated from hunting and fishing fees collected on military reservations, pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law—to carry out a program of natural resources conservation.

1 These accounts were the subject of a similar deferral during FY 1981 (DB2-8A) |
2 Revised from previous report.
Since apportionments have been made for all known program requirements, prudent financial management requires the deferral of the balance of the funds, which could not be used effectively during the current year even if made available for obligation. These funds are being deferred under the provisions of the Antideficiency Act (31 U.S.C. 665). Full apportionment is not requested by the Services because: (1) collections may be accumulating funds over a period of time to fund a major project, and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months. Additional amounts will be apportioned as program requirements are identified.

**Estimated Effect:**
This deferral has no programmatic or budgetary effect because the funds could not be obligated if made available.

**Outlay Effect:**
This deferral action has no effect on outlays.

**SUPPLEMENTARY REPORT**

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. DB2-12, transmitted to the Congress on October 1, 1981.

This revision to a deferral for the Alcohol, Drug Abuse and Mental Health Administration in the Department of Health and Human Services decreases the budgetary resources previously reported for the Construction and renovation, Saint Elizabeths Hospital account. This decrease is due to smaller unobligated balances brought forward into FY 1982 than originally estimated. This change does not affect the amount deferred, which remains $11,500,000.
### DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

<table>
<thead>
<tr>
<th>Agency</th>
<th>New budget authority</th>
<th>Other budgetary resources</th>
<th>Total budgetary resources</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$0.00</td>
<td>$44,680,856*</td>
<td>$44,680,856*</td>
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</table>

**SUPPLEMENTARY REPORT**

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. DR2-13, transmitted to the Congress on October 1, 1981.

This revision to a deferral for the Office of the Assistant Secretary of Health in the Department of Health and Human Services decreases the budgetary resources for the Scientific Activities Overseas (special foreign currency program) by $658,067. The decrease is due to smaller unobligated balances brought forward into FY 1982 than originally estimated. The amount deferred remains $7,000,000.

---

**Justification:** Funds were provided in the Second Supplemental Appropriations Act, 1978 (P.L. 95-357), for the purpose of upgrading Saint Elizabeths Hospital to meet accreditation standards. In 1979 the Joint Commission on Accreditation of Hospitals granted a one year accreditation contingent upon implementation of the renovation plans. As a result of a recent 1981 accreditation survey, Saint Elizabeths Hospital was given a two-year accreditation. This deferral represents amounts not required for obligation in 1982, based on the current renovation schedule for the hospital. This deferral is consistent with Congressional intent to provide no-year funding for this project, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 635).

**Estimated Effect:** This deferral is consistent with current program plans for 1982. The amount deferred could not be economically used this fiscal year, if made available, due to the planned renovation schedule.

**O&M Effect:** This deferral action has no effect on FY 1982 outlays.

---

* Revised from previous report.

---

This account was the subject of a similar deferral in FY 1981 (DR2-1A).

* Revised from previous report.
### SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D82-44, transmitted to the Congress on October 20, 1981.

This revision to a deferral for the Social Security Administration in the Department of Health and Human Services revises the account title and symbol and the budgetary resources for the Cuban and Haitian Entrants, reception and processing account. The further continuing resolution, P.L. 97-92, provided for the merger of this account with the Cuban and Haitian Entrants, Domestic Assistance account, which is also the subject of a FY 1982 deferral (D82-45A). This report has been revised to reflect the budgetary resources available as a result of the merger. The revised budgetary resources include a decrease of $9,733,128 in the reception and processing account. This decrease is attributable to a lower level of unobligated balances brought forward into FY 1982 than originally estimated.

This report also covers a decrease of $2,500,000 from the original deferral of $4,900,000. These funds were released to cover public health service costs in Puerto Rico. The remaining $2,400,000 was temporarily withheld, and was released prior to the transmittal of this special message.

---

<table>
<thead>
<tr>
<th>Agency</th>
<th>Department of Health &amp; Human Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bureau</td>
<td>Office of the Asst. Secretary for Health</td>
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<tr>
<td>Appropriation Title &amp; Symbol</td>
<td>Scientific Activities Overseas (Special Foreign Currency Program)</td>
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<td>75-1102-0-1-112</td>
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<td>Type of Budget Authority</td>
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</table>

- **Legal Authority (in addition to sec. 1013):**
  - Antideficiency Act

**Justification:**

The Scientific Activities Overseas Program of the Department of Health and Human Services (D82) is funded with appropriations which consist of excess foreign currencies owned by the United States. The currencies of Egypt, Burma, Guinea, India, and Pakistan held by the Treasury have been designated as in excess of normal U.S. needs. Funds for this program, which remain available until expended, are used for scientific research projects in those countries.

The amount of funds to be obligated during FY 1982 and the amount to be deferred for the entire year were determined after a careful review of the scientific merit of project proposals in the countries for which excess currency is available. The research projects in those countries that will contribute toward meeting U.S. scientific needs have been selected for funding in FY 1982 by D82. The amount being deferred is excess to current program requirements and is being reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 665).

