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federal register

Tuesday
June 8, 1982

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Labor Department
Wage and Hour Division

Air Pollution Control
Environmental Protection Agency

Animal Drugs
Food and Drug Administration

Biologics
Food and Drug Administration

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

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Housing and Urban Development Department

Marine Resources
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 760

Dairy Indemnity Payment Programs

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to amend the Dairy Indemnity Payment Program Regulations to extend the time period for conducting the program through September 30, 1982, as authorized by section 105 of the Agriculture and Food Act of 1981.

EFFECTIVE DATE: June 8, 1982.

ADDRESSES: Emergency Operations and Livestock Programs Division, ASCS, USDA, Room 4095 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Gerald Schiermeyer (ASCS), telephone 202-447-7674. A Final Regulatory Impact Statement is available from the above-named individual.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified as "not major." This rule has been classified as "not major" since it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this rule applies are: Title—Dairy Indemnity Payments, Number—10.053 as found in the catalog of Federal Domestic Assistance Programs.

This action will not have a significant impact, specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

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

The Food and Agriculture Act of 1981 (Pub. L. 97-98, 95 Stat. 1220, approved December 22, 1981) made no substantive changes with respect to the dairy indemnity program but merely extends the time period for conducting the program. The purpose of this rule is to make conforming changes in the regulations which are found at 7 CFR Part 760 to authorize the program to be conducted through September 30, 1982, and to make minor technical changes in the wording. In addition, section 760.32, Instructions and Forms, is being amended to indicate that certain indemnity payment forms previously listed in the regulations have been consolidated into one form.

Since this regulation makes only technical, conforming changes in the regulations, it has been determined that no further public rulemaking is required. Therefore, this regulation shall become effective upon date of publication in the **Federal Register.**

List of Subjects in 7 CFR Part 760

Bees, Dairy products, Honey, Indemnity payments, Pesticides and pests.

PART 760—INDEMNITY PAYMENT PROGRAMS

Final Rule

Accordingly, the regulations at 7 CFR Part 760 are amended as follows:

§ 760.2 [Amended]

1. In § 760.2, paragraphs (k) (1) and (2), (l), and (o) are amended by striking out "1981" and inserting in lieu thereof "1982".

§§ 760.3, 760.7, 760.20, 760.23 [Amended]

2. Sections 760.3 and 760.20 and the introductory paragraphs of §§ 760.7 and 760.23 are being amended by striking out the word "will" and inserting in lieu thereof the word "may".

§ 760.8 [Amended]

3. Section 760.8 is amended by striking out "1981" and inserting in lieu thereof "1982".

§ 760.29 [Amended]

4. Section 760.29 is amended by striking out in the first sentence the words "is entitled to" and inserting in lieu thereof the words "would otherwise receive".

§ 760.32 [Amended]

5. Section 760.32 is amended by striking out the last sentence thereof and inserting in lieu thereof the following sentence: "Form ASCS-373—Application for Indemnity Payment, is available at the county ASC office."

Note.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Secs. 1, 2, 3, Pub. L. 90-484, 82 Stat. 750, as amended (7 U.S.C. 450 j, k, l))

Signed at Washington, DC., on June 2, 1982.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 82-15448 Filed 6-7-82; 8:45 am]
BILLING CODE 3410-05-M

CIVIL AERONAUTICS BOARD

14 CFR Part 250

Oversales; Temporary Waiver of Rule

AGENCY: Civil Aeronautics Board.

ACTION: Temporary waiver of rule.

SUMMARY: The CAB is extending the waiver granted to all air carriers from complying with certain requirements of its denied boarding compensation rules to September 1, 1982. Air carriers are relieved of the duty to pay double compensation to passengers with

confirmed reservations that are denied boarding involuntarily and who cannot be accommodated on alternative transportation within 2 hours for domestic air travel, or within 4 hours for foreign air travel. This action is taken because of the continuing disruptions resulting from the air controller situation. This waiver was initially granted in August, 1981, and has been extended several times.

DATE: Adopted: May 28, 1982.

EFFECTIVE DATE: Waiver extended through September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ava Kleinman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428, 202-673-5345; or Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION:

Emergency Air Transportation Requirements; Docket 39722

Order Extending Exemption Authority

By Order 82-3-4, March 1, 1982, we extended our award of exemption authority to all U.S. and foreign air carriers from the provisions of Part 250 of our Economic Regulations to the extent that they would require more than 100 percent compensation if the airline cannot arrange "alternate transportation" as defined in that Part. Our award of this (and other) authority was intended to relieve carriers of certain regulatory requirements during the period of service cutbacks resulting from the job action by the Professional Air Traffic Controllers Organization (PATCO).[1] We extended our exemption from the denied boarding rules because of our concern "that capacity is still significantly curtailed and that neither the airlines nor the public respond as they would in an environment of complete scheduling freedom."[2] By the terms of Order 82-3-4, this exemption remains in effect through June 1, 1982.

On April 30, 1982, the Air Transport Association (ATA) filed an application for an extension of the denied boarding compensation exemption for the duration of the Federal Aviation Administration's Interim Operations Plan.[3] In support of its request, the ATA states that its member airlines continue to experience problems caused by the reduction in the number of airline movements and the limits on aircraft operations during peak periods which render historic no-show data less useful. In addition, the ATA claims that efforts to operate more efficiently, such as slot exchanges, inhibit their ability to predict no-shows. The ATA urges us not to reimpose what it regards as a punitive aspect of the double compensation rule. Finally, the ATA states that the poor financial condition of the airline industry justifies a further extension of the exemption.

On May 12, 1982, Aviation Consumer Action Project (ACAP), filed an answer in opposition to the ATA's request.[4] ACAP states that the ATA failed to support its position with evidence, and that we should require the submission of such evidence before considering the request. In addition, ACAP disputes the ATA's classification of the double-compensation aspect of the rule as a punitive element, but rather regards it as the Board's estimation of a fair level of compensation. Therefore, according to ACAP, the 200 percent compensation level should be restored to permit passengers to be fairly compensated for their inconvenience.

ACAP asks us not to consider the financial condition of the airlines as a reason for extending the denied boarding compensation exemption, since such reasoning would "place a greater value on airline profits than on the rights of passengers."

ACAP also objects to the use of our exemption authority rather than rulemaking procedures to remedy a situation which is no longer an emergency.

Finally, ACAP urges us to limit any extension of exemption authority to those routes where the airlines can prove that the accuracy of predicting no-shows has decreased since the PATCO walkout.

We received a reply to ACAP's answer from the ATA. It objects to ACAP's motion for leave to file late because there is no showing of excusable neglect. In addition, the ATA criticizes ACAP's response as "unfocused and unconvincing" and asserts its position that the relief it requests is consistent with the public interest.

The ATA also states that the proper procedure to grant the requested relief is through our exemption powers and not through rulemaking, and cites our pending rulemaking[5] on the future of the overbooking rule as the proper forum to consider long-term policy.

The ATA further argues that the suspension of operations of Braniff International and the FAA's permission to freely transfer slots "further erodes the data bases and analyses upon which [carriers] make their overbooking decisions."

Finally, the ATA urges us to reach a decision as soon as possible.

We have carefully considered the ATA's request and the subsequent pleadings, and have decided to extend our award of exemption authority for all U.S. and foreign carriers until September 1, 1982.[6] Although the air traffic control system is increasing its capacity, we remain convinced that flight reductions and limits on peak-hour operations continue to prevent the carriers from adequately assessing and controlling the problems of overbooking and no-shows. Therefore, we find that it is in the public interest to continue the limited exemption.

We do not agree with the ATA, however, that the availability of Braniff's slots, slot exchanges and other efforts to operate more efficiently should cause us to extend our exemption award. In an environment of complete scheduling flexibility, carriers must rely on their own resources to predict the no-show rate in newly-entered or expanded markets. We are not sympathetic to the ATA's plea of ignorance of market behavior here where the carriers are afforded limited flexibility to rearrange their flight schedules.[7]

We agree with ACAP that the airlines should begin to predict with some degree of certainty the number of no-shows for each flight. We expect the ATA, in any future extension request, to support its request with evidence indicating the carriers' inability to perform an analysis of the no-show rate.

Finally, we have chosen to deal with the ATA's requests for relief from the problems created by the PATCO job action by exemption rather than by rulemaking because the situation precipitating our action is a short- rather

[1] *See also* Order 81-11-57, November 10, 1981; 81-9-168, September 30, 1981; 81-9-20, September 3, 1981; 81-8-86, August 13, 1981; 81-8-22, August 6, 1981; 81-7-158, July 30, 1981; and 81-6-148, June 19, 1981.

[2] Order 82-3-4 at 2.

[3] 47 FR 7816 (February 18, 1982).

[4] ACAP's answer was accompanied by a motion for leave to file late.

[5] EDR-436, 46 FR 62285, December 31, 1981.

[6] We will grant ACAP's motion for leave to file late.

[7] We also disagree with the ATA's premise that we should continue the exemption authority because of the poor financial condition of the airline industry. Our award of exemption authority is based solely on the carriers' inability to predict no-shows during a period of reduced capacity. It was not intended to relieve carriers from any financial burdens, but rather to permit them to operate more efficiently. Nor was it intended to focus on or remove the "punitive" aspect of the overbooking rules.

than long-term problem. We normally do not grant emergency relief through rulemaking procedures. As the ATA points out, we have a rulemaking proceeding in progress which addresses the future of the overbooking rules,[8] and will consider the long-term solutions to the overbooking problem in the context of that proceeding.

List of Subjects in 14 CFR Part 250

Air carriers, Consumer protection, Denied boarding compensation, Reporting and recordkeeping requirements.

PART 250—OVERSALES

Accordingly,

1. We grant the request of the ATA in Docket 39722;
2. We extend our exemption award in ordering paragraph 2 of Order 81-11-57 which exempts all U.S. and foreign air carriers from the provisions of Part 250 of our Economic Regulations to the extent that they would require more than 100 percent compensation if the airline cannot arrange "alternate transportation" as defined in that Part; this authority shall remain in effect through September 1, 1982;
3. We grant the request of ACAP to file late in Docket 39722; and
4. We will serve a copy of this order on all U.S. certificated and foreign carriers, the Department of Justice, the Department of Transportation, the Federal Emergency Management Agency, the Federal Aviation Administration, the Postmaster General, the Department of Defense, Aviation Consumer Action Project, and the Air Transport Association of America.

We will publish a copy of this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-15457 Filed 6-7-82; 8:45 am]

BILLING CODE 6320-01-M

[8] EDR-436, 46 FR 62285, December 31, 1981.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 1, 3 and 375

[Docket No. RM81-40-000; Order No. 233]

Fees Relating to Freedom of Information Act Requests

Correction

In FR Doc. 82-14377 appearing at page 23148 in the issue for Thursday, May 27, 1982, please make the following correction:

On page 23149, in the middle column, under the heading "III. Effective Date", in the first line, the date "June 25, 1982" should have been "June 28, 1982".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 80

[Docket No. 81N-0355]

Color Additive Certification

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations by increasing the fees for certification services. The increases are needed to maintain an adequate color certification program, as required by the Federal Food, Drug, and Cosmetic Act (the act).

DATES: Effective August 9, 1982; comments by July 8, 1982.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Dave Petak, Accounting Branch (HFA-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1768.

SUPPLEMENTARY INFORMATION: FDA is increasing the fees for certifying color additives now provided for in the regulations. These increases are necessary because of a general increase in all costs of operating the certification program.

The current fee schedule (§ 80.10 (21 CFR 80.10)) was adopted in 1963. Because of the steady growth of the color additive market and corresponding increases in the number of batches certified, adequate revenue was generated through 1979. Throughout these years, increases in the amounts of colors certified were handled without increasing staff by utilizing improved testing methods and by a growing reliance on instrumentation for analysis. However, the volume of batches certified has leveled off, while costs have continued to increase. Although an earned surplus covered losses of $130,000 in 1980 and $165,000 in 1981, the loss projected for fiscal year 1982 will deplete the remaining surplus.

Section 706(e) of the act (21 U.S.C. 376(e)) requires that the agency establish such fees for certifying color additives as may be necessary to provide, maintain, and equip an adequate color additive certification program. As is evidenced by the deficit incurred during fiscal years 1980 and 1981, the current fee schedule is not adequate to provide, maintain, and equip an adequate certification service. Therefore, an immediate increase is necessary.

The current fee schedule for color additive certification is designed to cover all costs involved in the certification program. These costs include both the cost of specific tests required by the regulations and the general costs associated with the certification program, such as costs of accounting, reviewing data, issuing certificates, carrying out research, and conducting establishment inspections. A copy of the agency study that documents the need for increased fees and sets forth the basis on which the agency has established the new fee schedule is available for review in the Dockets Management Branch at the address and hours given at the end of this document.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742), that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required. Because this provision is issued as a final rule without being preceded by general notice of proposed rulemaking, a final regulatory analysis under section 604 of the Regulatory Flexibility Act (94 Stat. 1167) is not required. In any event, the rule will not have a significant economic impact on a substantial number of small entities. Only a small number of large companies will be affected; and the costs involved are minuscule in relation to the revenues affected. Accordingly, we certify that a regulatory flexibility analysis is not required. In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this rule, and the agency has determined that it is not a major rule as defined by that Order.

List of Subjects in 21 CFR Part 80

Color additive certification procedures; Color additives; Cosmetics; Drugs.

PART 80—COLOR ADDITIVE CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706(c) and (e), 74 Stat. 402–403 (21 U.S.C. 376(c) and (e))) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), Part 80 is amended in § 80.10 by revising paragraphs (a) and (b), to read as follows:

§ 80.10 Fees for certification services.

(a) *Fees for straight colors including lakes.* The fee for the services provided by the regulations in this part in the case of each request for certification submitted in accordance with § 80.21(j)(1) and (2) shall be 25 cents per pound of the batch covered by such requests, but no such fee shall be less than $160.00.

(b) *Fees for repacks of certified color additives and color additives mixtures.* The fees for the services provided under the regulations in this part in the case of each request for certification submitted in accordance with § 80.21(j)(3) and (4) shall be:

(1) *Fees for straight colors including lakes.* 25 cents per pound of the batch covered but not less than $160.

(2) *Repacks of certified color, color additives, and color additive mixtures.*

(i) 100 pounds or less—$25.

(ii) Over 100 pounds but not over 1,000 pounds—$25 plus 6 cents for each pound over 100 pounds.

(iii) Over 1,000 pounds—$79 plus 2 cents per pound for each pound in excess of 1,000 pounds.

Because reimbursement for expenses incurred by FDA in certifying batches of color additives is required by the act, and the amendment affected by this regulation simply establishes rates for these services and is based strictly on cost accounting, FDA believes that public comment would not be helpful and thus that notice and public procedure are unnecessary and may be dispensed with as authorized under 5 U.S.C. 553. However, pursuant to § 10.40(e) (21 CFR 10.40(e)), interested persons may on or before July 8, 1982 submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this regulation. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation justified by such comments will be the subject of a further amendment.

Effective date. This amendment becomes effective August 9, 1982.

Dated: April 5, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: May 13, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82-15277 Filed 6-7-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 137

[Docket No. 80P-0022]

Cereal Flours and Related Products

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the standards of identity for flour and whole wheat flour to allow the optional ingredient "*alpha*-amylase obtained from *Aspergillus oryzae*" to be declared alternatively as "Fungal *alpha*-amylase" (or "Fungal α-amylase"), "Enzyme", or "Enzyme added for improved baking" in the list of ingredients. This action will promote honesty and fair dealing in the interest of consumers.

DATES: Effective July 1, 1983, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may begin August 9, 1982. Objections by July 8, 1982.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: A proposal to amend the standards of identity for flour (21 CFR 137.105) and whole wheat flour (21 CFR 137.200) to require the listing of the optional ingredient *alpha*-amylase obtained from *Aspergillus oryzae* as "Fungal *alpha*-amylase" or alternatively "Fungal α-amylase" was published in the **Federal Register** of December 9, 1980 (45 FR 81064). This proposal was based on a petition from the Pennwalt Corp., Pennwalt Bldg., Three Parkway, Philadelphia, PA 19102. The proposal invited interested persons to submit comments by February 9, 1981.

Comments were received from an individual, a trade association, and a milling company in response to the proposal. One comment agreed with the agency's proposal. The discussion of the remaining comments and the agency's responses follow:

One comment said it was in the public interest to simplify ingredient names wherever possible and suggested that just as it is unnecessary to refer to "*Aspergillus oryzae*" as a source, the term "fungal" is unnecessary and should not be required.

A second comment said unfairness and inconsistency existed for the ingredient labeling of enzymes used in bakery flours and for enzymes used in certain other foods, namely enriched farina, certain cheeses, and sorghum sirup. The comment suggested, in the interest of providing consumers with a simple, clear statement, the term "Enzymes" or the phrase "Enzymes for improved baking" for the ingredient labeling of fungal enzymes obtained from *Aspergillus oryzae* or cereal enzymes from malted barley flour. The comment noted that terms such as "enzyme" and "cheese culture" are approved for ingredient labeling for farina, sorghum sirup, and cheese products.

FDA agrees with the comment that the word "enzyme" or the phrase "enzyme added for improved baking" will adequately inform the consumer of the presence of added α-amylase and concludes that it is reasonable to provide for both these terms as well as the phrase "fungal α-amylase" as alternatives to declaration of the enzyme by its common or usual name. Declaration as "enzyme" would be consistent with the labeling provisions of the standards of identity for certain cheeses such as cottage cheese, cream cheese, and neufchatel cheese as noted in one comment. FDA points that, however, that the standard of identity for sorghum sirup, which provides in § 168.160(b)(4) for the optional use of unspecified enzymes, requires in § 168.160(d) that any such enzyme used must be declared by its common or usual name.

Further, the standard of identity for enriched farina requires in § 137.305(b)(1) that when papain or pepsin is used as provided for in § 137.305(a)(5)(ii), it should be declared by the common or usual name. In addition, § 137.305(b)(2)(ii) and (3) requires that the label bear the statement "Enzyme treated for quicker cooking" wherever the name of the food appears.

The current standards of identity for flour (21 CFR 137.105(a)) and whole wheat flour (21 CFR 137.200(a)) limit the use of compensating enzymes to barley malt preparations and to *alpha*-amylase obtained from *Aspergillus oryzae*. FDA is providing no change in the label declaration of the optional malt preparations as "malted barley flour" or terms of similar import according to the provisions of 21 CFR Part 101. The consumer is thus advised of the addition of the compensating enzymes.

The amendment to the standards of identity for flour and whole wheat flour will apply by cross-reference to the standards of identity for § 137.155 *Bromated flour*, § 137.160 *Enriched bromated flour*, § 137.165 *Enriched flour*, § 137.170 *Instantized flours*, § 137.175 *Phosphated flour*, § 137.180 *Self-rising flour*, § 137.185 *Enriched self-rising flour*, § 137.205 *Bromated whole wheat flour, and* § 137.225 *Whole durum flour*.

After consideration of the comments received and other relevant information, FDA concludes that it will promote honesty and fair dealing in the interest of consumers to revise the standards of identity for flour and whole wheat flour as set forth below.

List of Subjects in 21 CFR Part 137

Cereals, Flour, Food standards.

PART 137—CEREAL FLOURS AND RELATED PRODUCTS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 137 is amended as follows:

1. In §137.105, by revising paragraph (b)(2) to read as follows:

§ 137.105 Flour.

* * * * *

(b) * * *

(2) When ascorbic acid is added, the label shall bear the statement "Ascorbic acid added as a dough conditioner". When the optional ingredient "*alpha*-amylase obtained from *Aspergillus oryzae*" is used, it may alternatively be declared in the list of ingredients as "Fungal α-amylase", "Enzyme", or "Enzyme added for improved baking". When any optional bleaching ingredient is used, the label shall bear the word "Bleached". Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trademark or brand, other written, printed, or graphic matter, which is also a part of such trademark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trademark or brand as to be conspicuoulsy related to such name.

* * * * *

2. In §137.200, by revising paragraph (b)(2) to read as follows:

§ 137.200 Whole wheat flour.

* * * * *

(b) * * *

(2) When ascorbic acid is added, the label shall bear the statement "Ascorbic acid added as a dough conditioner". When the optional ingredient "*alpha*-amylase obtained from *Aspergillus oryzae*" is used, it may alternatively be declared in the list of ingredients as "Fungal α-amylase", "Enzyme", or "Enzyme added for improved baking". When any optional bleaching ingredient is used, the label shall bear the word "Bleached". Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trademark or brand, other written, printed or graphic matter, which is also a part of such trademark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trademark or brand as to be conspicuously related to such name.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 8, 1982 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis of the specific factual information intended to be presented in support of the objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin August 9, 1982, and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1983, shall fully comply. Notice of the filing of objections or lack thereof will be published in the **Federal Register**.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: June 1, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-15276 Filed 6-7-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 548

Certifiable Peptide Antibiotic Drugs for Animal Use; Bacitracin Zinc Soluble Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by International Minerals & Chemical Corp. (IMC), providing revised labeling for a water soluble bacitracin zinc powder. This approval is in accord with the findings of the National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group.

EFFECTIVE DATE: June 8, 1982.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: IMC, P.O. Box 207, Terre Haute, IN 47808, was formerly Commercial Solvents Corp. IMC's Baciferm Soluble-50 (50 grams of bacitracin zinc per pound of soluble

powder) originally became effective as a food additive before 1962. The product was subsequently converted to new animal drug status and designated as approved NADA 65-313.

Provisions for certification, testing, and use of the product are codified in § 548.114 (21 CFR 548.114). The regulation currently provides for use of the product in drinking water for: (1) Prevention and treatment of chronic respiratory disease (airsac infection) and blue comb (nonspecific infectious enteritis) in chickens; (2) prevention and treatment of infectious sinusitis and blue comb (mud fever) in turkeys; and (3) aid in prevention and treatment of bacterial swine enteritis (scours). ICM's Baciferm Soluble-50 was one of several bacitracin-containing preparations which were subject of a NAS/NRC evaluation published in the Federal Register of July 17, 1970 (35 FR 11531) and amended October 2, 1970 (35 FR 15408). In those documents, NAS/NRC concluded, and FDA concurred, that the preparations are "* * * probably not effective for the therapeutic claims * * *".

The evaluation was published to inform manufacturers of these drugs of the NAS/NRC and agency conclusions and to inform all interested persons that if these products are to be marketed they must be the subject of approved NADA's and otherwise comply with the requirements of the Federal Food, Drug, and Cosmetic Act. Manufacturers were provided 6 months from publication of the evaluation to submit adequate documentation in support of the labeling used.

IMC responded to the evaluation by submitting a supplemental NADA containing reprints of published scientific studies and well-controlled experiments demonstrating animal safety and effectiveness of Baciferm Soluble-50 for (1) prevention and control of necrotic enteritis caused by *Clostridium perfringens* susceptible to bacitracin zinc in broilers and (2) control of ulcerative enteritis caused by *C. spp.* susceptible to bacitracin zinc in growing quail.

The submitted data and information support the 2 new proprietary claims, but leave the 3 existing NAS/NRC-evaluated claims unsubstantiated and unsupported. Thus, the 3 existing claims are removed from § 548.114. IMC is the sole manufacturer of water soluble bacitracin zinc. IMC has agreed by letter (October 13, 1981) to supplement its application to provide labeling in accordance with the new claims. Accordingly, the supplemental NADA is approved and the regulation is amended to reflect the product's revised labeling.

Bacitracin zinc has been approved for use in chickens and turkeys at 100- to 1,000-milligrams-per-gallon (mg/gal) of drinking water (21 CFR 548.114). Because the new claim for use in chickens represents a restricted use of the drug within currently permitted uses, this approval poses no significant increase in the frequency of human exposure to residues of the drug. Bacitracin zinc is also approved for use in feed for growth promotion in quail (21 CFR 558.78). A tolerance for the acceptable level of residues of bacitracin zinc in quail tissue also exists (21 CFR 556.70). Because the new claim for use in quail will not result in a significantly greater number of quail to receive the drug and because the residues resulting from the new claim will be below tolerance, this approval poses no significant increase in the frequency of human exposure to the drug. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this supplemental NADA has been treated as a Category II supplement which did not require a complete reevaluation of the human safety data supporting the parent application.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)), may be seen in the Dockets Management Branch.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 548

Animal drugs, Antibiotics, Peptides.

PART 548—CERTIFIABLE PEPTIDE ANTIBIOTIC DRUGS FOR ANIMAL USE

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 548 is amended in § 548.114 by revising paragraph (c)(5) (i) and (ii) to read as follows, and by removing paragraph (c)(5)(iii):

§ 548.114 Bacitracin zinc soluble powder.

* * * * *

(c) * * *

(5) * * *

(i) *Broiler chickens*—(*a*) *Amount per gallon.* 100 milligrams.

(*1*) *Indications for use.* Prevention of necrotic enteritis caused by *Clostridium perfringens* susceptible to bacitracin zinc.

(*2*) *Limitations.* Prepare a fresh solution daily.

(*b*) *Amount per gallon.* 200 to 400 milligrams.

(*1*) *Indications for use.* Control of necrotic enteritis caused by *Clostridium perfringens* susceptible to bacitracin zinc.

(*2*) *Limitations.* Prepare a fresh solution daily.

(ii) *Growing quail*—(*a*) *Amount per gallon.* 500 milligrams for 5 days followed by 165 milligrams for 10 days.

(*b*) *Indications for use.* Control of ulcerative enteritis caused by *Clostridium* spp. susceptible to bacitracin zinc.

(*c*) *Limitations.* Prepare a fresh solution daily.

Effective date. This amendment is effective June 8, 1982.

(Sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n)))

Dated: May 28, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-15321 Filed 6-7-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Hygromycin B

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect

approval of a new animal drug application (NADA) for Custom Feed Services Corp., providing for use of a 0.6-gram-per-pound hygromycin B premix for making complete swine feeds for control of large roundworms, nodular worms, and whipworms and for making complete chicken feeds for control of large roundworms, cecal worms, and capillary worms.

EFFECTIVE DATE: June 8, 1982.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136). Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Custom Feed Services Corp., 2100 N. 13th St., Norfolk, NE 68701, is sponsor of NADA 129-158 providing for use of a 0.6-gram-per-pound hygromycin B premix for making complete swine and chicken feeds. The complete swine feed is used as an aid in the control of large roundworms, nodular worms, and whipworms. The complete chicken feed is used as an aid in the control of large roundworms, cecal worms, and capillary worms. The NADA was filed by Elanco Products Co., for the sponsor. Elanco authorized use of the safety and effectiveness data contained in their approved NADA's 10-918 and 11-948 to support approval of this application. In addition, satisfactory chemistry, manufacturing, and control information were submitted.

This approval does not change the approved use of the drug. Consequently, approval of the NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of NADA 129-158 does not require reevaluation of the safety and effectiveness data in NADA's 10-918 and 11-948. NADA 129-158 is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514-11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.274 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.274 *Hygromycin B* by adding, in numerical sequence, drug sponsor code "017473" to paragraph (a)(4) and to the "sponsor" column in paragraph (e)(1)(i) and (ii).

Effective date. June 8, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 28, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-15279 Filed 6-7-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Hygromycin B

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) for Dale Alley Co. providing for use of 0.6- and 2.4-gram-per-pound hygromycin B premixes. The 0.6-gram-per-pound premix is for making complete swine feeds for control of large roundworms, nodular worms, and whipworms; and for making complete chicken feeds for control of large roundworms, cecal worms, and capillary worms. The 2.4-gram-per-pound premix is for making complete swine feeds for control of large roundworms, nodular worms, and whipworms.

EFFECTIVE DATE: June 8, 1982.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Dale Alley Co., P.O. Box 444, 222 Sylvanie St., St. Joseph, MO 64502, is the sponsor of NADA 107-003 providing for use of a 0.6-gram-per-pound hygromycin B premix for making complete swine and chicken feeds, and a 2.4-gram-per-pound premix for making complete swine feeds. The complete swine feeds are used as an aid in the control of large roundworms, nodular worms, and whipworms. The complete chicken feeds are used as an aid in the control of large roundworms, cecal worms, and capillary worms. The NADA was filed by Elanco Products Co. for the sponsor. Elanco authorized use of the safety and effectiveness data contained in their approved NADA's 10-918 and 11-948 to support this application. Additionally, satisfactory chemical, manufacturing, and control information were submitted.

Because approval of this NADA does not change the approved use of the drug, it poses no increased human risk from exposure to residues of the animal drug and does not change the conditions of safe use of the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of NADA 107-003 does not require reevaluation of the safety and effectiveness data in NADA's 10-918 and 11-948. NADA 107-003 is approved, and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.274 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052, May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.274 *Hygromycin B* by adding, in numerical sequence, drug sponsor code "018083" to paragraph (a)(2) and (4) and to the "sponsor" column in paragrah (e)(1) (i) and (ii).

Effective date. June 8, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 28, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-15278 Filed 6-7-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 610 and 630

[Docket No. 78N-0100]

Viral and Rickettsial Vaccines; Implementation of Efficacy Review

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending certain biologics regulations in response to the report of the Panel on Review of Viral Vaccines and Rickettsial Vaccines. The agency is announcing the final regulatory status of the licensed biological products reviewed and the schedule for the revision of product labeling in accordance with the Panel's recommendations.

DATES: Effective August 9, 1982, except that recommended labeling changes become effective December 8, 1984. Draft revised labeling should be submitted by December 8, 1982.

ADDRESS: Draft revised labeling should be submitted to the Licensing Branch (HFB-720), Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205.

FOR FURTHER INFORMATION CONTACT: Steven F. Falter, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205. 301-443-1306.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 15, 1980 (45 FR 25652), FDA issued a proposal containing the Final Report of the Panel on Review of Viral Vaccines and Rickettsial Vaccines. The Panel evaluated the safety, effectiveness, and labeling of 72 viral and rickettsial vaccines and therapeutically related immune globulin products and recommended that (1) 45 products be placed in Category I (those biological products determined to be safe, effective, and not misbranded); (2) 6 products be placed in Category II (those biological products determined to be unsafe, ineffective, or misbranded); (3) 5 products be placed in Category IIIA (those biological products for which available data are insufficient to classify their safety and effectiveness but which may remain in interstate commerce pending completion of testing in conformance with the recommendations of the Panel); and (4) 16 products be placed in Category IIIB (those biological products for which available data are insufficient to classify their safety and effectiveness and which should not continue in interstate commerce).

FDA agreed with the Panel's recommendations concerning the classification of these products and, accordingly, announced its intention to publish a Notice of Opportunity for Hearing (NOH) to revoke the licenses for those products placed in Categories II and IIIB. At the request of the licensees, the licenses for 5 of the 6 products in Category II and 15 of the 16 products in Category IIIB were revoked before publication of the NOH. The NOH for the remaining one Category II product and one Category IIIB product was published in the **Federal Register** of October 3, 1980 (45 FR 65675). As announced in the **Federal Register** of January 30, 1981 (46 FR 10014), the licenses for these two remaining licensed products were subsequently revoked at the request of the licensees.

The April 15, 1980 proposal also contained FDA's response to other panel recommendations concerning the processing, testing, and labeling of viral and rickettsial vaccines and immunne globulins. In view of these recommendations, FDA proposed the following amendments to the biologics regulations:

1. In § 601.25(h) (21 CFR 601.25(h)), to require that the labeling for Category IIIA viral and rickettsial vaccines contain a boxed statement referencing the Panel's finding of insufficient data for the product on safety and effectiveness, and that written informed consent be obtained from participants in the additional studies performed pursuant to § 601.25(h);

2. In §§ 630.32(b) and 630.62(b) (21 CFR 630.32(b) and 630.62(b)), to require that embryonated eggs intended for the manufacture of live measles, mumps, or rubella virus vaccine be derived from flocks free of reticuloendotheliosis virus.

3. In § 630.35(a) (21 CFR 630.35(a)), to specify the incubation period and subpassage requirements for the safety test used for measles, mumps, and rubella virus vaccines.

Interested persons were given until July 14, 1980 to submit comments on the proposal. Two letters were received, each containing more than one comment. The agency is providing (1) a summary of the comments and FDA's responses; (2) the final classification of licensed viral and rickettsial vaccines and therapeutically related immune globulins; (3) a schedule for the adoption of labeling revised in accordance with the Panel's recommendations and the findings of FDA; and (4) a final rule implementing amendments to certain biologics regulations.

Summary of Comments

1. One comment on the Panel Report Recommended that FDA require that data from a field study supporting the effectiveness of a vaccine be assessed by the methodology described in several published scientific articles submitted with the comment, rather than by the methods usually used in assessing the relative reduction in a given illness due to vaccination.

The comment suggested the use of a formula for "intrinsic vaccine efficacy" to determine vaccine effectiveness. The principle underlying this approach is that if vaccine usage reduces the illness attack rate to the same degree that the illness is due to the agent being vaccinated against, then the vaccine is 100 percent effective. The validity of the principle is self-evident but application of the proposed formula to assess the results of any clinical study is often not possible. Many problems often preclude the use of this method, including difficulties in consistently isolating the infecting agent and in determining the comparability of the control group and the test group. Thus, other equally valid and more broadly applicable methods (described in the Panel Report) will continue to be acceptable for demonstrating the effectiveness of vaccines. Accordingly, the comment is rejected.

2. One comment on the Panel Report recommended that FDA require that the lowest dose of a vaccine proven to be effective be used for routine vaccination

because, in some cases, the higher the dose the higher the risk of infection by other organisms. Data were submitted with the comment.

Vaccines are formulated in dosages which have been shown to be safe and effective. Many factors enter into determining what that dosage is, including the stability of live virus vaccines during their dating periods and the degree to which cross-protection against related viruses is desirable. In most cases, regulations prescribing maximum potency values have not been necessary; the manufacturing procedures described in each product license ensure that the vaccines will not exceed the prescribed potency by more than may be occasionally expected due to biological variability. In some cases, where specific side effects are known to occur at higher doses, manufacturers have been required to formulate vaccines to a specific, effective minimal potency. For these reasons, FDA finds it unnecessary to impose by regulation maximum potency values upon most viral vaccines. Accordingly, the comment is rejected.

3. One comment on the Panel's review of Influenza Virus Vaccines (45 FR 25711–25727) noted that data subsequently made public demonstrate that subunit influenza vaccines are at least as immunogenic and effective as the whole virus influenza vaccines. Accordingly, the comment recommended that the labeling for both the subunit and whole virus influenza vaccines be revised to recommend two doses of the vaccine for persons previously unexposed to the influenza strains in vaccine. The Panel recommended such labeling only for the subunit virus influenza vaccines.

Although the National Influenza Vaccine Clinical Trials of 1976 produced results suggesting greater antigenicity of whole virus vaccines than of subunit vaccines (*Journal of Infectious Diseases*, 136:S341–746, 1977), the results of the 1978 trials (unpublished) showed no significant difference in antigenicity. The results of the 1978 trials may be more indicative of the relative effects of the different types of vaccines because they were more closely matched for potency than those used in the trials of 1976. Because of the increased risk of adverse reactions, whole virus influenza vaccines are not recommended for use in children, that part of the population which has not previously been exposed to current influenza strains. In the event that an antigenic shift were to result in circulation of a virus subtype to which adults are unprimed, the possible need for vaccination of adults with a two-dose regimen of either whole or subunit vaccine would be considered. Accordingly, the comment is rejected.

4. Parke, Davis & Co. (now Parke-Davis, Division of Warner-Lambert Co.) took exception to FDA's response to the Panel's recommended classification of Adenovirus Vaccine, and Adenovirus Vaccine and Influenza Virus Vaccine, Combined, that Parke-Davis did not respond to the NOH on the Commissioner's intent to revoke the additional standards for Adenovirus Vaccine and to revoke all product licenses remaining in effect. Parke-Davis noted that it did respond by requesting a hearing and asked that FDA's response be corrected.

The comment is correct. In response to the NOH, Parke-Davis submitted a notice of appearance and request for hearing, dated January 29, 1973, contending that the NOH was defective and that a genuine and substantial issue of fact existed on the issue of whether adenovirus vaccines can be manufactured in a manner to assure their safety, purity, and potency. Information in support of these contentions accompanied the request. In its request, Parke-Davis also expressed a willingness to discuss the data with FDA before any administrative action. In subsequent discussions between Parke-Davis and FDA, it was agreed that any further administrative actions would be held in abeyance pending review by the Panel on Review of Viral Vaccines and Rickettsial Vaccines. During that time, no lots of the Parke-Davis vaccine were released by FDA. Parke-Davis submitted data to the Panel and representatives appeared before the Panel in April 1974. The Panel's findings (45 FR 25727–25731) and subsequent FDA actions are described in the April 15, 1980 proposal and in this final rule.

Classification of Products Into Regulatory Categories

No comments were received affecting the regulatory categories recommended by the Panel and proposed by FDA. Accordingly, FDA is classifying viral and rickettsial vaccines and therapeutically related immune globulin products as set forth below.

a. *Category I. Biological products determined to be safe and effective and not misbranded and which may continue in interstate commerce.* Poliomyelitis Vaccine (Purified), Connaught Laboratories, Ltd., License No. 73; Poliovirus Vaccine, Live, Oral, Trivalent (Orimune); Poliovirus Vaccines, Live, Oral, Type 1, Type 2, and Type 3 (Monovalent) (Orimune), Lederle Laboratories Division, American Cyanamid Co., License No. 17; Smallpox Vaccine, Michigan Department of Public Health, License No. 99; Smallpox Vaccine (Dryvax), Wyeth Laboratories, Inc., License No. 3; Measles Virus Vaccine, Live, Attenuated (Attenuvax); Mumps Virus Vaccine, Live (Mumpsvax); Rubella Virus Vaccine, Live (Meruvax); Measles, Mumps, and Rubella Virus Vaccine, Live (M–M–R); Measles and Rubella Virus Vaccine, Live (M–R–Vax); Measles-Smallpox Vaccine, Live (Attenuvax-Smallpox); Rubella and Mumps Virus Vaccine, Live (Biavax), Merck Sharp & Dohme, Division of Merck & Co., Inc., License No. 2; Rubella Virus Vaccine, Live (Cendehill Strain) (Cendevax), Smith Kline-RIT S.A., License No. 430; Influenza Virus Vaccine, Bivalent (Flu-Immune), Lederle Laboratories, Division American Cyanamid Co., License No. 17; Influenza Virus Vaccine, Bivalent (Fluax), Merck Sharp & Dohme, Division of Merck & Co., Inc., License No. 2; Influenza Virus Vaccine, Bivalent (Fluogen), Parke-Davis, Division of Warner-Lambert Co., License No. 1; Influenza Virus Vaccine, Bivalent (Chromatograph and Filter Purified Subvirion Antigen), Wyeth Laboratories, Inc., License No. 3; Rabies Vaccine, (Duck Embryo) Dried Killed Virus, Eli Lilly and Co., License No. 56; Vaccinia Immune Globulin (Human), Travenol Laboratories, Inc., Hyland Therapeutics Division, License No. 140; Antirabies Serum, Istituto Sieroterapico Vaccinogeno Toscano Sclavo, License No. 238; Antirabies Serum (Equine Origin), Lederle Laboratories, Division American Cyanamid Co., License No. 17; and Immune Serum Globulin (Human) manufactured by the following licensees: Armour Pharmaceutical Co., License No. 149; Michigan Department of Public Health, License No. 99; Cutter Laboratories, Inc., License No. 8; E. R. Squibb & Sons, Inc., License No. 52; Lederle Laboratories, Division American Cyanamid Co., License No. 17; Massachusetts Public Health Biologic Laboratories, License No. 64; Merck Sharp & Dohme, Division of Merck & Co., Inc., License No. 2; Parke-Davis, Division of Warner-Lambert Co., License No. 1; Travenol Laboratories, Inc., Hyland Therapeutics Division, License No. 140; and Wyeth Laboratories, Inc., License No. 3. The licenses for these products may remain in effect. Licensees are required to revise their product's labeling according to the Panel's recommendations as set forth in this document.

Smallpox Vaccine, Influenza Virus Vaccine, and Yellow Fever Vaccine manufactured by Merrell-National Laboratories, Division of Richardson-

Merrell, Inc., were also recommended for Category I by the Panel. The manufacturing processes and facilities for manufacturing these products were transferred to Connaught Laboratories, Inc., for whom License No. 711 was issued on January 3, 1978.

Immune Serum Globulin (Human) manufactured by Abbott Laboratories was recommended for Category I by the Panel. The manufacturing processes and facilities for manufacturing this product were transferred to Alpha Therapeutic Corp., for whom License No. 744 was issued on August 15, 1978.

The product licenses for two products also proposed for Category I have been revoked at the licensee's request after the proposal was signed: Smallpox Vaccine (in three formulations; glycerinated, dried, and dried for jet injection) revoked April 1, 1980, at the request of Connaught Laboratories, Ltd., License No. 73; Measles Virus Vaccine, Live, Attenuated (M-Vac), revoked May 21, 1980, at the request of Lederle Laboratories, Division American Cyanamid Co., License No. 17.

b. *Category II. Biological products determined to be unsafe or ineffective or to be misbranded and which should not continue in interstate commerce.* As announced in the **Federal Register** notice of January 30, 1981, the product licenses for all Category II products have been revoked at the request of the licensees.

c. *Category IIIA. Biological products for which available data are insufficient to classify their safety and effectiveness but which may remain in interstate commerce pending completion of testing.* The product licenses for all Category IIIA products have been revoked at the request of the licensees. Those product licenses which have been revoked after publication of the proposal are: Typhus Vaccine, revoked November 20, 1980, at the request of Lederle Laboratories, Division American Cyanamid Co., License No. 17; Typhus Vaccine and Immune Globulin (Human), Pepsin-Modified (Gammagee-V), both products were revoked July 29, 1980, at the request of Merck Sharp & Dohme, Division of Merck & Co., Inc., License No. 2.

d. *Category IIIB. Biological products for which available data are insufficient to classify their safety and effectiveness and should not continue in interstate commerce.* As announced in the **Federal Register** notice of January 30, 1981, the product licenses for all Category IIIB products have been revoked at the request of the licensees.

Labeling

In the April 15, 1980 proposal, the Panel made a number of recommendations for changes in the content of various products' labeling. The Panel also directed several comments to the Immunization Practices Advisory Committee of the Public Health Service (formerly the Advisory Committee of Immunization Practices and still known as ACIP) concerning the recommended uses of some products under review. Since that time, many of the recommendations have been adopted by ACIP and have been incorporated into product labeling. Of particular note was the Panel's recommendation that the immunization for rubella for women of childbearing age be emphasized. In the current recommendation, with which FDA agrees, the ACIP has placed increased emphasis on the immunization of adolescent and adult females in the childbearing age group. The ACIP has stated that in view of the importance of protecting this age group, the lack of serologic test results should not act as a deterrent when evaluating the need for rubella immunization. The sole manufacturer currently distributing rubella vaccine in the U.S. has revised its circular to reflect ACIP's recommendation.

In their generic review of poliomyelitis vaccine, the Panel recommended that unimmunized parents of children undergoing oral poliomyelitis vaccine (OPV) immunization be included among adults for whom trivalent OPV (TOPV) is recommended. FDA has reconsidered its earlier endorsement of this recommendation. For unvaccinated adults at increased risk of exposure to poliomyelitis, ACIP has recommended primary immunization with inactivated poliomyelitis vaccine (IPV) whenever feasible *(Morbidity and Mortality Weekly Report,* 28:518, 1979). IPV is preferred because the risk of vaccine-associated paralysis following OPV immunization is slightly higher in adults than in children. FDA accepts the ACIP position.

FDA has reexamined the labeling for those products reviewed by the Panel. Although there are a few instances where minor labeling suggestions by the Panel have not been incorporated into the labeling, FDA finds that all labeling for the products under review are consistent with current ACIP recommendations or are in the process of final revision and that the current labeling is adequate to inform the using clinician to ensure the proper handling and administration of the products. Accordingly, FDA finds that no further labeling revisions will be necessary for the viral and rickettsial vaccine products except to conform to labeling requirements for prescription drugs.

Sections 201.56, 201.57, and 201.100(d)(3) (21 CFR 201.56, 201.57, and 201.100(d)(3)) prescribe the content and format requirements for the professional labeling of prescription drugs, including biological products such as viral and rickettsial vaccines. The effective dates are codified in § 201.59 (21 CFR 201.59). For biological products subject to Efficacy Review proceedings, the effective dates are dependent upon the date of publication of the applicable final order published in accordance with § 601.25(g). Consistent with § 201.59, manufacturers of viral and rickettsial vaccines generically reviewed by the Panel must submit for agency review appropriately revised draft labeling 180 days after date of publication of this final rule. The effective date of the labeling requirements is 24 months thereafter. The specific date for submitting draft labeling and the effective date for the labeling requirements are given at the end of this document.

Amendments to the Regulations

1. FDA proposed to amend § 601.25(h) (4) and (5) to include Category IIIA viral and rickettsial vaccine products among those requiring a boxed statement on the labeling referencing the Panel's finding of insufficient data for the product on safety and effectiveness, and written informed consent from participants in the additional studies performed under § 601.25(h). Because there are no licensed viral or rickettsial vaccine products classified in Category IIIA, these amendments are unnecessary.

2. FDA announced its intention to revoke the additional standards for Adenovirus Vaccine if the product licenses for the last remaining inactivated adenovirus vaccines, manufactured by Parke-Davis, were revoked. The product licenses for Adenovirus Vaccine, and Adenovirus Vaccine and Influenza Virus Vaccine, Combined were revoked at the request of Parke-Davis on July 29, 1980. Accordingly, FDA is revoking the additional standards for Adenovirus Vaccine under Subpart C of Part 630 (21 CFR 630.20 through 630.25). In addition, the entries for the adenovirus vaccine products are being removed from the listing of dating periods under § 610.53(a) (21 CFR 610.53(a)).

3. Several of the products reviewed by the Panel are no longer licensed. Accordingly, § 610.53(a) is being

amended by removing the entries for "Mumps Immune Globulin (Human)," "Rocky Mountain Spotted Fever Vaccine," and "Typhus Vaccine."

4. No comments were received on the proposed amendments to §§ 630.32(b), 630.35(a)(5), and 630.62(b). Because the agency is unaware of any other reason to reconsider these amendments, they are adopted in the final rule as proposed.

The economic impact of this rule has been reassessed in accordance with Executive Order 12291. The agency concludes that 16 manufacturers are affected by these requirements; however, only 1 firm will be subjected to any additional costs, estimated by FDA to be less than $2,000 per year. The anticipated costs are insufficient to warrant designation as a major rule under any of the criteria specified under section 1(b) of the Order. The assessment for making this determination is on file with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

List of Subjects in 21 CFR Part 610

Biologics, Labeling.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371)), the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)), and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 701-706)) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982)), Parts 610 and 630 are amended as follows:

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

§ 610.53 [Amended]

1. Part 610 is amended in § 610.53 *Dating periods for specific products* in paragraph (a) by removing the listings for "Adenovirus and Influenza Virus Vaccines Combined Aluminum Hydroxide Adsorbed," "Adenovirus and Influenza Virus Vaccines Combined Aluminum Phosphate Adsorbed," "Adenovirus Vaccine," "Mumps Immune Globulin (Human)," "Rocky Mountain Spotted Fever Vaccine," and "Typhus Vaccine."

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

2. Part 630 is amended:

§§ 630.20, 630.21, 630.22, 630.23, 630.24, and 630.25 (Subpart C) [Removed and reserved]

a. By removing Subpart C—Adenovirus Vaccine, consisting of §§ 630.20, 630.21, 630.22, 630.23, 630.24, and 630.25, and reserving it.

b. In § 630.32 by revising paragraph (b) to read as follows:

§ 630.32 Manufacture of live, attenuated measles virus vaccine.

* * * * *

(b) *Virus propagated in chick embryo tissue cultures.* Embryonated chicken eggs used as the source of chick embryo tissue for the propagation of measles virus shall be derived from flocks certified to be free of Salmonella pullorum, avian tuberculosis, fowl pox, Rous sarcoma, avian leucosis, reticuloendotheliosis virus, and other adventitious agents pathogenic for chickens. If eggs are procured from flocks that are not so certified, tests shall be performed to demonstrate freedom of the vaccine from such agents. (See § 630.35(a)(8) for test for avian leucosis.)

* * * * *

c. In § 630.35 by revising paragraph (a)(5) to read as follows:

§ 630.35 Test for safety.

(a) * * *

(5) *Inoculation of embryonated chicken eggs.* A volume of virus suspension of each undiluted virus pool, equivalent to at least 100 doses or 10 milliliters, whichever represents a greater volume, after neutralization of the measles virus by a high titer antiserum of nonhuman, nonsimian, nonavian origin shall be tested as follows:

(i) Embryonated eggs, 10 to 11 days old, shall be inoculated by the allantoic route using 0.5 milliliter per egg. Follow incubation at 35° C for 72 hours, the allantoic fluids shall be harvested, pooled, and subpassed by the same route into fresh, embryonated eggs, 10 to 11 days old, using 0.5 milliliter per egg and incubated at 35° C for 72 hours. Both the initial pool and the subpassage harvest shall be tested for the presence of hemagglutinin. The virus pool is satisfactory if the embryos appear normal and there is no evidence of hemagglutinating agents.

(ii) Embryonated eggs, 6 to 7 days old, shall be inoculated by the yolk sac route using 0.5 milliliter per egg. Following incubation at 35° C for at least 9 days, the yolk sacs shall be harvested and pooled. A 10-percent suspension of yolk sacs shall be subpassed by the same route into fresh embryonated eggs, 6 to 7 days old, using 0.5 milliliter of inoculum per egg and incubated at 35° C for at least 9 days. The virus pool is satisfactory if the embryos in both the initial test and the subpassage appear normal.

* * * * *

d. In § 630.62 by revising paragraph (b) to read as follows:

§ 630.62 Production.

* * * * *

(b) *Virus propagated in duck embryo tissue cell cultures.* Embryonated duck eggs used as a source of duck embryo tissue for the propagation of rubella virus shall be derived from flocks certified to be free of avian tuberculosis, the avian leucosis-sarcoma group of viruses, reticuloendotheliosis virus, and other agents pathogenic for ducks. Only ducks so certified and in overt good health and which are maintained in quarantine shall be used as a source of duck embryo tissue used in the propagation of rubella virus. Ducks in the quarantined flock that die shall be necropsied and examined for evidence of significant pathologic lesions. If any such signs or pathologic lesions are observed, eggs from that flock shall not be used for the manufacture of Rubella Virus Vaccine, Live. Control vessels shall be prepared, observed, and tested as prescribed in § 630.32(f).

* * * * *

Effective date. This regulation becomes effective August 9, 1982. Labeling requirements shall become effective December 8, 1984. On or after December 8, 1984 no person may initially introduce or initially deliver for introduction into interstate commerce any licensed biological product to which the regulations apply, unless the product's labeling complies with the requirements set forth in the regulations.

(Secs. 201, 502, 505, 701, 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371); sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262); and secs. 4, 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 701-706))

Dated: April 13, 1982.

Arthur Hull Hayes, Jr.,
Commissioner of Food and Drugs.

Dated: May 13, 1982.

Richard S. Schweiker,
Secretary of Health and Human Services.

[FR Doc. 82-15288 Filed 6-7-82; 8:45 am]
BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 886

[Docket No. R-82-850]

Low Income Housing; Additional Assistance Program for Projects With HUD-Insured and HUD-Held Mortgages

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

ACTION: Final rule.

SUMMARY: On September 8, 1980, the Department published an interim rule that related to the adjustment of Contract Rents under the Section 8 Housing Assistance Program. The interim rule expired on September 30, 1981. This final rule adopts the language of the interim rule without change, retroactive to October 1, 1981.

EFFECTIVE DATE: July 25, 1982, retroactive to October 1, 1981.

FOR FURTHER INFORMATION CONTACT: James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 426-8730. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: An interim rule published by HUD on September 8, 1980 (45 FR 59149), amending 24 CFR 886.112, provided for computation of Contract Rents on the basis of either the Maximum Unit Rent as modified by the Automatic Annual Adjustment Factor or, alternatively, the Rent Formula, whichever HUD determines to be appropriate. The interim rule stated that it was being made effective for a one-year period which expired September 30, 1981, unless extended by notification. HUD did not publish the required notification. This final rule now adopts the language of the interim rule without change. So that there will be no gap, this final rule is made retroactive to October 1, 1981.

Two organizations submitted written comments regarding the interim rule, and both supported the amended language. Both commenters appreciated HUD's effort to introduce more flexibility into the process of providing sufficient rent increases, to prevent deterioration and potential foreclosures, and regarded the interim rule as a step in the right direction. One comment did express concern that data supporting rent increases, submitted by managing agents, may not be given sufficient consideration in computing potential rents. We point out that, while it is not customary in most cases to consider current year increases, both methods of computing contract rents necessarily reflect full consideration of operating and maintenance costs for the preceding year. Accordingly, no change in the language of the interim rule is necessary.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations under 24 CFR Part 50 which implement section 102(2)(C) of the National Environmental Policy Act of 1969. This Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

This final rule does not constitutes a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

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

(The Catalog of Federal Domestic Assistance Programs number is 14.156)

List of Subjects in 24 CFR Part 886

Rent subsidies, Low and moderate income housing

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

Accordingly, 24 CFR 886.112 is amended by revising the introductory test and paragraphs (a) and (b) to read as follows:

§ 886.112 Rent adjustments.

This section applies to adjustments of the dollar amount stated in the Contract as the Maximum Unit Rent. It does not apply to adjustments in rents payable to Owners as required by HUD in connection with its mortgage insurance and/or lending functions.

(a) Funding of Adjustments. Housing Assistance Payments will be made in increased amounts commensurate with Contract Rent adjustments up to the maximum annual amount of housing assistance payments specified in the Contract pursuant to § 886.108(b).

(b) Annual Adjustments. The contract rents may be adjusted annually, or more frequently, at HUD's option, either (1) on the basis of a written request for a rent increase submitted by the owner and properly supported by substantiating evidence, or (2) by applying, on each anniversary date of the contract, the applicable Automatic Annual Adjustment Factor most recently published by HUD in the **Federal Register** in accordance with 24 CFR Part 888, Subpart B. Published Automatic Annual Adjustment Factors will be reduced appropriately by HUD where utilities are paid directly by Families. If HUD requires that the owner submit a written request, HUD, within a reasonable time, shall approve a rental schedule that is necessary to compensate for any increase in taxes (other than income taxes) and operating and maintenance costs over which owners have no effective control, or shall deny the increase stating the reasons therefor. Increases in taxes and maintenance and operating costs shall be measured against levels of such expenses in comparable assisted and unassisted housing in the area to ensure that adjustments in the Contract Rents shall not result in material differences between the rents charged for assisted and comparable unassisted units. Contract Rents may be adjusted upward or downward as may be appropriate; however, in no case shall the adjusted rents be less than the contract rents on the effective date of the contract.

* * * * *

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Secs. 5(b) and 8 of the United States Housing Act of 1937, 42 U.S.C. 1437c(b) and 1437(b))

Dated: May 24, 1982.

Philip Abrams,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 82-14797 Filed 6-4-82; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 6a

[T.D. 7819]

Modification of Regulations Relating to Mortgage Subsidy Bonds

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulation.

SUMMARY: This document contains a temporary income tax regulation relating to the tax-exempt status of interest on mortgage subsidy bonds. This regulation affects all purchasers and governmental issuers of tax-exempt housing bonds. The change made by this regulation is necessary to modify certain provisions contained in the present temporary regulations.

DATE: This temporary regulation is effective for governmental obligations issued after April 24, 1979.

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

SUPPLEMENTARY INFORMATION:

Background

This document contains an amendment to the temporary regulations relating to mortgage subsidy bonds under section 103A of the Internal Revenue Code of 1954. This amendment modifies Treasury Decision 7780, published in the **Federal Register** for July 1, 1981 (46 FR 34311), which provided regulations under section 103A of the Code. Section 103A was enacted by the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499, 94 Stat. 2660). The temporary regulation provided by this document will remain in effect until superseded by final regulations on this subject.

Explanation of Provisions

Section 103A of the Internal Revenue Code of 1954 provides that a mortgage subsidy bond shall be treated as an obligation not described in section 103(a) (1) or (2). As such, the interest on a mortgage subsidy bond is not excludable from gross income. Under section 103A(b)(2), however, a qualified mortgage bond and a qualified veterans' mortgage bond shall not be treated as a mortgage subsidy bond, and the interest thereon is excluded from gross income.

The temporary regulations under § 6a.103A-2(g)(9) are amended by providing a method for determining the market limitation in States with one or more constitutional home rule cities. The new provision allows issuing authorities in such States to use an alternate method for determining its allocable portion of the State ceiling if it demonstrates to the satisfaction of the Commissioner that such method is reasonable. In order to use a method other than the ones provided in paragraph (g) (2), (3), and (4), however, the issuing authority must (1) apply for a ruling prior to the issuance of any obligations under section 103A in the calendar year for which such allocable portion is to be used, (2) demonstrate that the methods provided under paragraph (g) (2), (3), and (4) if used would impose a hardship on the issuer, and (3) demonstrate that the alternate method produces a reasonable estimate of the issuer's market limitation.