**Estimated Effect:**

This deferral has no programmatic or budgetary effect because the funds would not be obligated if made available.

**Outlay Effect:**

This deferral action has no effect on FY 1982 outlays.

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* This account was the subject of a similar deferral in FY 1981 (D81-11A).
* Revised from previous report.

---

**Deferral No:** D82-13A
## DEFERRAL OF BUDGET AUTHORITY

### Report Pursuant to Section 1014 of P.L. 93-344

<table>
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<tr>
<th>Agency</th>
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<th>Other budgetary resources</th>
<th>Total budgetary resources</th>
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<tr>
<td>Department of Health and Human Services</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Bureau</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Social Security Administration</td>
<td>$52,254,400*</td>
<td>76,049,457*</td>
<td>122,303,857*</td>
</tr>
<tr>
<td>Cuban and Haitian Entrants, Domestic Assistance and Reception and Processing</td>
<td>$2,000,000*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### amounted to be deferred:
- **Part of year**: $2,000,000*  
- **Entire year**: $2,000,000*

**Legal authority (in addition to sec. 1013):**
- Antideficiency Act
- Other

### COM Identification code:
- 75-0174-0-1-609

### Grant program:
- Yes
  - No

### Type of account or fund:
- **Annual**: (expiration date)
- **Multiple-year**: (expiration date)
- **No-year**: (expiration date)

### Type of budget authority:
- Appropriation
- Contract authority
- Other

### Justification:

Congress provided $10 million in this appropriation for a Cuban and Haitian Entrants, Reception and Processing contingency reserve. A portion of this reserve was used to fund the FY 81 start-up and operations cost of Ft. Allen, Puerto Rico to relieve overcrowded camp conditions at Krone North, Miami, Florida. The remaining $2,000,000 was temporarily held in reserve and was released prior to transmittal of this report. This deferral action was taken in accordance with the Antideficiency Act (3 U.S.C. 665).

**Estimated effects:**

There will be no budgetary or programmatic effects as a result of this deferral action.

### Outlay Effects:

This deferral action will have no effect on outlays.

**Revised from previous report.

** The continuing resolution (P.L. 97-192) provided for the merger of the Domestic Assistance account with the Reception and Processing account. The Domestic Assistance account is the subject of another FY 1982 deferral (DE9-46A).

---

### SUPPLEMENTARY REPORT

**Report Pursuant to Section 1014(c) of Public Law 93-344**

This report updates Deferral No. DE9-45, transmitted to the Congress on October 20, 1981.

This revision to a deferral of Cuban/Haitian Entrants, Domestic Assistance funds in the Department of Health and Human Services increases the amount previously reported as deferred from $37,000,000 to $48,397,575. This increase is attributable to an adjustment in unobligated balances brought forward on October 1, 1981. The adjustment was necessary because the actual amount of unobligated balances brought forward was $11,297,575 higher than had been originally estimated. This report covers funds temporarily withheld and released prior to the transmittal of this report.

In addition, the further continuing resolution, P.L. 97-92, provided for the merger of this account with the Cuban and Haitian Entrants, Reception and Processing account, which is also the subject of a FY 1982 deferral (DE9-44A). This report has been revised to reflect the change in account title and symbol and to show budgetary resources available as a result of the merger.
DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

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<td>Bureau</td>
<td>Social Security Administration</td>
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<tr>
<td>Appropriation title &amp; symbol</td>
<td>Cuban and Haitian Entrants, Domestic Assistance and Reception and Processing 7520X75, 75X0175, 75X0174*</td>
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<td>Other</td>
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<td>Appropriation</td>
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<tr>
<td>Contract authority</td>
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<td>Other</td>
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</table>

**Justification:** Congress provided $25 million in this appropriation for the Cuban and Haitian Entrants unaccompanied minor program in FY 1981. These funds were authorized to provide assistance, reimbursement to the States and make grants to, and contract with, public and private non-profit agencies for the care of these children. The Office of Refugee Resettlement (ORR) obligated only $5.7 million in FY 1981 for this activity. Therefore, ORR is deferring $20.3 million of carryover balances in FY 1982. An additional $8 million in cash and medical assistance and social services funds were unobligated in FY 1981. Moreover, Congress provided a $20 million contingency reserve for FY 1981 in the event that the original estimates for cash, medical, and State Administration were too low. None of these funds were obligated in FY 1981. These funds were temporarily withheld, but were released for obligation before this report could be transmitted. This deferral action was taken in accordance with the Antideficiency Act (31 U.S.C. 665).

**Estimated Effects:** There will be no budgetary or programmatic effect from this deferral.

**Outlay Effect:** There will be no change in outlays due to this deferral.

* Revised from previous report.

** The continuing resolution (P.L. 97-92) provided for the merger of the Domestic Assistance account with the Reception and Processing account. The Reception and Processing account is the subject of another FY 1982 deferral (D02-84A).

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D02-19 transmitted to the Congress on October 1, 1981.

The amount deferred for the United States Emergency Refugee and Migration Assistance Fund is $35,143,784, an increase of $99,484 over the amount previously reported as deferred. This increase results from higher unobligated balances than originally estimated.
DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

<table>
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New budget authority (P.L.)
$ ——
Other budgetary resources
$ 36,648,826
Total budgetary resources
$ 36,648,826

Amount to be deferred:
Part of year
$ 35,142,784
Entire year

Legal authority (in addition to sec. 1013):
☐ Antideficiency Act
☐ Other

Type of account or fund:
☐ Annual
☐ Multiple-year (expiration date)
☐ No-year

Type of budget authority:
☐ Appropriation
☐ Contract authority
☐ Other

Justification: Section 501(a) of the Foreign Relations Authorization Act, 1976 (Public Law 94-141) and Section 414(b)(1) of the Refugee Act of 1980 (Public Law 96-212) amended section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2561) by authorizing a fund not to exceed $50 million to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

By Executive Order No. 11922 of June 16, 1976, the President allocated all funds appropriated to him for the Emergency Fund to the Secretary of State but reserved to himself the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

The Emergency Fund contains $39,648,826 in balances from prior-year authority. Of this amount, $25,142,784 have been deferred consistent with the President's authority set out in Executive Order No. 11922 and to achieve the most economical use of appropriations. It is anticipated that reappropriations may be made case-by-case as the President determines assistance to be furnished and designates refugees to be assisted by the Fund. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: There are no programmatic or budgetary effects resulting from this deferral.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

This account was the subject of a similar deferral during FY 1981. (081-37A).

* Revised from previous report.

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of P.L. 93-344

This report revises Deferral No. 082-21, transmitted to the Congress on October 1, 1981.

This revision to a deferral of facilities and equipment funds in the Department of Transportation increases the amount deferred by $164,729,966, from $185,783,045 to $350,513,011. The increase in this deferral is due to the additional budget authority provided by the Department of Transportation and Related Agencies Appropriation Act for 1982 (P.L. 97-102).
### DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-364

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<td>☑ Antideficiency Act</td>
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<td>☐ Other</td>
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<td>☑ Annual</td>
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<td>☐ Multiple-year</td>
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<tr>
<td>☐ Other</td>
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</table>

### Justification:

Funds from this account are used to procure specific Congressionally approved facilities and equipment for the expansion and modernization of the National Airspace System. Projects financed from this account include construction of buildings and purchase of new equipment for new or improved air traffic control towers, automation of the en route airway control system and expansion and improvement in the navigational and landing aid systems. These funds were appropriated in the Department of Transportation and Related Agencies Appropriation Acts of 1982 and prior years. The estimated total cost for each project included in the budget submission and appropriation for the year in which it is requested. Because of the lengthy procurement and construction time for internal and new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consistent with the Congressional intent to provide multi-year funding for the total costs of these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 655) which authorizes the establishment of reserves for contingencies.

1/ This account was the subject of a similar deferral in FY 1981 (88-1-771).
2/ None of these funds are deferred.
3/ Revised from previous report.

### Estimated Effects:

This deferral action is consistent with normal operation for this program. The amount deferred could not be economically used if made available in FY 1982 because of the planned multi-year procurement, construction, and installation cycle.

### Outlay Effect:

There is no outlay effect because of this deferral since the funds could not be used if made available.
### DEFERRAL OF BUDGET AUTHORITY

**Report Pursuant to Section 1013 of P.L. 93-344**

<table>
<thead>
<tr>
<th>Agency</th>
<th>Department of Transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bureau</td>
<td>Research and Special Programs Administration</td>
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<tr>
<td>Type of budget authority:</td>
<td>Appropriation</td>
</tr>
<tr>
<td></td>
<td>Contract authority</td>
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</tbody>
</table>

**Justification:** This appropriation provides for the conduct of advanced research and technology. This program seeks to improve the national transportation system by the investigation of basic transportation theories and concepts, multimodal technologies and energy efficiencies, and the movement of goods through terminal areas including the development of multimodal terminals. As part of the President's overall effort to reduce federal spending, $1,050,000 is being deferred in this program.

**Estimated Effects:** There are no programmatic impacts upon the current mission or activities resulting from this deferral.

**Outlay Effects:** This deferral action will shift $6 million in FY 1982 outlays into 1983.

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[FR Doc. 82-2063 Filed 1-20-82; 8:45 am]

BILLING CODE 3110-01-C
## Reader Aids

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<td>CFR Unit</td>
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<td>General information, index, and finding aids</td>
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**United States Government Manual**

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**SERVICES**

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<tr>
<td>Los Angeles, Calif.</td>
<td>213-688-6694</td>
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**5 CFR**

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**8 CFR**

| Ch. VI | 2285 |
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**9 CFR**

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**Proposed Rules**

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all This is a voluntary program. (See OFR NOTICE documents on two assigned days of the week 41 FR 32914, August 6, 1976.)
(Monday/Thursday or Tuesday/Friday).

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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing January 6, 1982