Evaluation of the effectiveness of this regulation will be based on comments received from offices within the Treasury and the Internal Revenue Service, other governmental agencies, and the public.

Non-Application of Executive Order 12291

The Treasury Department has determined that this temporary regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Drafting Information

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

List of Subjects in 26 CFR Part 6a

Bonds, Income taxes, Mortgages, Veterans.

Adoption of Amendments to the Regulations

PART 6a—TEMPORARY REGULATIONS UNDER TITLE 11 OF THE OMNIBUS RECONCILIATON ACT OF 1980

Accordingly, 26 CFR Part 6a is amended as follows:

Section 6a.103A-2(g)(9) is amended by adding a new subdivision (v) to read as follows:

§ 6a.103A-2 Qualified mortgage bond.

* * * * *

(g) *Limitation on aggregate amount of qualified mortgage bonds issued during any calendar year.* * * *

(9) *Procedure for providing a different allocation.* * * *

(v) An issuing authority located in a State with one or more constitutional home rule cities may use an alternative method to those provided in subparagraphs (2), (3), and (4) for determining such issuing authority's market limitation if, prior to issuing any obligations for the calendar year, it demonstrates to the satisfaction of the Commissioner that—

(A) The use of the methods provided in subparagraph (2), (3), or (4) would impose an unreasonable hardship on the issuing authority, and

(B) Such alternative method is reasonable.

* * * * *

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

James I. Owens,

Acting Commissioner of Internal Revenue.

Approved: June 3, 1982.

David G. Glickman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 82-15521 Filed 6-7-82; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Wage and Hour Division

29 CFR Parts 6, 40 and 580

Reorganization of Functions Within Office of Solicitor; Amendment to Regulations

AGENCY: Office of the Secretary and Wage and Hour Division, Labor.

ACTION: Final rule.

SUMMARY: This amendment to the regulations transfers legal functions to a different Associate Solicitor within the Office of Solicitor. This amendment is necessitated by a reorganization within the Solicitor's Office which transferred jurisdiction for certain laws to the Associate Solicitor for Fair Labor Standards.

EFFECTIVE DATE: June 8, 1982.

FOR FURTHER INFORMATION CONTACT: Gregory B. Taylor, Counsel for Legal Advice, Office of Solicitor, Room N-2716, Frances Perkins Building, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone 202-523-7570.

SUPPLEMENTARY INFORMATION: As a result of a reorganization within the Office of the Solicitor, U.S. Department of Labor, certain divisions have been given new functions. This document reflects that the Associate Solicitor for Fair Labor Standards has assumed jurisdiction for legal services arising during the administration of certain laws administered by the Wage and Hour Division of the Department of Labor.

This revision is technical in nature, is purely procedural, and involves no change in the substance of the rule. Accordingly, the Department finds, pursuant to 5 U.S.C. 553(b)(3) (A) and (B), that notice and public comment under the Administrative Procedure Act are unnecessary. For the same reasons, this document is effective upon publication pursuant to 5 U.S.C. 553(d)(3).

Drafting Information

This document was prepared under the direction and control of T. Timothy Ryan, Jr., Solicitor of Labor, U.S. Department of Labor, Room S-2002, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone 202-523-7675.

Classification

The revision is procedural in character. Therefore, this rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, Pub. L. 96-354, 91 Stat. 1164, 5 U.S.C. 601 *et seq.*, pertaining to regulatory flexibility analyses, do not apply to this rule. See: 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 6

Administrative practice and procedure, Government contracts, Labor, Penalties, Wages.

29 CFR Part 40

Administrative practice and procedure, Agriculture, Aliens, Farmers, Health, Housing, Housing Standards, Immigration, Insurance, Investigations, Migrant labor, Motor carriers, Motor vehicle safety, Occupational safety and health, Penalties, Reporting requirements, Transportation, Wages.

29 CFR Part 580

Child labor, Penalties, Administrative practice and procedure.

Accordingly, the following parts of the Code of Federal Regulations are amended as set forth below:

(a) Part 6, Subtitle A of Title 29, Code of Federal Regulations (29 CFR Part 6);

(b) Part 40, Subtitle A of Title 29, Code of Federal Regulations (29 CFR Part 40); and

(c) Part 580, Chapter V of Title 29, Code of Federal Regulations (29 CFR Part 580).

PART 6—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS ENFORCING LABOR STANDARDS IN FEDERAL SERVICE CONTRACTS

1. The authority citation for Part 6 reads as follows:

Authority.—Secs. 4 and 5, 79 Stat. 1034, 1035, as amended by 86 Stat. 789, 790, 41 U.S.C. 353, 354; 5 U.S.C. 301.

§ 6.2 [Amended]

2. 29 CFR 6.2(f) is amended by removing the words "Associate Solicitor for General Legal Services" and inserting, in their place, the words "Associate Solicitor for Fair Labor Standards."

PART 40—FARM LABOR CONTRACTOR REGISTRATION

3. The authority citation for Part 40 reads as follows:

Authority.—Sec. 14, 78 Stat. 924 (7 U.S.C. 2050c), and sec. 17, 88 Stat. 1659 (7 U.S.C. 2053); Secretary's Order No. 16-75, 40 FR 55913; Secretary's Order No. 1-81, 46 FR 28048; and Employment Standards' Order No. 78-1, 43 FR 51469, unless otherwise noted.

§§ 40.2 and 40.210 [Amended]

4. 29 CFR Part 40 is amended by removing the words "Associate Solicitor for General Legal Services" and inserting in their place the words "Associate Solicitor for Fair Labor Standards" in the following places:

(a) 29 CFR 40.2(i)(2); and

(b) 29 CFR 40.210(a).

PART 580—CIVIL PENALTIES FOR CHILD LABOR VIOLATIONS—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS

5. The authority citation for Part 580 reads as follows:

Authority.—Secs. 3, 11, 12, 16, 52 Stat. 1060, as amended, 1066, as amended, 1067, as amended, 1069, as amended; 29 U.S.C. 203, 211, 212, 216; Reorg. Plan No. 6 of 1950, 64 Stat. 1263, 5 U.S.C. App.; secs. 25, 29, 88 Stat. 72, 76; Secretary of Labor's Order No. 13-71, 36 FR 8755; Employment Standards Order No. 1-74, 39 FR 33841; 5 U.S.C. 500, 503, 551, 559.

§ 580.10 [Amended]

6. 29 CFR 580.10 is amended by removing the words "Associate Solicitor for General Legal Services" and inserting, in their place, the words "Associate Solicitor for Fair Labor Standards."

Signed at Washington, D.C. this 3rd day of June, 1982.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 82-15484 Filed 6-7-82; 8:45 am]

BILLING CODE 4510-27-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Handling of Employment Discrimination Charges; Correction

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects authority citation for final regulation concerning handling of employment discrimination charges which was published May 21, 1982 (47 FR 22094).

FOR FURTHER INFORMATION CONTACT: Franklin F. Chow, Equal Employment Opportunity Commission, Office of Field Services, State and Local Division, 2401 E St., Washington, D.C. 20506, telephone 202/634-6905.

In FR Doc. 82-13972 appearing in the issue for Friday, May 21, 1982 make the following change:

On page 22095 the third line of column one which now reads "(Sec. 713(a) 78 Stat. 265 (42 U.S.C. 20003-12(a))", should read "(Sec. 713(a) 78 Stat. 265 (42 U.S.C. 2000e-12(a))".

Signed at Washington, D.C. this 3rd day of June 1982.

For the Commission.

John E. Rayburn,

Director, State and Local Division.

[FR Doc. 82-15522 Filed 6-7-82; 8:45 am]

BILLING CODE 6570-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD-FRL 2087-8]

National Emission Standards for Hazardous Air Pollutants; Appendix B—Test Methods; Revisions and Addition

March 10, 1982.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Revisions to Methods 101 and 102, "Determination of Particulate and Gaseous Mercury Emissions from Chlor-Alkali Plants—Air Streams," and "Determination of Particulate and Gaseous Mercury Emissions from Chlor-Alkali Plants—Hydrogen Streams," respectively, and a new Method 111, "Determination of Particulate and Gaseous Mercury Emissions from sewage Sludge Incinerators," were proposed in the **Federal Register** on October 15, 1980 (45 FR 68514). This action promulgates the revisions and the new method, redesignated as Method 101A. The intended effect is to require all chlor-alkali plants and sewage sludge treatment plants specified to conduct emissions tests under Subparts A and E of 40 CFR Part 61 to hereafter (see effective date listed below) use these new and revised methods for determining compliance. In addition, amendments to Subparts A and E are made to include new Method 101A.

EFFECTIVE DATE: June 8, 1982.

Under section 307(b)(1) of the Clean Air Act, judicial review of the revisions and addition is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: *Summary of Comments and Responses.* This document for the promulgated test methods may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Revisions to Methods 101, 101A, and 102 for the Determination of Mercury Emissions (Proposed October 15, 1980, 45 FR 68514)—Summary of Comments and Responses, EPA 450/3-82-008." The document contains (1) a summary of all the public comments made on the proposed test methods with the Administrator's response to the comments, and (2) a summary of the changes made to the test methods since proposal.

Docket. A docket, number A-79-45, containing information considered by EPA in development of the promulgated test methods, 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, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Roger T. Shigehara, Emission Measurement Branch, Emission Standards and Engineering Division (MD-19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2237.

Public Participation

The test methods were proposed and published in the **Federal Register** on October 15, 1980 (45 FR 68514). To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed test methods, a public hearing was scheduled for November 6, 1980, at the Research Triangle Park, North Carolina, but no person desired to make an oral presentation. The public comment period was from November 6, 1980, to December 15, 1980, and was extended to February 13, 1981. Five comment letters were received concerning issues relative to the proposed test methods. The comments have been carefully considered and, where determined to be appropriate by the Administrator, changes have been made in the proposed test methods.

Significant Comments and Changes to the Proposed Test Methods

Five comment letters were received on the proposed test methods. A detailed discussion of these comments and responses can be found in the background information document which is referred to in the **ADDRESSES** section of this preamble. The summary of comments and responses serves as the basis for the revisions which have been made to the test methods between proposal and promulgation. The major comments and responses are summarized in this preamble. Most of the comment letters contained multiple comments. The significant comments and subsequent method changes are listed according to the affected method.

Method 101

One commenter cited success from the extensive use of $KMnO_4$ as the mercury absorbing medium and suggested it serve as an acceptable alternative to iodine monochloride. This substitution will be allowed, as long as the entire system can meet the performance specifications that have been added to the methods.

It was pointed out that section 7.3.2 is confusing as written and seems to indicate that separate flasks should be pipetted during the dilution. This has been corrected by rewording the first two sentences to read "Pipet a 2-ml aliquot from the diluted sample from 7.3.1 into a 250-ml volumetric flask. Add 10 ml of 5 percent H_2SO_4 and adjust the volume to exactly 250 ml with deionized distilled water."

In section 9.4, the total mercury weight ($C_{Hg(AC)}$) was originally listed as mercury concentration. This correction has been made.

Methods 101, 101A, and 102

Because of their similarities, several of the received comments pertained to all three methods. Most concerned the use of various alternative sampling and analysis equipment which are reported to give results that are as accurate and precise as the apparatus specified in the methods. An equipment performance specification has been incorporated into the methods allowing such alternative systems to be used as long as they meet these performance criteria.

The use of dried, mercury-free air will be allowed as an optional aeration gas in place of dried nitrogen. The asbestos gasket specified for the probe nozzle and the asbestos insulation tape specified for the optical cell have been replaced by fiberglass components.

Borosilicate glass containers are specified for use in preparing and storing all mercury standard solutions.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated test methods and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review [section 307(d)(7)(A)].

Miscellaneous

This rulemaking does not impose any additional emission measurement requirements on facilities affected by this rulemaking, nor does it change the emission standard or make it more stringent. Rather, this rulemaking revises the test methods to which the affected facilities are already subject. If future standards impose emission measurement requirements, the impacts of the revised test methods promulgated today will be evaluated during development of these standards.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule was submitted to the Office of Management and Budget for review under Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities.

This rulemaking is issued under the authority of sections 112, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7412, 7414, and 7601(a)).

List of Subjects in 40 CFR Part 61

Air pollution control, Asbestos, Beryllium, Hazardous materials, Mercury, Vinyl chloride.

Dated: May 26, 1982.

Anne M. Gorsuch,

Administrator.

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

40 CFR Part 61 is amended as follows:

1. By revising § 61.14(a) as follows:

Subpart A—General Provisions

* * * * *

§ 61.14 Source test and analytical methods.

(a) Methods 101, 101A, 102, and 104 in Appendix B to this part shall be used for all source tests required under this part, unless an equivalent method or an alternative method has been approved by the Administrator.

* * * * *

2. By revising § 61.53(d)(2) as follows:

§ 61.53 Stack sampling

* * * * *

(d) * * *

(2) Method 101A in Appendix B to this part shall be used to test emissions as follows:

(i) The test shall be performed within 90 days of the effective date of these regulations in the case of an existing source or a new source which has an initial startup date preceding the effective date.

(ii) The test shall be performed within 90 days of startup in the case of a new source which did not have an initial startup date preceding the effective date.

* * * * *

3. By revising Methods 101 and 102 and adding Method 101A to Appendix B as follows:

Appendix B—Test Methods

Method 101—Determination of Particulate and Gaseous Mercury Emissions From Chlor-Alkali Plants—Air Streams

1. *Applicability and Principle*—1.1 *Applicability.* This method applies to the determination of particulate and gaseous mercury (Hg) emissions from chlor-alkali plants and other sources (as specified in the regulations), where the carrier-gas stream in the duct or stack is principally air.

1.2 *Principle.* Particulate and gaseous Hg emissions are withdrawn isokinetically from the source and collected in acidic iodine monochloride (ICl) solution. The Hg collected (in the mercuric form) is reduced to elemental Hg, which is then aerated from the solution into an optical cell and measured by atomic absorption spectrophotometry.

2. *Range and Sensitivity*—2.1 *Range.* After initial dilution, the range of this method is 0.5 to 120 μg Hg/ml. The upper limit can be extended by further dilution of the sample.

2.2 *Sensitivity.* The sensitivity of this method depends on the recorder/spectrophotometer combination selected.

3. *Interfering Agents*—3.1 *Sampling.* SO_2 reduces ICl and causes premature depletion of the ICl solution.

3.2 *Analysis.* ICl concentrations greater than 10^{-4} molar inhibit the reduction of the Hg (II) ion in the aeration cell. Condensation of water vapor on the optical cell windows causes a positive interference.

4. *Precision and Accuracy*—The following estimates are based on collaborative tests, wherein 13 laboratories performed duplicate analyses on two Hg-containing samples from a chlor-alkali plant and on one laboratory-prepared sample of known Hg concentration. The concentration ranged from 2 to 65 μg Hg/ml.

4.1 *Precision.* The estimated within-laboratory and between-laboratory standard deviations are 1.6 and 1.8 μg Hg/ml, respectively.

4.2 *Accuracy.* The participating laboratories that analyzed a 64.3-μg Hg/ml (in 0.1 M ICl) standard obtained a mean of 63.7 μg Hg/ml.

5. *Apparatus*—5.1 *Sampling Train.* A schematic of the sampling train is shown in Figure 101-1; it is similar to the Method 5 train (mention of Method 5 refers to Parts 60 of 40 CFR). The sampling train consists of the following components:

5.1.1 *Probe Nozzle, Pitot Tube, Differential Pressure Gauge, Metering System, Barometer, and Gas Density Determination Equipment.* Same as Method 5, Sections 2.1.1, 2.1.3, 2.1.4, 2.1.8, 2.1.9, and 2.1.10, respectively.

5.1.2 *Probe Liner.* Borosilicate or quartz glass tubing. The tester may use a heating system capable of maintaining a gas temperature of 120±14° C (248±25° F) at the probe exit during sampling to prevent water condensation.

Note.—Do not use metal probe liners.

5.1.3 *Impingers.* Four Greenburg-Smith impingers connected in series with leak-free ground glass fittings or any similar leak-free noncontaminating fittings. For the first, third, and fourth impingers, the tester may use impingers that are modified by replacing the tip with a 13-mm-ID (0.5-in.) glass tube extending to 13 mm (0.5 in.) from the bottom of the flask.

5.1.4 *Acid Trap.* Mine Safety Appliances air line filter, Catalog number 81857, with acid absorbing cartridge and suitable connections, or equivalent.

5.2 *Sample Recovery.* The following items are needed:

5.2.1 *Glass Sample Bottles.* Leakless, with Teflon-lined caps, 1000- and 100-ml.

5.2.2 *Graduated Cylinder.* 250-ml.

5.2.3 *Funnel and Rubber Policeman.* To aid in transfer of silica gel to container; not necessary if silica gel is weighed in the field.

5.2.4 *Funnel.* Glass, to aid in sample recovery.

5.3 *Sample Preparation and Analysis.* The following equipment is needed:

5.3.1 *Atomic Absorption Spectrophotometer.* Perkin-Elmer 303, or equivalent, containing a hollow-cathode mercury lamp and the optical cell described in Section 5.3.2.

5.3.2 *Optical Cell.* Cylindrical shape with quartz end windows and having the dimensions shown in Figure 101-2. Wind the cell with approximately 2 meters of 24-gauge nichrome heating wire, and wrap with fiberglass insulation tape or equivalent; do not let the wires touch each other.

5.3.3 *Aeration Cell.* Constructed according to the specifications in Figure 101-3. Do not use a glass frit as a substitute for the blown glass bubbler tip shown in Figure 101-3.

5.3.4 *Recorder.* Matched to output of the spectrophotometer described in Section 5.3.1.

5.3.5 *Variable Transformer.* To vary the voltage on the optical cell from 0 to 40 volts.

5.3.6 *Hood.* For venting optical cell exhaust.

5.3.7 *Flowmetering Valve.*

5.3.8 *Flowmeter.* Rotameter or equivalent, capable of measuring a gas flow of 1.5 liters/min.

5.3.9 *Aeration Gas Cylinder.* Nitrogen or dry, Hg-free air, equipped with a single-stage regulator.

5.3.10 *Connecting Tubing.* Use glass tubing (ungreased ball- and socket-connections are recommended) for all tubing connections between the solution cell and the optical cell; do not use Tygon tubing, other types of flexible tubing, or metal tubing as substitutes. The tester may use Teflon, steel, or copper tubing between the nitrogen tank and flowmetering valve (5.3.7), and Tygon, gum, or rubber tubing between the flowmetering valve and the aeration cell.

5.3.11 *Flow Rate Calibration Equipment.* Bubble flowmeter or wet test meter for measuring a gas flow rate of 1.5±0.1 liters/min.

5.3.12 *Volumetric Flasks.* Class A with penny head standard taper stoppers; 100-, 250-, 500- and 1000-ml.

5.3.13 *Volumetric Pipets.* Class A; 1-, 2-, 3-, 4-, and 5-ml.

5.3.14 *Graduated Cylinder.* 50-ml.

5.3.15 *Magentic Stirrer.* General-purpose laboratory type.

5.3.16 *Magnetic Stirring Bar.* Teflon-coated.

5.3.17 *Balance.* Capable of weighing to ±0.5 g.

5.4 *Alternative Analytical Apparatus.* Alternative systems are allowable as long as they meet the following criteria:

5.4.1 A linear calibration curve is generated and two consecutive samples of the same aliquot size and concentration agree within 3 percent of their average.

5.4.2 A minimum of 95 percent of the spike is recovered when an aliquot of a source sample is spiked with a known concentration of mercury (II) compound.

5.4.3 The reducing agent should be added after the aeration cell is closed.

5.4.4 The aeration bottle bubbler should not contain a frit.

5.4.5 Any Tygon used should be as short as possible and conditioned prior to use until blanks and standards yield linear and reproducible results.

5.4.6 If manual stirring is done before aeration, it should be done with the aeration cell closed.

5.4.7 A drying tube should not be used unless it is conditioned as the Tygon above.

6. *Reagents*—Use ACS reagent-grade chemicals or equivalent, unless otherwise specified.

6.1 *Sampling and Recovery.* The reagents used in sampling and recovery are as follows:

6.1.1 *Water.* Deionized distilled, meeting ASTM Specifications for Type I Reagent Water—ASTM Test Method D 1193-74. If high concentrations of organic matter are not expected to be present, the analyst may eliminate the $KMnO_4$ test for oxidizable organic matter. Use this water in all dilutions and solution preparations.

6.1.2 *Nitric Acid (HNO_3)*, 50 Percent (V/V). Mix equal volumes of concentrated HNO_3 and deionized distilled water, being careful to slowly add the acid to the water.

6.1.3 *Silica Gel.* Indicating type, 6- to 16-mesh. If previously used, dry at 175° C (350° F) for 2 hours. The tester may use new silica gel as received.

6.1.4 *Potassium Iodide (KI) Solution, 25 Percent.* Dissolve 250 g of KI in deionized distilled water and dilute to 1 liter.

6.1.5 *Iodine Monochloride (ICl) Stock Solution, 1.0 M.* To 800 ml of 25 percent KI solution, add 800 ml of concentrated hydrochloric acid (HCl). Cool to room temperature. With vigorous stirring, slowly add 135 g of potassium iodate (KIO_3) and stir until all free iodine has dissolved. A clear orange-red solution occurs when all the KIO_3 has been added. Cool to room temperature and dilute to 1800 ml with deionized distilled water. Keep the solution in amber glass bottles to prevent degradation.

6.1.6 *Absorbing Solution, 0.1 M ICl.* Dilute 100 ml of the 1.0 M ICl stock solution to 1 liter with deionized distilled water. Keep the solution in amber glass bottles and in darkness to prevent degradation. This reagent is stable for at least 2 months.

6.2 *Sample Preparation and Analysis.* The reagents needed are listed below:

6.2.1 *Tin (II) Solution.* Prepare fresh daily and keep sealed when not being used. Completely dissolve 20 g of tin (II) chloride [or 25 g of tin (II) sulfate] crystals (Baker Analyzed reagent grade or any other brand that will give a clear solution) in 25 ml of concentrated HCl. Dilute to 250 ml with deionized distilled water. Do not substitute HNO_3, H_2SO_4, or other strong acids for the HCl.

6.2.2 *Mercury Stock Solution, 1 mg Hg/ml.* Prepare and store all mercury standard solutions in borosilicate glass containers. Completely dissolve 0.1354 g of mercury (II) chloride in 75 ml of deionized distilled water in a 100 ml glass volumetric flask. Add 10 ml of concentrated HNO_3, and adjust the volume to exactly 100 ml with deionized distilled water. Mix thoroughly. This solution is stable for at least 1 month.

6.2.3 *Sulfuric Acid, 5 Percent (V/V).* Dilute 25 ml of concentrated H_2SO_4 to 500 ml with deionized distilled water.

6.2.4 *Intermediate Mercury Standard Solution, 10 μg Hg/ml.* Prepare fresh weekly. Pipet 5.0 ml of the mercury stock solution (6.2.2) into a 500-ml glass volumetric flask and add 20 ml of the 5 percent H_2SO_4 solution. Dilute to exactly 500 ml with deionized distilled water. Thoroughly mix the solution.

6.2.5 *Working Mercury Standard Solution, 200 ng Hg/ml.* Prepare fresh daily. Pipet 5.0 ml from the "Intermediate Mercury Standard Solution" (6.2.4) into a 250-ml volumetric glass flask. Add 10 ml of the 5 percent H_2SO_4 and 2 ml of the 0.1 M ICl absorbing solution taken as a blank (7.2.3) and dilute to 250 ml with deionized distilled water. Mix thoroughly.

7. *Procedure*—7.1 *Sampling.* Because of the complexity of this method, testers should be trained and experienced with the test procedures to assure reliable results. Since the amount of Hg that is collected generally is small, the method must be carefully applied to prevent contamination or loss of sample.

7.1.1 *Pretest Preparation.* Follow the general procedure given in Method 5, Section 4.1.1, except omit the directions on the filter.

7.1.2 *Preliminary Determinations.* Follow the general procedure given in Method 5, Section 4.1.2, except as follows: Select a nozzle size based on the range of velocity heads to assure that it is not necessary to change the nozzle size in order to maintain isokinetic sampling rates below 28 liters/min (1.0 cfm).

Obtain samples over a period or periods that accurately determine the maximum emissions that occur in a 24-hour period. In the case of cyclic operations, run sufficient tests for the accurate determination of the emissions that occur over the duration of the cycle. A minimum sample time of 2 hours is recommended. In some instances, high Hg or high SO_2 concentrations make it impossible to sample for the desired minimum time. This is indicated by reddening (liberation of free iodine) in the first impinger. In these cases, the tester may divide the sample run into two or more subruns to insure that the absorbing solution is not depleted.

7.1.3 *Preparation of Sampling Train.* Clean all glassware [probe, impingers, and connectors] by rinsing with 50 percent HNO_3, tap water, 0.1 M ICl, tap water, and finally

deionized distilled water. Place 100 ml of 0.1 M ICl in each of the first three impingers. Take care to prevent the absorbing solution from contacting any greased surfaces. Place approximately 200 g of preweighed silica gel in the fourth impinger. The tester may use more silica gel, but should be careful to ensure that it is not entrained and carried out from the impinger during sampling. Place the silica gel container in a clean place for later use in the sample recovery. Alternatively, determine and record the weight of the silica gel plus impinger to the nearest 0.5 g.

Install the selected nozzle using a Viton A O-ring when stack temperatures are less than 260° C (500° F). Use a fiberglass string gasket if temperatures are higher. See APTD-0576 (Citation 9 in Section 10) for details. Other connecting systems using either 316 stainless steel or Teflon ferrules may be used. Mark the probe with heat-resistant tape or by some other method to denote the proper distance into the stack or duct for each sampling point. Assemble the train as shown in Figure 101-1, using (if necessary) a very light coat of silicone grease on all ground glass joints. Grease only the outer portion (see APTD-0576) to avoid possibility of contamination by the silicone grease.

Note.—An empty impinger may be inserted between the third impinger and the silica gel to remove excess moisture from the sample stream.

After the sampling train has been assembled, turn on and set the probe, if applicable, at the desired operating temperature. Allow time for the temperatures to stabilize. Place crushed ice around the impingers.

7.1.4 *Leak-Check Procedures.* Follow the leak-check procedures outlined in Method 5, Sections 4.1.4.1 (Pretest Leak Check), 4.1.4.2 (Leak Checks During Sample Run), and 4.1.4.3 (Post-Test Leak Check).

7.1.5 *Mercury Train Operation.* Follow the general procedure given in Method 5, Section 4.1.5. For each run, record the data required on a data sheet such as the one shown in Figure 101-4.

7.1.6 *Calculation of Percent Isokinetic.* Same as Method 5, Section 4.1.6.

7.2 *Sample Recovery.* Begin proper cleanup procedure as soon as the probe is removed from the stack at the end of the sampling period.

Allow the probe to cool. When it can be safely handled, wipe off any external particulate matter near the tip of the probe nozzle and place a cap over it. Do not cap off the probe tip tightly while the sampling train is cooling. Capping would create a vacuum and draw liquid out from the impingers.

Before moving the sampling train to the cleanup site, remove the probe from the train, wipe off the silicone grease, and cap the open outlet of the probe. Be careful not to lose any condensate that might be present. Wipe off the silicone grease from the impinger. Use either ground-glass stoppers, plastic caps, or serum caps to close these openings.

Transfer the probe and impinger assembly to a cleanup area that is clean, protected from the wind, and free of Hg contamination. The ambient air in laboratories located in the immediate vicinity of Hg-using facilities is not normally free of Hg contamination.

Inspect the train before and during assembly, and note any abnormal conditions. Treat the sample as follows:

7.2.1 *Container No. 1* (Impinger and Probe). Using a graduated cylinder, measure the liquid in the first three impingers to within ±1 ml. Record the volume of liquid present (e.g., see Figure 5-3 of Method 5). This information is needed to calculate the moisture content of the effluent gas. (Use only glass storage bottles and graduated cylinders that have been precleaned as in Section 7.1.3.) Place the contents of the first three impingers into a 1000-ml glass sample bottle.

Taking care that dust on the outside of the probe or other exterior surfaces does not get into the sample, quantitatively recover the Hg (and any condensate) from the probe nozzle, probe fitting, and probe liner as follows: Rinse these components with two 50-ml portions of 0.1 M IC1. Next, rinse the probe nozzle, fitting and liner, and each piece of connecting glassware between the probe liner and the back half of the third impinger with a maximum of 400 ml of deionized distilled water. Add all washings to the 1000-ml glass sample bottle containing the liquid from the first three impingers.

After all washings have been collected in the sample container, tighten the lid on the container to prevent leakage during shipment to the laboratory. Mark the height of the liquid to determine later whether leakage occurred during transport. Label the container to clearly identify its contents.

7.2.2 *Container No. 2* (Silica Gel). Note the color of the indicating silica gel to determine whether it has been completely spent and make a notation of its condition. Transfer the silica gel from its impinger to its original container and seal. The tester may use as aids a funnel to pour the silica gel and a rubber policeman to remove the silica gel from the impinger. The small amount of particles that may adhere to the impinger wall need not be removed. Since the gain in weight is to be used for moisture calculations, do not use any water or other liquids to transfer the silica gel. If a balance is available in the field, weigh the spent silica gel (or silica gel plus impinger) to the nearest 0.5 g; record this weight.

7.2.3 *Container No. 3* (Absorbing Solution Blank). For a blank, place 50 ml of the 0.1 M IC1 absorbing solution in a 100-ml sample bottle. Seal the container. Use this blank to prepare the working mercury standard solution (6.2.5).

7.3 *Sample Preparation.* Check the liquid level in each container to see whether liquid was lost during transport. If a noticeable amount of leakage occurred, either void the sample or use methods subject to the approval of the Administrator to account for the losses. Then follow the procedures below:

7.3.1 *Container No. 1* (Impinger and Probe). Carefully transfer the contents of Container No. 1 into a 1000-ml volumetric flask and adjust the volume to exactly 1000 ml with deionized distilled water.

7.3.2 *Dilutions.* Pipet a 2-ml aliquot from the diluted sample from 7.3.1 into a 250-ml volumetric flask. Add 10 ml of 5 percent H_2SO_4 and adjust the volume to exactly 250 ml with deionized distilled water. These solutions are stable for at least 72 hours.

Note.—The dilution factor will be 250/2 for this solution.

7.4 *Analysis.* Calibrate the spectrophotometer and recorder and prepare the calibration curve as described in Sections 8.1 to 8.4.

7.4.1 *Mercury Samples.* Repeat the procedure used to establish the calibration curve with appropriately sized aliquots (1 to 5 ml) of each of the diluted samples (from Section 7.3.2) until two consecutive peak heights agree within ±3 percent of their average value. The peak maximum of an aliquot (except the 5-ml aliquot) must be greater than 10 percent of the recorder full scale. If the peak maximum of a 1.0-ml aliquot is off scale on the recorder, further dilute the original source sample to bring the Hg concentration into the calibration range of the spectrophotometer.

Run a blank and standard at least after every five samples to check the spectrophotometer calibration; recalibrate as necessary.

It is also recommended that at least one sample from each stack test be checked by the method of standard additions to confirm that matrix effects have not interfered in the analysis.

7.4.2 *Container No. 2* (Silica Gel). Weigh the spent silica gel (or silica gel plus impinger) to the nearest 0.5 g using a balance. (This step may be conducted in the field.)

8. *Calibration and Standards*—Before use, clean all glassware, both new and used, as follows: brush with soap and water, liberally rinse with tap water, soak for 1 hour in 50 percent HNO_3, and then rinse with deionized distilled water.

8.1 *Flow Calibration.* Assemble the aeration system as shown in Figure 101-5. Set the outlet pressure on the aeration gas cylinder regulator to a minimum pressure of 500 mm Hg (10 psi), and use the flowmetering valve and a bubble flowmeter or wet test meter to obtain a flow rate of 1.5±0.1 liters/min through the aeration cell. After the flow calibration is complete, remove the bubble flowmeter from the system.

8.2 *Optical Cell Heating System Calibration.* Using a 50-ml graduated cylinder, add 50 ml of deionized distilled water to the bottle section of the aeration cell and attach the bottle section to the bubbler section of the cell. Attach the aeration cell to the optical cell; and while aerating at 1.5 liters/min, determine the minimum variable transformer setting necessary to prevent condensation of moisture in the optical cell and in the connecting tubing. (This setting should not exceed 20 volts.)

8.3 *Spectrophotometer and Recorder Calibration.* The mercury response may be measured by either peak height or peak area.

Note.—The temperature of the solution affects the rate at which elemental Hg is released from a solution and, consequently, it affects the shape of the absorption curve (area) and the point of maximum absorbance (peak height). Therefore, to obtain reproducible results, bring all solutions to room temperature before use.

Set the spectrophotometer wavelength at 253.7 nm, and make certain the optical cell is at the minimum temperature that will prevent

water condensation. Then set the recorder scale as follows: Using a 50-ml graduated cylinder, add 50 ml of deionized distilled water to the aeration cell bottle and pipet 5.0 ml of the working mercury standard solution into the aeration cell.

Note.—Always add the Hg-containing solution to the aeration cell after the 50 ml of deionized distilled water.

Place a Teflon-coated stirring bar in the bottle. Before attaching the bottle section to the bubbler section of the aeration cell, make certain that (1) the aeration cell exit arm stopcock (Figure 101-3) is closed (so that Hg will not prematurely enter the optical cell when the reducing agent is being added) and (2) there is no flow through the bubbler. If conditions (1) and (2) are met, attach the bottle section to the bubbler section of the aeration cell through the side arm of the cell and immediately stopper the side arm. Stir the solution for 15 sec, turn on the recorder, open the aeration cell exit arm stopcock, and then immediately initiate aeration with continued stirring. Determine the maximum absorbance of the standard and set this value to read 90 percent of the recorder full scale.

8.4 *Calibration Curve.* After setting the recorder scale, repeat the procedure in Section 8.3 using 0.0-, 1.0-, 2.0-, 3.0-, 4.0-, and 5.0-ml aliquots of the working standard solution (final amount of Hg in the aeration cell is 0, 200, 400, 600, 800, and 1000 ng, respectively). Repeat this procedure on each aliquot size until two consecutive peaks agree within 3 percent of their average value. (Note: To prevent Hg carryover from one sample to another, do not close the aeration gas tank valve and do not disconnect the aeration cell from the optical cell until the recorder pen has returned to the baseline.) It should not be necessary to disconnect the aeration gas inlet line from the aeration cell when changing samples. After separating the bottle and bubbler sections of the aeration cell, place the bubbler section into a 600-ml beaker containing approximately 400 ml of deionized distilled water. Rinse the bottle section of the aeration cell with a stream of deionized distilled water to remove all traces of the tin (II) reducing agent. Also, to prevent the loss of Hg before aeration, remove all traces of the reducing agent between samples by washing with deionized distilled water. It will be necessary, however, to wash the aeration cell parts with concentrated HCl if any of the following conditions occur: (1) A white film appears on any inside surface of the aeration cell, (2) the calibration curve changes suddenly, or (3) the replicate samples do not yield reproducible results.

Subtract the average peak height (or peak area) of the blank (0.0-ml aliquot)—which should be less than 2 percent of recorder full scale—from the averaged peak heights of the 1.0-, 2.0-, 3.0-, 4.0-, and 5.0-ml aliquot standards. If the blank absorbance is greater than 2 percent of full-scale, the probable cause is Hg contamination of a reagent or carry-over of Hg from a previous sample. Plot the corrected peak height of each standard solution versus the corresponding final total Hg weight in the aeration cell (in ng) and draw the best-fit straight line. This line should either pass through the origin or pass through a point no further from the origin than ±2 percent of the recorder full scale. If the line does not pass through or very near to the origin, check for nonlinearity of the curve and for incorrectly prepared standards.

8.5 *Sampling Train Calibration.* Calibrate the sampling train components according to the procedures outlined in the following sections of Method 5: Section 5.1 (Probe Nozzle), Section 5.2 (Pitot Tube), Section 5.3 (Metering System), Section 5.4 (Probe Heater), Section 5.5 (Temperature Gauges), Section 5.7 (Barometer). Note that the leak-check described in Section 5.6 of Method 5 applies to this method.

9. *Calculations*—9.1 *Dry Gas Volume.* Using the data from this test, calculate $V_{m(std)}$, the dry gas sample volume at standard conditions (corrected for leakage, if necessary) as outlined in Section 6.3 of Method 5.

9.2 *Volume of Water Vapor and Moisture Content.* Using the data obtained from this test, calculate the volume of water vapor $V_{w(std)}$ and the moisture content B_{ws} of the stack gas. Use Equations 5-2 and 5-3 of Method 5.

9.3 *Stack Gas Velocity.* Using the data from this test and Equation 2-9 of Method 2, calculate the average stack gas velocity v_s.

9.4 *Total Mercury.* For each source sample, correct the average maximum absorbance of the two consecutive samples whose peak heights agree within ±3 percent of their average for the contribution of the solution blank (see Section 8.4). Use the calibration curve and these corrected averages, to determine the final total weight of mercury in nanograms in the aeration cell for each source sample. Correct for any dilutions made to bring the sample in the working range of the spectrophotometer. Then calculate the Hg in μg (m_{Hg}) in the original solution as follows:

$$m_{Hg} = \frac{C_{Hg(AC)}(D.F.)\ V_f\ 10^{-3}}{S} \qquad \text{Eq. 101-1}$$

Where:

$C_{Hg(AC)}$ = Total nanograms of mercury in aliquot analyzed (reagent blank subtracted).

D.F. = Dilution factor for the Hg-containing solution (before adding to the aeration cell; e.g., D.F. = 250/2 if the source samples were diluted as described in Section 7.3.2.)

V_f = Solution volume of original sample, 1000 ml for samples diluted as described in Section 7.2.1.

10^{-3} = Conversion factor, μg/ng.

S = Aliquot volume added to aeration cell, ml.

9.5 *Mercury Emission Rate.* Calculate the Hg emission rate R in g/day for continuous operations using Equation 101-2. For cyclic operations, use only the time per day each stack is in operation. The total Hg emission rate from a source will be the summation of results from all stacks.

$$R = K\ \frac{m_{Hg}\ v_s\ A_s\ (86{,}400 \times 10^{-6})}{[V_{m(std)} + V_{w(std)}](T_s/P_s)} \qquad \text{Eq. 101-2}$$

Where:

A_s = Stack cross-sectional area, m^2 (ft^2).

86,400 = Conversion factor, sec/day.

10^{-6} = Conversion factor, g/μg.

T_s = Absolute average stack gas temperature, °K (°R).

P_s = Absolute stack gas pressure, mm Hg (in. Hg).

K = 0.3858 °K/mm Hg for metric units.
= 17.65 °R/in. Hg for English units.

9.6 *Isokinetic Variation and Acceptable Results.* Same as Method 5, Sections 6.11 and 6.12, respectively.

9.7 *Determination of Compliance.* Each performance test consists of three repetitions of the applicable test method. For the purpose of determining compliance with an applicable national emission standard, use the average of the results of all repetitions.

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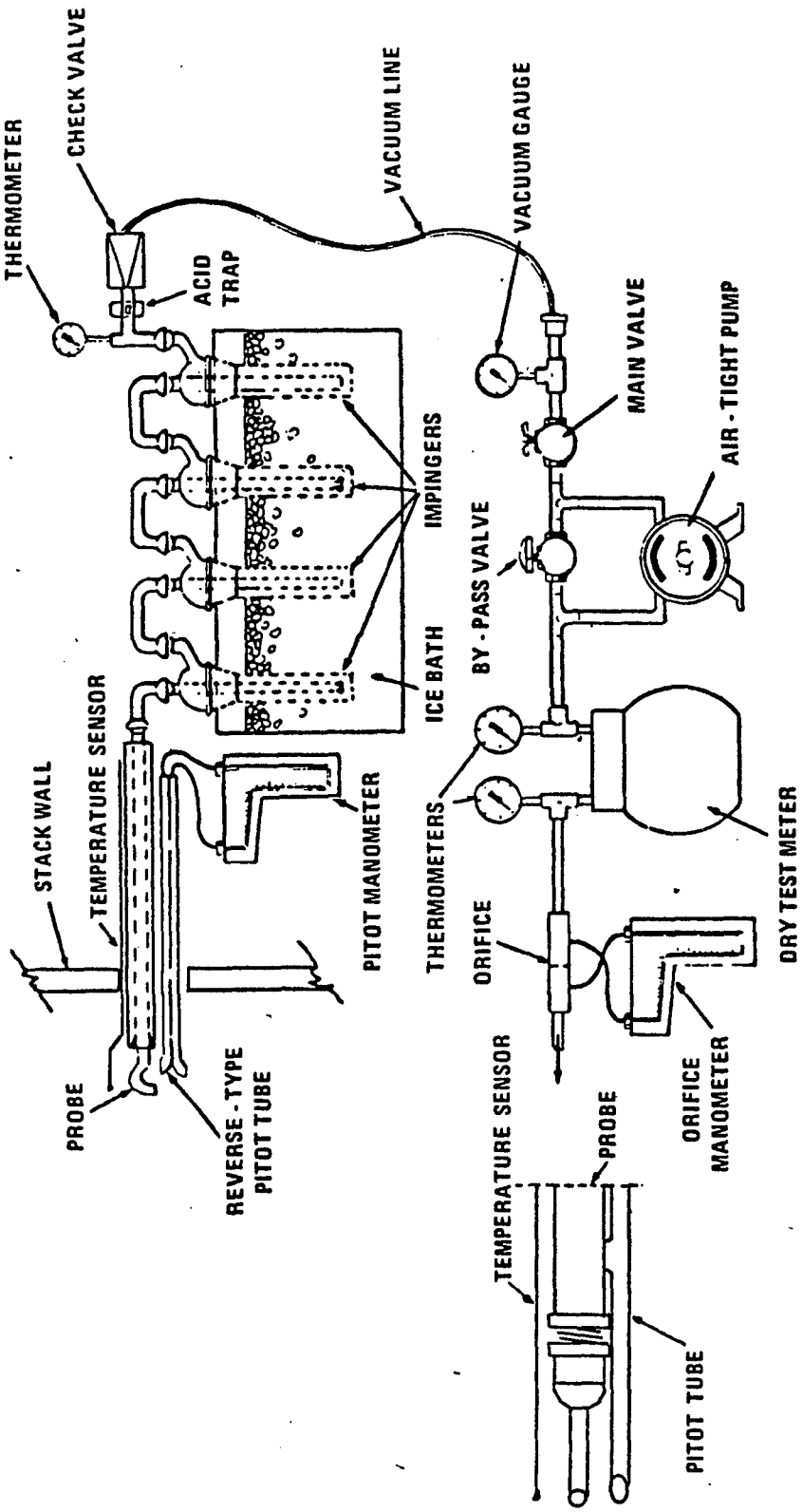
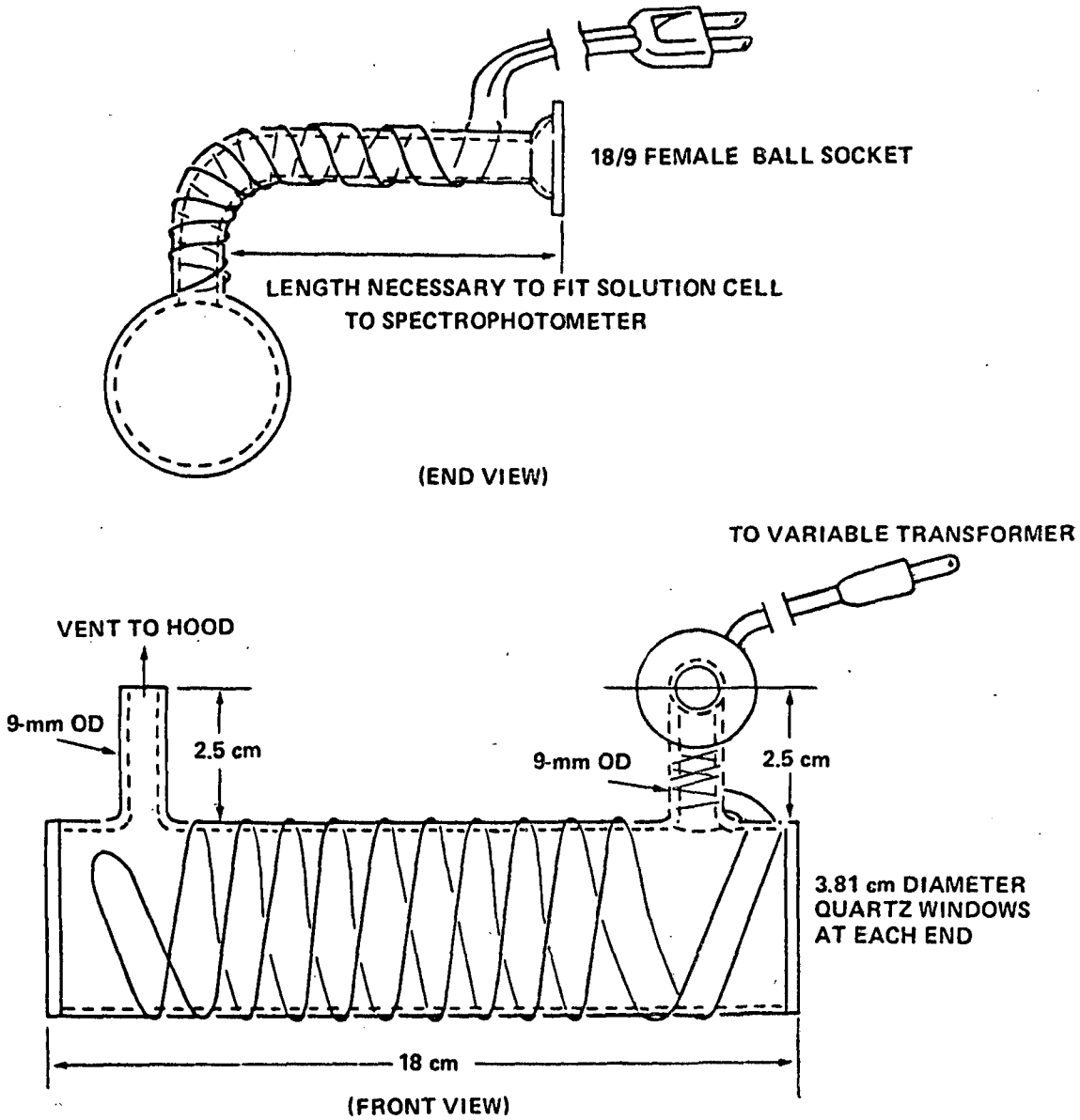


Figure 101-1 Mercury sampling train.



NOTES:
CELL WOUND WITH 24-GAUGE NICHROME WIRE
TOLERANCES ± 5 PERCENT

Figure 101-2. Optical cell.

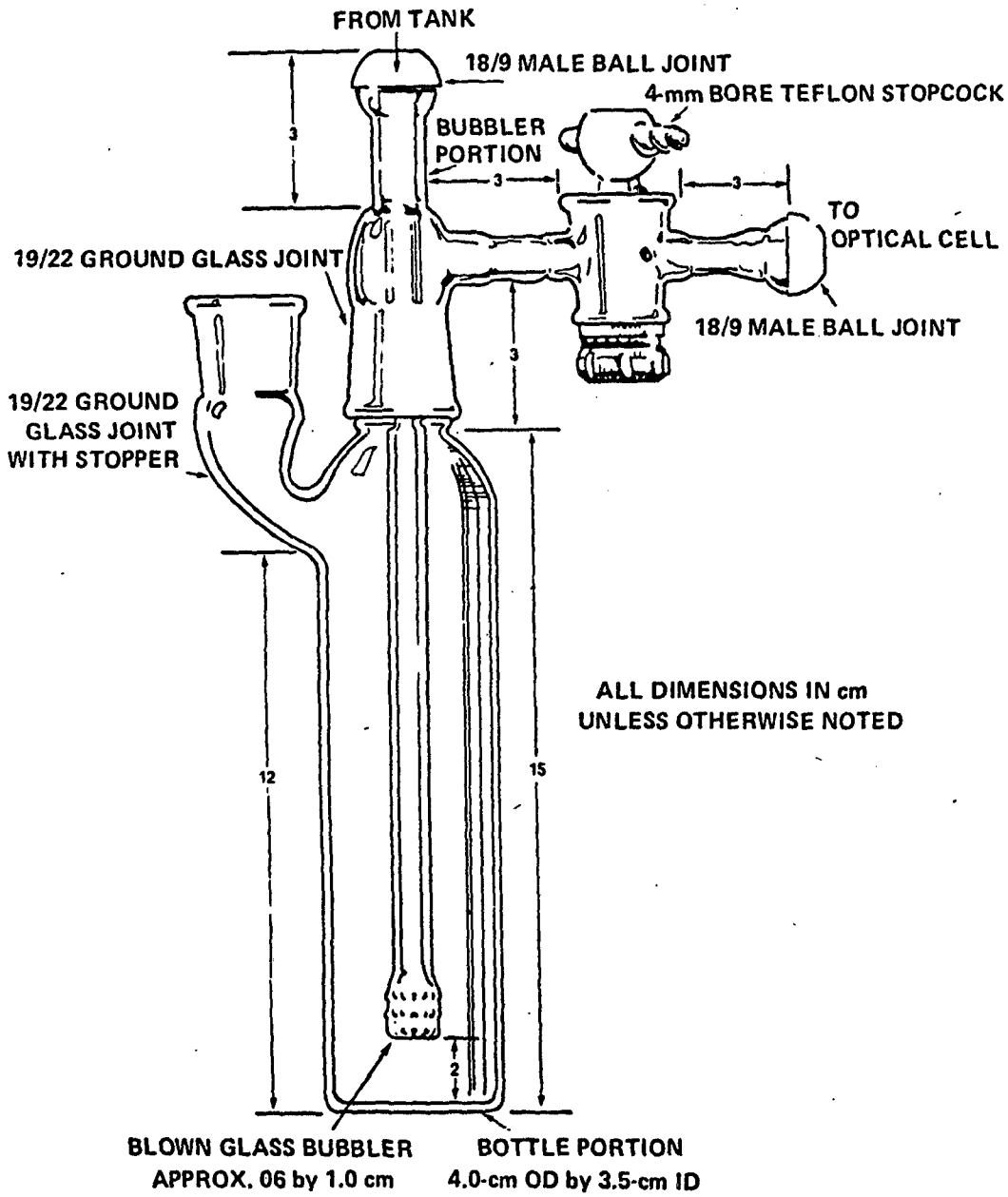


Figure 101-3. Aeration cell.

PLANT _____
LOCATION _____
OPERATOR _____
DATE _____
RUN NO. _____
SAMPLE BOX NO. _____
FILTER BOX NO. _____
METER ΔH@ _____
C FACTOR _____
PITOT TUBE COEFFICIENT, C_p _____

SCHEMATIC OF STACK CROSS SECTION

AMBIENT TEMPERATURE _____
BAROMETRIC PRESSURE _____
ASSUMED MOISTURE, % _____
PROBE LENGTH, m (ft) _____
NOZZLE IDENTIFICATION NO. _____
AVERAGE CALIBRATED NOZZLE DIAMETER, cm (in.) _____
PROBE HEATER SETTING* _____
LEAK RATE, m^3/min (cfm) _____
PROBE LINER MATERIAL _____
STATIC PRESSURE, mm Hg (in. Hg) _____
FILTER NO.* _____

TRAVERSE POINT NUMBER	SAMPLING TIME (θ), min.	VACUUM mm Hg (in. Hg)	STACK TEMPERATURE (T_S) °C (°F)	VELOCITY HEAD (ΔP_S)	PRESSURE DIFFERENTIAL ACROSS ORIFICE METER mm H_2O (in. H_2O)	GAS SAMPLE VOLUME m^3 (ft^3)	GAS SAMPLE TEMPERATURE AT DRY GAS METER		FILTER HOLDER* TEMPERATURE, °C (°F)	TEMPERATURE OF GAS LEAVING CONDENSER OR LAST IMPINGER, °C (°F)
							INLET °C (°F)	OUTLET °C (°F)		
TOTAL							Avg.	Avg.		
AVERAGE							Avg.			

*IF APPLICABLE

Fig. 101-4. Mercury field data.

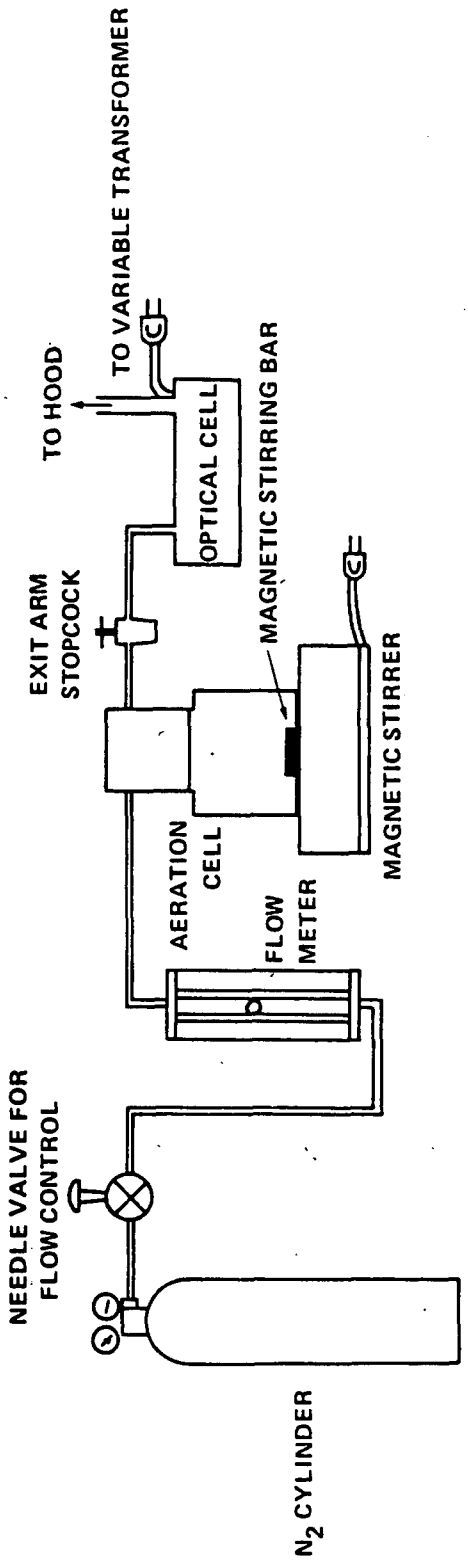


Figure 101-5. Schematic of aeration system.

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Method 101A. Determination of Particulate and Gaseous Mercury Emissions From Sewage Sludge Incinerators

Introduction

This method is similar to Method 101, except acidic potassium permangante solution is used instead of acidic iodine monochloride for collection.

1. *Applicability and Principle*—1.1 *Applicability.* This method applies to the determination of particulate and gaseous mercury (Hg) emissions from sewage sludge incinerators and other sources as specified in the regulations.

1.2 *Principle.* Particulate and gaseous Hg emissions are withdrawn isokinetically from the source and collected in acidic potassium permanganate ($KMnO_4$) solution. The Hg collected (in the mercuric form) is reduced to elemental Hg, which is then aerated from the solution into an optical cell and measured by atomic absorption spectrophotometry.

2. *Range and Sensitivity*—2.1 *Range.* After initial dilution, the range of this method is 20 to 800 ng Hg/ml. The upper limit can be extended by further dilution of the sample.

2.2 *Sensitivity.* The sensitivity of the method depends on the recorder/spectrophotometer combination selected.

3. *Interfering Agents*—3.1 *Sampling.* Excessive oxidizable organic matter in the stack gas prematurely depletes the $KMnO_4$ solution and thereby prevents further collection of Hg.

3.2 *Analysis.* Condensation of water vapor on the optical cell windows causes a positive interference.

4. *Precision*—Based on eight paired-train tests, the within-laboratory standard deviation was estimated to be 4.8 μg Hg/ml in the concentration range of 50 to 130 μg Hg/m³.

5. *Apparatus*—5.1 *Sampling Train and Sample Recovery.* Same as Method 101, Sections 5.1 and 5.2, respectively, except for the following variations:

5.1.1 *Probe Liner.* Same as Method 101, Section 5.1.2, except that if a filter is used ahead of the impingers, the tester must use the probe heating system to minimize the condensation of gaseous Hg.

5.1.2 *Filter Holder (Optional).* Borosilicate glass with a rigid stainless-steel wire-screen filter support (do not use glass frit supports) and a silicone rubber of Teflon gasket, designed to provide a positive seal against leakage from outside or around the filter. The filter holder must be equipped with a filter heating system capable of maintaining a temperature around the filter holder of 120 ± 15° C (248 ± 25° F) during sampling to minimize both water and gaseous Hg condensation. The tester may use a filter in cases where the stream contains large quantities of particulate matter.

5.2 *Analysis.* The apparatus needed for analysis is the same as Method 101, Sections 5.3 and 5.4, except as follows:

5.2.1 *Volumetric Pipets.* Class A; 1–, 2–, 3–, 4–, 5–, 10–, and 20-ml.

5.2.2 *Graduated Cylinder.* 25–ml.

5.2.3 *Steam Bath.*

6. *Reagents—Use ACS reagent-grade chemicals or equivalent, unless otherwise specified.*

6.1 *Sampling and Recovery.* The reagents used in sampling and recovery are as follows:

6.1.1 *Water.* Deionized distilled, meeting ASTM Specifications for Type I Reagent Water—ASTM Test Method D 1193–74. If high concentrations of organic matter are not expected to be present, the analyst may eliminate the $KMnO_4$ test for oxidizable organic matter. Use this water in all dilutions and solution preparations.

6.1.2 *Nitric Acid (HNO_3), 50 Percent (V/V).* Mix equal volumes of concentrated HNO_3 and deionized distilled water, being careful to slowly add the acid to the water.

6.1.3 *Silica Gel.* Indicating type, 6- to 16-mesh. If previously used, dry at 175° C (350° F) for 2 hr. The tester may use new silica gel as received.

6.1.4 *Filter (Optional).* Glass fiber filter, without organic binder, exhibiting at least 99.95 percent efficiency on 0.3 μm dioctyl phthalate smoke particles. The tester may use the filter in cases where the gas stream contains large quantities of particulate matter, but he should analyze blank filters for Hg content.

6.1.5 *Sulfuric Acid (H_2SO_4), 10 Percent (V/V).* Add and mix 100 ml of concentrated H_2SO_4 with 900 ml of deionized distilled water.

6.1.6 *Absorbing Solution, 4 Percent $KMnO_4$ (W/V).* Prepare fresh daily. Dissolve 40 g of $KMnO_4$ in sufficient 10 percent H_2SO_4 to make 1 liter. Prepare and store in glass bottles to prevent degradation.

6.2 *Analysis.* The reagents needed for analysis are listed below:

6.2.1 *Tin (II) Solution.* Prepare fresh daily and keep sealed when not being used. Competely dissolve 20 g of tin (II) chloride [or 25 g of tin (II) sulfate] crystals (Baker Analyzed reagent grade or any other brand that will give a clear solution) in 25 ml of concentrated HCl. Dilute to 250 ml with deionized distilled water. Do not substitute HNO_3, H_2SO_4, or other strong acids for the HCl.

6.2.2 *Sodium Chloride—Hydroxylamine Solution.* Dissolve 12 g of sodium chloride and 12 g of hydroxylamine sulfate (or 12 g of hydroxylamine hydrochloride) in deionized distilled water and dilute to 100 ml.

6.2.3 *Hydrochloric Acid (HCl), 8 N.* Dilute 67 ml of concentrated HNO_3 to 100 ml with deionzed distilled water (slowly add the HCl to the water).

6.2.4 *Nitric Acid, 15 Percent (V/V).* Dilute 15 ml of concentrated HNO_3 to 100 ml with deionized distilled water.

6.2.5 *Mercury Stock Solution, 1 mg Hg/ml.* Prepare and store all mercury standard solutions in borosilicate glass containers. Completely dissolve 0.1354 g of mercury (II) chloride in 75 ml of deionized distilled water. Add 100 ml of concentrated HNO_3, and adjust the volume to exactly 100 ml with deionized distilled water. Mix thoroughly. This solution is stable for at least 1 month.

6.2.6 *Intermediate Mercury Standard Solution, 10 μg Hg/ml.* Prepare fresh weekly. Pipet 5.0 ml of the mercury stock solution (Section 6.2.5) into a 500-ml volumetric flask and add 20 ml of 15 percent HNO_3 solution. Adjust the volume to exactly 500 ml with deionized distilled water. Thoroughly mix the solution.

6.2.7 *Working Mercury Standard Solution, 200 ng Hg/ml.* Prepare fresh daily. Pipet 5.0 ml from the "Intermediate Mercury Standard Solution" (Section 6.2.6) into a 250-ml volumetric flask. Add 5 ml of 4 percent $KMnO_4$ absorbing solution and 5 ml of 15 percent HNO_3. Adjust the volume to exactly 250 ml with deionized distilled water. Mix thoroughly.

6.2.8 *Potassium Permanganate, 5 Percent (W/V).* Dissolve 5 g of $KMnO_4$ in deionized distilled water and dilute to 100 ml.

6.2.9 *Filter.* Whatman No. 40 or equivalent.

7. *Procedure*—7.1 *Sampling.* The sampling procedure is the same as Method 101, except for changes due to the use of $KMnO_4$ instead of ICl absorbing solution and the possible use of a filter. These changes are as follows:

7.1.1 *Preliminary Determinations.* The preliminary determinations are the same as those given in Method 101, Section 7.1.2, except for the absorbing solution depletion sign. In this method, high oxidizable organic content may make it impossible to sample for the desired minimum time. This problem is indicated by the complete bleaching of the purple color of the $KMnO_4$ solution. In these cases, the tester may divide the sample run into two or more subruns to insure that the absorbing solution would not be depleted. In cases where an excess of water condensation is encountered, collect two runs to make one sample.

7.1.2 *Preparation of Sampling Train.* The preparation of the sampling train is the same as that given in Method 101, Section 7.1.3, except for the cleaning of the glassware [probe, filter holder (if used), impingers, and connectors] and the charging of the first three impingers. In this method, clean all the glass components by rinsing with 50 percent HNO_3, tap water, 8 N HCl, tap water, and finally deionized distilled water. Then place 50 ml of 4 percent $KMnO_4$ in the first impinger and 100 ml in each of the second and third impingers.

If a filter is used, use a pair of tweezers to place the filter in the filter holder. Be sure to center the filter and place the gasket in proper position to prevent the sample gas stream from by-passing the filter. Check the filter for tears after assembly is completed. Be sure also to set the filter heating system at the desired operating temperature after the sampling train has been assembled.

7.1.3 *Sampling Train Operation.* In addition to the procedure given in Method 101, Section 7.1.5, maintain a temperature around the filter (if applicable) of 120°±14° C (248°±25° F).

7.2 *Sample Recovery.* Begin proper cleanup procedure as soon as the probe is removed from the stack at the end of the sampling period. Allow the probe to cool. When it can be safely handled, wipe off any external particulate matter near the tip of the probe nozzle and place a cap over it. Do not cap off the probe tip tightly while the sampling train is cooling because the resultant vacuum would draw liquid out from the impingers.

Before moving the sample train to the cleanup site, remove the probe from the train, wipe off the silicone grease, and cap the open

outlet of the probe. Be careful not to lose any condensate that might be present. Wipe off the silicone grease from the impinger. Use either ground-glass stoppers, plastic caps, or serum caps to close these openings.

Transfer the probe, impinger assembly, and (if applicable) filter assembly to a cleanup area that is clean, protected from the wind, and free of Hg contamination. The ambient air in laboratories located in the immediate vicinity of Hg-using facilities is not normally free of Hg contamination.

Inspect the train before and during assembly, and note any abnormal conditions. Treat the sample as follows:

7.2.1 *Container No. 1* (Impinger, Probe, and Filter Holder). Use a graduated cylinder; measure the liquid in the first three impingers to within ±1 ml. Record the volume of liquid present (e.g., see Figure 5-3 of Method 5 in Part 60 of 40 CFR). This information is needed to calculate the moisture content of the effluent gas. (Use only graduated cylinder and glass storage bottles that have been precleaned as in Section 7.1.2.) Place the contents of the first three impingers into a 1000-ml glass sample bottle.

(Note.—If a filter is used, remove the filter from its holder, as outlined under "Container No. 3" below.)

Taking care that dust on the outside of the probe or other exterior surfaces does not get into the sample, quantitatively recover the Hg (and any condensate) from the probe nozzle, probe fitting, probe liner and front half of the filter holder (if applicable) as follows: Rinse these components with a total of 250 to 400 ml of fresh 4 percent $KMnO_4$ solution; add all washings to the 1000-ml glass sample bottle; remove any residual brown deposits on the glassware using the minimum amount of 8 N HCl required; and add this HCl rinse to this sample container.

After all washings have been collected in the sample container, tighten the lid on the container to prevent leakage during shipment to the laboratory. Mark the height of the fluid level to determine whether leakage occurs during transport. Label the container to clearly identify its contents.

7.2.2. *Container No. 2* (Silica Gel). Note the color of the indicating silica gel to determine whether it has been completely spent and make a notation of its condition. Transfer the silica gel from its impinger to its original container and seal. The tester may use as aids a funnel to pour the silica gel and a rubber policeman to remove the silica gel from the impinger. It is not necessary to remove the small amount of particles that may adhere to the impinger wall and are difficult to remove. Since the gain in weight is to be used for moisture calculations, do not use any water or other liquids to transfer the silica gel. If a balance is available in the field, weigh the spent silica gel (or silica gel plus impinger) to the nearest 0.5 g; record this weight.

7.2.3 *Container No. 3* (Filter). If a filter was used, carefully remove it from the filter holder, place it in a 100-ml glass sample bottle, and add 20 to 40 ml of 4 percent $KMnO_4$. If it is necessary to fold the filter, be sure that the particulate cake is inside the fold. Carefully transfer to the 150-ml sample bottle any particulate matter and filter fibers that adhere to the filter holder gasket by using a dry Nylon bristle brush and a sharp-edged blade. Seal the container. Label the container to clearly identify its contents. Mark the height of the fluid level to determine whether leakage occurs during transport.

7.2.4 *Container No. 4* (Filter Blank). If a filter was used, treat an unused filter from the same filter lot used for sampling in the same manner as Container No. 3.

7.2.5 *Container No. 5* (Absorbing Solution Blank). For a blank, place 500 ml of 4 percent $KMnO_4$ absorbing solution in a 1000-ml sample bottle. Seal the container.

7.3 *Sample Preparation.* Check liquid level in each container to see if liquid was lost during transport. If a noticeable amount of leakage occurred, either void the sample or use methods subject to the approval of the Administrator to account for the losses. Then follow the procedures below.

7.3.1 *Containers No. 3 and No. 4* (Filter and Filter Blank). If a filter was used, place the contents, including the filter, of Containers No. 3 and No. 4 in separate 250-ml beakers and heat the beakers on a steam bath until most of the liquid has evaporated. Do not take to dryness. Add 20 ml of concentrated HNO_3 to the beakers, cover them with a glass, and heat on a hot plate at 70° C for 2 hours. Remove from the hot plate and filter the solution through Whatman No. 40 filter paper. Save the filtrate for Hg analysis. Discard the filter.

7.3.2 *Container No. 1* (Impingers, Probe, and Filter Holder). Filter the contents of Container No. 1 through Whatman 40 filter paper to remove the brown MnO_2 precipitate. Wash the filter with 50 ml of 4 percent $KMnO_4$ absorbing solution and add this wash to the filtrate. Discard the filter. Combine the filtrates from Containers No. 1 and No. 3 (if applicable), and dilute to a known volume with deionized distilled water. Mix thoroughly.

7.3.3 *Container No. 5* (Absorbing Solution Blank). Treat this container as described in Section 7.3.2. Combine this filtrate with the filtrate with Container No. 4 and dilute to a known volume with deionized distilled water. Mix thoroughly.

7.4 *Analysis.* Calibrate the spectrophotometer and recorder and prepare the calibration curve as described in Sections 8.1 to 8.4. Then repeat the procedure used to establish the calibration curve with appropriately sized aliquots (1 to 10 ml) of the samples (from Sections 7.3.2 and 7.3.3) until two consecutive peak heights agree within ±3 percent of their average value. If the 10-ml sample is below the detectable limit, use a larger aliquot (up to 20 ml), but decrease the volume of water added to the aeration cell accordingly to prevent the solution volume from exceeding the capacity of the aeration bottle. If the peak maximum of a 1.0-ml aliquot is off scale, further dilute the original sample to bring the Hg concentration into the calibration range of the spectrophotometer. If the Hg content of the absorbing solution and filter blank is below the working range of the analytical method, use zero for the blank.

Run a blank and standard at least after every five samples to check the spectrophotometer calibration; recalibrate as necessary.

It is also recommended that at least one sample from each stack test be checked by the Method of Standard Additions to confirm that matrix effects have not interfered in the analysis.

8. *Calibration and Standards*—The calibration and standards are the same as Method 101, Section 8, except for the following variations:

8.1 *Optical Cell Heating System Calibration.* Same as method 101, Section 8.2, except use a 25-ml graduated cylinder to add 25 ml of deionized distilled water to the bottle section of the aeration cell.

8.2 *Spectrophotometer and Recorder Calibration.* The mercury response may be measured by either peak height or peak area. (Note: the temperature of the solution affects the rate at which elemental Hg is released from a solution and, consequently, it affects the shape of the absorption curve (area) and the point of maximum absorbance (peak height). To obtain reproducible results, all solutions must be brought to room temperature before use.) Set the spectrophotometer wave length at 253.7 nm and make certain the optical cell is at the minimum temperature that will prevent water condensation.

Then set the recorder scale as follows: Using a 25-ml graduated cylinder, add 25 ml of deionized distilled water to the aeration cell bottle and pipet 5.0 ml of the working mercury standard solution into the aeration cell. (Note: Always add the Hg-containing solution to the aeration cell after the 25 ml of deionized distilled water.) Place a Teflon-coated stirring bar in the bottle. Add 5 ml of the 4 percent $KMnO_4$ absorbing solution followed by 5 ml of 15 percent HNO_3 and 5 ml of 5 percent $KMnO_4$ to the aeration bottle and mix well. Now, attach the bottle section to the bubbler section of the aeration cell and make certain that (1) the aeration cell exit arm stopcock (Figure 101-3 of Method 101) is closed (so that Hg will not prematurely enter the optical cell when the reducing agent is being added) and (2) there is no flow through the bubbler. Add 5 ml of sodium chloride hydroxylamine in 1-ml increments until the solution is colorless. Now add 5 ml of tin (II) solution to the aeration bottle through the side arm. Stir the solution for 15 seconds, turn on the recorder, open the aeration cell exit arm stopcock, and immediately initiate aeration with continued stirring. Determine the maximum absorbance of the standard and set this value to read 90 percent of the recorder full scale.

9. *Calculations*—9.1 *Dry Gas Volume, Volume of Water Vapor and Moisture Content, Stack Gas Velocity, Isokinetic Variation and Acceptable Results, and Determination of Compliance.* Same as Method 101, Sections 9.1, 9.2, 9.3, 9.6, and 9.7, respectively, except use data obtained from this test.

9.2 *Total Mercury.* For each source sample, correct the average maximum absorbance of the two consecutive samples whose peak heights agreed within ±3 percent of their average for the contribution of the field blank. Then calculate the total Hg content in μg in each sample. Correct for any

dilutions made to bring the sample into the working range of the spectrophotometer.

9.3 *Mercury Emission Rate.* Calculate the Hg emission rate R in g/day for continuous operations using Equation 101A-1. For cyclic operations, use only the time per day each stack is in operation. The total Hg emission rate from a source will be the summation of results from all stacks.

$$R = \frac{K\, m_{Hg}\, v_s\, A_s\, (86{,}400 \times 10^{-6})}{[V_m(std) + V_{w(std)}]\,(T_s/P_s)} \qquad \text{Eq. 101A-1}$$

Where:

m_{Hg} = Total Hg content in each sample, μg.
v_s = Average stack gas velocity, m/sec (fps).
A_s = Stack cross-sectional area, m^2 (ft^2).
86,400 = Conversion factor, sec/day.
10^{-6} = Conversion factor, g/μg.
$V_{m(std)}$ = Dry gas sample volume at standard conditions, corrected for leakage (if any), m^3 (ft^3).
$V_{w(std)}$ = Volume of water vapor at standard conditions, m^3 (ft^3).
T_s = Absolute average stack gas temperature, °K (°R).
P_s = Absolute stack gas pressure, mm Hg (in. Hg).
K = 0.3858 °K/mm Hg for metric units.
= 17.64 °R/in. Hg for English units.

10. *Bibliography.* 1. Same as Method 101, Section 10.

2. Mitchell, W. J., M. R. Midgett, J. C. Suggs, and D. Albrinck.
Test Methods to Determine the Mercury Emissions from Sludge Incineration Plants. U.S. Environmental Protection Agency. Research Triangle Park, North Carolina. Publication No. EPA-600/4-79-058. September 1979.

Method 102. Determination of Particulate and Gaseous Mercury Emissions From Chlor-Alkali Plants—Hydrogen Streams

1. *Introduction*—Although similar to Method 101, Method 102 requires changes to accommodate the sample being extracted from a hydrogen stream. Conduct the test according to Method 101, except as shown below:

2. *Mercury Train Operation*—2.1 *Probe Heating System.* Do not use, unless otherwise specified.

2.2 *Glass Fiber Filter.* Do not use, unless otherwise specified.

2.3 *Safety Procedures.* The sampler must conduct the source test under conditions of utmost safety, because hydrogen and air mixtures are explosive. Since the sampling train essentially is leakless, attention to safe operation can be concentrated at the inlet and outlet. If a leak does occur, however, remove the meter box cover to avoid a possible explosive mixture. The following specific precautions are recommended:

2.3.1 *Operate only the vacuum pump during the test.* The other electrical equipment, e.g., heaters, fans, and timers, normally are not essential to the success of a hydogen stream test.

2.3.2 *Seal the sample port to minimize leakage of hydrogen from the stack.*

2.3.3 *Vent sampled hydrogen at least 3 m (10 feet) away from the train.* This can be accomplished by attaching a 13-mm-ID (0.50-in) Tygon tube to the exhaust from the orifice meter. (Note: A smaller ID tubing may cause the orifice meter calibration to be erroneous.) Take care to ensure that the exhaust line is not bent or pinched.

2.4 *Setting of Isokinetic Rates.*

2.4.1 If a nomograph is used, take special care in the calculation of the molecular weight of the stack gas and in the setting of the nomograph to maintain isokinetic conditions during sampling (Sections 2.4.1.1 through 2.4.1.3 below).

2.4.1.1 *Calibrate the meter box orifice.* Use the techniques described in APTD-0576 (see Citation 9 in Section 10 of Method 101). Calibration of the orifice meter at flow conditions that simulate the conditions at the source is suggested. Calibration should either be done with hydrogen or with some other gas having a similar Reynolds Number so that there is similarity between the Reynolds Numbers during calibration and during sampling.

2.4.1.2 The nomograph described in APTD-0576 cannot be used to calculate the C factor because the nomograph is designed for use when the stack gas dry molecular weight is 20±4. Instead, the following calculation should be made to determine the proper C factor:

$$C = 0.00154\, \Delta H_@\, C_p^2 T_m (P_s/P_m) \frac{(1-B_{ws})^2}{(1-B_{ws}) + 18\, B_{ws}/M_d}$$

Where:

$\Delta H_@$ = Meter box calibration factor obtained in Section 2.4.1.1, in. H_2O.
C_p = Pitot tube calibration coefficient, dimensionless.
T_m = Absolute temperature of gas at the orifice, °R.
P_s = Absolute pressure of stack gas, in Hg.
P_m = Absolute pressure of gas at the meter, in Hg.
B_{ws} = Fraction by volume of water vapor in the stack gas.
M_d = Dry molecular weight of stack gas, lb/lb-mole.

Note. This calculation is left in English units, and is not converted to metric units because nomographs are based on English units.

2.4.1.3 Set the calculated C factor on the operating nomograph and select the proper nozzle diameter and K factor as specified in APTD-0576. If the C factor obtained in Section 2.4.1.2 exceeds the values specified on the existing operating nomograph, expand the C scale logarithmically so that the values can be properly located.

2.4.2 If a calculator is used to set isokinetic rates, it is suggested that the isokinetic equation presented in Citation 17 in the Bibliography of Method 101 be used.

2.5 Sampling in Small (<12-in.-Diameter) Stacks. When the stack diameter (or equivalent diameter) is less than 12 inches, conventional pitot tube-probe assemblies should not be used. For sampling guidelines, see Citation 18 in the Bibliography of Method 101.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

45 CFR Parts 302, 303, 304, 305 and 306

State Child Support Enforcement Programs; Deletion of IV-D State Plan and Audit Requirements

AGENCY: Office of Child Support Enforcement (OCSE), HHS.

ACTION: Final rule with comment period.

SUMMARY: We are making several technical changes in our regulations which will have the effect of reducing the scope of the IV-D State plan and the annual compliance audits of State Child Support Enforcement programs. We will achieve this effect by eliminating from 45 CFR Part 305, Audit and Penalty, those sections which require us to conduct compliance audits of State plan provisions that are not statutory State plan requirements. This will require deleting certain non-statutory plan requirements from 45 CFR Part 302, State Plan Requirements, as well. In addition, we are deleting from Part 302 a non-statutory State plan requirement which has not, to date, been incorporated under Part 305. We are also deleting from 45 CFR Part 302 the obsolete § 302.40, Operation of the Child Support Enforcement Program in the absence of an assignment. Finally, in 45 CFR Part 304, we are deleting § 304.28, Federal financial participation at the 50 percent rate, because it, too, is obsolete.

DATES: Effective June 8, 1982. Comment: Consideration will be given to written comments or suggestions received on or before August 9, 1982. Agencies and organizations are requested to submit their comments in duplicate.

ADDRESS: Address comments to: Director, Office of Child Support Enforcement; Department of Health and Human Services; 6110 Executive Blvd., Suite 1010; Rockville, Maryland 20852; ATTN: Policy Branch. Comments will be available for public inspection Monday through Friday, 8:30 a.m. to 5:00 p.m., in Room 1010 of the Department's offices at the address above.

FOR FURTHER INFORMATION CONTACT: Elizabeth Matheson (301) 443-5350.

SUPPLEMENTARY INFORMATION:

Background

Under section 403(h) of the Social Security Act (42 U.S.C. 603(h)), any State that "is found by the Secretary as the result of the annual (program compliance) audit to have failed to have

an effective (Child Support Enforcement) program meeting the requirements of section 402(a)(27)" in any fiscal year will be subject to a five percent reduction in its Federal AFDC (title IV-A) matching funds for that year. Section 402(a)(27), in turn, requires that the State have in effect and operate a Child Support Enforcement program under an approved title IV-D State plan. The statutory requirements of the IV-D State plan are specified at section 454 of the Act. Thus, in order to avoid the five percent penalty under section 403(h), a State must, under the statute, comply with each of the requirements under section 454.

OCSE regulations at 45 CFR Part 302 establish several State plan requirements and, in some cases, corresponding audit compliance requirements at 45 CFR Part 305 for program functions which are not statutory State plan requirements. We established these non-statutory State plan requirements under the general authority of the Secretary at section 454(13) of the Act to establish "such other requirements and standards as the Secretary determines to be necessary" for IV-D program effectiveness.

This is the first of several regulations we are publishing in which non-statutory State plan requirements will be deleted or transferred from 45 CFR Part 302 to Part 303, Standards for Program Operations. We are not making all planned changes in this regulation because of the need to coordinate with recent legislative changes.

This document deals with three regulations under which States are presently subject to OCSE compliance review at OCSE's option. These regulations are included under Part 305, Audit and Penalty. This document also covers a regulation, 45 CFR 302.72, Application to use the courts of the United States to enforce support orders, which establishes a State plan requirement at OCSE's option without a corresponding compliance review requirement under Part 305. We will refer to the group of three compliance review regulations under the heading "Deletions from Audit Requirements." The regulation on use of U.S. district courts is discussed under the heading "Deletion from Non-Statutory State Plan Requirements."

In addition to these regulations, two other regulations are being deleted by this final rule. The existing 45 CFR 302.40, Operation of the Child Support Enforcement Program in the absence of an assignment, was enacted at the beginning of the IV-D program in 1975 to permit States some flexibility in transferring what were then title IV-A child support cases into the IV-D caseload by securing the necessary assignments of support rights. The regulations allowed States to treat collections in these preexisting cases as though assignments had been made. This exception was instituted on August 1, 1975 and expired on December 31, 1975. Because it is obsolete, we are taking this opportunity to delete § 302.40. Similarly, 45 CFR 304.28, Federal financial participation at the 50 percent rate, was published to accommodate a gradual transfer of former title IV-A child support activities into the new IV-D program. It, too, is obsolete, and we are taking this opportunity to delete it from our regulations.

Deletions From Audit Requirements

This section addresses three child support related activities where, under existing Part 305 audit regulations and audit procedures, States are subject to audit review at OCSE's option rather than because the statute requires this review. Each of these areas was originally included in the audit because we regarded compliance in these areas as a necessary complement to the compliance areas required by statute under section 454. OCSE believes that the need for compliance reviews in each of these three areas has receded in importance as States have fully implemented and enhanced their IV-D programs over the past several years. We have therefore decided to concentrate our audit resources on those areas of the State plan that are required under section 454 and to delete from Part 305 all other areas presently subject to compliance review.

In one of these three areas, Safeguarding information, corresponding deletions from Part 302 and from the IV-D State plan are needed. Thus, Safeguarding information is being deleted from Parts 302 and 305 and from the State plan preprint, and is being transferred to Part 303, Standards for Program Operations. In addition, two IV-D audit regulations that are based on IV-A State plan requirements, Prompt notice and Assignment of support rights, are being deleted from Part 305. Where material has been transferred to another Part, we have also made minor editorial changes to conform to preferred **Federal Register** usage. The three compliance areas and their corresponding changes are discussed below under separate headings.

1. *Safeguarding information.* We are deleting 45 CFR 302.18, Safeguarding information, and 45 CFR 305.37, same title, because these provisions for safeguarding are not based on statutory IV-D State plan requirements. Instead, we are amending 45 CFR Part 303, Standards for Program Operations, by adding a new § 303.21, Safeguarding information. We believe that confidentiality of case records can be sufficiently protected in this manner. The language of the new § 303.21 is identical to that of the former § 302.18, except for minor editorial changes and the elimination of the words "The State plan shall provide that:". Transferring § 302.18 enables us to delete 45 CFR 305.37, Safeguarding information, and thereby to eliminate our existing compliance review of this area in our annual IV-D program compliance audits. A State plan amendment deleting Section 3.5, Safeguarding Information, from the IV-D State plan preprint, will be issued shortly.

While this transfer of the safeguarding provisions from Part 302, State Plan Requirements, to Part 303, Standards for Program Operations, deletes the provisions from the IV-D State plan, it does not alter the long standing Federal requirement that information be safeguarded. Any information about AFDC recipients and non-AFDC applicants for IV-D services will continue to be protected under the same standards used in the past. Federal IV-A and IV-D staff will continue to monitor State practices. However, since safeguarding information has not proved to be a significant problem area under this program, and since it is not a statutory IV-D State plan requirement, we will no longer test compliance through the formal audit mechanism.

2. *Prompt notice by the IV-A agency to the IV-D agency.* Section 402(a)(11) of the Social Security Act (42 U.S.C. 602(a)(11)) requires that the IV-A State plan must "provide for prompt notice" to the IV-D agency whenever aid is provided on behalf of "a child who has been deserted or abandoned by a parent." Although this "prompt notice" is a IV-A State plan requirement, it was particularly important to the mission of the IV-D agency in the early days of the program that this process be initiated. It was therefore included in OCSE's audit and penalty regulations at 45 CFR 305.38 to ensure that States implemented the new prompt notice requirements. Because it is not a statutory IV-O State plan requirement, however, we are eliminating this section from Part 305 and hence from the IV-D compliance audit. After several years of IV-D program operation, we believe that monitoring of this function by the Federal IV-A agency will now be sufficient to insure its continued performance.

3. *Assignment of support rights.* Another title IV-A State plan requirement that has been included in the OCSE compliance audits is the assignment of support rights required by section 402(a)(26)(A) of the Act (42 U.S.C. 602(a)(26)(A)). Like the prompt notice requirement, the IV-A responsibility for securing assignments from AFDC applicants and recipients is critical to the success of the IV-D program. It was therefore included among our audit requirements at 45 CFR 305.39. The requirement for assignment has now been in place for six years. States have not had serious problems in implementing this requirement. We believe that the smooth operation of this function therefore warrants its removal from Part 305 and from the OCSE program compliance audits. Again, we believe the monitoring of this requirement by the Federal IV-A agency will be sufficient to secure State compliance. Therefore, we are deleting 45 CFR 305.39, Assignment of rights to support. A corresponding change to Part 302 is unnecessary, since this is a IV-A State plan requirement found in AFDC regulations under 45 CFR Part 232.

Deletion From Non-Statutory State Plan Requirements

One non-statutory IV-D State plan requirement presently in Part 302 (45 CFR 302.72, Applications to use the courts of the United States to enforce court orders) does not have a corresponding audit compliance requirement under Part 305. Because its overall importance to the program has proved to be less than originally anticipated when we implemented it as a regulatory State plan requirement, we believe this regulation can be transferred from Part 302 to Part 303 with no corresponding loss of program effectiveness. The regulation involves a service provided by the Federal government to the States. We therefore believe that our review of State requests for this service and our prerogative to deny the service in the event of a faulty or inappropriate application for service acts as a sufficient check on State practices in this area. Subjecting this area to compliance audit reviews would merely duplicate an already adequate degree of Federal oversight and should therefore be avoided.

We wish to emphasize that although the deletion of this regulation from Part 302 will enable us to avoid publishing a separate corresponding regulation under Part 305, this function presently receives audit scrutiny under existing audit regulations. This review will continue under the amended audit regulations. Specifically, use of the U.S. district courts is now reviewed under our audit of the enforcement function. The effect of this deletion, then, will not be to diminish our existing audit oversight with respect to the enforcement function, but rather to avoid an unnecessary increase in our audit through the enactment of an additional, separate audit regulation.

As part of this final regulation package, therefore, we are transferring 45 CFR 302.72 to a new 45 CFR 303.73, Applications to use the courts of the United States to enforce court orders. We will shortly issue a State plan amendment to delete the corresponding Section 2.8, Applications for Use of U.S. District Courts, from the IV-D State plan preprint.

Other Conforming Changes

Several minor changes are needed to conform citations in other regulations with the amended Parts 302, 303 and 305. These changes are purely technical in nature and will ensure that the citations in our regulations are accurate.

On November 3, 1981 (46 FR 54554), we published regulations to implement the parental kidnapping provisions of Pub. L. 96-611. We are making several technical changes in this final rule to conform other regulations with the parental kidnapping amendments. Specifically, the reference to § 302.35(d) contained in § 305.33(d) is being deleted, and the references to § 304.20(b)(5)(iii) to §§ 302.35(e) and 302.70(f) are being changed to refer to the new § 303.70(e). In addition, § 305.33(h) is obsolete as a result of our removal of the safeguarding information requirements from the State plan, so it too is being deleted.

To conform with separately published regulations on IRS collection of support, the citation contained in § 304.20(b)(6) is being changed from § 302.71 to § 303.71.

All of the remaining references to the former 45 CFR 302.18, Safeguarding information, are being deleted or changed to reflect the transfer of this regulation to Part 303. These references occur at 45 CFR 303.70(d)(2), Requests by the State parent locator service for information on the Federal Parent Locator Service (PLS), 305.20, Audit criteria, and 306.11(c), the medical support enforcement regulation.

Finally, there are two references to the deleted 45 CFR 302.72, Applications to use the courts of the United States to enforce court orders, which are being changed to reflect the transfer of this regulation to Part 303. These occur at 45 CFR 303.6(e) and 304.20(b)(7).

Rulemaking

These changes to the regulations are being published in final form. The Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that if the Department for good cause finds that a notice of proposed rulemaking is unnecessary, impracticable or contrary to the public interest, it may dispense with such notice.

The Department finds that a notice of proposed rulemaking in this instance is unnecessary. The changes being made are of a technical nature and will have no substantive effect on service delivery. These changes will, moreover, reduce Federal requirements under title IV-D to the minimum required by statute, thus easing the burden on the States of complying with title IV-D without reducing the effectiveness of the program.

Inasmuch as these changes have a favorable impact on the States and no effect on the substantive rights of individuals, we perceive no basis for adverse comments. Meanwhile, it is in the interest of the States to have these changes effectuated at the earliest possible date. For these reasons, then, we believe it is unnecessary to publish proposed rules, and instead are promulgating these regulations as a final rule, with comment period. We encourage public comment and will, if necessary, make changes in the regulations in response to the comments received.

These regulations are being made effective upon publication because, in removing those IV-D State plan and audit requirements that are not required by statute, the regulations reduce the overall burden of complying with IV-D program requirements without jeopardizing OCSE's continued commitment to the overall effectiveness of the Child Support Enforcement program. Although these regulations have immediate effect, OCSE will give consideration to public comments received within 60 days of publication.

Paperwork Reduction Act

These regulations contain no recordkeeping or reporting requirements needing clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (Pub. L. 96-511). The application process described in § 303.73 is not subject to OMB clearance because based on past experience fewer than ten applications to use the United States district courts to enforce support orders are expected in the foreseeable future.

List of Subjects

45 CFR Parts 302 through 304

Child welfare, Grant programs/social programs.

45 CFR Part 305

Child welfare, Grant programs/social programs, Accounting.

45 CFR Part 306

Child welfare, Grant programs/social programs, Medicaid.

For the reasons discussed in the preamble, 45 CFR Parts 302, 303, 304, 305 and 306 are amended to read as follows:

PART 302—STATE PLAN REQUIREMENTS

§ 302.40 [Removed and reserved]

1. In 45 CFR Part 302, § 302.40 is removed and reserved.

PART 303—STANDARDS FOR PROGRAM OPERATION

§ 303.6 [Amended]

2. In 45 CFR Part 303, the citation contained in § 303.6(e) is changed from "§ 302.72 of this chapter" to read: "§ 303.73 of this chapter."

§ 303.70 [Amended]

2a. In 45 CFR Part 303, the citation contained in § 303.70(d)(2) is changed from "§ 302.18 of this chapter" to read: "§ 303.21 of this chapter."

3. 45 CFR § 302.18 is redesignated as a new § 303.21, and revised to read as follows:

§ 302.18 [Redesignated as § 303.21 and revised]

§ 303.21 Safeguarding information.

(a) Under State statute which imposes legal sanctions, the use or disclosure of information concerning applicants or recipients of support enforcement services is limited to purposes directly connected with:

(1) The administration of the plan or program approved under parts A, B, C or D of title IV or under titles II, X, XIV, XVI, XIX or XX or the supplemental security income program established under title XVI;

(2) Any investigations, prosecution or criminal or civil proceeding conducted in connection with the administration of any such plan or program; and

(3) The administration of any other Federal or Federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need.

(b) These safeguards shall also prohibit disclosure to any committee or legislative body (Federal, State, or local) of any information that identifies by name or address any such applicant or recipient.

(40 FR 52377, Nov. 10, 1975)

§ 302.72 [Redesignated as § 303.73 and revised]

4. 45 CFR 302.72 is redesignated as a new § 303.73 and revised to read as follows:

§ 303.73 Applications to use the courts of the United States to enforce court orders.

(a) The IV-D agency may apply to the Secretary for permission to use a United States district court to enforce a support order of a court of competent jurisdiction against an absent parent who is present in another State if the IV-D agency can furnish evidence to demonstrate that:

(1) The State in which the absent parent is present has not undertaken to enforce the order against the parent within 60 days of the receipt of a request by the originating State under uniform reciprocal enforcement of support procedures or other legal processes required by § 303.7(a)(3); and

(2) Use of the United States district court is the only reasonable method of enforcing the order.

(b) The applications shall be submitted to the Regional Office, using the forms prescribed, signed by the head of the IV-D agency or his designee, attesting to the following:

(1) The requesting IV-D agency has undertaken to obtain the assistance of the other State to enforce the order;

(2) The other State has failed to secure compliance with the order:

(3) The requesting IV-D agency has provided notice to the State-level central office of the IV-D agency of the other State 60 days or more after requesting the other State's assistance that it would request the Secretary to certify the case for use of a United States district court if the other State did not respond to the request for assistance within 30 days of the notice, and that an unsatisfactory response would not preclude a request to the Secretary. Copies of the original request, the notice, and any response thereto shall be furnished with the application.

(c) The Regional Office will review each application to determine if it meets the requirements of paragraphs (a) and (b) of this section. If a request meets these requirements, the case will promptly be certified for enforcement in the United States district court. If the request fails to meet these requirements, the application shall be denied and returned to the IV-D agency with an explanation of the refusal to certify.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(The application process described in § 303.73 is not subject to OMB clearance because based on past experience fewer than ten applications to use the United States district courts to enforce support orders are expected in the foreseeable future.)

PART 304—FEDERAL FINANCIAL PARTICIPATION

§ 304.20 [Amended]

5. In 45 CFR 304.20, three citations are changed as follows:

(1) At § 304.20(b)(5)(iii), the reference to "§§ 302.35(e) and 302.70(f) of this chapter" is changed to read: "§ 303.70(e) of this chapter."

(2) At § 304.20(b)(6), the reference to "§ 302.71 of this chapter" is revised to read: "§ 303.71 of this chapter."

(3) At § 304.20(b)(7), the reference to "§ 302.72 of this chapter" is changed to read: "§ 303.73 of this chapter."

§ 304.28 [Removed]

6. In 45 CFR Part 304, § 304.28 is removed.

PART 305—AUDIT AND PENALTY

§ 305.20 [Amended]

7. In 45 CFR 305.20, the list of State plan requirements is amended by removing from the list the following item: "Safeguarding information. (45 CFR 302.18)"

§ 305.33 [Amended]

8. In 45 CFR 305.33, two changes are made as follows:

(1) At § 305.33(d), the reference to paragraph "(d)" of § 302.35 is removed. The reference to "§ 302.35(a)(2)" is retained.

(2) The existing § 305.33(h) is removed, and § 305.33(i) is redesignated as a new § 305.33(h).

§ 305.37 [Removed and reserved]

9. In 45 CFR Part 305, § 305.37 is removed and reserved.

§ 305.38 [Removed and reserved]

10. In 45 CFR Part 305, § 305.38 is removed and reserved.

§ 305.39 [Removed and reserved]

11. In 45 CFR Part 305, § 305.39 is removed and reserved.

PART 306—MEDICAL SUPPORT ENFORCEMENT

§ 306.11 [Amended]

12. In 45 CFR Part 306, the citation contained in § 306.11(c), *Safeguarding information* is changed from "§ 302.18 of this chapter" to read: "§ 303.21 of this chapter."

(Sec. 1102 of the Social Security Act, 49 Stat. 647 (42 U.S.C. 1302)

(Catalog of Federal Domestic Assistance Program No. 13.679, Child Support Enforcement Program)

The Secretary has determined that this document is not a major rule as described by Executive Order 12291, because it does not meet any of the criteria set forth in Section 1 of the Executive Order. The Secretary certifies that because these regulations apply to States and will not have a significant economic impact on a substantial number of small entities, they do not require a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980.

Dated: April 5, 1982.

John A. Svahn,

Director, Office of Child Support Enforcement.

Approved: May 13, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-15416 Filed 6-7-82; 8:45 am]

BILLING CODE 4190-11-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket No. 80-286; FCC 82-242]

Amendment of the Commission's Rules and Establishment of a Joint Board

AGENCY: Federal Communications Commission.

ACTION: Decision and order amending separations manual.

SUMMARY: The Commission is adopting the Joint Board's recommendation with minor changes in order to allow interested states to proceed with plans for the sale of customer-premises equipment (CPE) prior to the previously adopted cap date of January 1, 1983. This will facilitate the Commission goal of a competitive market for CPE set out in the *Second Computer Inquiry.*

EFFECTIVE DATE: This Decision and Order shall be effective June 8, 1982.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Aileen Amarandos, Policy and Program Planning Division, Common Carrier Bureau, at (202) 632-9342.

SUPPLEMENTARY INFORMATION:

Decision and Order

Adopted: May 24, 1982.

Released: May 28, 1982.

By the Commission.

I. Background

1. The Federal-State Joint Board, established in this proceeding pursuant to section 410(c) of the Communications Act, 47 U.S.C. 410(c), was directed to prepare recommended changes in the Separations Manual. *Amendment of Part 67* (Notice of Proposed Rulemaking and Order Establishing a Joint Board), 78 FCC 2d 837 (1980). On November 18, 1981, in partial fulfillment of its task, the Joint Board formally recommended to the Commission a plan for phasing customer premises equipment (CPE) out of the jurisdictional separations process. *Amendment of Part 67* (Recommended Decision and Order), FCC 81-566 (released December 14, 1981). The Commission adopted this plan, with minor modifications, on February 24, 1982. *Amendment of Part 67* (Decision and Order), 89 FCC 2d 1 (1982). Subsequently, the Joint Board recommended an amendment to this plan which would allow individual states to approve or mandate an early freeze date for the identification of the CPE base amount by carriers under their jurisdiction to facilitate the initiation of CPE sales to subscribers prior to January 1, 1983.[1]

2. We recognized that the amendment could prove beneficial to the public interest if it facilitated the implementation of our detariffing objectives by removing disincentives to the timely initiation of CPE sale programs. We also noted that the amendment might ease the administrative burdens on state commissions by allowing them a certain flexibility in choosing the proceedings within which sale programs for particular carriers could be developed. However, we were also concerned that the introduction of a degree of state discretion into the otherwise uniform separations procedures might be ill-advised. Therefore, we invited comments from interested parties concerning the general value of such an amendment as well as the effect its adoption might have on states or carriers which did not choose to advance the CPE freeze date and on the integrity of the separations process itself. *Amendment of Part 67* (Second Further Notice of Proposed Rulemaking), FCC 82-143 (released March 30, 1982). Comments were filed on April 9, 1982 and replies on April 20, 1982, by a total of seven parties.[2]

3. We have now reviewed these pleadings and find that the amendment could benefit customers of many carriers that are anxious to sell CPE prior to January 1, 1983, while the detriments, if any, in terms of added administrative costs, inequities among customers of various carriers in different states, or threats to the essential uniformity of the separations process, will be slight. Therefore, we hereby adopt the Joint Board's recommendation, with minor modifications, to be effective upon publication in the **Federal Register.**

II. Comments and Discussion

4. AT&T recognizes that this amendment would not cause major problems, but argues against its adoption on the ground that the potential benefits are so minor that they do not outweigh even such modest drawbacks. All of the other commenting parties see a potential for significant benefits from the amendment, and urge its adoption. Centel, Continental and UTS indicate that their local telephone companies either have already developed CPE sale programs or are very interested in initiating such programs before the detariffing date of January 1, 1983. Similarly, USITA states that there is significant and widespread interest among independent telephone companies in CPE sales programs. ARINC, a major user of interstate telecommunications services, views the amendment as a means to accelerate the detariffing of non-traffic sensitive CPE and advance the movement toward cost-based interstate rates.[3] GTE says that,

[1] This is the date that has been set by the Commission for the detariffing of new CPE. *See* Second Computer Inquiry, 77 FCC 2d 384 (1980), *modified on reconsideration*, 84 FCC 2d 50 (1980), *further reconsideration*, 88 FCC 2d 512 (1981), *appeal pending sub nom.* CCIA v. FCC, Case No. 80-1471 (D.C. Cir. 1980).

[2] Pleadings were filed by Aeronautical Radio, Inc. (ARINC), American Telephone and Telegraph Company and the Associated Bell System Companies (Bell System), GTE Service Corporation and its affiliated domestic telephone companies (GTE), Central Telephone and Utilities Corporation (Centel), Continental Telephone Corporation (Continental), United States Independent Telephone Association (USITA), and United Telephone System, Inc. (UTS).

[3] ARINC also requests that the Commission require AT&T to submit a detailed plan showing how it proposes to reduce interstate rates commensurate with the decrease in the amount of separations costs that interstate services will have to bear as a result of the removal of CPE from separations. This request, which pertains to interstate rate levels, is not properly presented in this proceeding, which is intended to focus solely on certain aspects of jurisdictional cost separations procedures. Therefore, we will not address ARINC's rate reduction comments here.

inasmuch as the Commission has decided to deviate from actual book costs in its plan for removing CPE from separations, the amendment is an appropriate extension of that plan. GTE agrees with Centel and Continental that adoption of the amendment would facilitate the achievement of the Commission's detariffing objectives by enhancing the availability of terminal equipment for sale before January 1, 1983. These parties also agree that the Amendment would ease the administrative burdens that state commissions will face by giving them greater flexibility in choosing the most practical and efficient schedules for addressing the CPE sales plan proposals of various carriers.

5. AT&T maintains that it has a policy of not selling the majority of its terminal equipment to customers. Without more, this is certainly not a reason to unnecessarily retard the achievement of our detariffing objectives when it appears that there is substantial interest among independent telephone companies in beginning sale programs in advance of January 1, 1983. Although the time period for advancing the CPE freeze date is less than a year, it would be counterproductive to maintain disincentives to the initiation of sale programs that are ready to be implemented. We are also convinced that the amendment will be advantageous to state commissions in allowing them to conserve resources and conduct necessary investigations in the context of ongoing proceedings rather than requiring them to wait until after January 1, 1983 to review sale program proposals.

6. In response to specific questions that we posed in the Second Further Notice, each party has assessed the potential significance of various problems that might be occasioned by our adoption of the amendment. In particular, we were concerned that a modification of the Separations Manual to allow individual states to choose different early freeze dates for CPE base amounts might impair the general uniformity of separations procedures. AT&T cautions that deviations from uniformity could cause inadequate or excessive recovery from either the state or federal jurisdiction, and says that the introduction of any element of state discretion can create the risk of inconsistent allocations. For this reason, AT&T believes that the Joint Board's recommendation should not be adopted. However, AT&T also admits that inconsistent recovery need not result, as long as both jurisdictions involved recognize the resulting allocations. AT&T also indicates that no real long-term harm to the principle of uniformity would ensue if we clearly reaffirm our commitment to it. GTE, Centel, Continental, UTS and USITA believe that the amendment would not have any significant impact on uniformity, especially since, if the amendment has only prospective effect, the time frame within which deviations could occur is significantly less than a year. After January 1, 1983, uniform procedures would again apply.[4]

7. We are persuaded that the actual impact of this amendment on basic uniformity will be minimal. AT&T, Centel, USITA and UTS have specifically requested that the amendment be made effective prospectively only. There is no reasonable basis to do otherwise. Since we intend to make the amendment effective only on a prospective basis, the option for deviation from a uniform date will terminate within a few months of its availability, and, after January 1, 1983, all carriers will again be subject to uniform procedures. Also, we do not anticipate any difficulty in coordinating recognition of the resulting allocations with state authorities. However, we stress that we adopt the amendment as no more than a temporary, transitional measure which appears to be appropriate under unique circumstances. As we stated in our Decision and Order approving the CPE plan, in order to assure the orderly and equitable removal of CPE from separations, certain adjustments to conventional separations procedures must be tolerated for an interim period. Therefore, our adoption of a transitional plan does not indicate a general contravention of basic separations principles. As part of this transition mechanism, the option allowing an early freeze date is not intended to reflect a departure from the essential uniformity of separations procedures. We emphasize that long term, more permanent changes to separations procedures must conform to the principle of uniformity. Our approval of this amendment is not to be interpreted as a willingness to introduce further elements of state choice.

8. AT&T has also contended that the amendment would not confer the presumed benefits of state sale programs evenhandedly on all ratepayers. This would result from the different legal and practical problems regarding sale programs that exist in each individual state. However, as AT&T admits, such a lack of evenhandedness might occur even without the amendment. We agree with GTE that evenhandedness is not the proper measure of the public interest in this matter, and that the public would best be served by the earliest possible removal of barriers to sale programs, even if not all members of the public are given the opportunity to purchase terminal equipment at precisely the same time.

9. Most of the parties cite no substantial adverse effects of early freeze dates on non-opting carriers and non-opting states. Continental observes that the use of early freeze dates will have some impact on the level of toll revenue requirements on January 1, 1983, but UTS points out that, as long as all carriers are subject to the January 1, 1983 freeze date, the overall impact on the toll revenue pool will be *de minimis*.

10. The remaining issue is whether each state should be restricted to one early freeze date for all carriers under its jurisdiction or whether separate dates may be chosen for different carriers. GTE, USITA and Centel argue that, due to the unique circumstances of each carrier, each state should be permitted to set separate early freeze dates for individual companies. They see no particular implementation problems with this approach. Centel and GTE further argue that an early freeze date should be used only with the concurrence of the affected carrier. USITA and GTE have proposed modifications to the wording of the amendment to accomplish this result.[5] While UTS agrees that individual carriers should be allowed to initiate a request for an early freeze date, it recommends that each state be permitted to adopt only one date for all carriers under its jurisdiction to prevent unnecessary operational problems for affiliated companies with consolidated accounting and data processing resources. Continental also believes that all carriers within a single jurisdiction should be treated alike.

11. The primary objective of the amendment would be to facilitate the efficient implementation of sale programs. This objective would be

[4] In the context of the issue of uniformity, UTS has requested clarification of the matter of depreciation and expense levels for carriers subject to an early freeze date. The amendment, as recommended by the Joint Board, specifies that "expenses and reserves shall be frozen as of the plant freeze date in a manner consistent with the addendum." This will best preserve the uniform application of the plan and protect the interests of non-opting carriers.

[5] USITA proposes the deletion of the words "so directed or" at the beginning of the first sentence of the amendment. GTE advocates the addition of the words "with the concurrence of such company" at the end of that same sentence.

frustrated if the state commissions were prevented from choosing an early freeze date, in the context of an on-going proceeding involving a particular carrier, until all relevant issues regarding sale programs for the other carriers in the state had been resolved. This is especially true given the short time available for setting early freeze dates. It appears that the major objection to separate early dates relates to the particular needs of affiliated carriers with shared resources. We believe that the problems faced by such carriers can be alleviated if the concurrence of the carrier is required before an early date is set. If certain affiliated carriers encounter substantial administrative difficulties in implementing separate freeze dates, the requirement of their concurrence would allow them time to develop and present to their state commissions a coordinated sale program. Similarly, the requirement for carrier concurrence would assist affiliated carriers in different states in coordinating programs and avoiding burdensome operational tangles. Therefore, we will permit each state to set different dates for different carriers, but will specify that the state commission must have the concurrence of the affected company to set any date. Adding this provision will not substantially change the Joint Board's proposal since the Board's recommended language requires that the state commission order directing or authorizing a CPE sale program be administratively and judicially final before the freeze date can be advanced. This language would make it impossible to advance the freeze date if the carrier involved appealed the state commission order because final resolution of the appeal would probably not be possible before the presently established freeze date of January 1, 1983. Toward this end, we will adopt GTE's proposed changes, since they interfere the least with the sense of the Joint Board's original recommendation. These changes are set forth in Appendix A to this Order.

12. AT&T has also raised the issue of the additional costs that it will have to bear, as a result of the amendment, in its role as the administrator of the separations and settlements process. As GTE notes, AT&T does admit that it is unable to quantify these additional costs and that they are not likely to be substantial. We have determined that the benefits of the amendment are potentially significant, and, in the absence of a more strenuous and better supported objection by AT&T regarding the added expense of implementing early freeze dates, we conclude that the benefits will outweigh the costs and that the amendment should be adopted.

13. As previously mentioned, this amendment to the Separations Manual will be effective June 8, 1982. Section 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. 553(d), requires that substantive rules be published in the **Federal Register** or served at least 30 days before their effective date. The APA provides that substantive rules granting or recognizing an exemption or relieving a restriction are exempt from the requirement of publication 30 days prior to their effective date. 5 U.S.C. 553(d)(1). The present changes in the Separations Manual qualify for this exemption. Without these changes the CPE accounts of all telephone companies would be frozen for separations purposes as of January 1, 1983. The modifications we are now adopting lift this requirement allowing states the option of advancing the freeze date with the consent of the carriers involved.

14. These modifications to the Separations Manual also qualify for the good cause exemption from the 30 day notice requirement set out in section 553(d)(3) of the APA.[6] The basic purpose of the requirement for a delayed effective date is to allow affected parties time to prepare for compliance with the new rule. *American Federation of Government Employees v. Block*, 665 F.2d 1153 (D.C. Cir. 1981); *Rowell v. Andrus*, 631 F.2d 699 (10th Cir. 1980). This amendment does not impose any new requirements. It merely provides the states and the telephone companies they regulate with some degree of flexibility. The amendment specifically requires consent by the telephone companies involved before a state can advance the CPE account freeze date. Thus, little purpose is served in this case by delaying the effective date since the states and the local telephone companies are merely being given an option which they may exercise or not as they see fit. While delaying the effective date of this amendment would provide no additional protection to the states and telephone companies they regulate, it would effectively prevent interested states and telephone companies from going forward with programs for the sale of CPE during the initial 30 days following publication in the **Federal Register.** As discussed above, such programs for the sale of CPE will further the development of a fully competitive market for CPE, and we believe that allowing interested states and telephone companies to go forward with such programs immediately is in the public interest.

[6] The standard for determining good cause for failure to provide 30 days notice before the effective date of a rule is different from the standard for determining when good cause exists to forgo the initial notice and opportunity for comment. *American Federation of Government Employees v. Block*, 655 F.2d 1153 (D.C. Cir. 1981).

III. Ordering Clauses

15. Accordingly, pursuant to sections 4(i), 205(a), 221(c), 403 and 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 205(a), 221(c), 403 and 410(c), as amended, it is ordered, That the recommendation of the Federal-State Joint Board for an amendment to Part 67 of the Commission's Rules, as modified herein and set forth in Appendix A of this Decision and Order is adopted, effective upon publication of this Decision and Order in the **Federal Register.**

16. It is further ordered, that the Secretary shall cause this Decision and Order to be published in the **Federal Register,** and that this proceeding remain subject to further order by the Commission.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.—Incorporation by Reference provisions were approved by the Director of the Federal Register on October 1, 1981.

Note.—The Separations Manual is Incorporated by Reference and the Commission is adopting an amendment to the Separations Manual as set forth below.

Appendix A

Amendment to the Addendum to the Separations Manual[1]

Immediately preceding the last sentence of the paragraph entitled "GENERAL," insert the following:

If so directed or authorized by an administratively and judicially final order or action issued or taken by the State Commission having jurisdiction in any state, a freeze date earlier than December 31, 1982 may be adopted for any company operating within the state *with the concurrence of such company.* The amount of investment recorded for separations purposes as of the freeze date shall be deemed to be the amount of investment to be used for separations until January 1, 1983. Thereafter, the provision of this Manual addendum shall apply as set forth hereafter. Expenses, taxes and reserves shall be frozen as of the plant freeze date in a manner consistent with the addendum.

[FR Doc. 82-15369 Filed 6-7-82; 8:45 am]

BILLING CODE 6712-01-M

[1] Modifications to the Joint Board's original recommendation are underscored.

47 CFR Part 74

[Gen. Docket No. 81-272; RM-2667]

Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services; Amendment of the Commission's Rules To Make a Certain MHz Band Available for Television Pickup on a Secondary Basis to the Local Television Transmission Service; Correction

Released: June 1, 1982.

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule which appeared at page 955 in the **Federal Register** of Friday, January 8, 1982, (47 FR 953) which contained amendments to certain MHz bands available for television pickup on a secondary basis to the local TV transmission service. This action is necessary to reinstate two frequency bands which were inadvertently omitted from the list in § 74.602.

FOR FURTHER INFORMATION CONTACT: Maureen Cesaitis, Spectrum Utilization Branch, Spectrum Management Division, Office of Science and Technology, (202) 653-8164.

SUPPLEMENTARY INFORMATION: In the Matter of Amendment of Part 2 of the Commission's Rules governing Frequency Allocations, Part 21 of the Commission's Rules governing Domestic Public Fixed Radio Service, and Part 74 of the Commission's Rules governing Experimental, Auxiliary, and Special Broadcast Services to make the 6425-6526 MHz band available for Television Pickup on a secondary basis to the Local Television Transmission Service.

1. On January 8, 1982, the Commission released a Report and Order in the aforementioned proceeding. Two frequency bands were accidently omitted from paragraph C of Appendix B.

2. Accordingly, the Federal Communications Commission is correcting 47 CFR 74.602(a) to read as follows:

§ 74.602 Frequency assignment.

(a) * * *

Band B

MHz

6425-6450[3]	6950-6975
6450-6475[3]	6975-7000
6475-6500[3]	7000-7025
6500-6525[3]	7025-7050
6875-6900	7050-7075
6900-6925	7075-7100
6925-6950	7100-7125

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-15541 Filed 6-7-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 371

Fraser River Sockeye and Pink Salmon Regulations

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

ACTION: Notice of final rule.

SUMMARY: NOAA issues this notice of final rule to reprint in the **Federal Register** the International Pacific Salmon Fisheries Commission's 1982 regulations, which implement the Convention for Protection, Preservation, and Extension of the Sockeye Salmon and Pink Salmon Fisheries of the Fraser River System between the United States and Canada (Convention). This notice and reprinting discharges a foreign affairs obligation of the United States. These regulations are necessary to achieve the objectives of the Convention in 1982. The intended effect of the regulations is to ensure adequate escapement of each spawning unit and the equitable division of catch between U.S. and Canadian fishermen. These rules do not apply to Treaty Indians exercising treaty-secured fishing rights at the tribes' usual and accustomed fishing places, who will be fishing under regulations promulgated by the Department of the Interior.

EFFECTIVE DATE: 12:01 a.m. on June 20, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. H. A. Larkins, Regional Director, 7600 Sand Point Way NE, BIN C15700, Seattle, Washington 98115; telephone: 206-527-6150.

SUPPLEMENTARY INFORMATION: On February 25, 1982, the International Pacific Salmon Fisheries Commission (the Commission) forwarded proposed regulations for the 1982 commercial fishing season for sockeye in Convention Waters to the Government of the United States for approval, as required by Article VI of the Convention for Protection, Preservation, and Extension of the Sockeye Salmon and Pink Salmon Fisheries of the Fraser River System (the Convention) between the United States and Canada. The United States has provisionally approved those regulations, with the exception that the regulations would not apply to Treaty Indians exercising treaty-secured fishing rights at the tribes' usual and accustomed fishing places. Treaty Indian fisheries are regulated by 25 CFR Part 256, published by the Department of Interior.

Regulations for 1982 are similar to regulations adopted by the Commission in previous years to implement the Convention. The regulations for 1981 were published at 46 FR 32868 on June 25, 1981. The 1982 regulations amend the 1981 schedules of fishing by gillnets, purse seines and reef nets to 1982 calendar dates.

The 1982 regulations for sockeye salmon fishing provide for a 7-week season with one day of fishing per week for the all citizen, or non-Indian, fishery. This preseason schedule will undoubtedly be adjusted during the season by the Commission to meet the following paramount objectives of the Convention with Canada: (1) conservation, i.e., escapement through all fisheries of adequate numbers of the various races of salmon for spawning purposes, and (2) equal division of Convention Waters catches between fishermen of the two nations. Such changes in the fishing schedule often occur as the season progresses because preseason estimates of fish abundance (run size), catches, racial compositions of the salmon runs, migration routes, and projected timing of the runs may vary substantially from actual observations during the season.

These regulations for the all-citizen fisheries will be effective in High Seas Convention Waters and in Convention Waters inside the Bonilla Point-Tatoosh Island line. These regulations are necessary to achieve the objectives of the Convention and provide for a rational fishery by U.S. fishermen.

50 CFR Part 371 gives notice of the effectiveness and content of regulations adopted by an international commission and in force for the United States through the operation of the Convention. Reprinting the Commission's regulations in the **Federal Register** helps fulfill the United States treaty obligation to make the Commission's regulations effective and, as such, involves a foreign affairs function not subject to the requirements of E.O. 12291 or the Regulatory Flexibility Act.

List of Subjects in 50 CFR Part 371

Fish, Fishing, Fisheries, International organizations, Reporting requirements.

Dated: June 2, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 371—FRASER RIVER SOCKEYE AND PINK SALMON REGULATIONS

50 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 reads as follows:

Authority: Sockeye Salmon or Pink Salmon Fishing Act of 1947, 16 U.S.C. 776–776f.

2. Section 371.9 and Appendix A are revised to read as follows:

§ 371.9 Commission regulations.

Appendix A sets forth regulations of the Commission for the 1982 fishing season. These regulations, as may be modified from time to time by emergency orders of the Commission and disseminated under § 371.6 of this part, are the "Regulations of the Commission," violation of which is unlawful under the Act.

Appendix A—International Pacific Salmon Fisheries Commission Regulations

1. No person shall fish for sockeye or pink salmon with nets from the 20th day of June, 1982 to the 24th day of July, 1982, both dates inclusive.

2. (1) No person shall fish for sockeye or pink salmon with purse seines in Puget Sound Salmon Management and Catch Reporting Areas 4B, 5, 6, 6A, 6C, 7, 7A, 7B and 7D:

(a) From the 25th day of July, 1982 to the 14th day of August, 1982, both dates inclusive, except from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday of each week; and

(b) From the 15th day of August, 1982 to the 11th day of September, 1982, both dates inclusive, except from five o'clock in the forenoon to nine o'clock in the afternoon of Monday of each week.

(2) No person shall fish for sockeye or pink salmon with reef nets in the waters described in subsection (1) of this section:

(a) From the 25th day of July, 1982 to the 31st day of July, 1982, and from the 8th day of August, 1982 to the 14th day of August, 1982, all dates inclusive, except from seven o'clock in the forenoon to half past nine o'clock in the afternoon of Sunday of each week; and

(b) From the 1st day of August, 1982 to the 7th day of August, 1982, both dates inclusive, except from seven o'clock in the forenoon to eight o'clock in the afternoon of Sunday; and

(c) From the 15th day of August, 1982 to the 21st day of August, 1982, and from the 29th day of August, 1982 to the 4th day of September, 1982, all dates inclusive, except from six o'clock in the forenoon to half past seven o'clock in the afternoon of Sunday of each week; and

(d) From the 22nd day of August, 1982 to the 28th day of August, 1982, and from the 5th day of September, 1982 to the 11th day of September, 1982, all dates inclusive, except from seven o'clock in the forenoon to nine o'clock in the afternoon of Sunday of each week.

(3) No person shall fish for sockeye or pink salmon with gill nets in the waters described in subsection (1) of this section:

(a) From the 25th day of July, 1982 to the 31st day of July, 1982, and from the 8th day of August, 1982 to the 14th day of August 1982, all dates inclusive, except from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday of each week; and

(b) From the 1st day of August, 1982 to the 7th day of August, 1982, both dates inclusive, except from seven o'clock in the afternoon of Sunday to half past nine o'clock in the forenoon of Monday; and

(c) From the 15th day of August, 1982 to the 21st day of August, 1982, and from the 29th day of August, 1982 to the 4th day of September, 1982, all dates inclusive, except from six o'clock in the afternoon of Sunday to nine o'clock in the forenoon of Monday of each week; and

(d) From the 22nd day of August, 1982 to the 28th day of August, 1982, and from the 5th day of September, 1982 to the 11th day of September, 1982, all dates inclusive, except from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday of each week.

3. No person shall fish for sockeye or pink salmon with commercial trolling gear in the waters of Puget Sound Salmon Management and Catch Reporting Areas 4B, 5 and 6C from the 25th day of July, 1982 to the 11th day of September, 1982, both dates inclusive, except from Monday through Friday of each week on those days when purse seine fishing is permitted within that area.

4. No person shall fish for sockeye or pink salmon with nets in that portion of Puget Sound Salmon Management and Catch Reporting Area 7B easterly of a line drawn from the southern tip of Lummi Peninsula, thence to the northwestern tip of Portage Island, thence following the westerly shoreline of Portage Island to the highest promontory of Point Frances, thence in a straight line to the red buoy at the northern end of Eliza Island, thence in a straight line to the northern tip of Eliza Island, thence along the eastern shoreline of Eliza Island to Eliza Rock Light, thence in a straight line to the northern tip of Vendovi Island, thence following the established boundary of Area 7B to March Point on Fidalgo Island, except for those sockeye or pink salmon taken in gill nets having mesh of not less than 7½ inches as authorized for the taking of chinook salmon by the Director of Fisheries of the State of Washington, from the 25th day of July, 1982 to the 4th day of September, 1982, both dates inclusive.

5. (1) No person shall fish for sockeye or pink salmon with nets in that portion of the waters described in subsection (1) of section 2 lying northerly and westerly of a straight line drawn from Iwersen's Dock on Point Roberts in the State of Washington to Georgina Point Light at the entrance to Active Pass in the Province of British Columbia from the 29th day of August, 1982 to the 4th day of September, 1982, and from the 3rd day of October, 1982 to the 9th day of October, 1982, all dates inclusive.

(2) No person shall fish for sockeye or pink salmon with nets in that portion of the waters described in subsection (1) of section 2 lying westerly of a straight line drawn from the low water range marker in Boundary Bay on the International Boundary through the east tip of Point Roberts in the State of Washington to the East Point Light on Saturna Island in the Province of British Columbia from the 5th day of September, 1982 to the 2nd day of October, 1982, both dates inclusive.

6. The foregoing recommended regulations shall not apply to the following waters:

(1) Puget Sound Salmon Management and Catch Reporting Areas 6B, 6D and 7C.

(2) Preserves previously established by the Director of Fisheries of the State of Washington for the protection of other species of food fish.

7. All times hereinbefore mentioned shall be Pacific Daylight Savings Time.

[FR Doc. 82-15490 Filed 6-7-82; 4:33 pm]

BILLING CODE 3510-22-M

50 CFR Part 674

High Seas Salmon Fishery Off Alaska

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

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce issues this notice of closure of the Southeast Alaska commercial salmon fishery in the fishery conservation zone for ten days, beginning at 12:01 a.m. June 7 local time and continuing through 11:59 p.m., June 16, 1982. The closure is necessary to conserve chinook salmon stocks that contribute to the Alaska, Oregon, and Washington salmon fisheries. This closure complements an identical closure in Alaska territorial waters, and coordinates with a similar closure in the Canadian fishery zone.

DATE: This notice is effective from 12:01 a.m., Pacific Daylight Time (P.d.t.), June 7, 1982, until 11:59 p.m., (P.d.t.), June 16, 1982.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, 907–586–7221.

SUPPLEMENTARY INFORMATION: Salmon fishing in the fishery conservation zone (FCZ) off Alaska is managed under the Fishery Management Plan for the High Seas Salmon Fishery off the Coast of Alaska East of 175° East Longitude (FMP), developed by the North Pacific Fishery Management Council (Council) and implemented by NOAA through regulations appearing at 50 CFR Part 674 (46 FR 33041, June 26, 1981; 46 FR 57299, November 23, 1981). Section 674.23 describes procedures to adjust seasons and areas through field orders. The Council and Alaska State Board of Fisheries (Board) have jointly

recommended to the Secretary of Commerce (Secretary) that the 1982 harvest guideline for the southeast Alaska chinook salmon commercial fisheries be 255,500 fish, and that any inseason closure necessary to achieve that goal be coordinated with an expected closure of the Canadian ocean troll salmon fishery. The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), concurred with the Council and Board and announced his intent to manage the 1982 southeast Alaska salmon fishery in the FCZ by means of inseason adjustments to achieve a total chinook salmon harvest of 255,500 fish. The rationale for the Council and Board's recommendation and the Assistant Administrator's concurrence was published by notice in the **Federal Register** on May 14, 1982 (47 FR 20830).

The same notice also announced and invited comments on the Secretary's decision to close the southeast Alaska ocean salmon commercial fishery in the FCZ for ten days from June 7 through June 16. This closure is necessary to achieve the harvest guideline level of 255,500 chinook salmon. It complements an identical closure within Alaska territorial waters and coordinates with a closure during June 10 through June 23 of the Northern British Columbia troll fishery. No comments concerning the proposed closure were received. In taking this action, the Secretary finds, according to the criteria in 50 CFR 674.23(a)(1), that the condition of the chinook salmon resource is worse than anticipated when the FMP was implemented, and that this condition requires this closure.

This closure will only be effective after filing this notice for publication with the Office of the Federal Register and after publicizing the closure for 48 hours through Alaska Department of Fish and Game procedures, under 50 CFR 674.23(b)(2).

The chinook salmon resource will be subject to damage by overfishing unless this order takes effect promptly. The Assistant Administrator for Fisheries finds for good cause that there should be no delay in its effective date, and therefore waives the 30-day delayed effectiveness period under the Administrative Procedure Act.

This action is taken under the authority of regulations specified at 50 CFR 674.23, and is taken in compliance with Executive Order 12291. The action is covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 674

Administrative practice and procedure, Fish, Fisheries, Fishing, Reporting requirements.

Dated: June 3, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-15489 Filed 6-3-82; 4:50 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 47, No. 110
Tuesday, June 8, 1982

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 340

Seasonal, On-Call and Intermittent Employment

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management proposes to add a new subpart to its regulations to address employment on other than a full-time basis, i.e. seasonal, on-call and intermittent. Part-time employment is already covered in the regulations. This addition will authorize agencies to use seasonal, on-call and intermittent employment in accordance with the terms and conditions to be set out in the Federal Personnel Manual, Chapter 340.

DATE: Comments must be received on or before August 9, 1982.

ADDRESS: Send or deliver written comments to: Office of Policy Analysis and Development, Staffing Group, Office of Personnel Management, 1900 E Street NW., Room 6526, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Ellen Russell, (202) 632-6817.

SUPPLEMENTARY INFORMATION: Agencies use seasonal, on-call and intermittent employment in order to match staffing and workload levels. Seasonal employment enables agencies to develop an experienced cadre of career employees to perform work characterized by seasonal fluctuations, for example, in parks and forests, tax and passport offices. On-call employment enables agencies to staff up readily in rapdily order to meet unpredictable workload increases, for example, in aircraft and ship repair facilities. Intermittent employment enables agencies to accomplish work which, by its nature, cannot be scheduled in advance.

E.O. 12291 Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation applies only to Federal agencies.

List of Subjects in 5 CFR Part 340

Government employees.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management proposes to amend Title 5, Code of Federal Regulations, as follows:

(1) The title of Part 340 is revised to read as follows:

PART 340—OTHER THAN FULL-TIME CAREER EMPLOYMENT (PART-TIME, SEASONAL, ON-CALL AND INTERMITTENT)

(2) The heading of Subpart A is revised to read as follows:

Subpart A—Principal Statutory Requirements—Part-Time Employment

(3) The heading of Subpart B is revised to read as follows:

Subpart B—Regulatory Requirements—Part-Time Employment

(4) A new subpart C is added to read as follows:

Subpart C—Regulatory Requirements—Seasonal, On-Call and Intermittent Employment

Sec.
340.301 Definitions.
340.302 Appropriate use.

Authority: 5 U.S.C. 3301, 3302.

§ 340.301 Definitions.

(a) Seasonal employment means any annually recurring period of employment of less than 2080 hours per year in which employees are placed in a nonpay status during the year in accordance with conditions established at the time of appointment.

(b) On-call employment means employment on a work-as-needed basis of less than 2080 hours per year in which employees are placed in a nonpay status in accordance with conditions established at the time of appointment.

(b) On-call employment means employment on a work-as-needed basis of less than 2080 hours per year in which employees are placed in a nonpay status in accordance with conditions established at the time of appointment. These conditions of employment include eventual conversion to full-time employment.

(c) Intermittent employment means employment without a scheduled tour of duty.

§ 340.302 Appropriate use.

Agencies are authorized to employ seasonal, on-call and intermittent personnel serving under career or career-conditional appointments, in accordance with procedures published in Chapter 340 of the Federal Personnel Manual. That chapter is titled, "Other Than Full-Time Career Employment (Part Time, Seasonal, On-Call and Intermittent)."

[FR Doc. 82-15336 Filed 6-7-82; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 1, 274, 284, 375 and 381

[Docket No. RM82-30-000]

Fees Applicable to the Natural Gas Policy Act

Issued: June 2, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations to establish fees for services and benefits

provided by the Commission under its jurisdictional statutes. The Commission is authorized by the Independent Office Appropriations Act of 1952 (IOAA) to establish fees for services and benefits it provides. The fees are being proposed in a series of proposed rules, each rule relating to a different type of regulated entity or jurisdictional subject area.

This proposed rule would establish fees for services and benefits provided under the Natural Gas Policy Act (NGPA) in Part 381 of the Commission's regulations. The rule would require the payment of a fee upon the filing of (1) an application for adjustment under section 502(c) of the NGPA, (2) an application for a well-category determination by a jurisdictional agency, (3) an initial report for transactions authorized under Title III of the NGPA, (4) an extension report for transactions authorized under Title III of the NGPA, and (5) a request for interpretation of the NGPA rendered by the Office of the General Counsel.

DATES: Comments must be submitted to the Secretary of the Commission by July 19, 1982.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, Room 9310, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8400.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations to establish fees for services and benefits provided by the Commission under its jurisdictional statutes. The fees are being proposed in a series of proposed rules, each rule relating to a different regulated entity, or jurisdictional subject area. By proposing fees in a series of individual rulemakings, the Commission intends to identify clearly each category of fees and to focus public comments. Nevertheless, the proposals are the product of a comprehensive examination of potential fees associated with all the different functions and services performed by the Commission. The Commission will consider issuing a consolidated final rule establishing fees for all services and benefits.

This proposed rule would establish fees for services and benefits provided under the Natural Gas Policy Act of 1978 (NGPA)[1] in Part 381 of the Commission's regulations. The rule would require the payment of a fee upon the filing of (1) an application for adjustment under section 502(c) of the NGPA, (2) an application for a well-category determination by jurisdictional agencies, (3) an initial report for transactions authorized under Title III of the NGPA, (4) an extension report for transactions authorized under Title III of the NGPA, and (5) a request for interpretation of the NGPA rendered by the Office of the General Counsel under 502(c).

The Commission is authorized by the Independent Offices Appropriations Act of 1952 (IOAA)[2] to establish fees for services and benefits it provides. The IOAA provides in pertinent part:

> [A]ny work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person * * * shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation * * * to prescribe therefore such fee, charge, or price, if any, which he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration the direct and indirect costs to the Government, value to the recipient, pubic policy or interest served, and other pertinent facts, and any amounts so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts * * *

The principal agency interpretation of the IOAA is Bureau of the Budget Circular A.25[3] which states that a fee should be assessed against each identifiable recipient of a measurable unit or amount of Government service or property from which such recipient derives a special benefit.[4]

In accordance with the IOAA and authoritative interpretations of that statute, the Commmission, in establishing any fee, must:[5]

A. Identify the service for which the fee is to be assessed;

B. Explain why that particular service benefits an identifiable recipient more than it benefits the general public;

C. Base the fee on as a small a category of service as practical; and

D. Demonstrate what direct and indirect costs are incurred by the Commission in rendering the service, and show that those costs are incurred in connection with the service rendered the beneficiary.

II. Discussion

The Commission believes that the fees set forth in this proposed rule would meet the four requirements outlined above.

A. Identification of Services

The categories of service and benefits under the NGPA for which the Commission would propose a fee are the following:

1. Adjustments requested under section 502(c) of the NGPA, including exemptions from incremental pricing, filed in accordance with § 1.41;

2. Review of jurisdictional agency well-category determinations under section 503 of the NGPA filed in accordance with § 274.104;

3. Review of initial reports under Title III of the NGPA filed in accordance with §§ 284.106, 284.126, 184.148 and 284.163;

4. Review of extension reports under Title III of the NGPA filed in accordance with §§ 284.106, 284.126, and 284.148; and

5. Interpretations of the NGPA rendered by the Office of the General Counsel, requested in accordance with § 1.42.

In this rulemaking, the Commission is not proposing to charge fees for other actions it takes to implement its responsibilities under the NGPA. These actions are discussed in Subsection B of this discussion.

B. Special Benefits to Indentifiable Recipients

In delineating the services or benefit for which agencies are permitted to charge under the terms of the IOAA, Budget Circular A-25 states that a fee may be charged to an identifiable recipient who derives a special benefit from a Government service.[6] In addition,

[1] 15 U.S.C. 3301-3432.

[2] 31 U.S.C. 483a.

[3] Bureau of the Budget Circular A-25 (September 23, 1959). This intrepretation has been quoted by the U.S. Supreme Court as "the proper construction of the act," in FPC v. New England Power Co., 415 U.S. 345, 351 (1974).

[4] Budget Circular A-25 at 1-2: *General Policy.* A reasonable charge * * * should be made to each identifiable recipient for a measurable unit or amount of Government service or property from which he derives a special benefit * * * For example, a special benefit will be considered to accure and a charge should be imposed when a Government-rendered service: (a) Enables the beneficiary to obtain more immediate or substantial gains or values (which may or may not be measurable in monetary terms) than those which accrue to the general public (*e.g.,* receiving a patent, crop insurance, or a license to carry on a specific business); or (b) Provides business stability or assures public confidence in the business activity of the beneficiary (*e.g.,* certificates of necessary and convenience for airline routes, or safety inspections of craft) * * *

[5] See, National Cable Television Association, Inc. v. United States, 415 U.S. 336 (1974); FPC v. New England Power Co., 415 U.S. 345 (1974); Mississippi Power & Light v. NRC, *cert. denied,* 444 U.S. 1102 (1980); National Cable Television Association Inc. v. FCC, 554 F.2d 1094 (D.C. Cir. 1976); Electronic Industries Association v. FCC, 544 F. 2d 1109 (D.C. Cir. 1976); National Association of Broadcasters v. FCC, 554 F. 2d 1118 (D.C. Cir. 1976); Capital Cities Communications, Inc. v. FCC, 554 F. 2d 1135 (D.C. Cir. 1976).

[6] Budget Circular A-25 at 1-2.

the circular indicates that a "special benefit" has accrued if the recipient obtains "more immediate or substantial gains or values * * * than those which accrue to the general public." [7] Any fee charged under the IOAA is not rendered invalid because the public may also enjoy incidental benefits which flow from the service provided the recipient by the agency.[8] However, an agency may not charge for its services "when the identification of the ultimate beneficiary is obscure and the service can be considered as benefitting broadly the general public."[9]

The proposed rule complies with these requirements because the services for which fees would be charged under this rule provide special benefits to the applicants who invoke the Commission's procedures. An adjustment under section 502(c) of the NGPA affords the applicant relief from otherwise applicable rules or orders. This category of adjustments includes exemptions from incremental pricing which afford the applicant relief from the economic burden of paying surcharges.

Well-category determinations authorized under section 503 determine the maximum lawful price applicable to the sale of natural gas and permit the seller to sell the gas at that price. If producers wish to sell the gas at the prices authorized by sections 102, 103, 107 or 108 of the NGPA, they must submit an application for a determination.

The Commission, under Title III of the NGPA, authorizes interstate pipelines to transport gas, and intrastate pipelines to sell or transport gas, for a period up to two years on a self-implementing basis, without subjecting such transactions to the Commission's jurisdiction under the Natural Gas Act. Interstate pipelines benefit from this program by being able to carry on the designated transactions without the need for prior Commission approval. However, the pipelines which utilize the program and engage in these specific transactions are required to submit reports as specified in Part 284 of the Commission's regulations describing with transactions they had undertaken under the program. These reports are subsequently reviewed by the Commission. Since the pipelines filing reports are the ones which have utilized the program, they are the recipients of the benefits. Fees are proposed to be collected with these reports. Fees for other NGPA Title III transactions which require prior Commission approval will be proposed in a subsequent rulemaking.

The Commission also proposes a fee to be collected with reports requesting extensions of any self-implementing Title III authorizations. These fees will be assessed in the same manner as for initial authorizations.

The Commission's Office of the General Counsel provides, at the request of any person, interpretations of the NGPA and staff analyses of how the statute or the underlying rules apply to a particular set of circumstances or facts. The information and analysis provide a benefit to the requester since they furnish guidance which may be used by the recipient to assist its decision-making and planning of transactions or activities affected by the NGPA.

In these cases, the Commission believes that each identifiable applicant for these kinds of Commission services derive more substantial benefits than those benefits accruing to the general public. They are, therefore, the recipients of special benefits from the Commission. The Commission proposes to assess against any individual or entity seeking these services or authorizations, a fee designed to recover the costs associated with providing that service.

As mentioned above, the Commission is not proposing in this rulemaking to charge fees for other actions it takes relating to the NGPA. These actions include preliminary and formal enforcement investigations, settlement and administrative litigation, news releases, and litigation in the courts. Generally, the recipients of these services are not readily identifiable. In addition, the Commission does not propose, as a general rule, to recover costs associated with rulemakings. However, in some circumstances, fees may be appropriate for rulemakings. In this proposed rule, for example, the Commission includes a fee which covers the costs of rulemakings incurred in connection with well-category determinations for certain gas qualifying under section 107 of the NGPA.

C. Smallest Practical Unit

In designing a fee schedule, the IOAA requires the Commission to base fees on the smallest unit of category of service or benefit practical. In remanding fees established by the Federal Communications Commission, the Court of Appeals for the D.C. Circuit set forth the general rule:

> [W]e interpret the statute and the Supreme Court decisions to require reasonable particularization of the basis for the fees, accomplished by an allocation of costs to the smallest unit that is *practical*. In most cases, we expect this unit will be classes of carriers or applicants or grantees or services which the Commission has already singled out for separate treatment in its 1975 fee schedule. Classification is always a difficult problem, involving as it does the drawing of lines; but the solution is not to group dissimilar entities together. The Commission must examine its expenses and set forth the maximum particularization of costs which it conveniently can make, so that the correctness of its actions can be reviewed. * * *
>
> Many of the expenses will no doubt separate naturally among classes of carriers and services * * * (italics added).[10]

The Commission recognizes that there may be significant differences in the costs incurred for individual filings or applications which are submitted for approval or review. Some filings are more complex or controversial than others or may require more time to process. The Commission is proposing to establish fees based on the narrowest categories of activities sharing common characteristics. Fee categories are generally delineated according to the nature of the service or benefit provided. For example, separate fees are established for applications for adjustments and requests for NGPA interpretations, even though these services are requested by a similar class of applicants. If it is practical to identify specific units within a general category of service as a basis for allocating the costs incurred by the Commission, a fee applicable to that unit is set forth. For example, the proposed rule would establish fees for review of specific Title III transactions and extensions of authorization for those transactions.

A fundamental consideration in developing a fee structure under the IOAA is the administrative practicality of establishing fees which relate, not just to categories of services, but also to subcategories of services or even individual agency services. This problem relates to the accessibility of cost data and the expense incurred in collecting the data. The Commission believes it has the authority to establish separate fees for any filing that initiates a proceeding and any filing that requires the Commission to undertake additional steps in that proceeding, such as requests for rehearing, intervention, or appeals. However, because the time spent in subsequent stages of a proceeding is not separately recorded by

[7] *Id.* at 2.

[8] *See*, Mississippi Power & Light v. NRC, 601 F.2d 223, 227–28 (5th Cir. 1979) *cert. denied*, 444 U.S. 1102 (1980); Electronic Industries Association v. FCC, 554 F.2d 1109, 1115 (D.C. Cir. 1976).

[9] Budget Circular A–25 at 2; quoted with approval in FPC v. New England Power Co., 415 U.S. 345, 350 (1974).

[10] Electronic Industries Association v. FCC, 554 F.2d 1109, 1116–17 (D.C. Cir. 1976).

the Commission, the Commission does not have data at this time which is detailed enough to permit it to establish a separate fee for each stage of a proceeding. As a result, the Commission is proposing to establish only one fee for any proceeding or application process because the Commission believes that the entire process is the smallest unit practical on which to base a fee. It nevertheless requests comments on whether fee categories should be established for smaller classes of applicants, or separate stages of a proceeding.

D. Basis of Cost Recovery

1. *Direct and indirect costs included.* The fee schedule proposed by the Commission is designed to account for all types of recoverable costs associated with the processing of the specified applications and filings under the NGPA. The costs attributable to a particular Commission service are not merely the salaries of the employees who review the applications or filings. As the Fifth Circuit observed, in *Mississippi Power & Light* v. *NRC,* employees "must be supplied with working space, heating, lighting, telephone service and secretarial support. Arrangements must be made so that (they are) hired, paid on a regular basis and provided specialized training courses. Those and other costs such as depreciation and interest on plant and capital equipment are all necessarily incurred in the process of reviewing an application."[11] The following descriptions indicate what actual costs are incurred when the Commission supplies the identified services and benefits under the NGPA.

An adjustment application is evaluated by the Office of Pipeline and Producer Regulation (OPPR). After staff receives the application, the application is reviewed for sufficiency. If the application is sufficient, OPPR prepares a notice for publication in the **Federal Register.** Both OPPR and the Office of General Counsel (OGC) further evaluate the application and, if necessary, develop adequate application records through correspondence and conferences. After the search and analysis is complete, staff prepares a draft of a final order which is issued by the Director of OPPR. If the party seeking the adjustment files a petition for review of the order, the petition for review is considered by the Office of Opinions and Review (OOR). OOR reviews that petition for sufficiency and publishes another notice in the **Federal Register.** OOR then conducts a proceeding to review and analyze arguments pertaining to the proposed adjustment, frequently including discovery, evidentiary hearings, or oral argument. After all evidence and arguments are presented and considered, OOR prepares and issues a proposed order for comment. If the applicant seeks Commission review of that order, OOR analyzes comments received on the proposed order, and prepares a final order for Commission consideration at a Commission meeting.

A well-category determination made by a jurisdictional agency is also evaluated by OPPR. Upon receipt, the determination is entered into a computer tracking system and published in the **Federal Register.** Staff then reviews, analyzes, and sometimes audits the determinations. If necessary, staff gathers additional information through correspondence and conferences. If there are any interveners in the proceeding, staff also considers any information submitted by the interveners.

In conjunction with review of well-category determinations, the Commission also accepts and reviews recommendations by jurisdictional agencies to designate certain gas formations as tight formations under section 107 of the NGPA. These recommendations are noticed as proposed rules in order to permit public comment on the state recommendations prior to acceptance or rejection of the recommendation. OPPR and OGC evaluate the recommendation and any comments received. After all comments have been filed, staff prepares a draft final rule. The rule is then considered by the Commission at a Commission meeting. After a recommendation to designate a tight formation is reviewed and approved, producers may file applications for well-category determinations to qualify for a special incentive maximum lawful price under section 107 of the NGPA.

Both OGC and OPPR actively participate in the processing of the filings for transportation, sale, or assignment transactions, and extensions to those transactions, authorized under Title III of the NGPA without prior Commission approval. This processing includes review of each transaction to insure compliance with all applicable regulations, and a staff determination whether the rates charged satisfy statutory requirements. If necessary, informal proceedings are conducted before staff panels to resolve any issues of material fact.

Upon formal request of any person, OGC prepares and issues formal interpretations of the NGPA pursuant to § 1.42 of the Commission's regulations.[12] These letters of interpretation require research as well as informal conferences and correspondence with the applicant. A draft letter is prepared and submitted to other Commission offices, as well as the Commission itself, for concurrence. Each letter is checked prior to issuance to assure that it is consistent with present Commission policy as well as past orders and opinion letters.

2. *Methodology.* The Commission's calculation of the costs incurred to provide each of the services represented by a fee category is directly related to the amount of time the Commission spends providing each of these services. The proposed rule relies on information obtained through the Commission's management information system (MIS), which provides the amount of time spent on all the Commission functions. This data is recorded on a periodic basis. The functions are grouped into categories which represent the Commission's various programs, including gas wellhead pricing, gas pipeline rates, gas pipeline certificates, gas producer certificates, oil pipeline regulation, hydropower regulation, and electric power regulation.

The supervisor in each organizational unit reports to the MIS the amount of time spent by staff on each function, in terms of "work-months." A "work-month" is the unit of work represented by one employee's devotion of 100% of his or her time for one month. With respect to each function, the supervisor records the number of projects initiated (receipts) and completed (completions) in a particular time period, insofar as the nature of the function involves the initiation and completion of projects. Most Commission functions can be measured in terms of the number of projects initiated and completed. In accordance with Commission practice, most of these projects are generally assigned docket numbers and, for purposes of this discussion, will be referred to as "docketed activities."

Other "support" functions regularly undertaken, with respect to any program, may not be measured in term of receipts and completions and are not docketed. The nature of these functions makes impractical any measurement in terms of receipts and completions, but staff time is nevertheless spent performing these functions. This time is

[11] 601 F.2d at 232.

[12] This section is redesignated as § 385.1901 under the revision of the Commission's General Rules of Practice and Procedure (Docket No. RM78-22), issued April 28, 1982, 47 FR 1914 (May 3, 1982).

also allotted and reported by unit supervisors.

These support functions will be referred to as "support activities" and can be divided into three categories. First, there are activities that involve general supervision, personnel management, and routine administrative functions such as maintenance of time and leave records, the handling of property and supplies, staff meetings, and the planning and organizing of leave.

Second, support staff responds to requests for information that does not contribute directly to the completion of a docketed activity. Examples inlcude requests for information from the public, from the Congress, from the General Accounting Office, and from other governmental agencies.

Third, support staff establishes or reviews certain Commission operations and procedures. These activities include work on the FERC budget, management information systems, and program development functions such as special studies or briefings not indentified with a docketed activity.

The Commission uses the following method to determine the cost of providing any service or benefit. First, the work-months (WM's) reported for a specific "docketed" activity are added to a pro-rata share of the work-months reported for the relevant "support" activities.[13] This figure, representing the total number of work-months dedicated to a given function for a year, is divided by the number of completions for that year for the given activity. The resulting quotient represents the average number of work-months required to complete each activity.

Second, the Commission used the following figures provided by the Office of Program Management to derive the average cost of a work-month, based on the Commission's FY 1982 budget.

Average annual salaries and fringe benefits (including the overhead for retirement and benefit insurance)	$37,518
Administrative overhead for one year per employee (including printing, communication, office space, rent, etc.)	8,468
Contracts for overhead services for one year per employee (microfilm, etc.)	2,406
Estimated average cost per employee for FY 1982	48,392

The total is divided by 12 to yield an average work-month cost of $4,032.67.

Third, in order to determine the cost of the activity, the Commission multiplies the average cost per work-month by the average number of work-months required to complete the activity.

The Commission proposes to update the fees each year so that the computations reflect Commission costs. An updated fee schedule would be published in the **Federal Register** each year. The updated fee would be the product derived by multiplying each fee that is effective for the current fiscal year by the ratio of the average budgeted costs per employee for the next fiscal year to the average budgeted costs per employee for the current fiscal year. An applicant would be obliged to pay either the updated fee or, if the updated fee is not yet effective, the fee that is currently effective at the time of filing.

E. Exceptions to Full-Cost-Recovery

As a general policy, the Commission intends to establish fees which include all the recoverable costs associated with a particular benefit or service provided by the Commission. The Commission recognizes, however, that there may be instances in which a fee has an undesired effect on an applicant or other person requesting a service or benefit or otherwise proves infeasible. In such cases, the Commission may exercise discretion to reduce the fee for a category of service. Generally speaking, the Commission does not expect this issue to arise with regard to any service that is necessary for participation in a regulated business and continues to consider the possibility of full-cost recovery for each category of service for which it proposes fees. The Commission specifically requests comments on this fundamental approach.

The primary concern presented by the establishment of fees is to ensure that the benefits and services provided by the Commission under its jurisdictional statutes remain reasonably available to interested persons. Any consideration of whether to establish a less than full-cost-recovery fee under new Part 381 for a category of service would initially depend on a threshold determination that a full-cost-recovery fee may discourage use of the service for which the fee is assessed. If it appears to the Commission that a full-cost-recovery fee would discourage filings or use of Commission services, it would then consider a reduction in the relevant fee. The determination of how far to reduce a fee will depend on four specific factors.

1. *Disproportionate economic burden.* The Commission may reduce the fee by a factor of forty to sixty-five percent, if it is shown that the individuals or entities the Commission expects to predominate in the potential class of payers are of the type on which the full-cost-recovery fee could be expected to impose a disproportionate economic burden. If the Commission service does not pertain to small entities, or involve any particular economic hardship, but would, nevertheless, impose a full-cost-recovery fee that would discourage use of that service, the Commission would be inclined to reduce the fee by a smaller amount, not to exceed fifty percent of the full cost of the service depending upon other considerations which may arise.

2. *Encouraging use of a service.* The Commission may reduce the fee by twenty percent, if the service or procedure involved is of a type that the Commission wishes to encourage or if the Commission prefers that service or procedure to be used more often than others which would provide essentially the same benefit.

3. *Use of Commission time.* Related to the consideration of encouraging one service over another is a consideration of whose time and effort is required to provide the particular service. Commission time is more valuable and limited than staff time. A reduction of five percent may be made if a service requires only staff time in the normal course of processing, not including appeals to the Commission.

4. *Reduction of processing time.* There may be some services the Commission provides with which the Commission has had little experience. Therefore, its data may not be as indicative of the average costs of providing that service over a longer period of time as its data for the costs of services it has been providing for many years. As the Commission gets more familiar with the processing or review of such an application or filing, processing or otherwise providing the service it may become more efficient, thereby reducing the amount of time required to provide the service. To reflect this possibility, the Commission may reduce the fee by five percent if the service requested is one with which the Commission has had little experience.

III. NGPA Fees Proposed

The following table summarizes the average number of work-months (WMs) and average costs incurred in rendering the services for which the Commission proposes fees in this rulemaking: [14]

[13] The Commission has excluded from its costs calculation the work-months associated with the second category of support activities because those functions do not constitute part of the cost of providing a special benefit.

[14] The Commission is placing in the public file for this docket more detailed information relating to the costs incurred by the Commission which form the basis of the proposed fees.

Service	Total WMs	Total completions	Average number WMs per completion	Average cost per completion
Adjustments under NGPA § 502(c) including exemptions from incremental pricing under NGPA § 206(d)	238.5	63	3.909	$15,767.00
Jurisdictional Agency Determination Reviews	850.5	52,303	.0163	[1]70.54
Initial Title III Findings	177	469	0.38	1,522.94
Extension Filings under Title III	19	100	0.19	761.47
Interpretation of the NGPA	122.77	63	1.79	7,233.00

[1] The average cost per completion for review of jurisdictional agency determinations also includes computer costs incurred by the Energy Information Administration and reimbursed by the Commission, equivalent to approximately $4.81 per determination.

The Commission believes that the costs associated with adjustments and NGPA interpretations are such that to fully recover them through fees would substantially discourage the use of these services. Therefore, it has reduced the fee for adjustments from costs by approximately sixty-five percent, and has reduced the fee for NGPA interpretations from costs by approximately sixty percent.

The following fees are therefore proposed: [15]

Service	Fee
Adjustments under NGPA § 502(c)	$5,000
Jurisdictional agency determination reviews	70
Initial Title III filing	1,500
Extension filings under Title III	700
Interpretations of the NGPA	3,000

Interpretations may be requested by a broad spectrum of entities subject to the NGPA, a large number of which are small gas producers which would bear a disproportionate economic burden. That factor would reduce the fee by fifty-five percent. In addition a five percent reduction is factored in because the application does not require action by the Commission. The total reduction for interpretations is, therefore, approximately sixty percent.

The fee for adjustments is reduced sixty percent from full cost, both because the class of applicants tends to include smaller businesses and because the nature of the application requires the regulated entities seeking the adjustment to show that they are experiencing some special hardship, inequity, or an unfair distribution of burdens as a result of applicable regulations. An additional five percent reduction is factored in because the application does not require Commission action. The total reduction for adjustments is, therefore, approximately sixty-five percent.

In addition, the Commission is proposing procedures whereby the Commission may waive or reduce the fees prescribed by this proposal, except those assessed for Commission review of a well-category determination by a jurisdictional agency. These procedures would give the Commission the discretion to waive or reduce the fees in order to avoid imposing an undue economic burden. The Commission has excluded the fee category of jurisdictional agency well-category determination reviews from this procedure for the following reasons. Since the waiver request would not be considered until the jurisdictional agency had made the determination, timely consideration of the request would not be administratively feasible. In addition, the fee proposal is minimal.

[15] Fees are established by taking actual costs and rounding *down* to: (1) The nearest $5 increment, if the total cost is $100 or less; and (2) The nearest $100 increment, if the total cost is more than $100.

IV. Procedures for Paying NGPA Fees

In order to be consistent with the assessment of fees relating to the NGPA, the Commission proposes to amend its current regulations regarding the procedures applicable to each of the filings and applications covered by the proposed fee schedule. The amended procedures would require that a certified check for the appropriate amount, made payable to the United States Treasury, be included with each filing and application.

In addition, the proposal provides that any application or petition which is not accompanied by the appropriate fee would be considered deficient and would not be processed by the Commission.

In the case of reviews of jurisdictional agency well-category determinations, the Commission proposes that each producer seeking a determination send its check along with its application to the jurisdictional agency, who in turn would send the check to the Commission along with determination.

Furthermore, in the areas where the Commission presently charges fees, it follows a policy of no refunds, with minor exceptions. The Commission expects to apply this no refund policy to all fees proposed under the IOAA, in this series of rulemakings, as well.

V. Direct Billing Alternative

As discussed above, the methodology that would be used to establish the proposed fees is based on the average cost of processing the average filing. The Commission occasionally receives filings which are not representative of these average filings. These filings may be so extensive in scope and present issues of such complexity or difficulty that the Commission must devote an extraordinary amount of time and staff resources processing them. The standard fees would bear no reasonable relationship to the actual cost of processing these extraordinary filings. Moreover, if the costs of processing these extraordinary filings were included in the average costs associated with average filings, persons submitting average filings would be subsidizing those submitting the extraordinary filings. Therefore, the Commission is proposing that in the case of an extraordinary filing, it would order a direct billing procedure.

Under this direct billing procedure, the Commission would periodically bill the person who submitted the filing for all the direct and indirect costs incurred by the Commission in processing the filing. The filing would then be processed like other filings, but the manpower devoted to processing the filing would be separately recorded and would not be averaged with the time devoted to processing the average filing.

VI. Summary of Proposed Rule

This proposed rule establishes fees for services and benefits provided by the Commission under the NGPA in proposed Part 381 of Chapter 1 of Title 18 of the Code of Federal Regulations.

Proposed § 381.103 provides that each filing must be accompanied by the proper fee or the filing will be considered deficient, which could result in rejection of the filing. Section 381.103 also provides that if a filing for one service or benefit may be considered as falling within two or more fee categories, the higher or highest of the applicable fees must be paid.

Proposed § 381.104 requires the Commission to publish a revised fee schedule each year to reflect an increase or decrease in costs.

Proposed § 381.106 provides that the Commission may waive or reduce fees if to do so is necessary to prevent undue economic burden.

Proposed § 381.107 provides that the Commission may order any filing, the processing of which requires an extraordinary amount of time and staff resources, to be assessed fees under a

direct billing procedure. Any fees paid under Part 381 upon submission of the filing would be credited against the direct bill.

Proposed § 381.301 establishes a $5,000 fee payable upon the submission of an application for an adjustment under section 502(c) of the NGPA. This includes a request for an individual exemption from incremental pricing.

Proposed § 381.302 establishes a $70 fee payable upon submission of a request for a well-category determination under section 503 of the NGPA.

Proposed § 381.303 establishes a $1,500 fee payable upon the filing of an initial report of a transaction under Title III of the NGPA.

Proposed § 381.304 establishes a $700 fee payable upon the filing of an extension report to a transaction under Title III of the NGPA.

Proposed § 381.305 establishes a $3,000 fee payable upon submission of a request for an interpretation of the NGPA by the Office of the General Counsel.

In addition, this proposed rule amends the following regulations contained in Chapter 1 of Title 18 of the CFR.

—Section 1.41(d) of Part 1 to add the requirement that the applicant send to the Commission, along with the application for an adjustment, the fee prescribed in Part 381.

—Section 1.42(d) of Part 1 to add the requirement that the requester send to the Commission, along with the request for an interpretation, the fee prescribed in Part 381.

—Subparts A and B of Part 274 to add the requirement that those producers seeking a well-category determination by a jurisdictional agency send to that agency the fee prescribed in Part 381, and to include the requirement that such fee subsequently be sent to the Commission when the agency sends its well-category determination to the Commission for review.

—Part 284 to add the requirement that the pipeline filing with the Commission send with its filing the fee prescribed in Part 381.

—Section 282.206(b) of Part 286 to add the requirement that the petitioner send with the petition seeking an exemption from incremental pricing the fee prescribed in Part 381.

VII. Initial Regulatory Flexibility Analysis

Whenever the Commission is required by section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553) to publish a general notice of proposed rulemaking, it is also required by section 603 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) to prepare and make available for public comment an initial regulatory flexibility analysis. The analysis must describe the impact the proposed rule will have on small entities. The broad purpose of the RFA is to ensure more careful and informed agency consideration of rules that may significantly affect small business and small government entities and to encourage cost-benefit analyses of these rules as well as the agency's consideration of alternative approaches that may better resolve any unnecessarily costly or adverse effects on these small entities.

In this preamble the Commission presents its reasons for this agency action, its objective and the legal basis for this rulemaking. As discussed, the proposed rule would establish a schedule of fees to be paid the Commission for certain benefits it provides. The proposed rule would not impose any reporting, recordkeeping or compliance requirements.

This rule would affect natural gas producers, natural gas pipelines and industrial end-users of natural gas subject to incremental pricing. There are approximately 10,000 natural gas producers, 300 pipelines, and 1,500 industrial end-users subject to incremental pricing in the United States.

Application for well-category determination are received almost entirely from producers. Of the 10,000 producers in the United States a substantial majority will eventually require a well-category determination.

During the course of implementing the section 502(c) adjustment procedures, the Commission has received approximately 300 applications. Slightly more than 50 percent of those requests come from producers. Approximately a third are received from pipelines seeking either an adjustment from the Title III regulations or an adjustment from curtailment priority regulations. Less than 15 percent come from incrementally priced end-users.[16]

Approximately 400 applications for interpretations have been received. Most of those requests have been received from producers and pipelines seeking interpretations of Title I of the NGPA.

Initial and extension fillings for Title III transactions are filed by pipelines. Approximately 100 pipelines have participated in Title III transactions.

The Small Business Administration's (SBA) regulations do not establish size standards for gas pipelines or producers. (*See* 13 CFR Part 121). Most pipelines, especially interstate pipelines, are large businesses and few of the pipelines subject to Title IV curtailment priorities or engaging in Title III transactions would be small. However, while the SBA has not established size standards for producers, a significant proportion would probably be classified as small businesses. Therefore, this rule may have a significant economic impact on a number of small producers.

The industrial end-users subject to incremental pricing are large users of natural gas. A few of these large users may qualify as small businesses; however, the Commission does not believe they would represent a substantial number.

Where a proposal may have significant economic impact on a substantial number of small entities, section 603(c) of the Regulatory Flexibility Act requires the Commission to discuss significant alternatives to the proposal. The Commission has already attempted to minimize any disproportionate burden the proposal would have on small businesses. The fees imposed for well category determinations are so minimal ($70 per application) that the Commission does not believe they will impose a significant economic burden. The fees proposed for the categories that will have the most significant economic impact on producers (adjustments and interpretations) recover only a small proportion of the provision for waiver or reduction of those fees to protect further any individuals subject to the fees from economic hardship. The Commission could, of course, consider reducing the fees costs incurred by the Commission. The proposal also contains further, or even eliminating the fees with respect to small businesses. However, in proposing the fees the Commission is also attempting to satisfy the statutory directive of the IOAA to be "self-sustaining to the full extent possible." The Commission believes the rule, as proposed, represents a fair balance which will satisfy the purposes of both the IOAA and the Regulatory Flexibility Act.

VIII. Written Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, not later than July 19, 1982. Each person submitting a comment should indicate that the comments are being

[16] The number of industrial end-users subject to incremental pricing may be significantly increased by a recent decision of the Court of Appeals for the D.C. Circuit in Consumer Energy Council of America v. FERC, Slip Op. No. 80–2184. (D.C. Cir. Jan. 29, 1982).

submitted in Docket No. RM82-30-000, and should give reasons, including any supporting data, for any recommendations. Comments should also indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies of each comment should be filed with the Commission. All comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

(Department of Energy Organization Act, 42 U.S.C. 7101; E.O. 12009, 3 CFR 142 (1979); Independent Offices Appropriations Act, 31 U.S.C. 483a)

List of Subjects

18 CFR Part 1

General definitions, Rules of construction.

Part 274

Natural gas, Wage and price controls.

18 CFR Part 284

Continental shelf, Natural gas, Reporting requirements

18 CFR Part 286

Administrative practice and procedure, Natural gas, Wage and price controls.

18 CFR Part 375

Authority delegations, Seals and insignia, Sunshine Act

18 CFR Part 381

General fees.

In consideration of the foregoing, the Commission proposes to amend Chapter I, Title 18 Code of Federal Regulations as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

1. Chapter 1 is amended in its table of contents by adding in the appropriate numerical order, a new part and heading, to read as follows:

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION

* * * * *

SUBCHAPTER W—REVISED GENERAL RULES

Part

* * * * *

381 Fees.

* * * * *

PART I—RULES OF GENERAL APPLICABILITY

2. Section 1.41 is amended by adding a new paragraph (d)(3) to read as follows:

§ 1.41 Requests for adjustments under the NGPA.

* * * * *

(d) *Initial application.* * * *

(3) *Filing fees.* Each application for adjustment must be accompanied by the fee prescribed in § 381.301 of this chapter.

* * * * *

3. Section 1.42 is amended by adding a new paragraph (d)(6), to read as follows:

§ 1.42 Interpretation and interpretative rules under the NGPA.

* * * * *

(d) *Content of request.* * * *

(6) *Filing fees.* Each request for interpretation must be accompanied by the fee prescribed in § 381.305 of this chapter.

* * * * *

PART 274—DETERMINATIONS BY JURISDICTIONAL AGENCIES

4. Section 274.104 is amended by adding a new paragraph (c) at the end thereof, to read as follows:

§ 274.104 Notice to the Commission.

* * * * *

(c) *Forwarding of fees.* All notices given to the Commission in accordance with paragraphs (a) and (b) of this section, must include the fee required to be filed by the applicant under § 274.201 of this Part.

5. Section 274.201 is amended by adding a new paragraph (e) at the end thereof, to read as follows:

§ 274.201 General Requirements.

* * * * *

(e) *Filing fees.* Each application for a determination filed pursuant to this subpart must be accompanied by the fee prescribed in § 381.302 of this chapter.

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

6. Section 284.206 is amended by adding a new paragraph (e) at the end thereof, to read as follows:

§ 284.106 Reporting requirements.

* * * * *

(e) *Filing fees.* Each initial full report required by paragraph (a) of this section and each extension report required by paragraph (c) of this section must be accompanied by the appropriate fee prescribed in §§ 381.303 and 381.304 of this chapter.

7. Section 284.126 is amended by adding a new paragraph (e) at the end thereof, to read as follows:

§ 284.126 Reporting requirements.

* * * * *

(e) *Filing fees.* Each initial full report required by paragraph (a) of this section and each extension report required by paragraph (c) of this section must be accompanied by the appropriate fee prescribed in §§ 381.303 and 381.304 of this chapter.

8. Section 284.148 is amended by adding a new paragraph (e) at the end thereof, to read as follows:

§ 284.148 Reporting requirements.

* * * * *

(e) *Filing fees.* Each initial report required by paragraph (a) of this section and each extension report required by paragraph (c) of this section must be accompanied by the appropriate fee prescribed in §§ 381.303 and 381.304 of this chapter.

9. Section 284.163 is amended by revising paragraph (c), to read as follows:

§ 284.163 Special rule.

* * * * *

(c) *Reports.* The reports required under §§ 284.4(b) and 284.165(d) are timely filed, and the initial full report required by § 284.165(d) is accompanied by the fee prescribed in § 381.303 of this chapter.

10. Subchapter W is amended by adding a new Part 381 to read as follows:

SUBCHAPTER W—REVISED GENERAL RULES

* * * * *

PART 381—FEES

Subpart A—General Provisions

Sec.

381.101 Purpose.
381.102 Definitions.
381.103 Filings.
381.104 Annual adjustment of fees.
381.105 Method of payment.
381.106 Reductions and waivers.
381.107 Direct billing.

Subpart B—Fees Applicable to General Functions

381.201 Declaratory orders. [Reserved]
381.202 Interpretations by the Office of the Chief Accountant. [Reserved]
381.203 Review of DOE denials of adjustment. [Reserved]
381.204 Review of DOE remedial orders. [Reserved]

Subpart C—Fees Applicable to the Natural Gas Policy Act of 1978

Sec.
381.301 Adjustments.
381.302 Well-category determinations.
381.303 Initial reports for Title III transactions.
381.304 Extension reports for Title III transactions.
381.305 Interpretations by the Office of the General Counsel.

Subpart D—Fees Applicable to the Natural Gas Act and Related Authorities [Reserved]

Subpart E—Fees Applicable to the Federal Power Act [Reserved]

Subpart F—Fees Applicable to the Public Utility Regulatory Policies Act of 1978 [Reserved]

Subpart G—Fees Applicable to the Interstate Commerce Act and Related Authorities [Reserved]

Authority: Department of Energy Organization Act (42 U.S.C. 7101–7352); E.O. 12009, 3 CFR Part 442 (1978); Independent Offices Appropriations Act (31 U.S.C. 483a).

Subpart A—General Provisions

§ 381.101 Purpose.

The purpose of this Part is to set forth the fees charged by the Commission for services and benefits provided by the Commission.

§ 381.102 Definitions.

For purposes of this part, the following definitions apply.

(a) "Person" as used in this Part means any person, group, association, organization, partnership, corporation, or business, except those engaged in the transaction of official business of the Government.

(b) "Work year cost" means the ratio of the Commission's budgeted expenses during any given fiscal year to the authorized staff level for that fiscal year.

(c) "Filing" means any application, petition, request, or motion submitted to the Commission in connection with any of the services or benefits for which a fee is established in this part.

§ 381.103 Filings.

(a) *Submittal of fees.* Except as provided in § 381.106, a fee in the amount set forth in this part must accompany each filing for which a fee has been established.

(b) *Deficiencies.* (1) Any filing that is not accompanied by either the fee established for that filing or a request for reduction or waiver in accordance with §381.106 is deficient.

(2) The Secretary will inform any person who submits a deficient filing that:

(i) Such filing will be rejected, unless the appropriate fee is submitted within a specified time;

(ii) The Commission will not process any filing that is deficient under this paragraph; and

(iii) The date of filing will be deemed the date on which the Commission receives the appropriate fee.

(3) This provision does not preclude a determination that a filing is deficient for any other reason.

(c) *Choice of two fees.* If a filing for one service or benefit may be considered as falling within two or more categories of service for which a fee is established, that filing must be accompanied by the higher or highest of the applicable fees.

§ 381.104 Annual adjustment of fees.

(a) *Update and publication.* Beginning in fiscal year 1983, fees established in this part are updated annually, in accordance with this section. Updated fees are published in the **Federal Register** and as an appendix to this part.

(b) *Payment of updated fees.* Any person who, after fiscal year 1982, submits a filing for which a fee is established in this part must pay the updated fee under this section or, if the fee has not been updated at the time of the filing, the currently effective fee.

(c) *Formula.* The fee applicable to a fee category in each fiscal year is the fee for the previous fiscal year for that category, multiplied by the ratio of the work year cost for the fiscal year for which the fee is determined to the work year cost for the previous fiscal year. The fee is rounded down to the nearest five dollar increment.

(d) *Effective date of fee.* Any fee updated under this section becomes effective on the thirtieth day after publication in the **Federal Register** of the revised appendices to this part, or the first day of the fiscal year for which the fee is updated, whichever is later.

§ 381.105 Method of payment.

Fee payments must be made by certified check or money order payable to the Treasurer of the United States.

§ 381.106 Reductions and waivers.

(a) *When to request.* At the time that a filing is submitted to the Commission the applicant may request a waiver or reduction of the fee prescribed in this part.

(b) *Basis.* The applicant must show that waiver or reduction of the fee is necessary to prevent undue economic burden on the applicant.

(c) *Commission action.* The Commission or its delegatee will notify the applicant within 21 days of the decision to grant or deny the request for waiver or reduction. The filing will not be processed until disposition of the waiver request.

§ 381.107 Direct billing.

(a) *Applicability.* If a filing presents issues of fact or law, procedural difficulty, or technical complexity, which require an extraordinary amount of Commission time and effort to be devoted to processing that filing, the Commission will institute a direct billing procedure for that filing. Fees assessed by a direct billing procedure in accordance with this section will supersede the fees established in this part for the appropriate category of service.

(b) *Procedures.* (1) If the Commission determines that a filing meets the standards prescribed in paragraph (a), the Commission may order that the full cost of processing the filing be recovered under a direct billing procedure. The Commission will make a direct billing determination under this paragraph not later than one year after the filing is accepted for filing by the Commission.

(2) Direct billing will not be instituted with respect to any filing until the person who submitted the filing is notified that direct billing will be applied to the filing in lieu of the fees established under this part.

(3) Any fee submitted with the filing will be applied, as a credit, to the amount billed directly for processing costs. The Secretary will thereafter periodically bill the person who submitted the filing for the actual direct and indirect costs which are incured in processing the filing after the Commission orders the direct billing procedure instituted.

Subpart B—Fees Applicable to General Functions

§ 381.201 Declaratory orders. [Reserved]

§ 381.202 Interpretations by the Office of the Chief Accountant [Reserved]

§ 381.203 Review of DOE denials of adjustment [Reserved.]

§ 381.204 Review of DOE remedial orders [Reserved]

Subpart C—Fees Applicable to the Natural Gas Policy Act of 1978

§ 381.301 Adjustments.

The fee established for an application for adjustment under section 502(c) of the NGPA is $5,000.00 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. Such fee must be submitted in accordance with Subpart A of this part and § 1.41.

§ 381.302 Well-category determinations.

The fee established for an application for a well-category determination is $70.00 for fiscal year 1982 and, for subsequent years, is the fee established by § 381.104. Such fee must be submitted in accordance with Subpart A of this part and §§ 274.201 through 274.208.

§ 381.303 Initial reports for Title III transactions.

The fee established for an initial report is $1,500.00 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. Such fee must be submitted in accordance with Subpart A of this part and §§ 284.106(a), 284.126(a), 284.148(a) and 284.165(d).

§ 381.304 Extension reports for Title III transactions.

The fee established for an extension report is $700.00 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. Such fee must be submitted in accordance with Subpart A of this part and §§ 284.106(c), 284.126(c), and 284.148(c).

§ 381.305 Interpretations by the Office of the General Counsel.

The fee established for a request for interpretation of the NGPA is $3,000.00 for fiscal year 1982 and, for subsequent fiscal years, is the fee established by § 381.104. Such fee must be submitted in accordance with Subpart A of this part and § 1.42.

Subpart D—Fees Applicable to the Natural Gas Act and Related Authorities [Reserved]

Subpart E—Fees Applicable to the Federal Power Act [Reserved]

Subpart F—Fees Applicable to the Public Utility Regulatory policies Act of 1978 [Reserved]

Subpart G—Fees Applicable to the Interstate Commerce Act and Related Authorities [Reserved]

PART 375—THE COMMISSION

11. Part 375 is amended in the table of contents by adding, in the appropriate numerical order, a new section number and heading, to read as follows:

Sec.

Subpart C—Delegations

* * * * *

375.313 Delegation to the General Counsel.

12. Section 375.307 is amended by adding a new paragraph (t) at the end thereof, to read as follows:

§ 375.307 Delegations to the Director of the Office of Pipeline and Producer Regulation.

* * * * *

(t) Waive or reduce the fees prescribed in §§ 381.301, 381.303 and 381.304 of this chapter in accordance with § 381.106 of this chapter.

13. Part 375 is amended in Subpart C by adding a new § 375.313, to read as follows:

§ 375.313 Delegations to the General Counsel.

The Commission authorizes the General Counsel to waive or reduce the fees prescribed by § 381.305 of this chapter in accordance with § 381.106 of this chapter.

[FR Doc. 82-15523 Filed 6-7-82; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 201

[Docket No. 80P-0437]

Requirements for Designating a Manufacturer's Name on a Drug Product Label

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the regulation setting forth requirements for designating a manufacturer's name on a drug product label to permit a firm to claim to have made a product actually made by a corporately related firm under common ownership and control. The action responds to a petition pointing out various marketing and labeling problems that the current regulation poses for certain diversified corporate structures. The proposed regulation would permit any member of a diversified corporate "family" to claim to have made a product made within the "family".

Note.—In the **Federal Register** of January 13, 1981 (46 FR 2977), FDA announced a stay of those parts of the final rule that would prevent a firm from claiming to have made a product actually made by a corporately related firm. That stay will remain in effect pending resolution of this rulemaking.

DATES: Comments by August 9, 1982; proposed effective date of the final rule based on this proposal is 60 days after date of publication of the final rule in the **Federal Register**.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Steven Unger, Bureau of Drugs (HFD-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5220.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 15, 1980 (45 FR 25760), FDA issued a final regulation, § 201.1 (21 CFR 201.1), amending the requirements for designating the manufacturer's name on drug product labels. The regulation specifies the conditions under which a person may be identified on the label of a drug product as its manufacturer. The regulation, which became effective April 10, 1981, contains several provisions that govern the kind of manufacturing claim that can be made on a drug product label when two or more corporately related drug firms are involved in the manufacture or marketing of a product. Section 201.1(g) provides, among other things, that the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name, which may be preceded or followed by the name of a particular division. The section also states that a separately incorporated subsidiary shall use its actual corporate name and not the name of its parent company. Section 201.1(f) provides that the name of the person represented as manufacturer must be the same as the name of the establishment under which that person is registered at the time the label product is produced. Thus, under the regulation, if two or more divisions, of a parent company make a product, the product, by whatever division it is made, can be labeled as manufactured by the parent company. However, if separately incorporated subsidiaries of the parent company manufacture the product, different labels would be required for each subsidiary.

After publication of the final rule, but before the regulation became effective, the agency received a number of complaints about those provisions of the final rule that would prevent a parent company from claiming to be a drug product's manufacturer when a product was actually made by a separately incorporated subsidiary of the parent company. These complaints came from a number of individual drug corporations as well as from the Pharmaceutical Manufacturers Association (PMA). On October 10, 1980, PMA petitioned the agency to amend the regulation to

permit anyone within a corporate family to claim to have made a product made within that family. Specifically, the petition urged that § 201.1(g) be amended to read as follows:

The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. The actual corporate name may be either the name of the parent, subsidiary and/or affiliate company where there exists an ownership and control relationship between the companies and the parent, subsidiary and/or affiliate company either individually or jointly qualified as a manufacturer. Abbreviations for "company", "incorporated", may be used and "The" may be omitted. In the case of an individual partnership, or association, the name under which the business is conducted shall be used.

The petition argued that economic, legal, and tax considerations may encourage an enterprise to structure its organization so that one or more incorporated subsidiaries manufacture a drug product for a common parent company. The petition conceded that, technically speaking, a subsidiary is a separate entity, but contended that it is owned and controlled by another corporation that ultimately is responsible for its activities. The petition argued further that the relationship between the parent and subsidiary is similar to the one existing between a corporate parent and division or other operating unit within a corporation. The petition concluded that no regulatory problem or consumer confusion could be attributed to a provision that would permit a parent company or any other company in a corporate family to claim to have made products made by any other member of the corporate family and argued, to the contrary, that the use of an unknown or lesser-known subsidiary could well be less informative due to lack of recognition than would be the use of the parent name or the name of the more well-known subsidiary.

The agency also received several letters from individual drug firms pointing out various labeling and marketing difficulties posed for them by the final regulation. For example, the Proctor and Gamble Co., in a letter to FDA dated August 27, 1980, asked that it be permitted to continue to use the abbreviated name "Proctor and Gamble" for products either made or distributed by companies that use Proctor and Gamble in the corporate name, i.e., the Procter and Gamble Co., the Proctor and Gamble Manufacturing Co., and the Proctor and Gamble Distributing Co. The letter stated that "[L]iteral compliance with section 201.1(f) and (g) would Produce trivial, insignificant changes of absolutely no benefit whatsoever to anybody and would present an unreasonable logistical and very expensive burden * * * ." To help the agency consider the issues identified in the petition submitted by the PMA and in the letters of individual manufacturers, FDA published a notice in the **Federal Register** of January 13, 1981 (46 FR 2977), asking for comment on these issues from interested persons. Specifically, the agency sought comments on the following issues:

(1) The benefits, if any, of retaining the current regulatory distinction between the parent corporation and the separately incorporated subsidiary?

(2) The benefits and costs of permitting a drug company to claim to have made products actually made by a corporately related firm?

(3) If the agency decided that the petition was meritorious, should it amend the regulation to permit a corporately related firm to be identified as the manufacturer in place of the actual manufacturer, or retain the present regulation and permit individual drug firms to request waivers on a case-by-case basis? And if the agency decided to review waiver requests on an individual basis, what principles should it consult in assessing the merits of an individual request?

FDA received seven comments on the proposals. Five comments in general favored adopting the PMA petition, while two urged rejection of the proposed change.

The comments in favor argued that there was no benefit in retaining the distinction on product labels between parent and separately incorporated subsidiaries. Further, these comments contended that there would be considerable benefit to adopting the PMA proposal. One comment succinctly made the case for adopting the petition as follows: "All interested parties will benefit by clearly identifying the one corporation within a corporate family which is responsible for the product. The regulation as proposed by PMA will prevent the presentation of a confusing array of corporate names on a product's label * * *" These comments generally opposed a waiver system, suggesting that a revision to the regulation would more efficiently accomplish the goal of the petition.

The two comments critical of the petition argued that its adoption would result in consumer deception and confusion. One comment suggested that under PMA's proposed change a "* * * company manufacturing under contract to its parent and a third party would have to have its status disclosed in one case but not another." The comment deplored the result. The comment noted that "General Motors, a unitary corporation, even discloses that cars made by one of its divisions may have engines furnished by another * * *" and urged that this principle of disclosure was as applicable to drugs as to automobiles.

FDA has carefully considered the PMA petition and the comments received on it and has tentatively concluded that, for products made by a member of a group of related companies under common ownership and control, any member of the group should be permitted to identify itself as the product's manufacturer, packer, or distributor. Therefore, the agency is proposing to amend § 201.1 to state that "person," when it identifies a corporation, includes the parent, subsidiary, or affiliate company where the related companies are under common ownership and control. The agency concedes that such revision may in some cases increase confusion about who actually made, packed, or distributed a product; furthermore, the agency recognizes that in general disclosure of the particular subsidiary or division responsible for making a product is to be preferred. Nevertheless, FDA concludes that the potential costs of such revision are outweighed by the benefits to be gained by according labelers greater flexibility in making the statutorily required disclose of the name and place of business of the manufacturer, packer, or distributor.

In the **Federal Register** of January 13, 1981 (46 FR 2977), FDA stayed those provisions of amended § 201.1 that affected which company within a corporate family of companies may identify itself as the manufacturer, packer, or distributor of a labeled drug product. That stay will remain in effect pending the resolution of this rulemaking.

The agency has determined pursuant to 21 CFR 25.24(d)(13) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an enviromental impact statement is required.

In accordance with Executive Order 12291, the economic effects of this

proposal have been carefully analyzed, and it has been determined that the proposed rule is not a major rule as defined by that Order. For drug products manufactured by one of several firms within a corporate network of firms, the rulemaking removes an exiting mandatory requirement that the label of such products bear the actual corporate name and place of business of the manufacturer, packer, or distributor. Instead, the proposed amendment would allow the label to bear the name of any corporate entity related to the actual manufacturer, packer, or distributor and under common ownership and control. As this change would grant manufacturers significant flexibility in choosing what information to include in product labels, it should not increase and may decrease labeling costs.

In accordance with the Regulatory Flexibility Act (Pub. L. 96–345), the agency has considered the effect that this proposed rule would have on small entities. As the effects of the proposed rule would be to permit considerable flexibility in identifying on the label the statutorily required name of the manufacturer, packer, or distributor, it should not increase and may decrease labeling costs for labelers, including small businesses. Therefore, the agency certifies that this rulemaking, if promulgated, will not have a significant economic impact on a substantial number of small entities, including small businesses.

List of Subjects in 21 CFR Part 201

Drugs, Labeling.

PART 201—LABELING

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 701(a), 52 Stat. 1050–1051 as amended, 1055 (21 U.S.C. 352, 371(a))) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), it is proposed that Part 201 be amended in § 201.1 by revising paragraphs (c)(4), (e)(3), (f), and (g) to read as follows:

§ 201.1 Drugs; name and place of business of manufacturer, packer, or distributor.

* * * * *

(c) * * *

(4) If the person performs all applicable operations listed in paragraph (b) of this section except for those operations listed in paragraph (d) of this section. For purposes of this paragraph, person, when it identifies a corporation, includes a parent, subsidiary, or affiliate company where the related companies are under common ownership and control.

* * * * *

(e) * * *

(3) On equipment that is continuously owned or leased by the person. As used in this paragraph, person, when it identifies a corporation, includes a parent, subsidiary, or affiliate company where the related companies are under common ownership and control.

(f) The name of the person represented as manufacturer under paragraph (b) or (c) of this section must be the same as either (1) the name of the establishment (as defined in § 207.3(b) of this chapter) under which that person is registered at the time the labeled product is produced or (2) the registered establishment name of a parent, subsidiary, or affiliate company where the related companies are under common ownership and control. In addition, the name shall meet the requirements of paragraph (g) of this section.

(g) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporate person, only by the actual corporate name, except that the corporate name may be the name of a parent, subsidiary, or affiliate company where the related companies are under common ownership and control. The corporate name may be preceded or followed by the name of the particular division of the corporation. "Company," "Incorporated," etc., may be abbreviated or omitted and "The" may be omitted. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

* * * * *

Interested persons may, on or before August 9, 1982, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 5, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: May 13, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82–15415 Filed 6–7–82; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–18–82]

Filing of Life-Nonlife Consolidated Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the filing of a consolidated return by an affiliated group of corporations composed of at least one life or mutual insurance company and one or more different companies. The Tax Reform Act of 1976 provided new rules permitting this type of a consolidated return. The regulations would provide guidance to the public and Internal Revenue Service personnel.

DATES: The regulations are proposed to be effective for taxable years for which the due date (without extensions) for filing returns is after [the filing date of the Treasury Decision]. Written comments and requests for a public hearing must be delivered or mailed by August 2, 1982.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–18–82), 1111 Constitution Ave., NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Donald K. Duffy of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (202–566–4336, not a toll free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed regulations relating to the filing of a consolidated return by an affiliated group which has as members at least one mutual or life insurance company and one other corporation. Section 1507 of the Tax Reform Act of 1976 (90 Stat. 1739) added section 1504(c)(2) to the Internal Revenue Code of 1954 to permit such a filing at the election of the group. In the event of such an election, the Tax Reform Act also added section 1503(c) to the Code to provide certain limitations on usual consolidated return principles in the regulations under section 1502.

General Explanation

Section 1501 gives an affiliated group of corporations the privilege of making a consolidated return, in lieu of separate returns, to determine the income tax imposed by chapter 1 of the Internal Revenue Code of 1954. Section 1502 delegates authority to the Secretary of the Treasury to prescribe regulations that clearly reflect the income tax liability of an affiliated group of corporations making a consolidated return and of each corporation in that group both during and after the period of affiliation. The existence of an affiliated group and the identification of its members are therefore important.

Section 1504 establishes the existence of an affiliated group and the composition of its membership. An affiliated group is one or more chains of "includible" corporations connected with each other and with a common parent corporation through a certain percentage of stock ownership. The common parent is the includible corporation that owns the requisite stock percentage of at least one of the other includible corporations but whose stock is not owned in the requisite percentage by another includible corporation.

Not every corporation is an "includible corporation". Insurance companies subject to taxation under section 802 (referred to as life companies) or under section 821 (referred to as mutual companies) are not, as a general rule, includible corporations under section 1504(b)(2). Prior to the Tax Reform Act of 1976 (the Act), these companies were prohibited from filing a consolidated return with other corporations, even if the requisite stock ownership existed. Historic reasons motivated this prohibition because life and mutual insurance companies determined their taxable incomes under statutory schemes that were quite different from the rules that applied to other corporations. See, *S. Rep. No. 94-938,* 94th Cong. 2d Sess. 454 (1976).

Section 1507 of the Act removes this prohibition by adding section 1504(c)(2) to the Code, which permits the treatment of life or mutual insurance companies as includible corporations. At the same time, the Act added section 1503(c) to the Code, which limits the use of nonlife company losses against life company income. These limitations indicate that Congress was unwilling to allow life insurance companies and other types of corporations to file consolidated returns on a traditional basis.

Life Insurance Company Taxation

The term "life insurance company taxable income" will be referred to in this document as LICTI. The proposed regulations also employ other abbreviations which are commonly used by practitioners who deal with life insurance company taxation.

Section 802(b) defines LICTI. The principal components of a life company's LICTI are its taxable investment income and its gain from operations. These two components overlap.

Taxable investment income consists in part of a company's share of investment yield, *i.e.,* income that is not considered to be set aside to meet the company's reserve liabilities to its policyholders.

Gain from operations consists of the company's total income. Since, in general, gain from operations includes both the life company's share of net investment income and underwriting gain or loss, gain from operations exceeds taxable investment income when a life company has underwriting gain. Conversely, gain from operations is less than taxable investment income when the life company has underwriting loss and an overall loss from operations indicates underwriting loss that exceeds the company's share of its net investment income.

With these two components of a life insurance company's income in mind, section 802(b) defines LICTI as the sum of three amounts.

The first amount is taxable investment income or, if smaller, gain from operations.

The second amount is, if gain from operations exceeds taxable investment income (excess gain from operations), an amount equal to 50 percent of this excess gain from operations.

For a stock life company, the untaxed 50 percent of excess gain from operations, together with certain special deductions described below, is placed in what is referred to as a policyholders' suprlus account. The amounts placed in the account are included in LICTI as the third item of income when the company is deemed to have withdrawn amounts from this surplus account.

Two aspects of this statutory scheme are important in deciding on a method for determining a group's consolidated taxable income when two or more of its members are life companies. First, an underwriting loss is fully deductible against taxable investment income since the first amount of LICTI is the lower of taxable investment income or gain from operations. In contrast, only 50 percent of underwriting gain is included in the current tax base since the second amount of LICTI is 50 percent of excess gain from operations.

Secondly, life companies are allowed certain special deductions under section 809(d) (3), (5), and (6). However, these deductions generally may be applied only against underwriting gain since they are allowed under section 809(f)(1) only to the extent of $250,000, plus the company's excess gain from operations (before the allowance of the special deductions).

Sections 1504(c)(2) and 1503(c)

Section 1504(c)(2) permits the common parent of an affiliated group to elect to treat life and mutual insurance companies as includible corporations notwithstanding the exclusion in section 1504(b)(2). The common parent of an affiliated group is identified by treating all life and mutual insurance companies as includible corporations. Only the common parent may make the election.

There is one limitation on includibility. A particular life or mutual insurance company will not be treated as an includible corporation, or member, of the group under section 1504(c)(2) if the company has not otherwise been a member of the group for the five taxable years preceding the first taxable year for which the election is made and the consolidated return is filed.

If the election is made, then under section 1503(c)(1), a "consolidated net operating loss" of nonlife members that cannot be absorbed in the applicable carryback periods of the nonlife members against nonlife taxable income may be used in part against the taxable income of the life members as generally computed under sections 801–82). The part of the nonlife loss (whether arising in the current year or as part of a carryover) that may be used in any one year is limited to a certain percentage of the lesser of the nonlife losses not previously used or the taxable income of the life members. Nonlife losses may not be carried back against life company income.

There is one additional limitation in section 1503(c)(2). The net operating losses of a nonlife member may not reduce a life member's taxable income if the loss arose before the nonlife member has been a member of the same affiliated group as the life member for five taxable years. For this purpose, an affiliated group is defined without regard to sections 1504 (b)(2) and (c)(20). The five-year rule in section 1504(c)(2) complements the five-year rule in section 1503(c)(2).

The regulations propose to answer the two major questions presented by the

statutory scheme discussed above. The first question involves the five-year rules. The second question relates to the method of consolidation for the life-nonlife group and the extent to which the usual principles of consolidation apply.

Two Five-Year Rules

The five-year rules in sections 1504(c)(2) and 1503(c)(2) appear to be intended to discourage acquisitions from outside the group (intergroup acquisitions). See 122 Cong. Rec. S. 24680–89 (July 30, 1976). Furthermore, section 1503(c)(1) limits the use of nonlife losses against life income because Congress recognized that life companies are taxed quite differently than other companies and it wanted them to pay taxes on amounts approximating taxable investment income. *See S. Rep. No. 94–938, supra.* For these reasons, the regulations propose to construe the five-year rules strictly.

The proposed regulations use the term "eligible corporation" in § 1.1502–47(d)(12) to identify a corporation that has been a member of the group (without section 1504 (b)(2) and (c)(2)) for five taxable years. If a life or mutual insurance company is ineligible, it is not an includible corporation, and thus is not a member of the group. However, an ineligible nonlife company is an includible corporation but under section 1503(c)(2) its losses may not reduce the income of eligible life members. The five taxable years refer to the taxable years of the common parent of the group because the consolidated return is filed on that basis. As a general rule, a corporation, whether life or nonlife, must be in existence and a member of the group (without section 1504 (b)(2) and (c)(2)) for five taxable years of the common parent to constitute an eligible corporation. There are three exceptions or qualifications to this rule.

First, a corporation will not be treated as an ineligible corporation merely because it undergoes a reorganization described in section 368(a)(1)(F). Second, a corporation will not be treated as in existence for any period during which it does not conduct substantial business activities. Third, a corporation will be treated as a new member of the group (without section 1504 (b)(2) and (c)(2)) for any period after it substantially increases the size or changes the character of its trade or business and the increase or change is attributable to an acquisition of assets from outside the group. (See § 1.1502–75(d)(3) for similar rules that apply to determine whether a group that in form continues in existence will be treated as continuing or terminating.) These three rules apply a substance over form analysis and they are consistent with the purposes of sections 1504(c)(2) and 1503(c).

The Treasury Department recognizes that the proposed regulations rely on form over substance in the case of some transfers and reorganizations that may occur between eligible corporations (referred to as intragroup transactions) which result in the creation of what is in form a corporation that has not been in existence for five years. On the other hand, the Treasury felt that the statute permits this formalistic treatment and that for two reasons it would be impractical at this time to propose rules permitting a new corporation arising in an intragroup transaction to be treated as if it had the five-year age of its transferor.

Treasury is primarily concerned that a rule that did not require five years of formal existence would enable taxpayers to avoid the five-year rules in the case of intergroup acquisitions.

For example, assume that L, an eligible corporation, is a large life company that purchases for cash the assets of L_1, a smaller life company, from outside the group. L is still an eligible corporation. If instead, L purchases for cash the stock of L_1, L_1 as a separate company is ineligible. Although sections 1504(c)(2) and 1503(c)(2) do not always taint asset acquisitions if business reasons permit them, it would defeat the purpose of those sections to equate all acquisitions with asset acquisitions. It is this concern, coupled with limitations on the rules noted above for change in a company's size or character in the many conceivable patterns that could arise, which motivates the rule in the proposed regulations. For example, if L, above, rather than purchasing L_1's stock, creates a new subsidiary by transferring cash and perhaps other property to a new subsidiary, L_2, and shortly thereafter L_2 purchases the assets of L_1, L_2 should be ineligible. L_2 would not be ineligible if it constitutes an eligible corporation after its creatiion by L and if, after the acquisition of the assets of L_1, L_2 satisfied the change in size and character rules. The Treasury Department is also concerned about the ability of a member to split-up (through a section 351 or section 355 transaction or otherwise) into a life company and a casualty (or noninsurance) company. See section 844 (which requires a recomputation of a single company's losses if it is subject to tax under one part of subchapter L of the Code in the year a loss arises and another part in the year to which a loss may be carried), section 1503(c), and *S. Rep. No. 94–938, supra.*

The Treasury invites public comments on intragroup transactions to provide certain, workable rules that would assure not only the integrity of the prohibition on intergroup acquisitions but also that the privilege, or a change in the manner, of using nonlife losses against life company income (as computed under the special provisions of sections 801–820) is not a reason in whole or in part for an intragroup shuffling.

Method of Consolidation

Section 1503(c)(1), which limits the use of nonlife losses against life company income, strongly suggests a method of consolidation that differs from the usual method in the regulations under section 1502.

Normally, the members of a group are treated as one entity in computing the group's taxable income and tax liability. See §§ 1.1502–2 and 1.1502–11. The technique for computing the group's taxable income is a combination of an aggregation of a part of each member's separate taxable income and a consolidation of the remaining income and deduction items not taken into account in the aggregation of separate taxable incomes. If the group has a net operating loss, no tax is imposed under section 11. The loss can be carried back and then carried over to serve as a net operating loss deduction under section 172 for the group. However, section 1503(c)(1) creates a completely different pattern.

In order to reflect the provisions of section 1503(c)(1), the regulations propose to adopt a subgroup method for computing a life-nonlife group's consolidated taxable income. To a large extent, the nonlife members and the life members are treated as if they were two separate groups.

Initially, the nonlife subgroup computes nonlife consolidated taxable income and the life subgroup computes consolidated partial life insurance company taxable income (defined below). Losses may be generated by either subgroup. One subgroup's loss may in effect reduce the income of the second subgroup by way of a set-off at the bottom line in determining the entire group's consolidated taxable income.

There are limitations on the use of a subgroup's loss in determinng the group's consolidated taxable income. A loss of one subgroup must first be carried back against its own income before the loss may reduce any income of the second subgroup in the year the

loss arose. This carryback of the first subgroup's loss may result in a "bump" of a previously used loss of the second subgroup that reduced income of the first subgroup. If the second subgroup's loss is bumped, it still may be carried over to others years. This method gives the entire group the benefit of any tax saving from the use of a subgroup's loss but it assures that insofar as possible life deductions will be matched against life income and nonlife deductions will be matched against nonlife income. Finally, one subgroup's loss may be carried over to a succeeding year, but it must be carried first against its own income before it may be used in that year as a bottomline setoff to income of the other subgroup.

The regulations propose to adopt this subgroup method for two reasons. The first reason is that subgroup treatment is required to comply with three provisions in section 1503(c)(1). The first provision is that the nonlife consolidated net operating loss (*i.e.*, the loss that may reduce life income) is itself computed on a subgroup basis. The second provision is that the only portion of the nonlife loss that may reduce life income is the amount that cannot be carried back against nonlife income and, furthermore, the nonlife loss can never be carried back against life company income. The third provision is that only a portion of the nonlife loss can be used against life income in any one year and thus, for example, if life taxable income is lower than the nonlife loss, the entire group has consolidated taxable income even though the group's losses exceed its income. This third provision requires a major departure from the usual method of consolidation under section 1502.

The second reason is that the subgroup treatment reflects the unique natures of life insurance business and life insurance taxation as compared to other insurance companies and noninsurance companies. Before the Act, a casualty insurance company taxable under section 831(a) would be as includible corporation along with noninsurance companies in a group in contrast to a life insurance company. See section 1504(b)(2). Moreover, there were no restrictions in the Code on a casualty insurance company using losses of noninsurance company members, or vice versa. Under section 1504(c)(2) as added by the Act, the same results are possible for a mutual insurance company taxable under section 821(a).

A life insurance company taxed under section 802, on the other hand, conducts a business that differs substantially from the mutual and stock casualty companies and sections 801–820 recognize this difference, as does section 1503(c)(1). A life company has an "operations loss deduction" (determined under section 812) which it deducts from gain from operations under section 809(d)(4), not from life insurance company taxable income. (As indicated earlier in this document, gain from operations is included in LICTI only to the extent of 50 percent of the excess of that gain over taxable investment income.)

Section 1503(c)(1) allows, subject to a percentage limitation, a nonlife loss to reduce life insurance company taxable income rather than gain from operations. Thus, nonlife losses will not affect a life company's special deductions that may only reduce underwriting gain under section 809(f)(1) or the amount of its excess gain from operations that is taxed curretnly at half the statutory tax rate, *i.e.*, 46 percent nonlife losses reduce 46 percent life income. On the other hand, section 1503(c)(1) (or any other Code provision) does not necessarily permit a life company operations loss, which reduces gain from operations, to reduce nonlife company taxable income. Compare section 809(d)(4) with sections 172(b), 832(c)(10), 821(b)(2)(C), and 844. To allow life operating losses to reduce nonlife taxable income on a consolidated return may result in allowing the life loss, that would otherwise reduce life income taxed currently at a 23 percent rate (excess gain from operations), to reduce nonlife income taxed at a 46 percent rate.

Nevertheless, the regulations propose to permit life losses to be used against nonlife income but only in a way that reflects the fact that life companies conduct a business that differs substantially from other companies and are taxed differently in recognition of this fact. That way is the subgroup method which matches life deductions against life income whenever possible. Furthermore, the Treasury Department may propose rules in the near future to require life companies to recompute special deductions and excess gain from operations in a later year to reflect the use of a life operating loss against nonlife taxable income in an earlier year.

Finally, Congress limited the use of nonlife losses against life company income to preserve the notion that life companies pay a tax on some portion of an amount represented by taxable investment income. See *S. Rep. No. 94–938, supra.* The subgroup method is designed to achieve this purpose.

Consolidated Partial LICTI

If a group includes more than one life insurance company, the proposed regulations create a life subgroup and require a deterrmination of the life subgroup's consolidated partial LICTI (as defined in paragraph (j)) as if the life subgroup filed a consolidated return under section 1504(c)(1). There are no consolidated return regulations under section 1502 for a life group as defined in section 1504(c)(1). These proposed regulations will only apply to a group making the election under section 1504(c)(2). Proposed regulations under section 1502 for life groups under section 1504(c)(1) will be published shortly and will provide more detailed rules in computing LICTI when two or more life companies join in the filing of a consolidated return.

There are two principal issues in selecting the method of determining consolidated partial LICTI. First, should an underwriting loss of one member of the life subgroup first offset its own share of investment income or should it be applied first against underwriting gains of other members of the life subgroup? Second, a derivative of the first issue, should the special deductions of a particular life member be applied separately against its own underwriting gain or should those deductions be consolidated and applied against consolidated underwriting gain of the life subgroup? These issues are discussed below.

The regulations propose to adopt a modified phase-by-phase method of consolidation. Under this method, consolidated taxable investment income and consolidated gain (or loss) from operations are each determined by aggregating each member's separate taxable investment income and separate gain (or loss) from operations. The proposed regulations generally follow the principles of § 1.1502–12 which provides rules relating to the determination of separate taxable income. Accordingly, separate taxable investment income and separate gain (or loss) from operations are first determined without items that are subject to consolidated treatment. Consolidated partial LICTI is then the sum of two items:

I. Consolidated taxable investment income (or, if smaller, consolidated gain from operations); and

II. Fifty percent of the amount (if any) by which consolidated gain from operations exceeds consolidated taxable investment income.

The sum of the amounts subtracted under section 815 from the

policyholders' surplus accounts of each life company in the group is a separate element of consolidated taxable income under proposed paragraph (g)(3).

Methods of consolidation for the life subgroup other than a modified phase-by-phase method were considered but were rejected because they were inconsistent with the provisions of sections 801–820 and the overall approach adopted in existing consolidated return regulations. There are two other principal methods of consolidation—single-entity and bottom-line.

The single-entity, or item-by-item, method would essentially treat the members of the group as one taxable entity. This method of consolidation was rejected for two reasons. First, it is inconsistent with the approach adopted in existing consolidated return regulations. Secondly, the single-entity method is inconsistent with at least one aspect of life insurance company taxation—section 818(f), which is a codification of *Jefferson Standard Life Ins. Co. v. U.S.*, 408 F.2d 842 (4th Cir. 1969), *cert. denied*, 396 U.S. 828 (1969).

The bottom-line method of consolidation for the life subgroup would require each life member to compute separately its taxable investment income and gain from operations without items traditionally computed on a consolidated basis (such as the charitable contributions deductions) and without the special deductions and the 50 percent exclusion of excess gain from operations. Consolidated items would be allocated back to the life members. Then, each member would compute its separate LICTI reflecting its own special deductions, limitation on these deductions, and the 50 percent excess gain exclusion. Results would then be consolidated at the bottom line. If one life had a loss from operations (i.e., its underwriting loss exceeded its taxable investment income), the loss could be offset against LICTI of other life members. However if one life member's gain from operations was less than its share of taxable investment income (*i.e.*, its underwriting loss did not exceed its taxable investment income), its underwriting loss could be offset against its own otherwise fully taxed investment income. Similarly, if one life member had underwriting gain (*i.e.*, its gain from operations exceeded its taxable investment income) while another member had an underwriting loss, the gain company could reduce its underwriting gain (excess gain from operations) by its special deductions and by 50 percent of any remaining excess gain from operations, without first consolidating that gain with the other member's underwriting loss.

These two alternative methods were rejected. The consolidated return regulations primarily use a classification approach to determine items required to be consolidated. This approach is particularly true when an item of income is preferentially treated or a deduction is limited to an amount or percentage of taxable income. For example, §§ 1.1502–41 and 23 require net capital gain and section 1231 net gain or loss, respectively, to be computed on a consolidated basis. Underwriting experience, which if negative may fully offset investment income but if positive is taxed currently at half the statutory rate, is essentially a class of preferentially treated income. Consistency with other aspects of the consolidated return regulations suggests using the modified phase-by-phase method of consolidation.

The consolidated return regulations also apply some form of consolidated limitation whenever a deduction is limited by an amount or percentage of taxable income. The special deductions for life insurance companies are limited to the amount of excess gain from operations. The deduction (or, in the case of a stock life insurance company the deferral) of a portion of tax base composed of 50 percent of excess gain from operations (after the allowance of special deductions) is an amount measured by a percentage of income. General principles suggest that these limitations should be consolidated limitations. Application of these principles is accomplished through the modified phase-by-phase method. The method consolidate underwriting gains and losses before ascertaining the extent to which special deductions and the deferral of 50 percent of excess gain from operations would be allowed.

Moreover, the bottom-line method is inconsistent with the general treatment of losses experienced by a group filing consolidated returns. A net operating loss is required to be computed on a consolidated basis. (But see, section 1503(c)(1), discussed above.) A life member's current losses may also offset another member's gains. In these respects, losses of the life members are treated as if they are sustained by a single entity. However, the bottom-line method would provide more favorable treatment to the losses of members of the life subgroup than section 809 allows to the losses of an individual life insurance company. For example, the bottom-line method would allow the loss from operations experienced by one member to offset the LICTI of another member after the latter had taken its special deductions and excluded 50 percent of its excess gain from operations. If, instead, the loss member filed a separate return, its loss would be required to reduce gain from operations in a later year as a loss carryover under section 809(d)(4) before its special deductions or deferral of 50 percent of its excess gain from operations. Indeed, special deductions and the exclusion of 50 percent of excess gain from operations under the bottom-line method can operate to create or increase an operational loss for the group (in excess of the $250,000 amount permitted under section 809(f)(1)) and this effect is inconsistent with the principle that operating losses are computed on a consolidated basis.

The proposed regulations follow the current consolidated return principles for treatment of consolidated items. For reasons noted above, the proposed amendments also provide for a consolidated special deduction under section 809(d) (3), (5), and (6), as limited by section 809(f).

Special problems arise in the case of capital gains in the life subgroup. Section 818(f) provides that the computation of each life member's policyholders' share of investment yield is made as if the member were not filing a consolidated return. At the same time, section 818(e) provides that nothing in sections 801 through 820 permits the same item to be deducted more than once in computing taxable investment income and once in computing gain or loss from operations.

In the usual consolidation of nonlife companies, § 1.1502–22 requires the nonlife group's capital gain net income to be determined on an aggregate basis. Also, see similar rules in § 1.1502–23 (relating to section 1231 net gain or loss) and § 1.1502–41 (relating to consolidated net capital gain and consolidated net short-term capital loss). Under this usual aggregate approach, a member's net short-term capital gain is not netted against its net long-term capital loss. Instead, they are aggregated or matched against those gains and losses of the other members. Further, a member's capital losses may reduce another member's capital gains, rather than serving as a capital loss carryback or carryover which would be treated as a short-term capital loss had the member filed a separate return. Since a life member's excess of net short-term capital gain over its net long-term capital loss is included in gross investment income under section 804(b)(2), section 818 (e) and (f)

precludes a straight-forward application of the usual consolidated return principles of §§ 1.1502–22, 23, and 41.

Accordingly, the regulations propose to alter the approach of §§ 1.1502–22, 23, and 41 in the following ways. The life subgroup's section 1231 net gain or net loss is not determined on a consolidated basis. Furthermore, in determining consolidated capital gain net income, each life member computes its net capital loss or capital gain net income on a separate company basis and these amounts are later netted. Capital gain net income for a life member includes net short-term capital gain only to the extent of its share of the excess of net short-term capital gain over net long-term capital loss. A life member's separate net capital loss must be carried back on a separate return basis if it has net short-term capital gain in a prior year before that loss is netted in computing the life subgroup's consolidated capital gain net income. Finally, if a life member's net capital loss reduces the life subgroup's consolidated capital gain net income in a year, and the member has net short-term capital gain in a later year that would be reduced by the net capital loss carryover if the member filed a separate return, the regulations merely cite the requirements of section 818(f) and provide that the net capital loss may not be deducted more than once.

Future Publication of Complete Regulations

These proposed regulations are only intended to resolve certain major issues relating to the election under section 1504(c)(2) by an affiliated group and the determination of its consolidated tax liability. A notice of proposed rulemaking covering other issues will be published in the future. Some of these other issues relate to the computation of consolidated partial LICTI and the maintenance of the surplus accounts under section 815.

The Treasury Department invites public comment on these issues and others that may be raised by groups that may make an election under section 1504(c)(2).

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Furthermore, the Secretary of the Treasury has certified that this rule, if issued, will not have a significant economic impact on a sustantial number of small entities. The rule would affect primarily large affiliated groups of corporations and would not significantly alter the recordkeeping duties of small entities. A Regulatory Flexibility Analysis is therefore not required under the Regulatory Flexibility Act (5 U.S.C. 605(b)).

Comments and Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

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

List of Subjects in 26 CFR 1.1501-1—1.1564-1

Income taxes, Controlled group of corporations, Consolidated returns.

Proposed Amendments to the Regulations

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

Accordingly, the following amendments are proposed to be made to Part 1 of Title 26.

A new § 1.1502–47 is added in the appropriate place to read as set forth below:

§ 1.1502-47 Consolidated returns by life-nonlife groups.

(a) *Scope.*—(1) *In general.* Under section 1504(b)(2), insurance companies that are taxed under section 802 or 821 (relating respectively to life insurance companies and to certain mutual insurance companies) are not treated as includible corporations for purposes of determining under section 1504(a) the existence of an affiliated group and the composition of its membership. Section 1504(c)(2) provides an election whereby certain life insurance companies and mutual insurance companies may be treated as includible corporations, and thus members, of a group composed of other includible corporations. This section provides regulations for the making of this election and for the determination of an electing group's composition and its consolidated tax liability.

(2) *General method of consolidation.*—(i) *Subgroup method.* The regulations adopt a subgroup method to determine consolidated taxable income. One subgroup is the group's nonlife companies (including those taxable under section 821). The other subgroup is the group's life insurance companies. Initially, the nonlife subgroup computes nonlife consolidated taxable income and the life subgroup computes consolidated partial life insurance company taxable income. A subgroup's income may in effect be reduced by a loss of the other subgroup. The life subgroup losses consist of consolidated loss from operations and life consolidated net capital loss. The nonlife subgroup losses consist of nonlife consolidated net operating loss and nonlife consolidated net capital loss. Consolidated taxable income is therefore defined in pertinent part as the sum of nonlife consolidated taxable income and consolidated partial life insurance company taxable income reduced by life subgroup losses or nonlife subgroup losses.

(ii) *Subgroup loss.* A subgroup loss does not actually affect the computation of nonlife consolidated taxable income or consolidated partial life insurance company taxable income. It merely constitutes a bottom-line adjustment in reaching consolidated taxable income. Furthermore, one subgroup's loss must first be carried back against income of the same subgroup before it may be used as a setoff against the second subgroup income in the taxable year the loss arose. (See section 1503(c)(1)). The carryback of the losses from one subgroup may not be used to offset income of the other subgroup in the year to which the loss is to be carried. This carryback of the first subgroup's loss may "bump" the second subgroup's loss that in effect previously reduced the income of the first subgroup. The second subgroup's loss that is bumped in appropriate cases may in effect reduce a succeeding year's income of the second or first subgroup. This approach gives the group the tax savings of the use of losses but the bumping rule assures that insofar as possible life deductions will be matched against life income and nonlife deductions against nonlife income.

(iii) *Carryover of subgroup loss.* A subgroup's loss may be used in a succeeding year, but in any particular succeeding year the loss must be used to reduce the income of the same subgroup before it may be used as a setoff against the other subgroup's income.

(3) *Authority.* This section is prescribed under the authority of sections 1502, 1503(c), 1504(c)(2), and 7805(b).

(4) *Other provisions.* The provisions of §§ 1.1502–1 through 1.1502–80 apply unless this section provides otherwise. Further, unless otherwise indicated in this section, a term used in this section has the same meaning as in sections 801–844.

(b) *Effective date.* This section is effective for taxable years for which the due date (without extensions) for filing returns is after [The Filing Date of the Treasury Decision].

(c) *Cross references.* The following table provides cross references for some of the definitions and operating rules that are relevant in making the election and determining the group's composition and its tax liability:

Item and Paragraph

—General definitions (d)
—Eligible corporation (Five-year rules) (d)(12)
—Election (e)
—Consolidated taxable income (g)
—Nonlife consolidated taxable income (h)
—Consolidated partial life insurance company taxable income (j)
—Nonlife subgroup losses (m)
—Life subgroup losses (n)
—Alternative tax (o)

(d) *Definitions.* For purposes of this section—

(1) *Life insurance company.* The term "life company" means a life insurance company as defined in section 801. Section 801 applies to each company separately.

(2) *Mutual insurance company.* The term "mutual company" means a mutual insurance company taxable under section 821(a)(1).

(3) *Life insurance company taxable income.* The term "Life insurance company taxable income" is referred to as LICTI.

(4) *Group.* The term "group" means an affiliated group of corporations (as defined in section 1504(a)) which has as a member at least one life company and at least one corporation other than a life company or one mutual company and at least one corporation other than a mutual company. Unless otherwise indicated in this section, a group's composition is determined without section 1504(b)(2).

(5) *Member.* The term "member" means a corporation (including the common parent) that is an includible corporation in the group. A life company or mutual company is treated as a member for any taxable year for purposes of determining if it is an eligible corporation under paragraph (d)(12) of this section and therefore if it is an includible corporation under section 1504(c)(2).

(6) *Life member.* A life member is a member of the group that is a life company.

(7) *Nonlife member.* A nonlife member is a member of the group that is not a life company.

(8) *Life subgroup.* A life subgroup is composed of those members that are life members. If the group has only one life member, it constitutes a life subgroup.

(9) *Nonlife subgroup.* A nonlife subgroup is composed of those members that are nonlife members. If the group has only one nonlife member, it constitutes a nonlife subgroup.

(10) *Separate return year.* The term "separate return year" means a taxable year of a corporation for which it files a separate return or for which it joins in the filing of a consolidated return by another group. For purposes of this subparagraph (10), the term "group" is defined with regard to section 1504(b)(2) for years in which an election under section 1504(c)(2) is not in effect. Thus, a separate return year includes a taxable year for which that election is not in effect.

(11) *Separate return limitation year.* Section 1.1502–1(f)(2) provides exceptions to the definition of the term "separate return limitation year". For purposes of applying those exceptions to this section, for taxable years beginning after December 31, 1980, the term "group" is defined without regard to section 1504(b)(2) and the definition in this subparagraph (11) applies separately to the nonlife subgroup in determining nonlife consolidated taxable income under paragraph (h) of this section and to the life subgroup in determining consolidated partial LICTI under paragraph (j) of this section.

(12) *Eligible corporations*—(i) *In general.* A corporation is an eligible corporation for a taxable year of a group only if throughout every day of the base period the corporation—

(A) Was in existence (see paragraph (d)(12)(iii) of this section).

(B) Was a member of the group determined without section 1504(b)(2) (see paragraph (d)(12)(iv) of this section),

(C) Conducted substantial business activities, and

(D) Did not experience a substantial increase in its size or change in character (see paragraph (d)(12)(v) of this section).

(ii) *Base period.* The base period consists of the common parent's five taxable years immediately preceding the group's consolidated return for which the determination of eligibility is made. Eligibility is determined for each consolidated return year beginning with the first year for which the election under paragraph (e) of this section is effective.

(iii) *New corporation.* A corporation organized after the base period begins is not eligible, even if it was a member of the group immediately after its organization. For purposes of this subdivision (iii), a corporation that was a party to a reorganization described in section 368(a)(1)(F) shall be treated as the same entity both before and after the reorganization.

(iv) *Membership period.* To be eligible, a corporation must have been a member of the group throughout the base period. For example, an ineligible corporation includes one whose stock was acquired from outside the group at any time during the base period or one which was a member of a different group (whether by application of reverse acquisition rules in § 1.1502–75(d)(3) or otherwise) at any time during the base period. For purposes of this subdivision (iv), the common parent of a group is treated as constituting a group during any period when both (A) less than 80 percent of its stock was held by any other includible corporations or corporation and (B) it held less than 80 percent of the stock of any other includible corporation.

(v) *Substantial change.* To be eligible, a corporation must not have undergone during the base period a substantial increase in the size or change in the character of its trade or business, attributable to an acquisition of assets (or insurance business) from outside the group in transactions not conducted in the ordinary course of its trade or business. Whether an acquisition results in a substantial increase or change depends on all of the facts and circumstances including the following factors:

(A) Whether the acquiring company is a noninsurance company, a nonlife insurance company, or a life company before the acquisition and a different type of company after the acquisition.

(B) The amount of any insurance reserves (defined in section 801(c)) of the acquiring company before and after the acquisition.

(C) The fair market value of the assets of the acquiring company before and after the acquisition.

(D) In general, a substantial increase in size occurs if the acquiring company more than doubles its size.

(13) *Ineligible corporation.* A corporation that is not an eligible corporation is ineligible. If a life company or mutual company is ineligible, it is not treated under section 1504(c)(2) as an includible corporation and its income and deductions are not included in the consolidated return filed under this section. Losses of a nonlife member arising in years when it is ineligible may not be used under section 1504(c)(2) and paragraph (m) of this section to set off the income of a life member.

(14) *Illustrations.* The following examples illustrate this paragraph (d). In each example, L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example (1). P has owned all of the stock of S since 1913. On January 1, 1980, P purchased all of the stock of L_1 which owns all of the stock of L_2 and S_2. L_1 and L_2 are treated as members for purposes of determining if they are eligible for 1982. However, for 1982, L_1, L_2, and S_2 are ineligible because none of them has been a member of the group for P's five taxable years preceding 1982. For 1982, L_1 and L_2 may elect to file a consolidated return because they constitute an affiliated group under section 1504(c)(1), and P and S may file a consolidated return.

Example (2). Since 1974, P has been a mutual insurance company owning all the stock of L_1. In 1980, P transfers some of its assets to S_1, a new nonlife company. For 1982, only P and L_1 are eligible corporations.

(3) The facts are the same as in example (2) except L owns all the stock of L_1. For 1982, only L and L_1 are eligible corporations.

Example (4). P has owned all of the stock of S_1, a company subject to tax under section 831(a), and L_1 for ten years. S_1 conducts some life insurance business and on January 1, 1982, it transfers this business to a new subsidiary, L_2, in exchange for all of L_2's stock. For 1982, L_2 is not an eligible corporation.

Example (5). P owns all of the stock of L and S. L is a large life member and on January 1, 1982, it acquires all of the stock of L_1 for stock of P in a reorganization described in section 368(a)(1)(B) which is not a reverse acquisition under § 1.1502–75(d)(3). For 1982, L_1 is an ineligible corporation.

Example (6). The facts are the same as in example (5) except L transfers cash and assets to L_1, a new company and L_1 immediately purchases substantially all of the assets of another life company. For 1982, L_1 is an ineligible corporation.

Example (7). The facts are the same as in example (6) except that L acquires all of the insurance business of L_2. Assume that L's insurance reserves after the acquisition are less than twice its insurance reserves before the acquisition. For 1982, L is an eligible corporation.

Example (8). The facts are the same as in example (7) except that on January 1, 1982, L transfers the acquired assets to L_1, a new company, in exchanges for L_1's stock. For 1982, L_1 is not an eligible corporation.

(e) *Election*—(1) *In general.* The election under section 1504(c)(2) is made by the group's common parent in the same manner (and it has the same effect) as the election to file a consolidated return is made under § 1.1502–75 (a) and (b) for a group which did not file a consolidated return for the immediately preceding taxable year. Thus, the procedure for making the election under section 1504(c)(2) is the same whether or not a consolidated return was filed by the life members or nonlife members for the immediately preceding taxable year. The election under section 1504(c)(2) may not be made if the group's common parent is an ineligible life company or an ineligible mutual company. Except as provided in § 1.1502–75(c), the election is irrevocable.

(2) *Cross reference.* If an election is made under section 1504(c)(2), see § 1.1502–75 (e) and (f) for rules that apply for not including (or including) a member or a nonmember in the consolidated return.

(f) *Effect of election.* If the common parent makes the election under section 1504(c)(2), the following rules apply:

(1) *Termination of group.* A mere election under section 1504(c)(2) will not cause the creation of a new group or the termination of an affiliated group that files a consolidated return in the immediately preceding taxable year. However, if any member of an affiliated group (as defined in section 1504(c)(1)) of life companies is ineligible for the taxable year for which that election is effective, that year is a separate return year for the member.

(2) *Inclusion of life company.* If a life company is ineligible in the consolidated return year for which the election is effective, it will be treated as an includible corporation for the common parent's first taxable year in which the company is eligible.

(3) *Dividends received deduction.* Section 243(b)(5) defines the term affiliated group for purposes of the election to deduct 100 percent of the qualifying dividends received by a member from another member of the group. Section 246(b)(6) limits certain multiple tax benefits and the deduction itself. Section 243(b) (5) and (6) do not apply to the mutual companies and life companies that are eligible corporations. See section 1504(c)(2)(B)(i). Thus, the common parent of the group may elect to deduct 100 percent of the qualifying dividends received from an ineligible life company.

(4) *Controlled group.* Sections 1563 (a)(4), (b)(2)(D), and (b)(3)(C) (insofar as it applies to corporations described in section 1563(b)(2)(D)) do not apply to any eligible or ineligible life company that is a member of the group for a taxable year during which the election is effective. See paragraph (d)(4) of this section for the definition of group.

(5) *Consolidated tax.* The tax liability of a group for a consolidated return year (before application of credits against that tax) is computed on a consolidated basis by adding together the following taxes:

(i) The tax imposed under section 11 on consolidated taxable income (as determined under paragraph (g) of this section). The taxes imposed under sections 802(a), 821(a), and 831(a) will each be treated as a tax imposed under section 11.

(ii) The tax imposed by section 1201 on consolidated net capital gain (as determined under paragraph (o) of this section) in lieu of the tax imposed under paragraph (f)(5)(i) of this section on that gain.

(iii) Any taxes described in § 1.1502–2 (other than by paragraphs (a), (f), and (h) thereof).

(g) *Consolidated taxable income.* The consolidated taxable income is the sum of the following three amounts:

(1) *Nonlife consolidated taxable income.* The nonlife consolidated taxable income (as defined in paragraph (h) of this section) of the nonlife subgroup, as set off by the life subgroup losses as provided in paragraph (n) of this section. The amount in this paragraph (g)(1) may not be less than zero.

(2) *Consolidated partial LICTI.* The consolidated partial LICTI (as defined in paragraph (j) of this section) of the life subgroup, as set off by the nonlife subgroup losses as provided in paragraph (m) of this section. The amount in this paragraph (g)(2) may not be less than zero.

(3) *Surplus accounts.* The sum of the amounts subtracted under section 815 from the policyholders' surplus accounts of the life members.

(h) *Nonlife consolidated taxable income.*—(1) *In general.* Nonlife consolidated taxable income is the consolidated taxable income of the nonlife subgroup, computed under § 1.1502–11 as modified by this paragraph (h). For this purpose, separate taxable income of a member includes separate mutual insurance company

taxable income (as defined in section 821(b)) and insurance company taxable income (as defined in section 832).

(2) *Nonlife consolidated net operating loss deduction.*—(i) *In general.* In applying § 1.1502–21, the rules in this subparagraph (2) apply in determining for the nonlife subgroup the nonlife net operating loss and the portion of the nonlife net operating loss carryovers and carrybacks to the taxable year.

(ii) *Nonlife CNOL.* The nonlife consolidated net operating loss is determined under § 1.1502–21(f) by treating the nonlife subgroup as the group.

(iii) *Carryback.* The nonlife consolidated net operating loss for the nonlife subgroup is carried back under § 1.1502–21 to the appropriate years (whether consolidated or separate) before the loss may be used as a nonlife subgroup loss under paragraphs (g)(2) and (m) of this section to set off consolidated partial LICTI in the year the loss arose.

(iv) *Subgroup rule.* In determining the portion of the nonlife consolidated net operating loss that is absorbed when the loss is carried back to a consolidated return year beginning after December 31, 1980, § 1.1502–21 is applied by treating the nonlife subgroup as the group. Therefore, the absorption is determined without taking into account any life subgroup losses that were previously reported on a consolidated return as setting off nonlife consolidated taxable income for the year to which the nonlife loss is carried back.

(v) *Carryover.* The portion of the nonlife consolidated net operating loss that is not absorbed in a prior year as a carryback, or as a nonlife subgroup loss that set off consolidated partial LICTI for the year the loss arose, constitutes a nonlife carryover under this subparagraph (2) to reduce nonlife consolidated taxable income before that portion may constitute a nonlife subgroup loss that sets off consolidated partial LICTI for a particular year.

(vi) *Transitional rules.* The nonlife consolidated net operating loss deduction is subject to a transitional rule limitation in paragraph (h)(3) of this section.

(vii) *Example.* The following example illustrates this paragraph (h)(2). In the example, L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example. P owns all of the stock of S and L_1. L_1 owns all of the stock of L_2. For 1982, the group first files a consolidated return for which the election under section 1504 (c)(2) is effective. P and S filed consolidated returns for 1979 through 1981. In 1982, The P–S group sustains a nonlife consolidated net operating loss. The loss is carried back to the consolidated return years 1979, 1080, and 1981 of P and S by using the principles of §§ 1.1502–21 and 1.1502.79 and, because the election in 1982 under section 1504(c)(2) does not result under paragraph (f)(1) of this section in the creation of a new group or the termination of the P–S nonlife group, the loss is absorbed on the consolidated return in those years without regard to whether the loss in 1982 is attributable to P or S and without regard to their contribution to consolidated taxable income in 1979, 1980, or 1981. The portion of the loss not absorbed in 1979, 1980, and 1981 may serve as a nonlife subgroup loss in 1982 that may set off the consolidated partial LICTI of L_1 and L_2 under paragraph (g)(2) and (m) of this section.

(3) *Transitional rule.*—(i) *In general.* The portion of the nonlife consolidated net operating loss deduction in a consolidated return year beginning after December 31, 1980 (referred to as "post-1980 year") attributable to net operating losses sustained in separate return years beginning before January 1, 1981 (referred to as "pre-1981 year"), is subject to the rules and limitations in this paragraph (3).

(ii) *Separate nonlife groups.* To determine the limitation, first, identify for the post-1980 year one or more separate affiliated groups of nonlife companies (as defined in section 1504 without section 1504(c)(2)). For this purpose, a single nonlife company may constitute a separate affiliated group if (A) is is not otherwise a member of a separate group or (B) it has a net operating loss sustained in the pre-1981 year that may be carried over and that year is a separate return limitation year (determined under § 1.1502–1(f) without paragraph (d)(11) of this section).

(iii) *Carryover.* Second, identify the pre-1981 year net operating losses that may be carried over and that are attributable to each separate affiliated group of nonlife companies. The separate return limitation year rules in § 1.1502–21(c) do not apply to any of these carryovers.

(iv) *Limitation.* Third, treat the last taxable year beginning before January 1, 1981, as if in that year there was a consolidated return change of ownership of each such separate affiliated group of nonlife companies and apply the consolidated return change of ownership limitation in § 1.1502–21(d) to the losses of each group by treating the members of each separate group as old members.

(v) *Examples.* The following examples illustrate this paragraph (h)(3). In the examples L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example (1). Throughout all of 1982, P owns all of the stock of S and L_1 and L_1 owns all of the stock of L_2 which in turn owns all of the stock of S_1. Thus, for 1982, there are two nonlife subgroups under this subparagraph (3), P–S and S_1. For 1981, P and S did not file a consolidated return and for 1980 P has a net operating loss of $200,000. Assume that P had no income in 1981. For 1982, the group makes an election under section 1504(c)(2) to file a consolidated return and all corporations are eligible corporations. The consolidated taxable income for the nonlife subgroup for 1982 (determined without the consolidated net operating loss deduction) recomputed by including only items of income and deduction of P and S is $120,000. If $120,000 is the § 1.1502–21(d)(2) amount for P and S, then the amount of P's net operating loss for 1981 that may be carried over to P and S for 1982 cannot exceed $120,000.

Example (2). (a) P owns all of the stock of S_1. On January 1, 1979, P purchased all of the stock of L_1 which own all of the stock of L_2 and S_2. Prior to 1984, all of the corporations filed separate returns. For 1984, the group makes an election under section 1504(c)(2) to file a consolidated return.

(b) 1981, 1982, and 1983 are not treated under paragraph (d)(11) of this section as separate return limitation years of the P, S_1, and S_1 nonlife subgroup. However, P and S_1 will be treated as old members under paragraph (h)(3)(iv) of this section and under § 1.1502–21(d) with respect to their losses in 1979 and 1980 (whether a consolidated return was filed or separate returns were filed) so that the portion of nonlife consolidated taxable income attributable to S_1 may not absorb the losses of P or S_1. The rules that apply to the P—S_1 nonlife subgroup for 1979 and 1980 apply in an identical way to S_1 by treating S_1 as a subgroup separate from the nonlife subgroup. See section 1507(c)(2)(A) of the Tax Reform Act of 1976.

(c) Similarly, L_1 and L_2 are treated as old members under paragraph (l)(3) of this section for losses arising in 1979 and 1980. However, since the L_1—L_2 subgroup is also the life subgroup under paragraph (d)(8) of this section, this treatment does not affect the computation of consolidated partial LICTI for the life subgroup.

(4) *Nonlife consolidated capital gain net income or loss.*—(i) *In general.* In applying § 1.1502–22, the rules in this subparagraph (4) apply in determining for the nonlife subgroup the nonlife consolidated capital gain net income or loss and the portion of the nonlife net capital loss carryovers and carrybacks to the taxable year. In particular, the nonlife consolidated capital gain net income and nonlife consolidated net capital loss are determined under the principles of § 1.1502–22(a) by treating the nonlife subgroup as the group.

(ii) *Additional principles.* In applying § 1.1502–22 to nonlife consolidated net capital loss carryovers and carrybacks, the principles set forth in paragraph (h)(2) (iii) through (v) for applying

§ 1.1502–21 to nonlife consolidated net operating loss carryovers and carrybacks shall also apply. Further, the portion of nonlife consolidated net capital loss carryovers attributable to losses sustained in taxable years beginning before January 1, 1981, is subject to the limitations in paragraph (h)(3) of this section applied by substituting "net capital loss" for the term "net operating loss" and "§ 1.1502–22(d)" for "§ 1.1502–21(d)".

(iii) *Special rules.* The nonlife consolidated net capital loss is reduced, for purposes of determining the carryovers and carrybacks under § 1.1502–22(b)(1) by the lesser of—

(A) The aggregate of the additional capital loss deductions allowed under section 822(c)(6) or section 832(c)(5), or

(B) The nonlife consolidated taxable income computed without capital gains and losses.

(i) [Reserved]

(j) *Consolidated partial LICTI.* Consolidated partial LICTI is determined for the life subgroup. It equals the sum of the following amounts:

(1) Consolidated TII (determined under paragraph (k) of this section) or, if smaller, consolidated GO (determined under paragraph (l) of this section); and

(2) If consolidated GO exceeds consolidated TII, 50 percent of the amount of the excess.

(k) *Consolidated TII.*—(1) *General rule.* The term "taxable investment income" is defined under section 804 and is referred to as TII. Consolidated TII is an amount (not less than zero) equal to the excess of—

(i) The sum of—

(A) The aggregate separate TII of each member and

(B) Life consolidated capital gain net income (see paragraph (k)(4) of this section), over

(ii) The sum of—

(A) The life consolidated dividends received deduction (see paragraph (k)(7) of this section) and

(B) The life consolidated small business deduction (see paragraph (k)(8) of this section).

(2) *Separate TII.*—(i) *In general.* A life member's "separate TII" is its company share of each and every item of investment yield (see paragraph (k)(3) of this section) reduced by the sum of its company share of the following amounts:

(A) The excess of its net short-term capital gain over its net long-term capital loss;

(B) Intercompany dividends described in § 1.1502–14(a)(1); and

(C) Interest which is excluded from gross income under section 103.

(ii) *Less than zero.* A life member's separate TII may be less than zero.

(3) *Company share of investment yield.*—(i) *Investment yield.* A life member's investment yield is computed under section 804.

(ii) *Company share.* A life member's company share of each and every item of investment yield is computed under sections 804 through 806.

(iii) *Computation on separate return basis.* The computations of investment yield and a life member's company share of that yield are made as if the member filed a separate return. See section 818(f).

(4) *Life consolidated capital gain net income.*—(i) *General rule.* In determining life consolidated capital gain net income or capital loss, the principles of § 1.1502–22 apply to the life subgroup as modified by this subparagraph (4). The following items are taken into account:

(A) Except as otherwise provided in this subparagraph (4), the net capital losses and capital gain net income of each life member (determined without paragraph (k)(4)(i)(B) of this section). Section 1231 is applied separately to each life member and not on a consolidated subgroup basis.

(B) The life consolidated net capital loss carryovers and carrybacks to the year under paragraph (k)(5) of this section.

(ii) *Operating rules.* The following rules apply for purposes of this subparagraph (4):

(A) A life member's net short-term capital gain is included in its capital gain net income only to the extent of its company share of the excess (if any) of its net short-term capital gain over its net long-term capital loss.

(B) A life member's net capital loss is first carried back against its net short-term capital gain and to the extent so carried back is not included in computing life consolidated capital gain net income or net capital loss. See section 818(f).

(5) *Life consolidated net capital loss carryovers and carrybacks.* The life consolidated net capital loss carryovers and carrybacks for the life subgroup are determined by applying the principles of § 1.1502–22 and paragraph (k)(4) of this section as modified by the following rules in this subparagraph (5):

(i) Life consolidated net capital loss is first carried back (or apportioned to the life members for separate return years) to be absorbed by life consolidated capital gain net income without regard to any nonlife subgroup capital losses and before the life consolidated net capital loss may serve as life a subgroup capital loss that sets off nonlife consolidated capital gain net income in the year the life consolidated net capital loss arose.

(ii) If a life consolidated net capital loss is not carried back or is not a life subgroup loss that sets off nonlife consolidated capital gain net income in the year the life consolidated net capital loss arose, then it is carried over to the particular year under this paragraph (k)(5) first against life consolidated capital gain net income before it may serve as a life subgroup capital loss that sets off nonlife consolidated capital gain net income in that particular year.

(iii) *Section 818(f).* Capital losses may not be deducted more than once and capital gain will not be included more than once. See section 818(e) and also section 818(f).

(iv) Capital loss carryovers are subject to the transitional rule in paragraph (K)(6) of this section.

(6) *Transitional rule.* The portion of the life consolidated capital loss carryovers attributable to the net capital losses of the life members sustained in separate return years beginning before January 1, 1981, is subject to the same limitations as the capital losses of nonlife members in paragraph (h)(4)(iii) of this section by applying the principles of paragraph (h)(3) of this section to each separate affiliated group of life companies.

(7) *Life consolidated dividends received deduction.* The life consolidated dividends received deduction is the aggregate deductions of the life members allowable under section 804(a)(2)(A)(ii). In making this computation, a life member's company share of the dividends received from another member is eliminated. However, the life consolidated dividends received deduction allowed by sections 243(a)(1), 244(a), and 245 may not exceed 85 percent of consolidated TII computed without this deduction.

(8) *Small business deduction.* The life consolidated small business deduction is the lesser of $25,000 or 10 percent of the sum of each life member's investment yield. See also, section 1561 (a)(3) which may reduce this $25,000.

(l) *Consolidated GO or LO.*—(1) *General rule.* The terms "gain from operations" or "loss from operations" are defined under section 809 and are referred to respectively as GO or LO. Consolidated GO or LO is determined by taking into account the following items:

(i) The separate GO or LO (see paragraph (l)(2) of this section) of each member;

(ii) The consolidated operations loss deduction (see paragraph (l)(3) of this section);

(iii) The consolidated capital gain net income (see paragraph (l)(4) of this section);

(iv) The consolidated charitable contributions deduction (see paragraph (l)(6) of this section);

(v) The consolidated dividends received deduction (see paragraph (l)(7) of this section);

(vi) The consolidated small business deduction (see paragraph (l)(8) of this section); and

(vii) The consolidated special deduction (see paragraph (l)(9) of this section).

(2) *Separate GO.*—(i) *In general.* A life member's separate GO equals its gross items minus its deductions (as specified in paragraph (l)(2)(ii) and (iii) of this section, respectively). The separate GO of a member is computed under the principles of § 1.1502–12 to the extent not inconsistent with this paragraph (l), with sections 818 (e) and (f), and with paragraph (k) of this section.

(ii) *Gross items.* A life member's gross items are the sum of the items in section 809(c) and its company share of each and every item of investment yield (determined under paragraph (k)(3) of this section). The member's company share is determined under section 809(a) and (b)(3) for purposes of this paragraph (l). The sum is reduced by the life member's company share of the following amounts:

(A) The excess of its net short-term capital gain over its net long-term capital loss. The excess is determined under paragraph (k)(4) of this section.

(B) Intercompany dividends described in § 1.1502–14(a)(1).

(iii) *Deductions.* A life member's deductions (or exclusions) are those described in section 809(d) other than—

(A) The operations loss deduction in section 809(d)(4);

(B) The deduction for dividends received in section 809(d)(8)(A)(ii);

(C) The small business deduction in section 809(d)(10);

(D) The deduction for charitable contributions allowed by section 809(d)(11) and (e)(3);

(E) The special deductions in section 809 (d)(3), (5) and (6); and

(F) Capital losses (unless taken into account in computing investment yield under paragraph (k) of this section).

(3) *Consolidated operations loss deduction.*—(i) *General rule.* The consolidated operations loss deduction is an amount equal to the consolidated operations loss carryovers and carrybacks to the taxable year. The provisions of § 1.1502–21 and section 812 apply to the extent not inconsistent with this paragraph (l)(3).

(ii) *Consolidated offset.* For purposes of applying section 812 (b) and (d), the term "consolidated offset" means the increase in the consolidated operations loss deduction which reduces consolidated partial LICTI to zero. See § 1.812–5. For setoff of consolidated LO against nonlife consolidated taxable income, see paragraph (n)(2) of this section.

(iii) *Carrybacks.* A consolidated LO is first carried back to be absorbed by consolidated GO under section 809(d)(4) for prior consolidated return years (or apportioned to the life members for prior separate return years) without regard to any nonlife subgroup losses that were set off against consolidated partial LICTI and before the consolidated LO may serve as a life subgroup loss to be set off against nonlife consolidated taxable income in the year the consolidated LO arose.

(iv) *Carryovers.* If a consolidated LO is not carried back or is not applied as a life subgroup loss that set off nonlife consolidated taxable income in the year the consolidated LO arose, then it is carried over to a particular year under this paragraph (l)(3) first against consolidated GO before it may serve as a life subgroup loss that may be set off against nonlife consolidated taxable income for that particular year.

(v) *Transitional rule.* The portion of a consolidated operations loss deduction that is attributable to LOs sustaimed in separate return years beginning before January 1, 1982, is subject to the same rules and limitations that the nonlife consolidated net operating loss deduction is subject to in paragraph (h)(3) of this section as applied by identifying separate affiliated groups of life companies.

(4) *Life consolidated capital gain net income or loss.* Life consolidated capital gain net income or loss is determined in the same manner as under paragraph (K)(4) of this section. However, a life member's company share is determined under paragraph (l)(2)(ii) of this section.

(5) *Section 1231 net loss.* Section 1231 net loss is determined separately for each life member.

(6) *Life consolidated charitable contributions deduction*—(i) *Amount.* The life consolidated charitable contribution deduction under section 170 is the lesser of—

(A) The sum of the deductions of the life members allowable under section 170 (without application of sections 170(b)(2) and 809(e)(3)(A)), and any life consolidated charitable contributions carryovers to that year, or

(B) Five percent of the adjusted consolidated GO as determined under subdivision (iii) of this paragraph (l)(6).

(ii) *Carryover of excess contributions.* The consolidated charitable contributions carryovers to any consolidated return year are determined under the principles of section 809(e)(3)(B) and § 1.809–6(c)(2). These carryovers do not include any excess charitable contributions apportioned to a corporation under § 1.1502–79(e) for a separate return year.

(iii) *Adjusted consolidated gain from operations.* For purposes of this paragraph (c)(6), adjusted consolidated GO for a consolidated return year is the consolidated GO computed without—

(A) The life consolidated charitable contributions deduction;

(B) The life consolidated dividends received deduction described in paragraph (l)(7)(iii) of this section;

(C) The sum of each life member's company share of the interest which is excluded from each member's separate GO under sections 809(d)(8)(A)(i) and 103;

(D) The consolidated special deduction described in paragraph (l)(9) of this section; and

(E) Any consolidated operations loss carryback (determined under paragraph (l)(3) of this section) to the taxable year.

(7) *Life consolidated dividends received deduction.*—(i) *Company share.* The life consolidated dividends received deduction is determined only for each life member's company share of dividends received.

(ii) *Intercompany dividends.* A life member's company share of the dividends received from another member is eliminated from its separate GO under § 1.1502–14(a)(1) before computing the consolidated dividends received deduction.

(iii) *Amount of deduction.* The life consolidated dividends received deduction is the deductions of the life members allowable under section 809(d)(8)(A)(ii). However, the portion of this consolidated deduction allowable by sections 243(a)(1), 244(a), and 245 may not exceed 85 percent of consolidated GO computed without (A) those deductions, (B) the consolidated special deduction under paragraph (l)(9) of this section, and (C) the consolidated operations loss deductions under paragraph (l)(3) of this section. This limitation does not apply in any consolidated return year in which there is a consolidated LO (determined without this limitation). See § 1.809–5(a)(8).

(8) *Consolidated small business deduction.* The consolidated small

business deduction is the amount determined under paragraph (k)(8) of this section.

(9) *Consolidated special deduction.*—(i) *General rule.* The consolidated special deduction is the lesser of—

(A) The sum of the deductions of the life members allowable under section 809(d)(3), (5), and (6) for the year (determined without the consolidated section 809(f) limitation), or

(B) The consolidated section 809(f) limitation.

(ii) *Limitation.* The consolidated section 809(f) limitation is $250,000 plus the excess of consolidated GO (computed without special deductions) for the year over consolidated TII for the year.

(iii) *Effect of operations loss deduction.* A consolidated operations loss carryback may reduce the amount of the consolidated special deduction for the year to which the loss is carried. See § 1.812–5(b)(2) and paragraph (l)(3) of this section.

(10) *Illustration.* (i) The following example illustrates this paragraph (l). L_1 and L_2 are life members of a group that files a consolidated return in 1982. In the example below, disregard the $250,000 amount in section 809(f)(1) and "Con." refers to consolidated amounts. The facts are set out below in the following chart:

[Dollars omitted]

	1982				1983		
	L_1	L_2	Con.		L_1	L_2	Con.
1. TII	200	100	300		150	50	200
2. GO	400	50	450		250	(300)	(50)
3. Special deductions	200	30	230		100	45	145
4. Loss carryover			0				0
5. Loss carryback (1982)			(50)				

(ii) The conclusions are set forth in the following chart:

		1982 continued	1983 continued
6.	TII	300	200
7.	GO (before specials):		
	a. Before carryback	450	0
	b. After carryback	400	0
8.	§ 809(f)(1) limit (line 7 minus line 6):		
	a. Before carryback	150	0
	b. After carryback	100	0
9.	Special deduction (lower of line 3 or line 8):		
	a. Before carryback	150	0
	b. After carryback	100	0
10.	GO:		
	a. Before carryback	300	0
	b. After carryback	300	0
11.	LO	0	(50)
12.	Partial LICTI:		
	a. Before carryback	300	0
	b. After carryback	300	0

(m) *Consolidated partial LICTI setoff by nonlife subgroup losses.*—(1) *In general.* The nonlife subgroup losses consist of the nonlife consolidated net operating loss and the nonlife consolidated net capital loss. Under paragraph (g) (2) of this section, consolidated partial LICTI is set off by the amounts of these two consolidated losses specified in paragraph (m) (2) of this section. The setoff is subject to the rules and limitations in paragraph (m) (3) of this section.

(2) *Amount of setoff.*—(1) *Current year.* Consolidated partial LICTI for the current taxable year is set off by the portion of the nonlife consolidated net operating loss and nonlife consolidated net capital loss arising in that year that cannot be carried back under paragraph (h) of this section to prior taxable years (whether consolidated or separate return years) of the nonlife subgroup.

(ii) *Carryovers.* The portion of the offsettable nonlife consolidated net operating loss or nonlife consolidated net capital loss that has not been used as a nonlife subgroup loss setoff against consolidated partial LICTI in the year it arose may be carried over to succeeding taxable years under the principles of §§ 1.1502–21 (relating to net operating loss deduction) or § 1.1502–22 (relating to net capital loss carryovers). However, in any particular succeeding year, the losses will be used under paragraph (h) of this section in computing nonlife consolidated taxable income before being used in that year as a nonlife subgroup loss that sets off consolidated partial LICTI.

(3) *Nonlife subgroup loss rules and limitations.* The nonlife subgroup losses are subject to the following operating rules and limitations:

(i) *Separate return years.* The carryovers in paragraph (m) (2) (ii) of this section may include net operating losses and net capital losses of the nonlife members arising in separate return years beginning after December 31, 1980, that may be carried over to a succeeding year under the principles (including limitations) of §§ 1.1502–21 and 1.1502–22. But see subdivision (viii) of this paragraph (m) (3).

(ii) *Capital loss.* Nonlife consolidated net capital loss sets off consolidated partial LICTI only to the extent of life consolidated capital gain net income and this setoff applies before any nonlife consolidated net operating loss sets off consolidated partial LICTI.

(iii) *Capital gain.* Life consolidated capital gain net income is zero in any taxable year in which the life subgroup has a consolidated LO and, in any taxable year, it may not exceed consolidated partial LICTI.

(iv) *Ordering rule.* Consolidated partial LICTI for a consolidated return year is set off by nonlife subgroup losses for that year before being set off (under paragraph (m) (2) (ii) of this section) by a carryover of a nonlife subgroup loss to that year.

(v) *Setoff at bottom line.* The setoff of nonlife subgroup losses against consolidated partical LICTI does not affect life member deductions that depend in whole or in part on GO or TII. Thus, the setoff does not affect the amount of consolidated partial LICTI (as determined under paragraph (j) of this section) for any year but it merely constitutes an adjustment in arriving at the group's consolidated taxable income under paragraph (g) of this section.

(vi) *Ineligible nonlife member.* (A) The offsetable nonlife consolidated net operating loss that arises in any consolidated return year (that may be set off against consolidated partial LICTI in the current taxable year or in a succeeding taxable year) is the amount computed under paragraph (h) (2) (ii) of this section reduced by the amount of the separate net operating loss (determined under § 1.1502–79 (a) (3)) of any nonlife member that is ineligible in that year. (B) The carryovers of nonlife net operating losses under paragraph (m) (2) (ii) of this section do not include the losses attributable to an ineligible nonlife member arising in a separate return year. (C) Losses of ineligible members that may be carried back or over to consolidated return years under paragraph (h) (2) of this section are considered to be used for purposes of this paragraph (m) only after the losses of eligible nonlife members that may be so carried. See section 1503 (c (2). For definitions of "eligible" and "ineligible" nonlife members see paragraph (d) (12) and (13) of this section.

(vii) *Election to relinquish carryback.* The offsetable nonlife consolidated net operating loss does not include the amount that could be carried back under paragraph (h) (2) of this section but for the common parent's election under section 172 (b) (3) (c) to relinquish the carryback. See section 1503 (c) (1).

(viii) *Separate return limitation year.* The offsetable nonlife consolidated net operating and capital loss carryovers do not include any losses attributable to a nonlife member that were sustained (A) in a separate return limitation year of that member, or (B) in a separate return year beginning after December 31, 1980, in which an election was not in effect under section 243 (b) (2) and section 1504 (c) (2). For purposes of this paragraph (m), a separate return limitation year includes a taxable year beginning before January 1, 1981. See section 1507 (c) (2) (A) of the Tax Reform Act of 1976 and § 1.1502-15.

(ix) *Percentage limitation.* The offsetable nonlife consolidated net operating losses that may be set off against consolidated partial LICTI in a particular year may not exceed a percentage limitation. This limitation is the applicable percentage in section 1503(c)(1) of the lesser of two amounts. The first amount is the sum of the offsetable nonlife consolidated net operating losses under paragraph (m)(2) of this section that may serve in the particular year (determined without this limitation) as a setoff against consolidated partial LICTI. The second amount is consolidated partial LICTI (as defined in paragraph (j) of this section) in the particular year reduced by any nonlife consolidated net capital loss that sets off consolidated partial LICTI in that year.

(x) *Further limitation.* Any offsetable nonlife consolidated net operating loss remaining after applying the percentage limitation that is carried over to a succeeding taxable year may not be set off against the consolidated partial LICTI attributable to a life member that was not an eligible life member in the year the loss arose. See section 1503(c)(2).

(xi) *Restoration rule.* The carryback of a consolidated LO or life consolidated net capital loss under paragraph (l) of this section that reduces consolidated partial LICTI (or life consolidated capital gain net income) for a prior year may reduce the amount of nonlife subgroup losses that would offset consolidated partial LICTI in that prior year. Thus, that amount may be carried over under paragraph (h) (2) or (4) of this section from that prior year in determining nonlife consolidated taxable income in a succeeding year or serve as offsetable nonlife subgroup losses in a succeeding year.

(4) *Illustrations.* The following examples illustrate this paragraph (m). In the examples, L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example (1). P owns all of the stock of L and S. S owns all of the stock of I, a nonlife member that is an ineligible corporation for 1982 under paragraph (d)(13) of this section. For 1982, the group elects under section 1504(c)(2) to file a consolidated return. For 1982, assume that any nonlife consolidated net operating loss may not be carried back to a prior taxable year. Other facts are summarized in the following table.

	Separate taxable income (loss)
P	$100
S	(100)
I	(100)
Nonlife consolidated net operating loss	100

Under paragraph (m)(3)(vi) of this section, P's separate income is considered to absorb the loss of S, an eligible member, first and the offsetable nonlife consolidated net operating loss is zero, *i.e.*, the consolidated net operating loss ($100) reduced by I's loss ($100). The consolidated net operating loss ($100) may be carried over, but since it is entirely attributable to I (an ineligible member) its use is subject to the restrictions in paragraph (m)(3)(vi) of this section.

Example (2). The facts are the same as in example (1) except that for 1982 S's separate net operating loss is $200. Assume further that L's consolidated partial LICTI is $200. Under paragraph (m)(3)(vi) of this section, the offsetable nonlife consolidated net operating loss is $100, *i.e.*, the nonlife consolidated net operating loss computed under paragraph (h)(2)(ii) of this section ($200), reduced by the separate net operating loss of I ($100). The offsetable nonlife consolidated net operating loss that may be set off against consolidated partial LICTI in 1982 is $30, *i.e.*, 30 percent of the lesser of the offsetable $100 or consolidated partial LICTI of $200. See paragraph (m)(3)(ix) of this section. The nonlife subgroup may carry $170 to 1983 under paragraph (h)(2) of this section against nonlife consolidated taxable income, *i.e.*, consolidated net operating loss ($200) less amount used in 1982 ($30). Under paragraph (m)(2)(ii) of this section, the offsetable nonlife consolidated net operating loss that may be carried to 1983 is $70, *i.e.*, $100 minus $30. The facts and results are summarized in the table below.

	(Dollars omitted)			
	Facts	Offsetable	Limit	Unused loss
	(a)	(b)	(c)	(d)
1. P	100			
2. S.	(200)	(100)		(70)
3. I	(100)			(100)
4. Nonlife subgroup	(200)	(100)	(100)	170
5. L	200		200	
6. 30% of lower of line 4(c) or 5(c)			30	
7. Unused offsetable loss				75

Accordingly, under paragraph (g) of this section (assuming no amount is withdrawn from L's surplus accounts), consolidated taxable income is $170, *i.e.*, line 5 (a) minus line 6(c)).

Example (3). The facts are the same as in example (2) with the following additions for 1983. The nonlife subgroup has nonlife consolidated taxable income of $50 (all of which is attributable to I) before the nonlife consolidated net operating loss deduction under paragraph (h)(2) of this section. Consolidated partial LICTI is $100. Under paragraph (h)(2) of this section, $50 of the consolidated net operating loss carryover ($170) is used in 1983 and, under paragraph (m)(3)(vi) of this section, the portion used in 1982 is attributable to S, the eligible nonlife member. Accordingly, the remaining offsetable nonlife consolidated net operating loss from 1982 under paragraph (m)(3)(ii) of this section is $20, *i.e.*, the unused loss from 1981 ($70), minus the amount used under paragraph (h)(2) of this section in 1983 against nonlife consolidated taxable income ($50). The offsetable nonlife consolidated net operating loss in 1983 is $7, *i.e.*, 35 percent of the lesser of the offsetable $20 or consolidated partial LICTI of $100. The facts and results are summarized in the table below:

	(Dollars omitted)				
	1983 facts	1982 carryover	Amount in (b) absorbed by nonlife subgroup	Limit	Unused loss
	(a)	(b)	(c)	(d)	(e)
1. P					
2. S		(70)	50	(20)	(13)
3. I	50	(100)			(100)
4. Nonlife subgroup	50	(170)	(50)	(20)	(113)
5. L	100			100	
6. 35% of lower of line 4(d) or 5(d)				7	
7. Unused offsetable loss					(13)

Accordingly, under paragraph (g) of this section (assuming no amount is withdrawn from L's surplus accounts), consolidated taxable income is $93, *i.e.*, line 5(a) minus line 6(d).

Example (4). P owns all of the stock of S and L. For 1982, all corporations are eligible corporations, and the group elects under section 1504(c)(2) to file a consolidated return, the nonlife consolidated net operating loss is $100, and the nonlife consolidated net capital loss is $50. Assume that the losses may not be carried back and the capital losses are not attributable to built-in deductions under paragraph (m)(3)(viii) of this section or under § 1.502–15(c). Other facts and the results are set forth in the following table:

	P–S	L
1. Nonlife consolidated net operating loss	($100)	.....
2. Nonlife consolidated capital loss	(50)	.....
3. Consolidated partial LICTI	.....	$100
4. Life consolidated capital gain net income included in line 3	.....	50
5. Offsetable:		
(a) 30% of lower of line (1) or line (3)–(4)	(15)	.....
(b) Line 2	(50)	.....
(c) Total	(65)	.....
6. Unused losses available to be carried out:		
(a) From line 1 (line 1 minus line 5 (a))	(85)	.....
(b) From line 2 (line 2 minus line 5 (b))	0	.....

Accordingly, under paragraph (g) of this section consolidated taxable income is $35, *i.e.*, line 3 minus line 5(c).

Example (5). The facts are the same as in example (4). Assume further that for 1983 L has an LO that is carried back to 1982 against consolidated GO and the LO is large enough to reduce consolidated partial LICTI for 1982 to zero as determined before any setoff for nonlife losses. Under paragraph (m)(3)(xi) of this section, the nonlife consolidated net operating loss of $15 and the nonlife consolidated net capital loss of $50 that were set off in 1982 respectively against consolidated partial LICTI and life consolidated capital gain net income are restored. These restored amounts may consititute part of the nonlife consolidated net operating loss carryover to 1983 under paragraph (h)(2) of this section or part of the nonlife net capital loss carryover to 1983 under paragraph (h)(4) of this section.

Example (6). The facts are the same as in example (5) except that L's LO for 1983 as carried back against consolidated GO reduces consolidated partial LICTI in 1982 from $100 to $25. Since consolidated partial LICTI of $100 in 1982 (before the carryback) included life consolidated capital gain net income of $50, under paragraph (m)(3)(iii) of this section, the life consolidated capital gain net income is $25, *i.e.*, $50 but not more than $25. Therefore, under paragraph (m)(3)(ii) of this section, the offsetable nonlife capital loss in 1982 is $25 and, under paragraph (m) (3)(xi) of this section, $25 of the $50 nonlife consolidated net capital loss in 1982 may be carried under paragraph (h)(4) of this section to 1983. No nonlife consolidated net operating loss is used as a setoff against consolidated partial LICTI in 1982 under paragraph (m)(3)(xi) of this section by reason of the carryback of the consolidated LO from 1983 to 1982.

(n) *Nonlife consolidated taxable income set off by life subgroup losses.*—(1) In *general.* The life subgroup losses consist of the consolidated LO and the life consolidated net capital loss. Under paragraph (g)(1) of this section, nonlife consolidated taxable income is set off by the amounts of these two consolidated losses specified in paragraph (n)(2) of this section.

(2) *Amount of setoff.* The portion of the consolidated LO or life consolidated net capital loss that may be set off against nonlife consolidated taxable income (determined under paragraph (h) of this section) is determined by applying the rules prescribed in paragraph (m) (2) and (3) of this section in the following manner:

(i) Substitute the term "life" for "nonlife", and vice versa.

(ii) Substitute the term "nonlife consolidated taxable income" for "consolidated partial LICTI", and vice versa.

(iii) Substitute the term "consolidated LO" for "non-life consolidated net operating loss", "paragraph (l)" or "paragraph (j)" for "paragraph (h)", and "section 812(b)(3)" for "section 172(b)(3)(C)".

(iv) Paragraph (m)(3)(vi), (ix), and (x) of this section do not apply to a consolidated LO.

(v) Capital losses may not be deducted more than once. See section 818(e) and also the requirements in section 818(f).

(vi) The setoff of life subgroup losses against nonlife consolidated taxable income does not affect nonlife member deductions that depend in whole or in part on taxable income.

(3) *Illustrations.* The following examples illustrate this paragraph (n). In the examples, L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example (1) P, S, L, and L_1 constitute a group that elects under section 1504 (c)(2) to file a consolidated return for 1982. In 1982, the nonlife subgroup consolidated taxable income is $100 and there is $20 on nonlife consolidated net capital loss that cannot be carried back under paragraph (h) of this section to taxable years (whether consolidated or separate) preceding 1982. The nonlife subgroup has no carryover from years prior to 1982. Consolidated LO is $150 which under paragraph (l) of this section includes life consolidated capital gain net income of $25. The $150 LO is carried back under paragraph (l)(3) of this section to taxable years (whether consolidated or separate) preceding 1982 before it may offset in 1982 nonlife consolidated taxable income. Since life consolidated capital gain net income is zero for 1982, the nonlife capital loss offset is zero.

Example (2). The facts are the same as in example (1). Assume further that no part of the $150 consolidated LO for 1982 can be used by L and L_1 in years prior to 1982. For 1982, $100 of consolidated LO sets off the $100 nonlife consolidated taxable income. The life subgroup carries under paragraph (l)(3) of this section to 1983 $50 of the consolidated LO ($150 minus $100). See paragraph (l)(3)(ii) of this section. The $50 carryover will be used in 1983 against consolidated GO before it may be used in 1983 to setoff nonlife consolidated taxable income.

Example (3). (a) The facts are the same as in example (1), except that for 1982 the nonlife consolidated taxable income is $150 and includes nonlife consolidated capital gain net income of $50, consolidated partial LICTI is $200, and a life consolidated net capital loss if $50. Assume that the $50 nonlife consolidated net capital loss sets off the $50 nonlife consolidated capital gain net income. Consolidated taxable income under paragraph (g) of this section is $30, *i.e.*, nonlife consolidated taxable income ($150) minus the setoff of the life consolidated net capital loss ($50), plus consolidated partial LICTI ($200).

(b) Assume that for 1983 the nonlife consolidated net operating loss is $150. Under paragraph (h) (2) of this section, the loss may carried back to 1982 against nonlife consolidated taxable income. If P, the common parent, does not elect to relinquish the carryback under section 172 (b) (3) (C), the entire $150 must be carried back reducing 1982 nonlife consolidated taxable income to zero and nonlife consolidated capital gain next income to zero. Under paragraph (m) (3) (i) and (xi) of this section, the setoff in 1982 of the nonlife consolidated capital gain net income ($50) by the life consolidated net capital loss ($50) is restored. Accordingly, the 1982 life consolidated net capital loss may be carried over by the life subgroup to 1983 under paragraphs (k) (5) and (l) (4) of this section. Under paragraph (g) of this section, after the carryback consolidated taxable income for 1982 is $200, *i.e.*, nonlife consolidated taxable income ($0) plus consolidated partial LICTI ($200).

Example (4). The facts are the same as in example (3), except that P elects under section 172 (b) (3) (C) to relinquish the carryback of $150 arising in 1983. The setoff in part (a) of example (3) is not restored. However, the offsetable nonlife consolidated net operating loss for 1983 (or that may be carried forward from 1983) is zero. See paragraph (m) (3) (vii) of this section. Nevertheless, the $150 nonlife consolidated net operating loss may be carried forward to be used by the nonlife group.

Example (5). P owns all of the stock of S_1 and of L_1. On January 1, 1978, L_1 purchases all of the stock of L_2. For 1982, the group elects under section 1504(c)(2) to file a consolidated return. For 1982, L_1 is an eligible corporation under paragraph (d) (12) of this section but L_1 is ineligible. Thus, L_1 but not L_2 is a member

for 1982. For 1982, L_2 sustains an LO that cannot be carried back. For 1982, L_2 is treated under paragraph (f) (4) of this section as a member of a controlled group of corporations under section 1563 with P, S, and L_1. For 1983, L_2 is eligible and is included on the group's consolidated return. L_2's LO for 1982 that may be carried to 1983 is not treated under paragraph (d)(11) of this section as having been sustained in a separate return limitation year for purposes of computing consolidated partial LICTI of the L_1–L_2 life subgroup for 1983. Furthermore, the portion of L_2's LO not used under paragraph (l) (3) of this section against consolidated GO in 1983 may be included in offsetable consolidated operations loss under paragraph (n)(2) and (m) (3)(i) of this section that reduces in 1983 no life consolidated taxable income because L_2's loss in 1982 was not sustained in a separate return limitation year under paragraph (n)(2) and (m)(3) (viii) of this section.

(o) *Alternative tax.*—(1) *In general.* For purposes of the alternative tax under paragraph (f)(5)(ii) of this section, consolidated net capital gain is the sum of the following two amounts:

(i) The nonlife consolidated net capital gain reduced by any setoff of a life consolidated net capital loss.

(ii) The life consolidated net capital gain reduced by any setoff of a nonlife consolidated net capital loss.

(2) *Net capital gain.* For purposes of this paragraph (o)—

(i) Nonlife consolidated net capital gain is computed under § 1.1502–41 except that it may not exceed nonlife consolidated taxable income (computed under paragraph (h) of this section).

(ii) Life consolidated net capital gain is computed under § 1.1502–41, applied in a manner consistent with paragraph (l)(4) of this section, except that it may not exceed consolidated partial LICTI (as determined under paragraph (j) of this section).

(iii) *Setoffs.* Setoffs are determined under paragraphs (m) or (n) of this section (as the case may be).

(p) *Transitional rule for credit carryovers.* For limitations on credits arising in taxable years beginning before January 1, 1981, that may be carried over to taxable years beginning after that date, section 1507(c)(2)(A) of the Tax Reform Act of 1976 and the principles in paragraph (h)(3) of this section (relating to limitations on loss carryovers) apply.

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

[FR Doc. 82–15420 Filed 6–3–82; 12:02 pm]
BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S–600]

Proposed Revocation of Advisory and Repetitive Standards

Corrections

In FR Doc. 82–14289 appearing on page 23477 in the issue for Friday, May 28, 1982, please make the following changes:

(1) On page 23480, first column, the amendment numbered 47, second line, "paragraph (g)(3)(ii)(a)" should read "paragraph (g)(3)(ii)(*a*)"; in the amendment numbered 54, second line, insert a comma after "heading".

(2) On page 23481, first column, the amendment numbered 113, "paragraph (1)(2)" should read "paragraph (l)(2)"; second column, in the amendment numbered 128, second line, "paragraph (a)(3)(iv)" should read "paragraph (a)(3)(v)"; in the amendment numbered 134, "paragraph (1)(1)(iii)" should read "paragraph (l)(1)(iii)", and in the amendment numbered 135, "paragraph (1)(3)" should read "paragraph (l)(3)".

(3) On page 23482, first column, in the amendment numbered 188, second line, "paragraph (1)(9)(i)" should read "paragraph (l)(9)(i)".

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Proposed Notice to Lessees and Operators (NTL) of Federal Oil and Gas Leases in the Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of a proposed NTL.

SUMMARY: The Minerals Management Service (MMS) proposes a notice to lessees and operators of Federal oil and gas leases in the Outer Continental Shelf (NTL) concerning minimum requirements which establishes minimum requirements for shallow hazards surveys and analyses conducted prior to OCS exploratory drilling.

DATE: Written comments on the proposed NTL must be received on or before August 9, 1982.

ADDRESS: Comments to: Bruce Weetman, Chief, Branch of Offshore Resource Evaluation, Minerals Management Service, 12203 Sunrise Valley Drive, MS–640, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Hans Waetjen or David Zinzer, Branch of Offshore Resource Evaluation, Minerals Management Service, 12203 Sunrise Valley Drive, MS–640, Reston, Virginia 22091, (703) 860–7571 or FTS 928–7571.

SUPPLEMENTARY INFORMATION: This proposed NTL will supersede those portions of all current shallow hazards NTL's dealing with exploratory drilling (NTL 75–8 and 80–5, Gulf of Mexico OCS; NTL 80–2, Atlantic OCS; NTL 80–3, Alaska OCS; and NTL 81–2, Pacific OCS). Procedures for hazards surveys conducted in support of development or production operations or emplacement of pipelines are not covered by this NTL.

BACKGROUND: The Department of the Interior (Department) is initiating a new streamlined OCS leasing program whereby substantially larger sale areas will be offered at an accelerated pace. This streamlining process will make it impractical to continue the Department's current hazards analysis program, and thus, a new program is being implemented. Under this new program, no sale areawide, prelease, tract-specific hazards data acquisition program will be initiated by the Department. Should industry choose to conduct prelease hazards surveys, resulting data will be available to the Department under terms of permits and regulations. Emphasis under the new hazards analysis program shifts the Department's detailed hazards analysis function to the postsale phase and places the major portion of the responsibility for the site-specific hazards data collection on the lessees. The intent of this NTL is to standardize procedures in conformance with the new hazards analysis program.

REQUEST FOR COMMENTS: Interested parties are requested to submit comments on the proposed NTL. Comments will be accepted through August 9, 1982. Comments should be submitted to Bruce Weetman, Chief, Branch of Offshore Resource Evaluation, at the address indicated under "ADDRESS."

DRAFTING INFORMATION: The primary author of the proposed NTL is David Zinzer, address and telephone number above.

Dated: May 27, 1982.

Gerald D. Rhodes,

Acting Chief, Offshore Minerals Management Division.

Proposed Notice to Lessees and Operators of Federal Oil and Gas Leases in the Outer Continental Shelf

Minimum Requirements for Shallow Hazards Surveys and Analyses Conducted Prior to Outer Continental Shelf Exploratory Drilling

For the reasons set out above, the NTL is proposed as follows:

I. Site-Specific Hazards Survey

As required by regulation 30 CFR 250.34–3 and as further specified in OCS Order No. 2, a site-specific survey shall be conducted by the lessee over all lease blocks considered for exploratory drilling. Exploratory drilling will not be allowed within a lease block unless or until the lessee has demonstrated to the satisfaction of the appropriate Deputy Minerals Manager, or his/her designee, hereafter known as the DMM, that hazardous (geologic or manmade) conditions are not present at any site proposed for exploratory drilling operations or, if present, that drilling operations can be safely designed and utilized to eliminate or minimize risk of damage to the human, marine, and coastal environments. This usually necessitates detailed surveys using high resolution geophysical instrumentation and analysis of resulting data. In some cases, coring, in situ and laboratory geotechnical analyses, and other studies may be necessary. In support of a determination of approval relating to geologic and manmade hazards, the lessee shall submit, as requested by the DMM, geophysical data, processed and reprocessed geophysical information, interpreted geophysical information, geologic data, analyzed geologic information, interpreted geologic information, or such other data and information as the DMM requests. If survey data of adequate quality and coverage are in possession of or available to the MMS, the DMM may waive or modify the site-specific survey.

The lessee shall submit a proposed survey strategy, based on this NTL, for review and approval by the DMM at least 10 working days prior to planned commencement of any survey. The DMM may request to have an MMS observer on board during the survey. The DMM may specify additional or alternative survey procedures and/or instrumentation when deemed necessary.

Any departure by the permittee from the guidelines established in this notice or from any additional guidelines specified by the DMM must be approved by the DMM. Strict adherence to the provided guidelines does not necessarily assure approval of the hazards survey. Analysis of the data and information collected according to the specifications may lead to the discovery of conditions which would require additional data collection or result in relocation of the proposed activities or cancellation of the lease.

II. Other Surveys

If, in the area of the proposed drilling activity, the MMS is not in possession of adequate data coverage which properly identifies potential hazards located exterior to the lease blocks, additional data coverage may be requested by the DMM in the form of an extended survey. The survey configuration shall be discussed with the DMM.

Tie lines between the survey grid and a regional grid which is in possession of the MMS may be requested by the DMM.

In areas where it is not possible to conduct hazards surveys by utilizing geophysical instrumentation, other procedures may be substituted by the DMM on a case-by-case basis.

In addition to the hazards survey, other surveys may have to be conducted. Specific surveys may be requested to identify ordnance, cultural, or biological resources, foundation engineering properties, or location of existing pipeline routes. Detailed procedures for other surveys shall be discussed with the DMM. In most cases, such surveys may be conducted concurrently with the hazards survey.

III. Site-Specific Survey Grid

The site-specific survey shall generally be conducted on a rectangular grid centered on the proposed activity with minimum outside dimensions of 5,400 meters by 5,400 meters, and with parallel dip lines running roughly normal to local bathymetric trends and strike lines perpendicular to and crossing the dip lines. The grid shall contain a high-density inner grid with dip lines spaced a maximum of 300 meters apart, strike lines spaced a maximum of 900 meters apart, and an outer grid with dip and strike lines spaced a maximum of 900 meters apart. See Figure 1. The overall size of the grid and other details shall be determined by the DMM.

IV. Geophysical Data Acquisition Instrumentation

Geophysical instrumentation shall be deployed and operated in a manner which minimizes undesirable signals from being cross recorded on other systems. An event mark, common to all geophysical data acquisition recorders, keyed to the navigation system, and corrected for layback, shall be employed to annotate navigation fixes on field records.

The following instrumentation shall generally be utilized in conducting site-specific surveys (the DMM may substitute or request additional instrumentation according to survey conditions):

V. Depth Sounder

Continuous water-depth measurements shall be made using a high-frequency narrow-beam depth sounder (10° or less). Data shall be recorded with a recording sweep appropriate to topography and water depth.

VI. Side-Scan Sonar

A dual-channel system shall be used to record continuous planimetric images of the seafloor. When employed, the system shall be operated in a mode capable of obtaining at least 100 percent coverage of the seafloor while achieving a range resolution consistent with the type of target or geologic feature to be delineated. Line spacing may differ from the prescribed survey grid and shall be determined by the DMM and will depend on water depth and the side-scan sonar system utilized.

VII. Subbottom Reflection Profilers

Subbottom reflection profilers shall be acquired in a manner that will allow optimum detection and resolution of subsurface anomalies and structural information. Normally, this will be achieved with shallow and deep penetration subbottom profilers. The system used shall be capable of providing at least 300 meters of penetration (½ second two-way travel time) into the subbottom. Data and information deeper than 300 meters may be requested by the DMM in areas where unconsolidated sediments exist and/or where the DMM may determine that more data and information are necessary to further define potentially hazardous conditions.

VIII. Deliverables

Geophysical data and information, data records and logs, maps, summary report, microfilm and microfiche, digital navigation tapes, velocity analyses, geologic cross-sections, geotechnical soil borings, and additional data and information resulting from the survey(s) shall be submitted in a manner and format as determined by the DMM.

IX. Survey Specifications

Survey specifications shall be determined by the DMM such that sufficient data and information are made available in a format acceptable to the DMM.

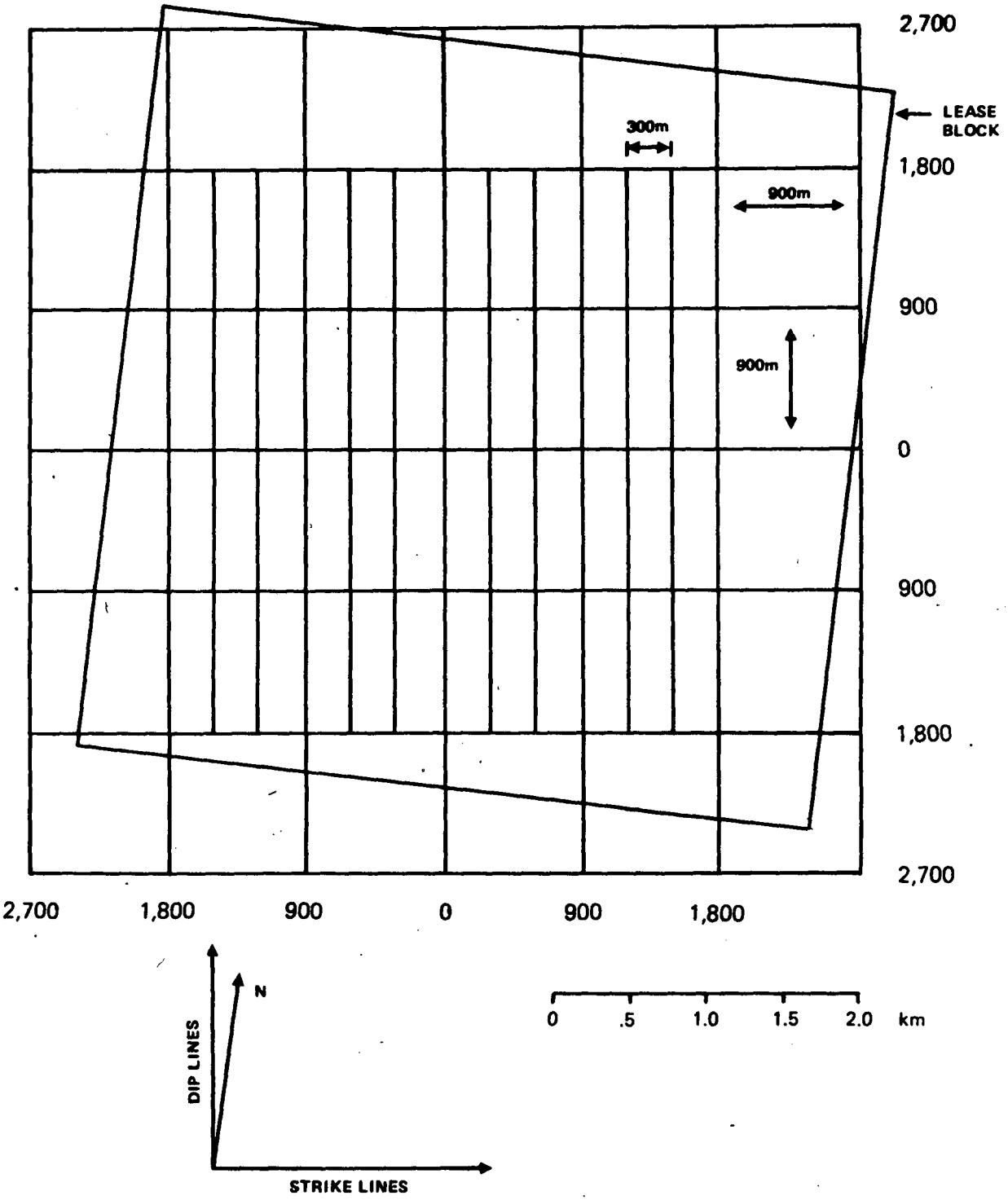
X. Release of Submitted Data to the Public

Pursuant to the Department's regulation 30 CFR 250.3(c), "Geophysical data, processed geophysical information, and interpreted geophysical information collected on a lease with high-resolution systems (including, but not limited to, bathmetry, side-scan sonar, subbottom profiler, and magnetometer) in compliance with stipulations or orders concerning protection of environmental aspects of the lease may be made available to the public 60 days after submittal to the Deputy Minerals Manager (DMM). However, unless the lessee can demonstrate to the satisfaction of the DMM that release of the information or data would unduly damage the lessee's competitive position, the DMM may release the information and data at an earlier time if the DMM determines it is needed by affected States to make determinations under § 250.34," (relating to plans of development and production).

BILLING CODE 4310-MR-M

FIGURE 1

Site-Specific OCS Hazards Survey



[FR Doc. 82-15172 Filed 6-7-82; 8:45 am]
BILLING CODE 4310-MR-C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 4

[AAA-FRL 2141-2]

Real Property Acquisition and Relocation Assistance; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction to proposed rule.

SUMMARY: The proposed rule, Real Property Acquisition and Relocation Assistance, as published in 46 FR 22010, provided for the comment period to extend to July 6, 1982. This is an error. The end of the comment period is June 21, 1982.

DATE: Comments must be received on or before June 21, 1982.

FOR FURTHER INFORMATION CONTACT: Marshall Schy, Grants Administration Division (PM-216), Environmental Protection Agency, Washington, D.C. 20460. (202) 755-2830.

Dated: June 1, 1982.

John Horton,

Assistant Administrator for Administration.

[FR Doc. 82-15442 Filed 6-7-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-FRL 2138-8]

Approval and Promulgation of State Implementation Plan; Idaho; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: On May 17, 1982, EPA proposed to approve the revised Idaho SIP and make certain changes to nonattainment designations (47 FR 21097). Several errors were noted in the table entitled "Content of the Idaho SIP." These included inadvertent omissions or inclusions and incorrect citations of state rules which were proposed for approval in the subject rulemaking. EPA is today publishing corrections to the table in order to make it consistent with the rules proposed for approval.

FOR FURTHER INFORMATION CONTACT: Lori Kraul (206) 399-1089.

SUPPLEMENTARY INFORMATION: The following changes are being made to the table entitled "Content of the Idaho SIP" contained in the May 17, 1982 **Federal Register** (47 FR 21101):

1. For the "Old designation" entry identified as "Chapters VI, VIII, and XIII", the corresponding "New designation" entry is corrected from "Chapter II" to Chapter II and Appendix A.2."

2. For the "Old designation" entry identified as "Regulation A, Section 2, ZZ," the corresponding "New designation" entry is corrected from "1002.75 to 1002.77."

3. For the "Old designation" entry identified as "Regulation B," the corresponding "New designation" entry is changed from "1-1052 through 1-1055" to "1-1051 through 1-1055."

4. For the "Old designation" entry identified as "Regulation C," the corresponding "New designation" entry is changed from "1-1101 through —" to "1-1101 through 1112."

5. For the "Old designation" entry identified as "Regulation I," the corresponding "New designation" entry is changed from "1-1351 through 1-1353" to "1-1351 through 1-1355."

6. For the "Old designation" entry identified as "Regulation L," the corresponding "New designation" entry is changed from "1-1501 through 1-1503" to "1-1501 through 1-1504."

7. An addition entry is added to the "New designation" column after the "1-1651 through 1-1662" entry. The new entry is "1-1801 through 1-1804." The corresponding entry in the "Subject" column is "Rules for SOx emissions from sulfuric acid plants." The entry in the "Substantive change" column is "New regulation." No entry is made in the "Old designation" column.

8. For the "Old designation" entry identified as "Regulation T," the corresponding "New designation" entry is changed from "1-1900 through 1-1906" to "1-1900 through 1-1903, 1-1905, and 1-1906." The "Subject" entry is also changed from "Source operating permits" to "New source and operating permits."

9. For the "Old designation" entry identified as "Regulation U," the corresponding "New designation" entry is changed from "1-1955 through 1-1968" to "1-1951 through 1-1968."

Dated: May 28, 1982.

Robert S. Burd,

Regional Administrator.

[FR Doc. 82-15446 Filed 6-7-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[A-1-FRL-2133-1]

Designations of Areas for Air Quality Planning Purposes; Attainment Status Redesignation: Waterbury and Greenwich, Conn.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On April 8, 1982, the Connecticut Department of Environmental Protection (DEP) submitted a request to redesignate the cities of Waterbury and Greenwich as attainment for the primary total suspended particulate (TSP) National Ambient Air Quality Standards (NAAQS). Based on the monitoring data and the information submitted, EPA proposes to approve the redesignation of these two area from non-attainment of the primary TSP NAAQS to attainment.

DATE: Comments must be received on or before July 8, 1982.

ADDRESSES: Copies of Connecticut's submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Connecticut Department of Environmental Protection, Air Compliance Unit, 165 Capitol Avenue, Hartford, Connecticut 06115.

FOR FURTHER INFORMATION CONTACT: Sarah Simon, Air Management Division, EPA Region I, Room 1903, J.F.K. Federal Building, Boston, Massachussetts 02203, (617-223-4448).

Comments should be sent to her at the same address.

SUPPLEMENTARY INFORMATION: On December 23, 1980, EPA published final rulemaking approving primary TSP non-attainment designations for Waterbury and Greenwich, Connecticut, and a secondary TSP non-attainment designation for the entire state of Connecticut (45 FR 84780). That rulemaking notice also contained a conditional approval of the state's plan to attain primary TSP standards in the two cities designated non-attainment and an approved extension of the date for submitting an attainment plan to meet the secondary TSP NAAQS, as required by Part D of the Clean Air Act Amendments (Plan Requirements for Non-attainment Areas, 42 U.S.C. 7401 et seq., amended 1977).

The 1980 attainment designations were based on monitoring data collected prior to the state's 1979 attainment plan submittals. The April 8, 1982 request included a summary and statistical analysis of the past three years' monitoring record, demonstrating that no violations have occurred and that none were predicted for the unmonitored days. Also, the past three years of representative data for Waterbury and the past two years for Greenwich show that both areas now meet the annual and 24-hour primary NAAQS for TSP. Thus, Greenwich and Waterbury can now be designated attainment for the primary TSP NAAQS under section 107 of the Clean Air Act, and the state has met the primary attainment date specified in their SIP approved by EPA on December 23, 1980 (45 FR 84769). The entire state remains designated non-attainment for the secondary TSP NAAQS.

Based on information submitted by the DEP and our review, EPA proposes to redesignate the cities of Greenwich and Waterbury as being in attainment of the primary TSP NAAQS.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107 of the Clean Air Act as amended)

Dated: May 18, 1982.

Lester A. Sutton,

Regional Administrator.

[FR Doc. 82-15441 Filed 6-7-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 141

[WH-FRL 2143-1]

National Revised Primary Drinking Water Regulations; Volatile Synthetic Organic Chemicals in Drinking Water

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: The public comment period is extended until September 30, 1982, on the Advance Notice of Proposed Rulemaking on Volatile Synthetic Organic Chemicals (VOCs) in Drinking Water (47 FR 9350) published on March 4, 1982.

DATES: Please submit written public comments to the address listed below on or before September 30, 1982.

ADDRESSES: Send written comments to Comment Clerk, Criteria and Standards Division, Office of Drinking Water (WH-550), Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460. A copy of all comments will be available for review during normal business hours at the EPA, Criteria and Standards Division, Room EB-49 East Tower, 401 M Street S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Joseph A. Cotruvo, Ph. D., Director, Criteria and Standards Division, Office of Drinking Water (WH-550), Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, telephone: 202/472-5016.

SUPPLEMENTARY INFORMATION: The comment period is being extended to provide for official inclusion in the rulemaking docket of comments/data/reports received as the result of the technical workshops on VOCs in drinking water. The workshops will be conducted at the following locations:

June 8-9 Chicago, Illinois
June 28-29 Reno, Nevada
July 20-21 Philadelphia, Pennsylvania
August 18-19 Biloxi, Mississippi

The workships are open to the public; additional information can be obtained from the American Water Works Association Research Foundation, 6666 Quincy Avenue, Denver, Colorado 80235 (303/794-7711), which is the grantee administering the workshops for EPA. Pre-registration is requested.

Several participants at the public meeting held on April 28 requested an extension of the comment period for 30 to 60 days beyond the date of the last workshop. They suggested that this would allow sufficient time for becoming familiar with the VOC issues through participation in the workshops and would allow time to provide the Agency with well-informed comments. The Agency has also received other written requests for extension of the comment period. Two commenters made statements in the public meeting that an extension of the comment period would not be appropriate because of the time delays in what they cited were needed regulatory actions.

The Agency has determined that it is appropriate to extend the comment period because the extension will provide (1) the opportunity to incorporate into the rule-making docket any comments/data/reports resulting from the workshops and (2) an opportunity for comment on new information which is being made available today on the occurrence of VOCs in drinking water. This new information includes the draft report, Ground Water Supply Survey, May 1982, which is available from the address listed at the beginning of this notice.

The Agency recognizes the concern over a delay in any needed regulatory

action and emphasizes that this action will not result in a significant delay in the overall effort. The Agency already anticipated that the workshop results would be evaluated as part of the efforts to develop any proposed rules. However, the public is encouraged to provide comment to the Agency as soon as possible without waiting until the end of the comment period. Participation in the workshops along with careful review and comment on the above draft report is encouraged.

Dated: June 4, 1982.

Frederic A. Eidness, Jr.,

Assistant Administrator for Water.

[FR Doc. 82-15580 Filed 6-7-82; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 47, No. 110
Tuesday, June 8, 1982

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Advisory Council on Maternal, Infant and Fetal Nutrition; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Council meeting:

Name: National Advisory Council on Maternal, Infant and Fetal Nutrition
Date and time: July 19–21, 1982; 9:00 a.m.
Place: Hospitality House Motor Inn, 2000 Jefferson Davis Highway (U.S. 1), Arlington, Virginia 22202.

Purpose of meeting: The Council will continue its study of the Special Supplemental Food Program for Women, Infants and Children (WIC) and the Commodity Supplemental Food Program (CSFP). The Council will discuss a wide range of matters concerning the operations of these two programs.

Proposed agenda: The agenda items will include the following issues: formulation of recommendations for the Council's 1982 Report, and general program operations.

This meeting will be open to the public. As time permits, members of the public may participate in the meeting.

Person wishing additional information about this meeting should contact Elaine Lynn, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302. Telephone: (703) 756–3730.

Dated: May 28, 1982.

Samuel J. Cornelius,

Administrator, Food and Nutrition Service.

[FR Doc. 82–15459 Filed 6–7–82; 8:45 am]

BILLING CODE 3410–30–M

Rural Electrification Administration

Wolverine Electric Cooperative, Inc., Big Rapids, Mich.; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65), and in conformance with the applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $95,000,000 to Wolverine Electric Cooperative, Inc., (Wolverine) of Big Rapids, Michigan. This loan guarantee will provide supplemental funds needed to complete the financing of Wolverine's 8.78 percent undivided ownership interest in the Detroit Edison Company's Enrico Fermi No. 2 nuclear-powered 1100 MW generation unit.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Norman Newby, General Manager, Wolverine Electric Cooperative, Inc., P.O. Box 1133, Big Rapids, Michigan 49307.

In order to be considered, proposals must be submitted on or before August 9, 1982 to Mr. Newby. The right is reserved to give such consideration and to make such evaluation or other disposition of all proposals received as Wolverine and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Public Information Office, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 1st day of June 1982.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 82–15364 Filed 6–7–82; 8:45 am]

BILLING CODE 3410–15–M

Soil Conservation Service

Blind Brook Watershed, New York

AGENCY: SOIL CONVERSATION SERVICE.

ACTION: Notice of availability of a record of decision.

SUMMARY: Paul A. Dodd, responsible Federal official for projects administered under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, in the State of New York, is hereby providing notification that a record of decision to proceed with the installation of the Blind Brook Watershed project is available. Single copies of this record of decision may be obtained from Paul A. Dodd at the address shown below.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423–5521.

(Catalog of Federal Domestic Assistance program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Paul A. Dodd,

State Conservationist.

May 26, 1982.

[FR Doc 82–15470 Filed 6–7–82; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended May 28, 1982

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
May 24, 1982	40726	Island Airlines Hawaii Inc., c/o Robert W. Hall, 391 Aolewa Place, Honolulu, Hawaii 96819. Application of Island Airlines Hawaii Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests a certificate authorizing it to engage in the transportation of property and mail between the terminal point Honolulu, the intermediate points Kona, Maui (Kahului), Lanai, Lihue, Molokai, Kamuela, and Upolu and the terminal point Hilo. Conforming Applications, motions to modify scope, and Answers may be filed by June 18, 1982.
May 26, 1982	40735	Pan American World Airways, Inc., Pam Am Building, 200 Park Ave. New York, New York 10017. Application of Pam American World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, applies to amend its certificate of public convenience and necessity for Route 132 to authorize it to engage in foreign air transportation of persons, property and mail between the Dallas/Ft. Worth and London by adding the point Dallas/Ft. Worth to Segment 4. Conforming Applications, motions to modify scope, and Answers may be filed by June 23, 1982.
May 27, 1982	40736	Transamerica Airlines, Inc., c/o Jeffrey A. Manley, Burwell, Hansen, Manley & Peters, 1706 New Hampshire Avenue, N.W., Washington, D.C. 20009. Conforming Application of Transamerica Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its certificate of public convenience and necessity for Route 194 authorizing it to engage in foreign air transportation of passengers, property and mail over a route segment to read as follows: "Between the coterminal points New York, NY.-Newark, N.J., San Franncisco-Oakland and Los Angeles, California, and Honolulu, Hawaii, on the one hand, the intermediate point Tokyo, Japan (or another intermediate point in Japan) and the coterminal points Shanghai and Peking, People's Republic of China." Answers may be filed by June 10, 1982.
May 28, 1982	40738	United Air Lines, Inc., P.O. Box 66100, Chicago, Illinois 60666. Application of United Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment to its certificate of public convenience and necessity for Route 57 to add a new segment or for a new certificate or certificates so as to authorize it to perform foreign air transportation of persons, property, and mail between: the coterminal points New York, Chicago, Los Angeles, San Francisco, Seattle, and Honolulu; the intermediate point Tojyo and/or another intermediate point in Japan; and the coterminal points Beijing, Shanghai, and Guangzhou. Conforming Applications, motions to modify scope, and Answers may be filed by June 25, 1982.
May 28, 1982	40739	Western Air Lines, Inc., P.O. Box 92005, World Way Postal Center, Los Angeles, California 90009. Application of Western Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, applies for a new certificate of public convenience and necessity or for an amendment to its certificate for Route 152 permanently or temporarily authorizing Western to engage in the scheduled air transportation of persons, property, and mail on an unrestricted basis on the following route: Between the coterminal points Houston and Dallas/Fort Worth, Texas and New Orleans, Louisiana and the coterminal points Caracas and Maracaibo, Venezuela. Conforming Applications, motions to modify scope, and Answers may be filed by June 25, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-15488 Filed 6-7-82; 8:45am]

BILLING CODE 6320-01-M

[Docket 40599]

KLM Royal Dutch Airlines Enforcement Proceeding; Assignment of Proceeding

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated at Washington, D.C., June 2, 1982.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 82-15482 Filed 6-7-82; 8:45 am]

BILLING CODE 6320-01-M

Application of Jeffrey D. Haddock and Ronald A. Watson, d/b/a Valdez Airlines for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (82-6-21).

SUMMARY: The Board is proposing to find Valdez fit, willing and able and to authorize it to provide interstate and overseas transportation of persons and property and to provide all-cargo service between and among the points listed in its application.

DATES: Objections: All interested persons having objections to the Board issuing the proposed certificate shall file, and serve upon all persons listed below no later than June 30, 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 should be filed in Docket 40625, and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon Valdez Airlines; the mayors and airport managers of each city to which the pleading refers; the Alaska Transportation Commission; the Governor of Alaska; the Federal Aviation Administration; and the American Association of Airport Executives.

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

SUPPLEMENTARY INFORMATION: The complete text of Order 82-6-21 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 82-6-21 to that address.

By the Civil Aeronautics Board, June 3, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-15483 Filed 6-7-82; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Massachusetts 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 Massachusetts Advisory Committee to the Commission will convene at 4:00p and will end at 6:00p, on June 28, 1982, at the New England Regional Office, 55 Summer Street, 8th Floor, Conference Room, Boston, Massachusetts, 02110. The purpose of this meeting will be to review the progress and continue planning for successful affirmative action efforts in the State of Massachusetts.

Persons desiring additional information should contact the Chairperson, Dr. Bradford E. Brown, 17 Roberta Jean Circle, Post Office Box 95, East Falmouth, Massachusetts, 02536, (617) 548-5123 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223-4671.

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

Dated at Washington, D.C., June 3, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-15531 Filed 6-7-82; 8:45 am]

BILLING CODE 6335-01-M

Wisconsin 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 Wisconsin Advisory Committee to the Commission will convene at 6:00p and will end at 9:00p, on June 23, 1982, at the Holiday Inn, 4402 East Washington, Madison, Wisconsin. The purpose of this meeting is to report on the meeting with State Superintendent of Public Instruction and the draft of a report on Business Incentives and Equal Opportunity in Wisconsin.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Herbert M. Hill, 2127 Van Hise Avenue, Madison, Wisconsin 57305, (608) 263-1642 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago IL 60604 (312) 353-7479.

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

Dated at Washington, D.C. June 3, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-15529 Filed 6-7-82; 8:45 am]

BILLING CODE 6335-01-M

Wisconsin 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 Wisconsin Advisory Committee to the Commission will convene at 10:00a and will end at 11:00a, on June 24, 1982, at the State Capital, Parlor Room of the Senate, Madison, Wisconsin. The purpose of this meeting is to conduct a press conference to release the Bilingual Monograph on Hispanic education in Wisconsin.

Persons desiring additional information, should contact the Chairperson, Herbert M. Hill, 2127 Van Hise Avenue, Madison, Wisconsin, 53705, (608) 263-1642 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353-7479.

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

Dated at Washington, D.C., June 2, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-15530 Filed 6-7-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 192]

Resolution and Order Approving the Application of the City of Tampa, Florida, for a Foreign-Trade Zone in Tampa

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the City of Tampa, Florida, filed with the Foreign-Trade Zones Board (the Board) on January 7, 1982, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Tampa, within the Tampa Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to §400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant to establish, operate, and maintain a foreign-trade zone in Tampa, Florida

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the City of Tampa, Florida (the Grantee) has made application (filed January 7, 1982) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in Tampa, within the Tampa Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 79 at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone site in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 29th day of May 1982, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige;

Chairman and Executive Officer.

John J. Da Ponte, Jr.,

Attest:

Executive Secretary.

[FR Doc. 82-15469 Filed 6-7-82; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Canned Bartlett Pears From Australia; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce had conducted an administrative review of the antidumping finding on canned Bartlett pears from Australia. The review covers the four known exporters of this merchandise to the United States and the period March 1, 1981 through February 28, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

(As a result of the review, the Department has preliminarily decided to waive the requirement of a cash deposit of estimated antidumping duties. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 8, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia H. McClenahan or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5255).

SUPPLEMENTARY INFORMATION:

Background

On March 26, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 13020) the final results of its administrative review of the antidumping finding on canned Bartlett pears from Australia (38 FR 7566, March 23, 1973) and announced its intent to conduct the next administrative review by the end of March, 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are canned Bartlett pears, currently classifiable under item 148.8600 of the Tariff Schedules of the United States Annotated (TSUSA). The review covers the four known exporters of the merchandise to the United States and the period March 1, 1981 through February 28, 1982. There were no shipments to the United States during this period and there are no known unliquidated entries.

Preliminary Results of the Review

Since there were no shipments during this period and there have been no shipments since September, 1973, the Department shall waive requirement of a cash deposit, as provided for in § 353.48(b) of the Commerce Regulations, on any shipments of Australian canned Bartlett pears entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results.

The Department received information from two of the Australian firms, Henry Jones Ltd. and the Kyabram Preserving Co., that they are no longer involved in the processing or marketing of canned Bartlett pears. The Department preliminarily had decided not to include these two companies in future section 751 reviews until they again ship canned Bartlett pears from Australia to the U.S.

Interested parties may submit written comments on these preliminary results on or before July 8, 1982 and may request disclosure and/or a hearing on or before June 18, 1982. Any hearing, if requested will be held July 8, 1982. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

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

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

June 1, 1982.

[FR Doc. 82-15534 Filed 6-7-82; 8:45 am]

BILLING CODE 3510-25-M

Diamond Tips for Phonograph Needles From the United Kingdom; Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination to Revoke in Part

AGENCY: International Trade Administration; Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding and tentative determination to revoke in part.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on diamond tips for phonograph needles from the United Kingdom. The review covers the three known exporters of this merchandise to the United States. For Bauden Precision Diamonds Ltd. and Diamond Stylus Company Ltd., the review covers the

period April 1, 1980 through March 31, 1981. For Fidelitone International Ltd., the review covers the period June 1, 1975 through May 25, 1976, the date of the Treasury Department's tentative determination to revoke with respect to that firm.

As a result of this review the Department has preliminarily determined to assess dumping duties for one exporter equal to the calculated differences between United States price and foreign market value on each of its shipments during the period of review.

The Department has also tentatively determined to revoke the finding with respect to Fidelitone International Ltd. All imports to the U.S. of diamond tips for phonograph needles from the United Kingdom, produced and sold by Fidelitone International Ltd., have been made at not less than fair value from January 1, 1974 through May 25, 1976, and there is no evidence of any sales at less than fair value since that time. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 8, 1982.

FOR FURTHER INFORMATION CONTACT: Philip Gallas or Jonathan Seiger, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washigton, D.C. 20230 (202-377-4023/2704).

SUPPLEMENTARY INFORMATION:

Background

On April 1, 1972, a dumping finding with respect to diamond tips for phonograph needles from the United Kingdom was published in the Federal Register as Treasury Decision 72-91 (37 FR 6665). A notice of "Tentative Determination to Modify or Revoke Dumping Finding" with respect to merchandise sold by Fidelitone International Ltd. was published by the Department of the Treasury in the Federal Register on May 25, 1976 (41 FR 21384). Reasons for the tentative determination was given in the notice and interested parties were given an opportunity to present written or oral views. Treasury received no written submissions or requests for a hearing. However, Treasury took no final action on the proposed revocation.

On April 28, 1981, the Department of Commerce ("the Department") published in the Federal Register the final results of its first administrative review of the antidumping finding (46 FR 17821). For Bauden Precision Diamonds Ltd., the review covered the period July 1, 1976 through March 31, 1980. For Diamond Stylus Company Ltd., the review covered the period July 1, 1978 through March 31, 1980. Review for the third known exporter, Fidelitione International Ltd., had not been completed at the time of publication. In the final results, the Department announced its intent to conduct the next administrative review by the end of April 1982 (46 FR 23781). As required by section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are diamond tips for phonograph needles, consisting individually of an almost microscopic chip of diamond bonded to steel and shaped to fit into the grooves of a phonograph record. Diamond tips for phonograph needles are currently classifiable under item 685.3400 on the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of three exporters to the United States of diamond tips for phonograph needles from the United Kingdom. For Bauden Precision Diamonds Ltd. ("Bauden") and Diamond Stylus Company Ltd. ("Diamond Stylus"), the review covers the period April 1, 1980 through March 31, 1981. For Fidelitone International Ltd. ("Fidelitone"), the review covers the period June 1, 1975 through May 25, 1976, the date of the Treasury Department's tentative determination to revoke with respect to that firm. Treasury reviewed all prior periods for Fidelitone, finding that all sales by Fidelitone were made at not less than fair value from January 1, 1974 through May 31, 1975. The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by prior master lists, is under review. Liquidation has been suspended pending disposition of the issue.

Bauden Precision Diamonds Ltd. did not export to the U.S. during the period April 1, 1980 through March 31, 1981. The estimated duty deposit rate for Bauden will be the most recent margin calculated for that firm, which is 0%.

United States Price

In calculating United States price the Department used purchase price or exporter's sales price, as defined in section 772 of the Tariff Act or sections 203 and 204 of the Antidumping Act of 1921 ("the 1921 Act"). For Fidelitone, exporter's sales price was based on the C&F, duty-paid, packed, delivered price from the related U.S. party, Fidelitone, Inc., to unrelated U.S. purchasers. We deducted air freight, customs duty, and brokerage charges from the price. In the case of Diamond Stylus, we used exporter's sales price when sales were made to a related U.S. purchaser, Phono Stylus Corporation. Exporter's sales prices were based on the C&F, duty-paid, packed, delivered price from Phono Stylus to unrelated U.S. purchasers, with deductions for air freight and customs duty. Where sales were made from Diamond Stylus directly to unrelated purchasers, the Department used purchase price. Purchase prices in this case were ex-factory, packed prices. 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 or section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise (at least 19.68 percent of total sales, and at least 21.88 percent of sales for export to countries other than the U.S.) were sold in the home market to provide a basis for comparison. Home market prices here were ex-factory, packed prices. No 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 preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Bauden Precision Diamonds Ltd.	04/01/80-03/31/81	(1)
Diamond Stylus Company Ltd.	04/01/80-03/31/81	0
Diamond Stylus/Phono Stylus	04/01/80-03/31/81	9.37
Fidelitone International Ltd.	06/01/75-05/25/76	0

[1] No shipment during period.

In addition to the Department's conclusion that, for the review period, all sales by Fidelitone were made at not less than fair value, prior Treasury review found that all Fidelitone sales were made at not less than fair value from January 1, 1974 through May 31, 1975. There is no indication of any sales at less than fair value by this company since May 25, 1976. As provided for in section 353.54(e) of the Commerce Regulations, Fidelitone has agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that diamond tips for phonograph needles produced by Fidelitone and thereafter imported into the United States are being sold by Fidelitone at less than fair value.

Tentative Determination

As a result of our review we tentatively determine to revoke the finding on diamond tips for phonograph needles from the United Kingdom with respect to Fidelitone. If the finding is revoked with respect to Fidelitone it shall apply to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after May 25, 1976.

Interested parties may submit written comments on these preliminary results on or before July 8, 1982 and may request disclosure and/or a hearing on or before June 18, 1982. Any hearing, if requested, will be held July 8, 1982. Any request for an administrative protective order must be made on or before June 14, 1982. The Department will publish the final results of this 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 on all appropriate entries made with purchase or export dates during the time 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 on each exporter directly to the Customs Service.

Further, as provided by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margins above shall be required on all shipments of diamond tips for phonograph needles entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review, tentative determination to revoke in part, and notice are in accordance with sections 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.

June 1, 1982.

[FR Doc. 82-1-5533 Filed 6-7-82; 8:45am]

BILLING CODE 3510-25-M

Numerically Controlled Machine Tool Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

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

Time and Place

June 30, 1982, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Ave., N.W., Washington, D.C.

Agenda

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Video tape presentation on robots by the Robot Institute of America.

(4) New Business.

Executive Session

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:

Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: June 2, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82-15535 Filed 6-7-82; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Manufacturing Materials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Semiconductor Manufacturing Materials and Equipment Subcommittee was formed to study the technical and strategic value of semiconductor device production equipment and materials for the purpose of maintaining a continuous review of the export control technical parameters, and to formulate recommendations to the Commerce Department for parameter updating as appropriate for reasons of national security.

Time and Place

June 29, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 7808, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

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

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202-377-2583.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

Dated: June 2, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82-15536 Filed 6-7-82; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

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

Time and Place

June 28, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room B841, 14th Street and Constitution Ave., N.W., Washington, D.C.

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

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, witht he concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: June 2, 1982.

Vicent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82-15537 Filed 6-7-82; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation; Certain Stainless Steel Sheet and Strip Products From France

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed in proper form with the Department of Commerce, we are initiating an antidumping investigation to determine whether certain stainless steel sheet and strip products from France are being, or are likely to be, sold in the United States at less than fair value. We are notifying the International Trade Commission ("ITC") of this action so that it may determine whether imports of certain stainles steel sheet and strip products are materially injuring, or are threatening to materially injure, a U.S. industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before June 24,1982, and we will make ours on or before October 18, 1982.

EFFECTIVE DATE: June 8, 1982.

FOR FURTHER INFORMATION CONTACT: Leon McNeill, Office of Investigations, Import Administration, International Trade Administation, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377-1273.

SUPPLEMENTARY INFORMATION:

Petition

On May 10, 1982, we received a petition filed by counsel on behalf of eleven U.S. specialty steel producers and on behalf of the United Steelworkers of America. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports from France of certain stainless steel sheet and strip products are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tarriff Act of 1930, as amended (19 U.S.C. 1673) (the "Act") and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry. The petition further alleges that these products are being sold in France at less than the cost of production in the home market. An amendment to the petition was filed on May 24, 1982, which provided price data on hot-rolled stainless steel strip coil. Further amendments to the petition were filed on May 28, 1982, which provided additional information relative to the allegation that stainless steel sheet and strip products are being sold in France at less than the cost of production.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets

forth the allegations necessary for initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on certain stainless steel sheet and strip products and have found that it meets these requirements. However, we have dismissed the sales below cost of production allegation on the basis that the petition failed to provide adequate documentation and analysis to support such allegation. If the petitioners make a timely submission of the required information, we will initiate an investigation to determine if stainless steel sheet and strip products are being sold in France at less than the cost of production.

Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether certain stainless steel sheet and strip products from France are being, or are likely to be, sold in the U.S. at less than fair value. If the investigation proceeds normally, we will make our preliminary determination by October 18, 1982.

Scope of the Investigation

The products covered by this investigation are certain stainless steel sheet and strip products. For a further description of these products see the appendix appearing with this notice.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided that the ITC confirms it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by June 24, 1982, whether there is a reasonable indication that imports of certain stainless steel sheet and strip products from France are materially injuring, or are threatening to materially injure, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, the investigation will proceed according to statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

June 1, 1982.

Appendix—Product Description: Certain Stainless Steel Sheet and Strip Products

For the purpose of this investigation, the term "certain stainless steel sheet and strip products" covers hot or cold-rolled stainless steel sheet or strip, excluding hot or cold-rolled stainless steel strip not over 0.01 inch in thickness, as currently provided for in items 607.7610, 607.9010, 607.9020, 608.4300, and 608.5700 of the *Tariff Schedules of the United States Annotated.*

Hot-rolled stainless steel sheet covers hot-rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Hot-rolled stainless steel strip is a flat-rolled stainless steel product whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and not over 12 inches in width. Hot-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included.

Cold-rolled stainless steel sheet covers cold-rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Cold-rolled stainless steel is a flat-rolled stainless steel product whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and over 0.50 inch in width but not over 12 inches in width. Cold-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included in this investigation.

[FR Doc. 82-15528 Filed 6-7-82; 8:45 am]

BILLING CODE 3510-25-M

Piher Semiconductores, S.A., Avda San Julian, s/n, Apartado Correos 177, Granallers (Barcelona), Spain; Order Amending Temporary Denial of Export Privileges

By Order of April 9, 1982, 47 FR 16819 (April 20, 1982), the Order of February 25, 1982, 47 FR 9044 (March 3, 1982) Temporarily Denying Export Privileges was amended so as to authorize certain exports by Piher International Corp. The Order of April 9, 1982 further provided that Piher International Corp. could apply for an extension of such authorization to export if serious economic hardship would be caused by a failure of such extension coupled with a continuing consideration of a motion filed by Piher International Corp. that requested exception from the provisions of Paragraph III of the Order of February 25, 1982.

Consideration of this motion is still continuing and Piher International Corp. has now applied for an extension of its authorization to make certain exports, asserting that failure to obtain the extension will entail serious economic hardship.

Based on the representation made by Piher International Corp., I find that its application for an extension of its authorization to make certain exports is justified, and that granting this extension will not jeopardize the purpose of the Order of February 25, 1982.

Accordingly, it is hereby ordered that the Order of February 25, 1982 is further amended by excepting, from its denial of export privileges, Piher International Corp., with addresses at 565 W. Golf Road, Arlington Heights, Illinois 60005 and at Post Office Box 91969, Chicago, Illinois 60680, insofar as Piher International Corp. exports variable resistors and potentiometers to its customers in Canada and Singapore in fulfillment of shipments scheduled through July 1982 in the shipment release documents filed by Piher International Corp. as Exhibit 4 in support of its aforesaid motion for exception from Paragraph III, provided all such exports are G-DEST under the Export Administration Regulations (15 CFR Part 368 *et seq.* (1981). Piher International Corp. may apply for an extension of this Amendment to shipments scheduled after July 1982 in such shipment release documents should a continuing consideration of its aforesaid motion entail serious economic hardship if such an extension is not issued.

This Amendment of the Order is effective immediately.

Dated: June 2, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-15451 Filed 6-7-82; 8:45 am]

BILLING CODE 3510-25-M

Importers and Retailers' and Management-Labor Textile Advisory Committees Public Meetings

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Importers and Retailers' Textile Advisory Committee was established by the Secretary of Commerce on August 13, 1963 to advise

U.S. Government officials of the effects on imports markets of cotton, wool, and man-made fiber textile agreements.

The Management-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

TIME AND PLACE: June 23, 1982 at 10:30 a.m. for the Importers and Retailers and 1:00 p.m. for the Management-Labor Textile Advisory Committee. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. (Public entrance to the building is on 14th Street between Constitution Avenue and E Streets, NW.)

AGENDA: (1) Review of imports trends, (2) Implementation of textile agreements, (3) Reports on conditions in the domestic market, and (4) Other business.

PUBLIC PARTICIPATION: The meetings will be open to public participation to the extent time is available. The public may file written statements with the Committees before or after the meetings. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Dated: June 7, 1982.

Arthur Garel,

Acting Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 82-15636 Filed 6-7-82; 10:25 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Approval of the New Hampshire Coastal Management Program (Segment)

Pursuant to the authority contained in Section 306(h) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1445(a)), notice is hereby given that the Assistant Administrator for Coastal Zone Management (on behalf of the Secretary of Commerce) on May 27, 1982 approved the New Hampshire Coastal Management Program, Ocean and Harbor Segment. The area comprised by this segment extends from the Portsmouth-Newington Town line to the border with the Commonwealth of Massachusetts. A program for the remaining portions of the State coastal zone, including Great Bay, is under development.

Approval activates Federal agency responsibility for being consistent with the Ocean and Harbor Segment pursuant to the Federal consistency provisions of the Coastal Zone Management Act as of the date of approval. Further information on the responsibilities of affected Federal agencies in this regard may be found in 15 CFR Part 930, published in the **Federal Register**, at page 37142 on June 25, 1979.

A copy of the findings made by the Assistant Administrator in determining that this program segment meets the requirements of the Coastal Zone Management Act may be obtained upon request from the Office of Coastal Zone Management. Inquiries regarding the New Hampshire Program should be addressed to: Kathryn Cousins, North Atlantic Regional Manager, Office of Coastal Zone Management, Page Building #1, Room 362, 3300 Whitehaven Street NW., Washington, D.C. 20235, (202) 634-4126.

(Federal Domestic Assistance Catalog No. 11.419, Coastal Zone Management Program Administration)

Dated: June 1, 1982.

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 82-15456 Filed 6-7-82; 8:45 am]

BILLING CODE 3510-08-M

THE COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, July 13, 1982 at 10:00 a.m. in the Commission's offices at 708 Jackson Place NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C. June 1, 1982.

Charles H. Atherton,

Secretary.

[FR Doc. 82-15463 Filed 6-7-82; 8:45 am]

BILLING CODE 6330-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Soliciting Public Comment on Bilateral Textile Consultations With the Government of the Republic of Indonesia To Include a Review of Trade in Categories 340 (Woven Cotton Shirts) and 347/348 (Cotton Trousers)

June 1, 1982.

On May 28, 1982, the United States Government, pursuant to Article 3 of the Arrangement Regarding International Trade in Textiles, the MFA, requested the Government of the Republic of Indonesia to enter into consultations concerning exports to the United States of woven cotton shirts in Category 340 and cotton trousers in Category 347/348, produced or manufactured in Indonesia. A complete description of these categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 533506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926) and May 13, 1982 (47 FR 20654).

The purpose of this notice is to advise that, if no solution is agreed upon between the two governments within sixty days of the date of delivery of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textile products in Categories 340 and 347/348, produced or manufactured in Indonesia and exported to the United States during the twelve-month period beginning on May 28, 1982, may be restrained at respective levels of 235,256 dozen and 537,661 dozen.

Anyone wishing to comment or provide data or information regarding the treatment of Categories 340 and 347/348 is invited to submit such comments or information in ten copies to Mr. Paul T. O'Day, Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary of Commerce for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, it is requested that comments be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce,

14th and Constitution Avenue, N.W., Washington, D.C. 20230, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-15378 Filed 6-7-82; 8:45 am]

BILLING CODE 3510-25-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. CRT 79-1]

1978 National Public Radio Cable Royalty Claim

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice of final determination.

SUMMARY: The Copyright Royalty Tribunal (Tribunal) announces the adoption of its final determination denying an award of 1978 cable royalty fees to National Public Radio (NPR) and affirming an allocation of 0.25 of the royalty fees to the Public Broadcasting Service (PBS).

FOR FURTHER INFORMATION CONTACT: Frances Garcia, Chairman, Copyright Royalty Tribunal, 1111 20th St., N.W., Rm. 450, Washington, D.C. 20036, 202-653-5175.

(17 USC 111(d) and 803(b))

BACKGROUND AND CHRONOLOGY: The Tribunal published its final determination in the 1978 cable royalty proceeding on September 23, 1980.[1] A number of claimants, including NPR, sought judicial review of the Tribunal's decision in the Court of Appeals for the District of Columbia Circuit. These appeals were consolidated. The Court in its opinion of April 9, 1982, affirmed all the Tribunal's royalty allocations, except for the Tribunal's disposition of a tentative award of 0.25 of the royalty fees to NPR. The Court remanded that issue to the Tribunal for further proceedings.

The Tribunal conducts its cable distribution proceedings in two parts. During Phase I the Tribunal determines what percentage of the royalty fund shall be allocated to general categories of claimants. During Phase II the Tribunal resolves any disputes as to the division of a category's share among the component members of the category. No determination of a royalty allocation is final until, as required by 17 USC 803(b), the Tribunal's allocation and "the specific reasons for its determination" are adopted and published in the **Federal Register.**

At the conclusion of Phase I of the 1978 cable royalty distribution proceeding, the Tribunal included in its proposed allocations an award of 0.25% to NPR. Prior to the adoption of its final determination, without reopening the record, the Tribunal reconsidered the award to NPR, determined that it was not supported by the record evidence, and upon further review of its Phase I allocations, added the 0.25% to the award of PBS.

Upon the remand, the Tribunal determined "that further proceedings on the National Public Radio claim directed by the Court of Appeals shall be conducted exclusively on the substance of the National Public Radio Claim."[2] The Tribunal provided a period for briefs and reply briefs, as well as oral argument on May 26th on the following question:

> Does the record of the 1978 distribution proceeding support an award of 0.25% to National Public Radio, or shall no award be made to National Public Radio and the 0.25% be allocated as provided in the Tribunal's final order?[3]

After debate, at a public meeting on May 26, the Tribunal by a vote of three ayes (Commissioners Garcia, Brennan and Burg) one nay (Commissioner Ray) and one voting "present" (Commissioner Coulter) adopted the following motion "that no award be made to National Public Radio for the year 1978, and that the .25 percent allocation provided in the Tribunal's final order of September 23, 1980 be allocated as it was."

Findings:

The Tribunal in our 1978 distribution opinion described and reviewed the evidence presented in justification of the NPR claim.[4] In our findings concerning all 1978 radio claimants, we stated:

> The Tribunal finds that the record of this proceeding provides no basis for any award of cable royalty fees for the distant carriage of radio signals. The record is inadequate to establish the extent of cable carriage of radio programming.[5]

Reviewing our action on the substantive aspects of the NPR claim, and our denial of any award to NPR, the Court of Appeals said "we find no error in the Tribunal's action." The Court further noted:

> Several times during the Phase I proceeding, NPR candidly admitted its difficulty in demonstrating that its member stations were the subject of any significant distant carriage by cable systems . . . . In short, the Tribunal's assessment of theevidence in the record put forward to support . . . NPR claims was not unreasonable."[6]

We reaffirm all our previous findings concerning the NPR claim. We find that the record does not provide an adequate basis for establishing the extent of cable systems distant carriage of NPR station signals. The record is particularly deficient on matters relating to the carriage by cable systems of distant NPR signals. As the Court of Appeals stated "the Tribunal had no way of knowing how many NPR stations are carried on how many cable systems."[7]

Having determined to make no award to NPR, we have resolved that the 0.25 percent of the royalty fund included in the remand be allocated to PBS, as provided in our final determination of September 23, 1980. Our findings and justification for a total award of 5.25 percent of the royalty fund to PBS is set forth on our 1980 determination.[8] We adopt and reaffirm this justification.

It is therefore ordered that the 0.25 percent of the royalty fund covered by the remand be awarded to PBS.

Note.—Commissioners Garcia, Brennan and Burg concur in this opinion; Commissioner Ray dissents; and Commissioner Coulter is recorded as voting "present".

Frances Garcia,

Chairman.

[FR Doc. 82-15527 Filed 6-7-82; 8:45 am]

BILLING CODE 1410-09-M

[CRT Docket No. 80-4]

1979 Cable Royalty Fees, Not Subject to Appeal; Order Denying Partial Stay

By Order adopted May 26, 1982 and published June 3, 1982 (47 FR 24175), the Copyright Royalty Tribunal (Tribunal) ruled that 50% of the 1979 cable royalty fund should be distributed, effective July 2, 1982, to the claimant categories in the same proportionate shares as the categories were allocated in the Final

[1] 45 FR 63026-44.

[2] 47 FR 18020.

[3] Ibid.

[4] 45 FR 63031.

[5] Ibid, p. 63040.

[6] Slip Opinion, pp. 31-33, National Public Radio v. Copyright Royalty Tribunal, No. 80-2281, U.S. Court of Appeals for the District of Columbia Circuit.

[7] Ibid, p. 32.

[8] 45 FR 63039-40.

Notice (47 FR 9879). This action was done pursuant to 17 U.S.C. 809 which permits distribution of the fund to the extent it is not subject to an appeal. Old-Time Gospel Hour (OTGH) and the PTL Television Network (PTL) filed a motion on June 2, 1982, in which it requested that the Tribunal "stay its decision to partially award the 1979 cable television royalty fund insofar as that decision would allow distributions to the Motion Picture Association of America, Inc. or the National Association of Broadcasters (in the program syndicators category) . . . pending review on the merits by the Court". OTGH and PTL stated they have "no objection to a partial distribution to any other claimants (including NAB in its role as agent for broadcasters)."

On June 3, 1982 the Motion Picture Association of America, its members, and other program producers and syndicators filed their opposition to the OTGH and PTL motion.

The Tribunal denies the Motion for Partial Stay.

Frances Garcia, *Chairman*

June 3, 1982.

[FR Doc. 82-15528-Filed 6-7-82; 8:45 am]

BILLING CODE 1410-01-M

[Docket No. CRT 81-1]

1980 Cable Royalty Distribution Procedures

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Frances Garcia, Chairman, Copyright Royalty Tribunal, 1111 20th Street, N.W., Rm. 450, Washington, D.C. 20036, 202-653-5175.

SUPPLEMENTARY INFORMATION: 17 USC 111(d)(4) authorizes the Copyright Royalty Tribunal (Tribunal) to distribute royalty fees paid by cable systems to certain copyright owners who have filed claims with the Tribunal. The procedures for distribution of the cable royalty fees are set forth at 17 USC 111(d)(5). On March 2, 1982 the Tribunal pursuant to 17 USC 111(d)(5)(B) declared the existence of a controversy concerning the distribution of the 1980 royalties (47 FR 8808).

The 1980 distribution proceeding, as those relating to 1978 and 1979 royalty fees, will be conducted to two phases. Phase I will be devoted to determining the percentages, if any, of 1980 royalty fund which shall be awarded to general categories of claimants. Phase II shall resolve disputes, if any, among claimants within each of these categories. Participation in Phase I is not a prerequisite to participation in Phase II.

The Tribunal approves the request of Superstation, Inc. to participate for all purposes in Phase I.

The Tribunal has determined to alter the 1979 Phase I categories as listed in our final determination of March 8, 1982 (47 FR 9897) by establishing a new and separate category for Devotional Claimants. This category will include such claimants as Christian Broadcasting Network, PTL Television Network and Old Time Gospel Hour.

The Tribunal approves the utilization of the record of the 1978 and 1979 distribution proceeding in both phases of the 1980 proceeding. The Tribunal will accord the same weight to evidence submitted in a prior proceeding that it will to evidence first presented in this proceeding. The Tribunal has determined that the orderly conduct of the proceeding is served by requiring parties to designate those portions of the 1978 and 1979 records which they wish to incorporate in the 1980 record. The Tribunal directs that parties shall, not later than July 15, 1982, designate those portions of the record they wish to incorporate for Phase I purposes.

The Tribunal has determined that it shall not adopt any restrictions on the introduction of new evidence, or require any preliminary showing that the proferred evidence reflects a significant change in material facts from prior proceedings. All relevant evidence will be received.

The Tribunal directs that not later than August 16, 1982 each Phase I party shall submit any prehearing statements, witness lists, concise summary of each witness's testimony, and copies of all documentary evidence. Exhibits will be identified according to the Tribunal's Order of May 1, 1981 (46 FR 24619). The Chairman shall provide exhibit identification procedures for Phase I categories not covered by that order.

The Tribunal has further determined that it will commence the hearings on the substantive aspects of this proceeding on September 14, 1982, at a location to be announced, and the hearings will continue on such subsequent days as are necessary. The Tribunal has determined that the order of presentation shall be as follows:

1. Motion Picture and Syndicated Program Suppliers.
2. Joint Sports.
3. Public Television.
4. Commercial Television and Radio; Superstation.
5. Music.
6. Canadian Claimants.
7. Public Radio.
8. Devotional Claimants.

The Tribunal later will announce the schedule for the rebuttal period.

The Tribunal reminds parties that issues that may require consideration of the Tribunal during the proceeding shall be presented by written motion.

The Tribunal has determined not to make a partial distribution of the 1980 royalty fees at this time.

Frances Garcia,

Chairman.

June 3, 1982

[FR Doc. 82-15525 Filed 6-7-82; 8:45 am]

BILLING CODE 1410-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Coal Terminal in Portsmouth, Virginia on the Elizabeth River

JOINT LEAD AGENCIES: 1. U.S. Army Corps of Engineers, DOD. 2. Virginia Council on the Environment.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. *Proposed Action:* The Virginia Port Authority proposes to construct a coal terminal in Portsmouth, Virginia on the Elizabeth River. The facility will be built in two phases, the first which will have an annual shipping capacity of 18 million tons of coal and the second of which will expand that capacity to 25 million tons per year. In the first phase, approximately three million cubic yards of material will be dredged to create a 1,200 foot wide approach channel at a depth of 45 feet at mean low water from the Craney Island Reach of the Elizabeth River to the project site and a ship loading area on the north side of a proposed pier. In the second phase, and additional two million cubic yards of material will be dredged to create a loading area on the south side of the pier. An open-pile trestle and loading pier will be used to convey the coal from land to the colliers. The maximum encroachment of the pier complex into the water body will be approximately 1,860 feet.

2. *Alternatives:* Alternatives which will be investigated include, but will not be limited to: different coal terminal sites in the Hamption Roads area, different dredged material disposal sites, and different land facilities configurations to minimize wetlands impacts.

3. *Scoping Process:* An informal pre-application scoping meeting was held on

17 September 1981 with representatives of 15 Federal and State agencies. A public notice requesting written scoping comments from the general public will be published so as to roughly coincide with the appearance of this Notice of Intent in the **Federal Register.** Significant issues which have already been identified and which will be discussed in depth in the DEIS include: air quality impacts, wetland impacts, impacts to roads and traffic patterns, noise impacts, water quality, and navigation. Measures to lessen or mitigate these impacts will also be discussed. The Virginia Council on the Environment and the Corps will be joint lead agencies for the preparation of the EIS. This is because the action falls within both Federal and Virginia environmental impact statement requirements. One document will be written to serve both State and Federal review processes.

4. *Public Meetings:* No public scoping meetings are anticipated at this time. However, a public hearing will be held after publication of the DEIS as a part of its public review.

5. *DEIS Availability:* It is estimated that the DEIS will be available to the public for review and comments by November, 1982.

ADDRESS: Questions about the proposed action and DEIS can be answered by:

Bob Hume, U.S. Army Engineer District, Norfolk, 803 Front Street, Norfolk, Virginia 23510, (804) 441-3657, or

Larry Minock, Virginia Council on the Environment, 903 9th Street Office Building, Richmond, Virginia 23219, (804) 786-4500

Dated: May 28, 1982.

Ronald E. Hudson,

Colonel, Corps of Engineers District Engineer.

[FR Doc. 82-15450 Filed 6-7-82; 8:45 am]

BILLING CODE 3710-EN-M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463); announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Date of Meeting: Wednesday, 23 June 1982.

Time: 0830-1700 hours, 23 June 1982 (Closed).

Place: National Science Foundation, Washington, D.C.

Agenda: The Army Science Board Ad Hoc Subgroup on Robotics/Artificial Intellgience working group on Automated Plant Environment will meet for briefings and discussions on National Science Foundation programs. The subject matter being addressed at this meeting is of a classified nature. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695-3039 or 697-9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 82-15578 Filed 6-7-82; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Per Diem, Travel and Transportation Allowance Committee; Changes in per Diem Rates

AGENCY: DOD.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 112. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 112 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: June 2, 1982.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of changes in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin Number 112 to the Heads of Executive Departments and Establishments

Subject: Table of Maximum Per Diem Rates in Lieu of Subsistence for United States Government Civilian Officers and Employees for Official Travel in Alaska, Hawaii, the Commonwealth of Puerto Rico and Possessions of the United States

1. The bulletin is issued in accordance with Memorandum for Heads of Executive Departments and Establishments from the Deputy Secretary of Defense August 17, 1966, "Executive order 11294, August 4, 1966 Delegating Certain Authority of the President to Establish Maximum Per Diem Rates for Government Civilian Personnel in Travel Status," in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702(a)(2)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 111 except in the cases identified by an asterisk which rates are effective on the date of this Bulletin.

3. Each Department or Establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
Alaska:	
Adak [1]	$12.60
Anaktuvuk Pass	140.00
Anchorage	89.00
Barrow	169.00
Bethel	114.00
College	97.00
Cordova	89.00
*Deadhorse	142.00
Dillingham	103.00
Dutch Harbor	82.00
Eielson AFB	97.00
Elmendorf	89.00
Fairbanks	97.00
Ft. Richardson	89.00
Ft. Wainwright	97.00
Juneau	97.00
Ketchikan	96.00
Kodiak	103.00
Kotzebue	109.00
Murphy Dome	97.00
Noatak	109.00
Nome	110.00
Noorvik	109.00
Petersburg	96.00
Point Hope	100.00
*Prudhoe Bay	142.00
Shemya AFB [1]	11.00
Shungnak	109.00
Sitka-Mt. Edgecombe	96.00
Skagway	96.00
Spruce Cape	103.00
Tanana	110.00
Valdez	93.00
Wainwright	79.00
Wrangell	96.00
All other Localities	83.00
American Samoa	65.00
Guam M.I.	74.00
Hawaii:	
Oahu	91.00
All Other Localities	67.00
Johnston Atoll [2]	16.75
Midway Islands [1]	12.60
Puerto Rico:	
Bayamon:	
12-16—5-15	119.00
5-16—12-15	88.00
Carolina:	
12-16—5-15	119.00
5-16—12-16	88.00
Fajardo (Including Luquillo):	
12-16—5-15	119.00
5-16—12-15	88.00
Ft. Buchanan (Incl. GSA Service Center, Guaynabo):	
12-16—5-15	119.00
5-16—12-15	88.00

Locality	Maximum rate
Ponce (Incl. Ft. Allen NCS)	70.00
Roosevelt Roads:	
12-16—5-15	119.00
5-16—12-15	88.00
Sabana Seca:	
12-16—5-15	119.00
5-16—12-15	88.00
San Juan (Incl. San Juan Coast Guard Units):	
12-16—5-15	119.00
5-16—12-15	88.00
All Other Localities	77.00
Virgin Islands of U.S.:	
12-1—4-30	102.00
5-1—11-30	82.00
Wake Island [2]	15.00
All Other Localities	20.00

[1] Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 3, 1982.

[FR Doc. 82-15481 Filed 6-7-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Assessment Policy Committee, National Assessment of Educational Progress (NAEP); Meeting

AGENCY: Education Department.

ACTION: Notice of meeting.

SUMMARY: The Secretary announces a meeting of the Assessment Policy Committee for the National Assessment of Educational Progress (NAEP). The purpose of the meeting is to provide policy guidance and direction to the NAEP project which is supported by the National Institute of Education. The entire meeting will be open to the public and interested persons are invited to attend.

DATE: June 11, 1982, 9:00 a.m. to 5:00 p.m.; June 12, 9:00 a.m. to conclusion of the agenda.

LOCATION: Holiday Inn-Downtown, Silver Heels Room, 15th and Glenarm Place, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Mr. Dunlap Scott, Jr., Director, Liaison and Field Operations, National Assessment of Educational Progress, 1860 Lincoln Street, Room 700, Denver, Colorado 80295 (303/830-3721).

SUPPLEMENTARY INFORMATION: NAEP has as a primary purpose the assessment of the performance of children and young adults in the basic skills of reading, mathematics, and communications. The Assessment Policy Committee is established under section 405(k)(2)(A) of the General Education Provisions Act, as amended by section 1242 of the Education Admendments of 1978. The Assessment Policy Committee is responsible for the design of NAEP, including the selection of learning areas to be assessed, the development and selection of goal statements and assessment items, the assessment methodology, the form and content of the reporting and dissemination of results, and studies to evaluate and improve the form and utilization of NAEP.

The proposed agenda for the meeting includes:

- Action on previous minutes
- Director's report
- Continuation of review of the Wirtz and Lapointe report, "Measuring the Quality of Education", an independent report on NAEP
- NAEP's assessment item release policy
- Public comments
- Miscellaneous housekeeping items

In order to assure adequate seating arrangements and to obtain an advance copy of the final agenda, persons may contact Mr. Dunlap Scott, Jr.

(Catalog of Federal Domestic Assistance 84.117, Education Research and Development)

Dated: June 3, 1982.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 82-15449 Filed 6-7-82; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Continuing Education; Meeting

AGENCY: National Advisory Council on Continuing Edcucation.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the National Advisory Council on Continuing Education. It also describes the functions of the Council. Notice of meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: June 23, 24 and 25, 1982.

ADDRESS: The Shoreham Hotel, 2500 Calvert Street, N.W., Washington, D.C. 20008.

FOR FURTHER INFORMATION CONTACT: Dr. William G. Shannon, Executive Director, National Advisory Council on Continuing Edcuation, 425 Thirteenth Street, N.W.; Suite 529, Washington, D.C. 20004, Telephone: (202) 376-8888.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Continuing Education is established under Section 117 of the Higher Education Act (20 U.S.C. 1009), as amended. The Council is established to advise the President, the Congress, and the Secretary of the Department of Education on the following subjects:

(a) An examination of all federally supported continuing education and training programs, and recommendations to eliminate duplication and encourage coordination among these programs;

(b) the preparation of general regulations and the development of policies and procedures related to the administration of Title I of the Higher Education Act; and

(c) activities that will lead to changes in the legislative provisions of this title and other federal laws affecting ferderal continuing education and training programs.

The meetings of the Council are open to the public. However, because of limited space, those interested in attending are asked to call the Council's office beforehand.

The Council meeting will be held from 2:00 p.m. until 6:30 p.m. on June 23; from 9:00 a.m. until 5:00 p.m. and from 7:00 p.m. until 9:00 p.m. on June 25, 1982.

The proposed agenda includes:

1. Installation Ceremonies

The Honorable Warren E. Burger, Chief Justice of the United States, (The Castle, Smithsonian Institution)

2. Orientation of Council Members

Council's Congressional mandate and purposes

3. Views on Federal Education Policies and Aims

Representatives from:
—Congressional Commmittees
—Office of Management and Budget
—Congressional Budget Office
—Higher Education Community
—Federal Departments

4. Planning Future Council Activities

Records are kept of all Council proceedings and are available for public inspection at the office of the National Advisory Council on Continuing Education, 425 Thirteenth Street, NW., Room 529, Washington, D.C.

Signed at Washington, D.C. on June 3, 1982.

William G. Shannon,

Executive Director.

[FR Doc. 82-15464 Filed 6-7-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Natural Gas Companies; Cities Service Company, et al. Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

[Docket Nos. G-4579-016, et al.]

June 2, 1982.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commision on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-4579-016, D, May 17, 1982	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Northern Natural Gas Company, Section 10-23S-35W, Kearny County, Kansas.	(1)	
G-4579-017, D, May 17, 1982	do	Northern Natural Gas Company, Section 15-26S-33W, Finney County, Kansas.	(1)	
G-7648-001, D, May 17, 1982	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	United Gas Pipe Line Company, White Point, Saxet, et al. Fields, Nueces and San Patricio Counties, Texas.	(1)	
CI64-1115-000, D, May 10, 1982	do	Northern Natural Gas Company, Hansford and North Follett Field, Hutchinson and Lipscomb Counties, Texas.	(1)	
CI69-168-000, May 10, 1982	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Montana-Dakota Utilities Company, Recluse Gas Plant, Campbell County, Wyoming.	(1)	14.73
CI77-328-000, D, May 14, 1982	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 70046.	Tennessee Gas Pipeline Company, S.W. Pheasant Field, Matagorda County, Texas.	(1)	
CI81-7-001, May 10, 1982	ARCO Oil & Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, Vermilion Block 104, Offshore Louisiana.	(1)	15.025
CI82-249-000, B, May 6, 1942	Bill J. Graham, 201 West Building, Post Office Box 5321, Midland, Texas 79701.	El Paso Natural Gas Company, Cindy Field, Delaware County, Texas.	(1)	
CI82-250-000 (CI67-115), B, May 6, 1982.	Grace Petroleum Corporation, Broadway Executive Park, 6501 North Broadway, Oklahoma City, Oklahoma 73116.	Lone Start Gas Company, W. Velma Field, Stephens County, Oklahoma.	(1)	
CI82-251-000, B, May 7, 1982	Devon Energy Corporation, 1500 Mid-America Tower, Oklahoma City, Oklahoma 73102.	Columbia Gas Transmission Corporation, Dingess Rum No. 25 Well, Logan County, West Virginia.	(1)	
CI82-252-000, B, May 7, 1982	do	Columbia Gas Transmission Corporation, Dolly Jordan No. 790 Well, Kanawha County, West Virginia.	(1)	
CI82-253-000, B, May 7, 1982	do	Cities Service Oil Company, E. E. Walker No. 0-20 Well, Kanawha County, West Virginia.	(1)	
CI77-46-002, C, May 21, 1982	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Trunkline Gas Company, Eugene Island Block 332, Offshore Louisiana.	(1)	14.73
CI77-47-003, C, May 21, 1982	do	Northern Natural Gas Company, Eugene Island Block 332, Offshore Louisiana.	(1)	14.73
CI77-48-002, C, May 21, 1982	do	Natural Gas Pipeline Company of America, Eugene Island Block 332, Offshore Louisiana.	(1)	14.73
CI77-122-003, C, May 21, 1982	do	Columbia Gas Transmission Corporation, Eugene Island Block 332, Offshore Louisiana.	(1)	14.73
CI82-254-000 (CI60-459), B, Mar. 9, 1982.	ARCO Oil & Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, Lundquist Gas Unit, Colorado County, Texas.	(1)	
CI82-255-000, A, May 10, 1982	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Texas Gas Transmission Corporation, Parker-Tomlinson Lease, Sligo Field, Bossier Parish, Louisiana.	(1)	15.025
CI82-256-000, B, May 11, 1982	The Dow Chemical Company and the Anschutz Corporation, P.O. Box 3387, Houston, Texas 77042.	United Gas Pipe Line Company, Rooke Ranch Field, Refugio County, Texas.	(1)	
CI82-263-000 (CI73-251), B, Feb. 22, 1982.	Energy Reserves Group Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201.	West Lake Natural Gasoline Company—Atlantic Richfield Company, South Lake Trammel Unit, Nolan County, Texas.	(1)	14.73
CI82-258-000, A, May 17, 1982	Mobil Oil Exploration & Producing Southeast, Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	El Paso Natural Gas Company, East Cameron Block 237, S.A., Federal Offshore, Louisiana.	(1)	14.73
CI82-259-000, A, May 19, 1982	Union Oil Company of California, P.O. Box 7600, Los Angeles, California 90051.	Texas Gas Transmission Corporation, Block 299, Eugene Island Area, Offshore Louisiana.	(1)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI82-260-000, A, May 19, 1982	Penzoil Oil & Gas Inc., P.O. Box 2967, Houston, Texas 77001.	United Gas Pipe Line Company, High Island Block A-563 and A-564, South Addition, Offshore Texas.	([19])	14.73
CI82-261-000, A, May 19, 1982	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	United Gas Pipe Line Company, High Island Block A-281, Offshore Texas.	([20])	14.73
CI82-262-000, A, May 19, 1982	ARCO Oil & Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Transco Gas Supply Company, High Island Area, Block A-466 and A-467, Offshore Texas.	([21])	14.73

[1] Royalty owner in the Miller "K" No. 1 Well has requested that Applicant furnish natural gas for the purpose of fueling water pumping engine in order to irrigate agricultural crops growing on lands encompassed in the Miller "K" No. 1 Well proration unit. Gas purchaser has agreed to release gas for this high priority purpose subject to Commission approval.
[2] Royalty owners in the Brinkman "B" No. 1 Well have requested that applicant furnish natural gas for the purposes of fueling water pumping engine in order to irrigate agricultural crops growing on lands encompassed in the Brinkman "B" No. 1 Well proration unit. Gas purchaser has agreed to release gas for this high priority purpose subject to Commission approval.
[3] Non-producing acreage.
[4] Applicant is filing under Gas Purchase Agreement dated July 16, 1968, amended by Letter Agreement dated March 17, 1982, requesting to change delivery point from outlet of Recluse Gas Plant to the outlet of Atlantic Richfield Company's Gillette Plant.
[5] Gas reserves depleted.
[6] Applicant is filing under Gas Purchase and Sales Agreement dated September 3, 1980, amended by Amendment dated April 14, 1982, requesting to change delivery point.
[7] Well no longer capable of producing gas. Will be plugged and abandoned.
[8] Angle 3-28, located Section 28-15-5W, Stephens County, Oklahoma, last production in November 1977. Well was drilled as dry hole in 1957 and is now plugged and abandoned.
[9] Production from the Dingess Rum No. 25 Well (Devon's Energy's Well No. 32) under this sale has ceased.
[10] Production from the Dolly Jordan No. 790 well under this sale ceased. Devon Energy has received a plugging permit and expects to plug this well within the next 30 days.
[11] Production from the E. E. Walker No. 0-20 Well under this sale ceased in December 1977. Devon Energy has received a plugging permit and expects to plug this well within the next 30 days. This is the last producing well under contract dated November 9, 1963, therefore, Devon Energy will not make any more sales under this contract.
[12] Applicant agrees to accept a permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations Under said Act.
[13] Land no longer productive of gas and ARCO plans no further development.
[14] Applicant is filing under Gas Purchase Contract date April 24, 1982.
[15] The F. B. Rooke & Sons No. 1 Well, the only well usbject to this contract, ceased production and was plugged and abandoned on June 19, 1981.
[16] Acreage assigned to Arden Oil Corporation as of Assignment dated January 12, 1982.
[17] Applicant agrees to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart B, Section 102(d).
[18] Applicant is filing under Gas Purchase Contract dated May 12, 1982.
[19] Applicant is willing to accept a certificate of public convenience and necessity conditioned in price to the applicable ceiling rates as established by the Natural Gas Policy Act of 1978.
[20] Applicant is filing under Gas Purchase and Sales Agreement dated May 3, 1982.
[21] Applicant is filing under Gas Purchase Agreement dated May 14, 1982.
Filing Code A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delege acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 82-15498 Filed 6-7-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-546-000]

Central Power and Light Co., and West Texas Utilities Co.; Filing

June 2, 1982.

The filing Company submits the following:

Take notice that Central Power and Light Company ("CPL") and West Texas Utilities Company ("WTU") on May 25, 1982, jointly tendered for filing a proposed transmission service tariff. The tariff provides for transmission service within the Electric Reliability Council of Texas ("ERCOT") load control area for those utilities operating in ERCOT with less than 1500 MW load.

The Companies request that the tariff become effective July 24, 1982. A copy of the filing has been sent to the Public Utility Commission of Texas.

Any person desiring to be heard or protest the application 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 or 1.10). All such petitions or protests should be filed on or before June 16, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-15495 Filed 6-7-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-316-000]

Cities Service Gas Co.; Application

June 2, 1982.

Take notice that on May 6, 1982, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82-316-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 5,000 Mcf of natural gas per day with Northwest Pipeline Corporation (Northwest) in the Creston III Unit Area of Carbon County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas exchange agreement with Northwest dated February 5, 1982, Applicant proposes to exchange gas between wells to which each party is singly connected in the Creston III Unit. It is asserted that one additional balancing point to be located in Carbon County is also proposed with additional delivery points and balancing points to be added upon mutual agreement. Applicant states that each party would reimburse the other for the gathering of the gas and no transportation fee would be charged.

Any facilities necessary to effectuate the exchange would be installed pursuant to budget-type authorization for gas supply facilities. Subject to amendment, the maximum exchange volume would be 5,000 Mcf per day.

Applicant also requests authority to make an annual filing of tariff revisions by January 31 of each year which would reflect any changes, additions or deletions in delivery points between the parties.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by

Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15496 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP 82-319-000]

Cities Service Gas Co.; Application

June 2, 1982.

Take notice that on May 10, 1982, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82-319-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Kansas Power and Light Company (KP&L) in Reno County, Kansas, for resale, and the construction and/or operation of 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 proposed herein to sell up to 8,000 Mcf of natural gas annually to KP&L in Reno County for resale for its system supply and storage requirements. Applicant further seeks authorization of facilities previously installed at this location to make emergency sales to KP&L and proposes further to modify said facilities to accommodate the proposed sale. It is asserted that the facilities previously constructed cost $186,822 and the proposed facililties are estimated to cost $29,150 which costs would be financed from cash on hand.

Applicant asserts that the sale to KP&L would initially be made at a commodity rate equal to Applicant's Rate Schedule F-1 excess rate.

Any person desiring to be heard to make any protest with reference to said application should on or before June 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction, conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules and 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 hearings is required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15497 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP76-37]

El Paso Natural Gas Co.; Tariff Filing

June 1, 1982.

Take notice that on May 21, 1982, El Paso Natural Gas Company ("El Paso"), pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act, tendered for filing and acceptance Second Revised Sheet Nos. 667 and 676 through 680 and Original Sheet No. 680-A to special Rate Schedule T-4 contained in its FERC Gas Tariff, Third Revised Volume No. 2.

El Paso states that special Rate Schedule T-4 is comprised of a Gas Transportation Agreement ("Transportation Agreement") dated May 9, 1975, as amended, between El Paso and Southwest Gas Corporation ("Southwest") providing for the transportation of a "Contract Quantity" of 20,000 Mcf of natural gas per day and the best efforts transportation of natural gas in excess of the "Contract Quantity" up to a maximum of 70,000 Mcf per day by El Paso for the account of Southwest from a receipt point located near Ignacio, Colorado, to delivery points located in the State of Arizona and on the boundary between the States of Arizona and Nevada. Such transportation arrangement was authorized by Federal Power Commission order issued December 3, 1975, as amended, at Docket No. CP76-37, *et al.*

El Paso further states that by an Amendatory Agreement dated January 25, 1982, El Paso and Southwest agreed to revise the Rates and Charges provision of the Transportation Agreement so as to provide that payment applicable to gas transported by El Paso on a best efforts basis in excess of Southwest's "Contract Quantity" will include the "San Juan Triangle Facilities Commodity Charge" and the "San Juan Mainline Facilities Commodity Charge." Presently, only the Mainline Transmission Charges apply to the best efforts service. The tendered tariff sheets, when accepted for filing and permitted to become effective, will (i) revise the Transporatation Agreement, in accordance with the aforementioned Amendatory Agreement between the parties, to include the payment by Southwest to El Paso of the "San Juan Triangle Facilities Commodity Charge" and the "San Juan Mainline Facilities Commodity Charge" applied to 95 percent of the volumes of natural gas in excess of Southwest's "Contract Quantity" of 20,000 Mcf per day accepted and transported by El Paso on a best efforts basis and (ii) update the title page to reflect the Amendatory Agreement dated January 25, 1982.

El Paso requests that the tendered tariff sheets be permitted to become effective thirty (30) days following the date of filing.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before June 9, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make any protestants

parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15510 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-308-000]

Florida Gas Transmission Co.; Application

June 2, 1982.

Take notice that on April 30, 1982, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP82-308-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline and meter stations in the Miami, Florida, area, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

It is stated that Applicant delivers natural gas to Peoples Gas System, Inc. (PGS) and to Florida Power & Light Company (FP&L) at three separate locations, PGS at Applicant's Meter Station Nos. 3052 and 3048, and FP&L at Applicant's Meter Station No. 9054. It is further stated that the Metropolitan Dade County Transit Authority has acquired land adjacent to Applicant's Meter Station No. 9054 and land on which Applicant's Meter Station No. 3052 is located for the purpose of constructing a rapid transit system. Applicant states that it is, therefore, required to abandon Meter Station Nos. 3052 and 9054 and approximately 220 feet of 6-inch pipeline and to lease approximately 1.5 miles of 6-inch pipeline to PGS.

Applicant maintains that after making minor modifications to the piping at Meter Station No. 3048 deliveries to PGS formerly made at Meter Station No. 3052 would be switched to Meter Station No. 3048. It is further stated that a letter agreement between Applicant and PGS dated September 9, 1981, provides that Applicant would lease the approximately 1.5 miles of pipeline to PGS for $50,000 per year and that PGS would operate and maintain the pipeline but upon request would return the pipeline to Applicant at PGS' cost and expense.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are 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 hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15499 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-548-000]

Florida Power & Light Co.; Filing

June 2, 1982.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on May 25, 1982, tendered for filing revised Cost Support Schedules C, F, and G which support the revised daily capacity charge for services under Service B of FPL's interchange contracts with Florida Power Corportion, the City of Gainesville, Florida, Jacksonville Electric Authority, Tampa Electric Company, the Orlando Utilities Commission, City of Kissimmee, Florida, City of Lakeland, Florida, City of St. Cloud, Florida, Sebring Utilities Commission, and City of Vero Beach, Florida, and which provide for a revised rate of return on common equity to be used in FPL's Interconnection Agreement with Seminole Electric Cooperative, Inc., FPL states that the revised capacity charge has been calculated in accordance with the provisions of Service Schedule B and represents an updating of the currently effective capacity charge to reflect more current costs.

FPL requests an effective date of May 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 June 16, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15500 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-313-000]

Natural Gas Pipeline Company of America; Application

June 2, 1982.

Take notice that on May 6, 1982, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP82-313-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain gas purchase facilities located in the S.E. Mutual Field, Woodward County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant proposes to abandon a 3-inch measuring facility and related appurtenant facilities which were installed to receive gas purchased from Ashland Oil & Refining Company and

Continental Oil Company. In addition, Applicant proposes to abandon a 3-inch measuring facility, 5,256 feet of 6-inch lateral and related appurtenant facilities which were installed to receive gas purchased from OFT Exploration, Inc. It is asserted that all facilities are located in the S.E. Mutual Field, Woodward County, Oklahoma. Applicant states that there are no remaining salable, recoverable reserves that can be produced from the wells which were connected to such facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15501 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-410-000]

New York State Electric & Gas Corp.; Order Accepting for Filing and Suspending Revised Rates, Waiving Certain Filing Requirements, Denying Summary Disposition, Granting Intervention, and Establishing Hearing Procedures

June 4, 1982.

On March 30, 1982, New York State Electric and Gas Corporation (NYSEG) tendered for filing a transmission rate agreement, dated February 3, 1982, with the Power Authority of the State of New York (PASNY).[1] Under the agreement, NYSEG will provide firm transmission service until January 1, 1990, from PASNY's St. Lawrence, Niagara, and Fitzpatrick Projects to the PASNY municipal and cooperative customers.[2] In addition, the agreement requires NYSEG to construct transmission facilities to meet the ongoing future requirements of PASNY's customers. The revised wheeling rate proposes an increase of approximately $2.2 million based on a twelve-month period ending October 31, 1982. NYSEG requests an effective date of July 1, 1982, and indicates that PASNY concurs in the proposed rate.

Notice of the filing was issued on April 7, 1982, with responses due on or before April 21, 1982. PASNY filed a timely petition to intervene stating that it supports NYSEG's request that the filing be accepted and that the revised rates be allowed to become effective as provided in the agreement between NYSEG and PASNY.

On April 21, 1982, and April 22, 1982, the Municipal Electric Utilities Association of New York (MEUA) and New York State Rural Electric Cooperative Association (NYSRECA), respectively, filed protests and petitions to intervene. NYSRECA also filed a motion for permission to intervene one day out of time, stating that its members have a direct interest in this proceeding which cannot be adequately represented by any other party, that its intervention will not delay the proceeding and that the one day delay was caused by an unanticipated delay in obtaining technical advise from outside consultants.

MEUA and NYSRECA request that the Commission reject the filing contending that NYSEG has (1) failed to file cost of service Statements AA, BB, and BL for Period II; (2) omitted production plant related data from Statements AD, AE, AG, and AH; (3) filed an incomplete Statement AV for Period I; and (4) included a provision which violates the filed rate doctrine and advance notice provisions of the Federal Power Act because it requires that customers make appropriate capital contributions in the event of sudden or temporary load increases without the opportunity for Commission review and approval of the additional charges. In addition, NYSRECA states that the amendments to the NS-11 contract must be rejected because the parties have violated a New York Public Authorities Law which requires PASNY to hold public hearings and to receive approval from the Governor of New York State before a new modified NS-11 agreement can be executed.

Also, MEUA and NYSRECA seek summary disposition of the following: (1) NYSEG's use of a working cash allowance of ⅛ of its operation and maintenance expenses; (2) the failure to synchronize interest expense for tax purposes; (3) the functionalization of general and common plant on other than wage ratios; and (4) NYSEG's contract provision which provides for facilities contribution without timely filing with the Commission. Finally, if the filing is not rejected, MEUA and NYSRECA seek a maximum suspension. In support of the contention that NYSEG's revised rate should be suspended for five months, the petitioners cite various cost of service issues including transmission plant allocation, rate of return, terms and conditions of service, and improper treatment of revenue credits.

Subsequently, on May 6, 1982, NYSEG filed answers which challenge the specific allegations raised by the municipal and cooperative customers. On May 7, 1982, PASNY filed an answer which primarily denies the merits of the customers' contention that gubernatorial approval is required before PASNY enters any new contract for transmission service.

Discussion

Initially, we find that participation in this proceeding by each of the petitioners is in the public interest. Given the interest of NYSRECA's members, the fact that its petition was only one day out of time, and the early stages of this proceeding, we further find

[1] NYSEG's and PASNY's present transmission agreements dated July 8, 1957, and February 10, 1961, known as Contracts S-7 and NS-11, are on file with the Commission as NYSEG Rate Schedule FERC Nos. 60 and 70. In addition, NYSEG and PASNY are parties to an agreement dated July 28, 1975, known as Contract UD-4 which is NYSEG Rate Schedule FERC No. 67. These agreements provide for the wheeling of PASNY customer loads on a non-firm basis to the extent that NYSEG has capacity available above its native requirements.

[2] *See* Attachment A for rate schedule designations.

that good cause exists to permit the untimely intervention. Therefore, we shall grant both petitions to intervene.

We decline to grant the motions for rejection of the rate filing. NYSEG has filed Statement AA for Period I (1980) and for the twelve months ending September 30, 1981. In addition, NYSEG has requested a waiver of the requirement to file Statement AA for Period II stating that it does not forecast certain account balances on a basis which permits the proper forecasting of a Period II balance sheet. We deem the request for waiver to be reasonable, and therefore, we shall grant the company's request. With respect to Statement BB for Period II, NYSEG has specifically adopted the Period I demand data as representative of Period II. We find that this election satisfies the filing requirements. In addition, NYSEG has provided sufficient data in its supporting statements, testimony, and workpapers to satisfy the Statement BL requirements. The Statement AV data for Period I is readily available in NYSEG's Form No. I for 1980 and the omitted product plant data (Statements AD, AE, AG, and AH) are inapplicable to the transmission service at issue. As a whole, we find that NYSEG's filing substantially satisfies our filing requirements.[3]

In its petition, NYSRECA states that the Commission should reject NYSEG's filing based on the doctrine enunciated in the *Sierra-Mobile* cases[4] inasmuch as the instant submittal is inconsistent with the rate change provisions of the NS–11 contract between NYSEG and PASNY. NYSRECA asserts that the NS–11 contract provides that wheeling charges may only be reviewed at fixed time intervals and that the instant filing arises at a time other than the designated five year rate review interval. While acknowledging that NYSEG and PASNY could mutually amend their contract, NYSRECA contends that state law would require that an entirely new agreement between them could not be affectuated without public hearings and gubernatorial approval.

PASNY has responded to NYSRECA's contentions, arguing that the rate change fully conforms to the NS–11 requirements, that the *Sierra-Mobile* doctrine is inapplicable, and that, even if construed as a new contract, state law does not require advance gubernatorial approval since the agreement relates exclusively to transmission service. We are persuaded after review of all the pleadings, that PASNY is not precluded, under the NS–11 contract from entering into the February 3, 1982 letter agreement. Insofar as NYSRECA raises issues of state law, however, its appropriate avenue of relief is in a court of competent jurisdiction.

We shall also deny the requests for summary disposition with respect to the issues raised by petitioners because these matters present questions of fact which should be addressed at hearing. However, we take this opportunity to advise NYSEG that (1) assessment of facilities contributions charges will require timely notice and filing with the Commission pursuant to section 205 of the Federal Power Act and § 35.13 of the Commission's regulations, and (2) the company will bear the burden of demonstrating that functionalization of general and common plant on the basis of labor ratios is unreasonable.[5]

Finally, we note that NYSEG's filing does not comply with section 35.25 of the Commission's regulations and Order No. 144–A in that NYSEG has failed to normalize all timing differences required therein. Therefore, we shall require NYSEG to file revised rates and cost of service statements which reflect tax normalization procedures consistent with Order No. 144–A and section 35.25 of the regulations.[6] Inasmuch as NYSEG's rates to PASNY have not been revised in over twenty years, NYSEG will require a rate order to the extent it wishes to qualify for ACRS deductions; therefore, the revised cost data should clearly indicate how and to what extent the company has reflected ACRS tax depreciation deductions and related normalization in its cost of service.

Our preliminary review of NYSEG's filing and the intervenor's pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept NYSEG's rates for filing and suspend them as ordered below.

We recently addressed the Commission's suspension policy in *West Texas Utilities Company*, Docket No. ER82–23–000 (February 26, 1982). In that order, we stated that where our preliminary examination indicates that revised rates may be unjust and unreasonable, but may not be substantially excessive as described in *West Texas*, we shall suspend the rates for one day. In the case of NYSEG's rates, preliminary review suggests that the proposed rates may not produce excess revenues. Therefore, we shall suspend NYSEG's proposed rates for one day from the proposed effective date to become effective subject to refund, on July 2, 1982.

The Commission orders:

(A) The motions for rejection and summary disposition are denied.

(B) NYSEG's request for waiver of the outstanding filing requirements of section 35.13 of the regulations is hereby granted.

(C) NYSEG shall submit, within thirty (30) days of the date of this order, revised rates and cost statements which reflect tax normalization procedures consistent with Order No. 144–A and section 35.25 of the regulations.

(D) NYSEG's proposed rates, as modified to comply with Order No. 144–A, are hereby accepted for filing and suspended for one day from the proposed effective date, to become effective on July 2, 1982, subject to refund.

(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 Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of NYSEG's rates.

(F) The petitions to intervene filed by MEUA and NYSRECA are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Fedral Power Act; *provided, however;* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered by the Commission in this proceeding.

(G) The Commission staff shall file top sheets in this proceeding within ten (10) days of the date of this order.

(H) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding

[3] *See Municipal Light Boards of Reading and Wakefield, Mass.* v. *FPC,* 450 F.2d 1341 (D.C. Cir. 1971).

[4] *See Federal Power Commission* v. *Sierra Pacific,* 350 U.S. 348 (1956); *United States Pipeline Company* v. *The Mobile Gas Service Corporation,* 350 U.S. 332 (1956) and *Richmond Power and Light Co.* v. *Federal Power Commission,* 481 F.2d 490 (D.C. Cir. 1973) *cert denied* 414 U.S. 1068 (1973).

[5] *See Minnesota Power & Light Company,* Opinion No. 20, Docket Nos. E–9499, *et al.* (August 3, 1978).

[6] *See Wisconsin Electric Power Company,* Docket No. ER82–347–000 (April 13, 1982).

to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Wahington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—New York State Electric & Gas Corp. Rate Schedule Designations

[Docket No. ER82-410-000]

Filed: March 30, 1982.

Other Party: Power Authority of the State of New York.

Designation	Description
Supplement No. 1	Letter Agreement dated Feb. 3, 1982.
Supplement No. 2	Exhibit I.

The above supplements apply to the following Rate Schedules:

FPC No. 67
FERC No. 70
FERC No. 80

[FR Doc. 82-15520 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-550-000]

Northern States Power Co., Filing

June 2, 1982.

The filing Company submits the following:

Take notice that on May 26, 1982, Northern States Power Company, (NSP) tendered for filing the Sherco 3 Outlet Transmission Agreement with Southern Minnesota Municipal Power Agency.

The Agreement, dated April 27, 1982, provides for the delivery of Southern Minnesota power and energy from Sherco 3 to Southern Minnesota members on Dairyland Power Cooperative and Interstate Power systems.

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 June 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15511 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-322-000]

Northwest Pipeline Corp., Application

June 3, 1982.

Take notice that on May 12, 1982, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP82-322-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of J. R. Simplot Company (Simplot), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated March 17, 1982, as amended April 22, 1982, Applicant proposes to transport up to 10,000 Mcf of natural gas per day on a best-efforts basis for Simplot, plus, at Applicant's sole discretion, quantities in excess of 10,000 Mcf per day. It is asserted that Simplot would purchase supplies of natural gas from Southern Union Gathering Company (Southern Union) at the Kutz delivery point in San Juan County, New Mexico, and/or at the intersection of Southern Union's facilities with those of El Paso Natural Gas Company (El Paso) at the Chaco delivery point in San Juan County.

Applicant asserts that the supplies purchased by Simplot at the Kutz delivery point would be delivered to Gas Company of New Mexico (GCNM) for Applicant's account. From the Kutz delivery point GCNM would transport the subject gas through its facilities to a point of interconnection with the gathering facilities of Applicant at the Huerfano delivery point in San Juan County, it is asserted. From the Huerfano delivery point, Applicant proposes to transport the natural gas through its San Juan Gathering System to its mainline transmission system at the Ignacio delivery point in La Plata County, Colorado.

It is asserted that the supplies of natural gas purchased by Simplot at the Chaco delivery point would be transported by El Paso, for Simplot's account, to the Ignacio delivery point where El Paso's facilities would interconnect with Applicant's mainline.

Applicant further asserts that from the Ignacio delivery point it would transport Simplot's gas through its mainline for redelivery for Simplot's account at Applicant's existing Pocatello-Simplot delivery point to Intermountain Gas Company (Intermountain) in Power County, Idaho. Applicant states that Intermountain would then redeliver the subject gas to Simplot's plant at Pocatello, Idaho.

It is asserted that fuel gas reimbursements to be provided in kind by Simplot would include any fuel or losses associated with the use of GCNM's facilities to transport Simplot's natural gas from the Kutz delivery point to the Huerfano delivery point, Applicant's San Juan gathering fuel for all volumes received at the Huerfano delivery point and Applicant's mainline fuel for all volumes to be transported from the Ignacio delivery point. It is also asserted that for all volumes of gas transported and redelivered to Simplot by Applicant, Simplot would pay Applicant the then effective mainline transportation rate set forth on Sheet No. 2 of Applicant's FERC Gas Tariff, Original Volume No. 2. Applicant states that the currently applicable rate is 1.34 cents per million Btu per hundred miles transported and that the mainline transportation from Ignacio to the Pocatello-Simplot delivery point uses 6 one-hundred mile billing units for a total mainline rate of 8.04 cents per million Btu.

Applicant states that for each million Btu of natural gas received at the Huerfano delivery point for Simplot's account Applicant would charge Simplot at Applicant's gathering rate for the San Juan area, which is currently 33.34 cents per million Btu. Applicant further asserts that, in addition to the gathering and transportation charges, Simplot would pay GCNM directly for the costs incurred under the GCNM agreement for GCNM's transportation of Simplot's gas on behalf of Applicant. It is stated that GCNM's current charge is $260.00 per month service charge plus a basic cost-of-service rate of 36.6 cents per million Btu.

It is asserted that the proposed service would provide Simplot with a means of acquiring additional economically priced supplies of natural gas in order to keep its plant operating.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24,

1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15512 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-549-000]

Pacific Power & Light Co.; Filing

June 2, 1982.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific on May 18, 1982, tendered for filing, in accordance with Section 35.13a(d) Part IV of the Commission's Interim Rule (Docket No. RM81-41), Pacific's Revised Appendix 1 for the state of Oregon dated November 8, 1981. The revised Appendix 1 calculates an average system cost for the state of Oregon applicable to the exchange of power between Bonneville and Pacific.

Pacific requests waiver of the Commission notice requirements to permit this rate schedule to become effective November 8, 1981, which it claims is the date of commencement of service.

Copies of the filing were served upon Bonneville and the Oregon Public Utility Commissioner.

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 June 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15513 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-545-000]

Public Service Co. of Oklahoma and Southwestern Electric Power Co.; Filing

June 2, 1982.

The filing Company submits the following:

Take notice that Public Service Company of Oklahoma ("PSO") and Southwestern Electric Power Company ("SWEPCO") on May 25, 1982, jointly tendered for filing a proposed transmission service tariff. The tariff provides for transmission service within the Southwest Power Pool load control area for those utilities operating in the Southwest Power Pool with less than 1500 MW load.

The Companies request that the tariff become effective July 24, 1982. Copies of the filing have been sent to the Arkansas Public Service Commission, the Louisiana Public Service Commission, the Oklahoma Corporation Commission and the Public Utility Commission of Texas.

Any person desiring to be heard or protest the application should file a petition ot 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 June 16, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15502 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-73 and RP82-32]

Sea Robin Pipe Line Co.; Settlement Conference

June 2, 1982.

Take notice that on June 17, 1982, at 9:00 a.m., a settlement conference of all interested parties will be convened concerning the above-captioned matter. The conference will be held 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 the informal conference, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention.

All parties will be expected to appear fully prepared to discuss any procedural matters and explore to make commitments with respect to any or all of the issues discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15503 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-317-000]

Sea Robin Pipeline Co.; Application

June 3, 1982.

Take notice that on May 6, 1982, Sea Robin Pipeline Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP82-317-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the conversion of a portion of the interruptible transportation service rendered for Natural Gas Pipeline Company of America (Natural) to a firm service from Block 331, Eugene Island area, offshore Louisiana, all as more fully set forth in the application

which is on file with the Commission and open to public inspection.

Applicant requests authority to convert a portion of the interruptible transportation service being rendered for Natural under its Rate Schedule X-10 to a firm service. Applicant states it would deliver up to 25,000 Mcf per day on a firm basis and 40,000 Mcf per day on a interruptible basis. Applicant states that the transportation service authorized by order issued on April 14, 1978, in Docket No. CP77-239, included Applicant's right to convert service to a firm service (contract demand quantity). Applicant states it has given notice to Natural in accordance with the provisions of its Rate Schedule X-10 and proposes to implement the contract demand service with Natural. Applicant submits that existing facilities are capable of accommodating this proposed service.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction, conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules and Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15514 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-544-000]

Southern Company Services, Inc.; Filing

June 2, 1982.

The filing Company submits the following:

Take notice that Southern Company Services, Inc. (SCS) on May 24, 1982, tendered for filing on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company (Southern Companies) two separate amended and restated unit power sales agreements between Southern Companies and Florida Power & Light Company (FPL) and Jacksonville Electric Authority (JEA), respectively. The amended and restated unit power sales agreements between Southern Companies and FPL and Southern Companies and JEA provide for increase in the unit power sales from Southern Companies to FPL and JEA during the period January 1, 1983 through May 31, 1995.

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 June 16, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15504 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-86]

Southern Natural Gas Co.; Settlement Conference

June 1, 1982.

Take notice that on June 8, 1982, at 9:00 a.m., a settlement conference of all interested parties will be convened concerning the above-captioned matter. The conference will be held at the office of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend the informal conference, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention.

All parties will be expected to appear fully prepared to discuss any procedural matters and explore or make commitments with respect to any or all of the issues discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15515 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-3-006, et al.; Filing of Pipeline Refund Reports and Refund Plans]

Southwest Gas Corp., et al.

June 2, 1982.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 18, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type Filing
May 20, 1982	Southwest Gas Corporation	RP81-3-006	SRO report.
Do	Michigan Wisconsin Pipe Line Company	RP79-36-001	Report.
May 21, 1982	Alabama-Tennessee Natural Gas Company	RP81-128-008	LFUT report.
Do	North Penn Gas Company	RP79-68-007	Report.
Do	Unitd Gas Pipe Line Company	RP80-121-008	Report.
May 24, 1982	Distrigas of Massachusetts Corporation	TA82-1-12-003	Report.
Do	Florida Gas Transmission Company	RP81-7-006	Report.
Do	Michigan Wisconsin Pipe Line Company	RP81-1-003	Report.
Do	Michigan Wisconsin Pipe Line Company	RP80-100-005	Report.

[FR Doc. 82-15505 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-147-000]

Sunlaw Energy Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 2, 1982.

On May 19, 1982, Sunlaw Energy Corporation, 14651 Ventura Boulevard, Sherman Oaks, California 91403, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying facility pursuant to §292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located in Vernon, California. The primary energy source will be natural gas. The capacity of the facility will be 21,803 kilowatts. Installation of the facility is scheduled to begin in October 1982. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825, North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before July 9, 1982, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15516 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-309-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Application

June 3, 1982.

Take notice that on April 30, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82-309-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 4,000 horsepower compressor unit and related facilities at Station 307 on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the design of its existing transmission system provides capacity for fixed demand customers from the gas supply area to point of delivery to enable Applicant to deliver at a load factor of 100 percent. It is stated, however, that in the case of requirements-type customers capacity was provided for only that daily quantity needed to serve the annual average day quantities and to transport to storage the difference between such average day quantity and the actual summer day demand of these customers located west of storage. Applicant states that this turnover gas is then injected into storage and held for withdrawal during colder months when those requirements customers are receiving from the pipeline a quantity of gas in excess of their annual average day requirements. Applicant maintains that its capacity is barely adequate under normal operating conditions during summer periods to transport volumes east of Station 219 in sufficient quantities to serve its customers' authorized requirements and to fill its northern storage fields.

In order to permit the movement of an additional 50,000 Mcf to storage, Applicant proposes the construction and operation of a 4,000 horsepower compressor unit at Station 307, located near Pigeon, Forest County, Pennsylvania. Applicant states that such horsepower would enhance its ability to fill its storage fields and provide flexibility to offset temporary reductions in capacity resulting from facility outages or from short-term supply losses while simultaneously continuing to serve the authorized requirements of its customers located east of this location.

The proposed facilities would cost an estimated $8,910,000 to be financed initially from internally generated funds and/or borrowings under revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 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 cosidered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecesary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15517 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-311-000]

Texas Eastern Transmission Corp.; Application

June 2, 1982.

Take notice that on May 3, 1982, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP82-311-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Central Hudson Gas & Electric Company (Central Hudson), 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 Central Hudson has purchased quantities of natural gas from Columbia Gas Transmission Corporation (Columbia Gas). Applicant proposes to receive, by displacement, up to 30,000 dekatherms (dt) equivalent of natural gas per day from Columbia Gas at an existing point of interconnection located at Applicant's meter station 011 in Chester County, Pennsylvania. Applicant further proposes to transport and redeliver equal quantities, less quantities retained for applicable shrinkage, to Algonquin Gas Transmission Company (Algonquin), for the account of Central Hudson, at two existing points of interconnection located at Applicant's meter station 1078 in Morris County, New Jersey, and at Applicant's meter station 087 in Hunterdon County, New Jersey. It is stated that Algonquin would then transport the natural gas to Central Hudson pursuant to a gas transportation agreement entered in to by the two companies.

Applicant proposes to charge Central Hudson 9.13 cents per dt equivalent under Applicant's Rate Schedule TS-1 for the proposed transportation service provided; however, for quantities transported and delivered by Applicant which, when added to the quantities delivered to Central Hudson under Applicant's Rate Schedules TS-1 and SS-II and other transportation agreements, exceed the combined total curtailment of natural gas sales to Central Hudson under all of Applicant's firm sales rate schedules, Applicant would charge Central Hudson its Rate Schedule TS-1 excess rate of 10.56 cents per dt equivalent. It is stated that Applicant would retain 2.0 percent of the gas transported for shrinkage from April 16 through November 15 of each year and 8.0 percent of all gas received for transportation from November 16 through April 15 of each year. Applicant further states that it would retain all revenues derived from the proposed service.

Applicant further requests that the authorization granted herein be limited to a term commencing either upon date of initial delivery or 60 days after receipt of certificate authorization whichever occurs earlier and terminating on and including November 15, 1982.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this applicant if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15506 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-326-000]

Texas Eastern Transmission Corp.; Application

June 2, 1982.

Take notice that on May 14, 1982, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP82-326-000 an application pursuant to Section 3 of the Natural Gas Act for authorization to import natural gas from Canada, 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 100,000 Mcf of natural gas per day and volumes in excess thereof on a best-endeavors basis in accordance with the october 29, 1981, purchase agreement between Applicant and ProGas Limited (ProGas).

On November 1, 1982, or as soon thereafter as feasible, and continuing for a twenty year period, Applicant proposes to purchase said gas from ProGas and take delivery at a point of interconnection between the facilities of ProGas' transporter and the facilities of Applicant's transporter on the international border near Niagara Falls, Ontario, or near Emerson, Manitoba. It is stated Applicant is in the process of arranging for the Niagara, Ontario, delivery point gas to be transported to its pipeline system in Pennsyvlania.

Applicant notes that the price of the imported gas would be prescribed by the Canadian government and further notes that the current border price is equal to $4.94 (U.S.) per million Btu.

Applicant also requests authorization to track, on a current basis, the purchase cost of the subject gas and the cost of transporting such gas from the import point to Applicant's pipeline system.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15507 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-81-000, RP82-16-000 and RP82-57-000]

United Gas Pipe Line Co.; Settlement Conference

June 1, 1982.

Take notice that on June 9, 1982, at 9:30 a.m., there will be a settlement conference in this proceeding. On the day of the conference, the conference room number will be posted by 9:00 a.m. on the second floor bulletin board of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The conference is tentatively scheduled to be held in the ninth floor Commission Meeting Room.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15518 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-312-000]

United Gas Pipe Line Co.; Application

June 2, 1982.

Take notice that on May 3, 1982, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in docket No. CP82-312-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two additional delivery points to provide service to an existing customer, The Utilities Board of the Town of Citronelle, Alabama (Utilities Board), and the continued sale of natural gas to the Utilities Board, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a letter dated January 11, 1982, Applicant proposes to construct and operate two additional delivery points to the Utilities Board to afford the Utilities Board the flexibility required in the present operation of its system. Applicant states that it would install a one-inch tap on its 20-inch Baxterville to Mobile Main line at Station No. 1519+00 and would activate an existing one-inch tap on its 12-inch Lirette to Mobile line at Station 5582+11 both in Mobile County, Alabama. Applicant estimates the cost of the proposed construction to be $1,780 which would be reimbursed by the Utilities Board. Applicant asserts that there would be no increase in the maximum daily quantity of gas sold to the Utilities Board.

Applicant further requests authorization to continue the sale of natural gas to the Utilities Board. Applicant asserts that it sold gas to the Mobile County Gas District which was acquired by the Utilities Board on June 14, 1979, but that Applicant never applied for authorization to sell gas to the Utilities Board. Applicant states that it believed then and still believes that further authorization was not necessary. Applicant, however, seeks authorization herein to continue the sale of gas to the Utilities Board pursuant to a service agreement dated August 27, 1979.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, of if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15508 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-543-005]

United Gas Pipe Line Co. et al.; Petition To Amend

June 2, 1982.

Take notice that on May 12, 1982, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, Columbia Gas Transmission Corporation (Columbia Gas), P.O. Box 1273, Charleston, West Virginia 25325, anc Columbia Gulf Transmission Company (Columbia Gulf, P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP80-543-005 a joint petition to amend the order issued February 23, 1981, as amended, in Docket No. CP80-543 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the exchange of additional reserves of natural gas among Petitioners, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Petitioners are presently authorized to exchange up to 10,000 Mcf of natural gas per day pursuant to a gas exchange agreement dated April 15, 1980, as amended. It is stated that pursuant to the gas exchange agreement natural gas is delivered to Columbia Gulf by or for United's account at a subsea tap located in Vermilion area Block 245, offshore Louisiana, and redelivered to United at the outlet side of Sea Robin Pipeline Company's (Sea Robin) measuring station near Erath, Louisiana. It is further asserted that gas is delivered to United by or for Columbia Gas' account at the producer's platform in Eugene Island Block No. 43, offshore Louisiana, and at an existing station near Lake Hatch Field, Terrebonne Parish, Louisiana, and redelivered to Columbia Gas at the outlet side of Sea Robin's measuring station at or near Erath, Louisiana.

It is further stated United obtained the rights to purchase additional reserves of up to 300 Mcf of natural gas per day in

the vicinity of East Cameron area Block 237, offshore Louisiana, from Pogo Producing Company.

Petitioners propose to include said natural gas reserves in the exchange. It is further stated that when combined with the natural gas presently being exchanged the additional reserves would not exceed the maximum exchange of 10,000 Mcf of gas per day.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15509 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP77-24-012]

United Gas Pipe Line Co. and Arkansas Louisiana Gas Co.; Petition To Amend

June 3, 1982.

Take notice that on May 12, 1982, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), P.O. Box 21738, Shreveport, Louisiana 71151, filed in Docket No. CP77-24-012 a petition to amend the order issued January 13, 1977,[1] as amended, in Docket No. CP77-24 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas from an additional delivery point, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

It is stated that Petitioners are presently authorized to exchange up to 1,185 Mcf of natural gas per day persuant to a gas exchange agreement dated March 14, 1976, as amended. It is stated that pursuant to the gas exchange agreement, as amended, natural gas has been exchanged at specified delivery points in Louisiana and Texas.

Petitioners hereby request authorization to establish an additional delivery point in Jackson Parish, Louisiana, pursuant to an amendatory letter dated July 6, 1981. It is asserted that Arkla would make deliveries to United attributable to Arkla Exploration Company's interest in the Triton Sisemore No. 1-32 well at a mutually agreeable point in Jackson Parish. It is further asserted that the additional delivery point would utilize existing facilities and would not require any new construction.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 24, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15519 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-538-000]

Boston Edison Co.; Filing

June 1, 1982.

The Filing Company submits the following:

Take notice that Boston Edison Company of Boston, Massachusetts ("Edison") on May 20, 1982, tendered for filing an agreement for the exchange of power between itself and the operating companies of the Northeast Utility system, Connecticut Light and Power Company, The Hartford Electric Company and Western Massachusetts Electric Company.

Under the agreement, the parties could negotiate weekly power exchanges involving Edison fossil fired units and Northeast Utilities' peaking facilities and the Northfield Project. The parties state that the purpose of the power exchange is to attain greater efficiencies of operation.

Copies of the filing have been served upon Northeast Utilities and on the Department of Public Utilities of the Commonwealth of Massachusetts.

Any person wishing 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 June 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-15394 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-543-000]

CP National Corp.; Filing

June 1, 1982.

The Filing Company submits the following:

Take notice that on May 24, 1982, CP National Corporation (CPN) tendered for filing related to a Residential Purchase and Sale Agreement (Agreement between CPN and the Bonneville Power Administration (BPA):

1. Bonneville Power Administration's written report on Appendix 1 and Average Stystem Cost submitted January 5, 1982.

2. The Average System Cost as determined by Bonneville of 23.07 miles per kilowatt hour.

3. A revised Appendix 1 of CP National wherein the Average System Cost is 23.07 miles per kilowatt-hour.

CPN states that this filing is pursuant to section 205(c) of the Federal Power Act. The Agreement provides for the exchange of electric power between CPN and BPA for the benefit of CPN's residential and farm customers.

A copy of the filing was served upon BPA and Industrial Customers of BPA.

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

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[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

should be filed on or before June 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-15395 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-537-000]

Delmarva Power & Light Co.; Filing

June 1, 1982.

The filing Company submits the following:

Take notice that Delmarva Power & Light Company (Delmarva) on May 19, 1982, tendered for filing Amendment No. 2 to a Service Agreement dated May 27, 1980 with the City of Seaford, Delaware. The Service Agreement provides for generation by Seaford of part of its electric servcie requirements. Amendment No. 2 would increase the amount that Seaford may generate and the months during which Seaford may operate its generation facilities.

Delmarva requests an effective date of May 27, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served on the City of Seaford, the Delaware Public Service Commission, and each of Delmarva's other resale customers.

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 June 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15396 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-536-000]

Montana Power Co.; Filing

June 1, 1982.

The filing Company submits the following:

Take notice that on May 18, 1982, the Montana Power Company (Montana) tendered for filing in accordance with Section 35 of the Commission's Regulations revisions to its FERC Electric Tariff M-1, which provides for the sale of nonfirm energy to other utilities for resale. Montana states that the revisions have been designed to permit greater flexibility in the establishment of charges for particular transactions while incorporating maximum charges which assure that no charge will be excessive.

Montana proposes to make the changes effective July 26, 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 June 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15397 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-539-000]

Portland General Electric Co.; Filing

June 1, 1982.

The filing Company submits the following:

Take notice that on May 21, 1982, Portland General Electric Company (PGE) tendered for filing the written report regarding Average System Cost (ASC) prepared by the Bonneville Power Administration (BPA), the BPA's Average System Cost determination and PGE's Appendix 1, Schedule 5. In accordance with the provisions of 18 CFR 35.13a(d)(5)(i), these documents are required to be filed with FERC within 15 working days of BPA's ASC determination. This determination was made on April 30, 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 June 16, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15398 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-535-000]

Public Service Company of Colorado; Filing

June 1, 1982.

The filing Company submits the following:

Take notice that on May 18, 1982, Public Service Company of Colorado (PSCo) tendered for filing changes in order to add additional participants to the Western Systems Coordinating Council (WSCC) Broker Identified Energy Agreement and the WSCC FERC Rate Schedule Nos. 1 and 2. Said Rate Schedules correspond to PSCo's FERC Rate Schedule Nos. 35 and 36 respectively.

PSCo states that the Agreements provide, inter alia, for sales and transmission of Broker identified economy energy between the electric systems of PSCo and other participating WSCC members either directly or through the systems of other parties. The Agreements provide terms and conditions of WSCC Broker arranged economy energy sales. PSCo states that the Agreements tendered in the instant filing will replace an existing Public Service WSCC Economy Energy Broker Letter Agreement.

PSCo states that copies of the filing were served upon all parties and affected state commissions.

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 June 16, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15399 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-540-000]

Tucson Electric Power Co.; Cancellation

June 1, 1982.

The filing Company submits the following:

Take notice that on May 21, 1982, Tucson Electric Power Company ("Tucson") tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 30, which became effective on November 1, 1979.

Tucson states that the aforementioned Rate Schedule is identified as the "Tucson-Los Angeles 1979 Nonfirm Energy Agreement" between the Los Angeles Department of Water and Power and Tucson. Tucson requests an effective date of May 31, 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 and 1.10). All such petitions or protests should be filed on or before June 16, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15400 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-541-000]

Tucson Electric Power Co.; Cancellation

June 1, 1982.

The filing Company submits the following:

Take notice that on May 21, 1982, Tucson Electric Power Company (Tucson) tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 32, which became effective on January 1, 1980.

Tucson states that the aforementioned Rate Schedule is identified as the "Tucson-Edison 1980 Nonfirm Energy Agreement" between Southern California Edison Company and Tucson. Tucson requests an effective date of May 31, 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 and 1.10). All such petitions or protests should be filed on or before June 16, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82 15401 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 657]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 28, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NEBRASKA OIL & GAS CONSERVATION COMMISSION									
-MARATHON OIL COMPANY				RECEIVED:	04/29/82	JA: NB			
8231111		2603322103		103		CRUISE "A" #10	HUNTSMAN	8.0	KANSAS NEBRASKA N
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-AMERICAN PENN ENERGY INC				RECEIVED:	05/06/82	JA: NY			
8231143	2905	3102916970		103		GREENE UNIT #2 (1524)	EVANS	10.0	NATIONAL FUEL GAS
8231144	2907	3102917008		103		GRUPP #3 (1528)	EVANS	10.0	NATIONAL FUEL GAS
-BANKS BROTHERS ENERGY CORP				RECEIVED:	05/06/82	JA: NY			
8231136	3130	3101314824		103		RICHTER #1 3170	LAKESHORE	0.0	NATIONAL FUEL GAS
8231135	3132	3101314857		103		RICHTER #2 3171	LAKESHORE	0.0	NATIONAL FUEL GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	05/06/82	JA: NY			
8231118	2657	3101316707		103		L FORBES UNIT #1	GERRY	1.8	COLUMBIA GAS TRAN
8231117	2589	3101316708		103		L FORBES UNIT #2	GERRY	21.0	COLUMBIA GAS TRAN
8231119	2700	3101316869		103		M BURNSIDE UNIT #2	GERRY	14.4	COLUMBIA GAS TRAN
-CHAUTAUQUA ENERGY INC				RECEIVED:	05/06/82	JA: NY			
8231141	2886	3101316982		103		STOUT #1	WESTFIELD	12.0	COLUMBIA GAS TRAN
-CHAUTAUQUA NATURAL GAS CO INC				RECEIVED:	05/06/82	JA: NY			
8231126	2822	3101315457		103		COLGROVE WARNER #1-A	LAKESHORE	20.0	COLUMBIA GAS TRAN
-CUMBERLAND OIL CORP				RECEIVED:	05/06/82	JA: NY			
8231121	2816	3101316836		103		LYLE SAGER #2	LAKESHORE	20.0	NATIONAL FUEL GAS
8231122	2796	3101316939		103		RICHTER #6	LAKESHORE	20.0	NATIONAL FUEL GAS
-DESERT GAS EXPLORATION CO INC				RECEIVED:	05/06/82	JA: NY			
8231146	1336	3101313641		103		VANSCOTER #1	LAKESHORE	15.0	NATIONAL FUEL GAS
-ECLIPSE MANAGEMENT ASSOCIATES INC				RECEIVED:	05/06/82	JA: NY			
8231148	1775	3101314604		108		BROWN #1 #3150	LAKE SHORE	0.0	NATIONAL FUEL GAS
8231142	3059	3101314823		103		ROCKY #3160	LAKE SHORE	0.0	COLUMBIA GAS TRAN
-ENERGY OIL INC				RECEIVED:	05/06/82	JA: NY			
8231125	2773	3102916678		103		FOSS #1	BUFFALO CREEK	24.0	TENNESSEE GAS PIP
8231147	2696	3102915912		103		GERHARDT #1	BUFFALO CREEK	20.0	TENNECO OIL CO
8231116	2561	3103716152		103		KERN #1	ALDEN-LANCASTER	0.0	
8231113	2429	3102915911		103		MARTENET #1	BUFFALO CREEK	25.0	TENNECO OIL CO
8231112	2351	3102916097		103		NICOLOFF #1	ORCHARD PARK	73.0	NATIONAL FUEL GAS
-ENVIROGAS INC				RECEIVED:	05/06/82	JA: NY			
8231161	2027	3101315564		102-2		A KOPTA #2	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8231153	2009	3101315565		102-2		A KOPTA #3	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8231163	2207	3101315929		102-2		C LATTA #2	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8231157	2021	3101315891		102-2		C LEGTERS #1	CLYMER	18.0	COLUMBIA GAS TRAN
8231149	2201	3101315951		102-2		D AND B #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8231154	2013	3101315814		102-2		D BREADS #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8231167	2215	3101315815		102-2		D BREADS #2	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231114	2391	3101315204		103		D HITTL #2	LAKESHORE	18.0	NATIONAL FUEL GAS
8231168	2217	3101315856		102-2		D LINDQUIST #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8231151	1848	3101315510		102-2		E GODARD #2	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8231159	2025	3101315905		102-2		E MARTT #2	FRENCH CREEK	18.0	COLUMBIA GAS TRAN
8231160	2023	3101314775		102-2		H COLEMAN #1	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8231165	2211	3101314779		102-2		H COLEMAN #3	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8231132	2858	3101315459		103		J BOWEN #1	LAKESHORE	18.0	COLUMBIA GAS TRAN
8231131	2860	3101316621		103		J NORDLAND #3	WILDCAT	18.0	NATURAL FUEL GAS
8231162	2205	3101315855		102-2		J PATTERSON #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8231152	2203	3101315780		102-2		LEGTERS BROS #6	CLYMER	18.0	COLUMBIA GAS TRAN
8231150	1846	3101315587		102-2		N REED #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8231166	2213	3101316354		102-2		N REED #3	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8231130	2862	3101316712		103		N Y S REF AREA #5/#22	LAKESHORE	18.0	COLUMBIA GAS TRAN
8231129	2864	3101316713		103		N Y S REF AREA #5/#23	LAKESHORE	18.0	COLUMBIA GAS TRAN
8231156	2015	3101315936		102-2		NYS REFORESTATION AREA #3 - #4	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8231155	2011	3101315937		102-2		NYS REFORESTATION AREA #3 - #5	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8231128	2751	3101316059		103		O BROEME #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8231164	2209	3101315181		102-2		R GEER #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8231115	2454	3101316572		103		S KURGAN #1	LAKESHORE	18.0	NATIONAL FUEL GAS
8231158	2017	3101315694		102-2		W PIHL #1	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
-J B C CORP				RECEIVED:	05/06/82	JA: NY			
8231128	2793	3101316429		103		SELLSTROM & BARGAR #2	LAKESHORE	12.0	NATIONAL FUEL GAS
8231127	2856	3101316430		103		SELLSTROM & BARGAR #3	LAKESHORE	12.0	NATIONAL FUEL GAS
-UNIVERSAL RESOURCES HOLDINGS INC				RECEIVED:	05/06/82	JA: NY			
8231145	2909	3101314825		103		D BARMORE #1	GERRY	20.0	COLUMBIA GAS TRAN
8231124	2787	3101316897		103		OPTIMIST CLUB #1	GERRY	20.0	COLUMBIA GAS TRAN
8231123	2791	3101316896		103		R WILCOX #1	GERRY	20.0	COLUMBIA GAS TRAN
-US ENERGY DEVELOPMENT CORP				RECEIVED:	05/06/82	JA: NY			
8231134	3090	3101315411		103		BUTCHER #1	GERRY	20.0	COLUMBIA GAS TRAN
8231138	2922	3101315417		103		BUTCHER #2	GERRY	20.0	COLUMBIA GAS TRAN
8231139	2936	3101315412		103		E OLMSTEAD #1	GERRY	20.0	COLUMBIA GAS TRAN
8231140	2934	3101315683		103		EDWARD TERRY #2	GERRY	20.0	COLUMBIA GAS TRAN
8231137	2938	3101316593		103		KASHUBA #1	GERRY	20.0	COLUMBIA GAS TRAN
8231133	3089	3101315409		103		W CHURCH #1	GERRY	20.0	COLUMBIA GAS TRAN
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-BARBOUR ENERGY CORP				RECEIVED:	05/06/82	JA: OK			
8231350	15310	3508321384		102-4		FRUENDT #1-31	WILDCAT	0.0	NATURAL GAS ENTER
-COTTON PETROLEUM CORPORATION				RECEIVED:	05/06/82	JA: OK			
8231351	18213	3505121172		107-DP		LOVELESS #1-4	SOUTH VERDEN	0.0	UNITED GAS PIPE L
-JOHN T RIETZ & CO INC				RECEIVED:	05/06/82	JA: OK			
8231344	9121	3508320405		102-4		IRENE #1	EVANSVILLE	730.0	WILSON GAS PROCES
-LIBBEY-OWENS-FORD CO				RECEIVED:	05/06/82	JA: OK			
8231346	16975	3515120889		102-4		HELKE HOUTS #1	FRITZLEN	1.0	
8231348	16973	3515120499		102-4		LOF RHODES #1	FRITZLEN	365.0	
8231347	16974	3515120627		102-4		LOF RITTER #1	FRITZLEN	104.0	
8231345	16976	3515120576		102-4		LOF SCHIERLOH #1	FRITZLEN	365.0	
-ROYAL OIL & GAS CORPORATION				RECEIVED:	05/06/82	JA: OK			
8231349	16384	3511921510		102-4		STATE OF OKLAHOMA (105) #1	EAST MARKHAM	60.0	PARKS ENERGY INVE
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED:	05/06/82	JA: WV			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231259		4708703475		103		D S PAINTER #2	WALTON DISTRICT	0.0	COLUMBIA GAS TRAN
8231264		4708703475		107-DV		D S PAINTER #2	WALTON DISTRICT	0.0	COLUMBIA GAS TRAN
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	05/06/82	JA: WV			
8231230		4703301058		108		A - 659	EAGLE DISTRICT	0.0	CONSOLIDATED GAS
8231229		4703302050		108		A - 785	TEN MILE DISTRICT	0.0	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP				RECEIVED:	05/06/82	JA: WV			
8231245		4700701679		103		FRANK #1	BURNSVILLE 7.5	40.0	CONSOLIDATED GAS
8231238		4700701680		103		FREDA WELL #1	BURNSVILLE 7.5	40.0	CONSOLIDATED GAS
-CITIES SERVICE COMPANY				RECEIVED:	05/06/82	JA: WV			
8231262		4704700853		103		CHEMICAL BANK & TRUST "A" #3	BRADSHAW	67.0	COLUMBIA GAS TRAN
8231261		4704700854		103		CHEMICAL BANK & TRUST "A" #4	BRADSHAW	26.0	COLUMBIA GAS TRAN
8231265		4703500490		108		COLE "A" #1	RAVENSWOOD	16.0	GAS TRANSPORT INC
8231263		4703500505		108		FINCH "A" #1	RAVENSWOOD	11.0	GAS TRANSPORT INC
8231236		4703500586		108		HUSSELL #1	RAVENSWOOD	12.0	GAS TRANSPORT INC
8231266		4703500260		108		JOHNSON "A" #1	RAVENSWOOD	10.0	GAS TRANSPORT INC
8231260		4701702968		103		MAXWELL "A" #71	SMITHBURG	43.0	CONSOLIDATED GAS
8231267		4703500116		108		SWEEZY "A" #1	RAVENSWOOD	13.0	GAS TRANSPORT INC
-CUMBERLAND GAS COMPANY				RECEIVED:	05/06/82	JA: WV			
8231235		4703901013		108		DAVISON FUEL & DOCK #CKP-1	UNION	11.6	CABOT CORP
8231233		4703902306		108		DAVISON FUEL & DOCK #CKP-16	UNION	4.6	CABOT CORP
8231268		4703902319		108		DAVISON FUEL & DOCK #CKP-17	UNION	13.4	CABOT CORP
8231234		4703901168		108		DAVISON FUEL & DOCK #CKP-7	UNION	15.9	CABOT CORP
-FOX DRILLING CO INC				RECEIVED:	05/06/82	JA: WV			
8231171		4700101568		103		BIG OAK #1	BELINGTON	10.0	COLUMBIA GAS TRAN
8231172		4700101568		107-DV		BIG OAK #1	BELINGTON	10.0	COLUMBIA GAS TRAN
8231175		4700101574		103		BIG OAK #3	BELINGTON	10.0	COLUMBIA GAS TRAN
8231173		4700101572		103		BIG OAK #4	BELINGTON	10.0	COLUMBIA GAS TRAN
8231174		4700101572		107-DV		BIG OAK #4	BELINGTON	10.0	COLUMBIA GAS TRAN
8231176		4700101573		103		BIG OAK #5	BELINGTON FIELD	10.0	COLUMBIA GAS TRAN
8231192		4700101573		107-DV		BIG OAK #5	BELINGTON	10.0	COLUMBIA GAS TRAN
8231187		4700101547		103		G MILLER #1	BELINGTON	10.0	COLUMBIA GAS TRAN
8231188		4700101547		107-DV		G MILLER #1	BELINGTON	10.0	COLUMBIA GAS TRAN
8231170		4700101548		103		G MILLER #2	BELINGTON	10.0	COLUMBIA GAS TRAN
8231189		4700101536		107-DV		HYMES HEIRS #1	BELINGTON	10.0	COLUMBIA GAS TRAN
8231190		4700101550		107-DV		MORRIS #1	BELINGTON	10.0	COLUMBIA GAS TRAN
8231191		4700101550		103		MORRIS #1	BELINGTON	10.0	COLUMBIA GAS TRAN
8231181		4700101551		107-DV		MORRIS #2	BELINGTON	10.0	COLUMBIA GAS TRAN
8231182		4700101551		103		MORRIS #2	BELINGTON FIELD	10.0	COLUMBIA GAS TRAN
8231183		4700101537		107-DV		SHOCKEY #1	BELINGTON	10.0	COLUMBIA GAS TRAN
8231184		4700101537		103		SHOCKEY #1	BELINGTON	10.0	COLUMBIA GAS TRAN
8231169		4700101538		107-DV		SHOCKEY #2	BELINGTON	10.0	COLUMBIA GAS TRAN
8231185		4700101539		103		SHOCKEY #3	BELINGTON	10.0	COLUMBIA GAS TRAN
8231186		4700101539		107-DV		SHOCKEY #3	BELINGTON	10.0	COLUMBIA GAS TRAN
-FRANKLIN ADKINS				RECEIVED:	05/06/82	JA: WV			
8231199		4709921716		103		COPLEY #1	LINCOLN	460.0	COLUMBIA GAS TRAN
8231197		4709921710		103		FERGUSON #1	LINCOLN	365.0	COLUMBIA GAS TRAN
8231195		4709921712		103		MAYNARD #1	LINCOLN DISTRICT	430.0	COLUMBIA GAS TRAN
8231196		4709921711		103		SMITH #1	LINCOLN DISTRICT	150.0	COLUMBIA GAS TRAN
8231193		4709921717		103		STAMPER #1	LINCOLN DISTRICT	260.0	COLUMBIA GAS TRAN
8231198		4709921698		103		WATTS #1	LINCOLN DISTRICT	150.0	COLUMBIA GAS TRAN
-GEORGE JACKSON				RECEIVED:	05/06/82	JA: WV			
8231240		4703302650		103		JACKSON L ANDERSON #1	CLAY DISTRICT	17.0	CONSOLIDATED GAS
-GLENN L HAUGHT & SONS				RECEIVED:	05/06/82	JA: WV			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231180		4707301144		107-DV		DORIS TAYLOR H-1240	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN
8231179		4707301145		107-DV		DORIS TAYLOR H-1241	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN
8231209		4708504485		108		EDNA FOSTER H-870	GRANT DISTRICT	5.5	CONSOLIDATED GAS
8231210		4708504496		108		EDNA FOSTER H-871	GRANT DISTRICT	5.5	CONSOLIDATED GAS
8231212		4708504497		108		EDNA FOSTER H-872	GRANT DISTRICT	5.5	CONSOLIDATED GAS
8231225		4708504498		108		EDNA FOSTER H-873	GRANT DISTRICT	5.5	CONSOLIDATED GAS
8231211		4708504499		108		EDNA FOSTER H-874	GRANT DISTRICT	5.5	CONSOLIDATED GAS
-GULF OIL CORPORATION				RECEIVED:	05/06/82	JA: WV			
8231208		4702102038		108		DAVIS "C" #1	GLENVILLE WEST	9.0	CONSOLIDATED GAS
8231220		4704122541		108		FAHEY #6	VADIS	6.0	EQUITABLE GAS CO
8231252		4702102827		108		FARNSWORTH /A/#2	VADIS	7.0	COLUMBIA GAS TRAN
-HYDROCARBON ENERGIES INC				RECEIVED:	05/06/82	JA: WV			
8231241		4703302673		103		RUPERT WINTER #1 (HS-1)	SIMPSON DISTRICT	0.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED:	05/06/82	JA: WV			
8231178		4703322546		103		J-366	UNION	0.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	05/06/82	JA: WV			
8231177		4700101557		103		OLEN NUTTER S-373	ELK	53.0	CONSOLIDATED GAS
-OCTAGON PETROLEUM CORP				RECEIVED:	05/06/82	JA: WV			
8231254		4709500897		103		G ESLACK #H-1192		36.0	INDUSTRIAL ENERGY
-R & B PETROLEUM INC				RECEIVED:	05/06/82	JA: WV			
8231218		4700101111		108		HYMES #1	VALLEY	6.4	PARTNERSHIP PROPE
8231221		4700100933		108		REGESTER #1	VALLEY	18.4	PARTNERSHIP PROPE
8231222		4700110580		108		REGESTER #4	VALLEY	8.7	PARTNERSHIP PROPE
8231216		4700101112		108		RICOTTILLI #1	VALLEY	7.0	PARTNERSHIP PROPE
8231217		4700101146		108		RICOTTILLI #2	VALLEY	7.0	PARTNERSHIP PROPE
-RARE EARTH ENERGY INC				RECEIVED:	05/06/82	JA: WV			
8231247		4707301084		107-DV		PETER #1	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
-RESERVE EXPLORATION CO				RECEIVED:	05/06/82	JA: WV			
8231239		4708504280		108		NULL #3		0.0	CONSOLIDATED GAS
-RUSSELL V JOHNSON JR				RECEIVED:	05/06/82	JA: WV			
8231244		4702103847		103		DAVIDSON #1	BIG RUN OF LEADING CR	13.1	COLUMBIA GAS TRAN
-SENECA-UPSHUR PETROLEUM CO				RECEIVED:	05/06/82	JA: WV			
8231213		4708300198		108		J M HUBER #40	MIDDLE FORK	35.0	EQUITABLE GAS CO
8231207		4708300199		108		J M HUBER #42	MIDDLE FORK	35.0	EQUITABLE GAS CO
8231223		4708300200		108		J M HUBER #46	MIDDLE FORK	35.0	EQUITABLE GAS CO
8231203		4708320201		108		J M HUBER #47	MIDDLE FORK	35.0	EQUITABLE GAS CO
8231224		4708300202		108		J M HUBER #48	MIDDLE FORK	35.0	EQUITABLE GAS CO
8231206		4708300203		108		J M HUBER #49	MIDDLE FORK	35.0	EQUITABLE GAS CO
8231205		4708300218		108		J M HUBER #50	MIDDLE FORK	24.0	EQUITABLE GAS CO
8231204		4708300219		108		J M HUBER #51	MIDDLE FORK	24.0	EQUITABLE GAS CO
8231219		4708300481		102-4		MONTI #1-B	MIDDLE FORK	28.0	COLUMBIA GAS TRAN
-STERLING DRILLING & PROD CO INC				RECEIVED:	05/06/82	JA: WV			
8231194		4703501423		108		SCHEER #1 SDP #26	RIPLEY DISTRICT	12.4	COLUMBIA GAS TRAN
-SWIFT ENERGY CO				RECEIVED:	05/06/82	JA: WV			
8231200		4702103804		103		CLARK #2	GLENVILLE NORTH	50.0	
8231202		4708101485		107-DV		ROSS #1	PHILIPPI	50.0	
8231201		4700101486		107-DV		ROSS #2	PHILIPPI	50.0	
8231215		4700101488		107-DV		ROSS #4	PHILIPPI	50.0	
8231214		4702103805		103		WELCH #3	GLENVILLE NORTH	50.0	
-TEXAS INTERNATIONAL PET CORP				RECEIVED:	05/06/82	JA: WV			
8231253		4706700575		103		FEDERAL COAL #19	TWENTY MILE CREEK	7.0	CABOT CORP
-TRIO PETROLEUM CORP				RECEIVED:	05/06/82	JA: WV			
8231258		4700701713		103		CARPER "C" #2	CHAPEL GERMAN	20.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231257		4700701714		103		LIPPS #2	CHAPEL GERMAN	20.0	COLUMBIA GAS TRAN
8231242		4700701715		103		SHAVER #3	CHAPEL GERMAN	20.0	COLUMBIA GAS TRAN
8231243		4700701716		103		SHAVER #4	CHAPEL GERMAN	20.0	COLUMBIA GAS TRAN
8231246		4700701717		103		SINGLETON "A" #2	CHAPEL GERMAN	20.0	COLUMBIA GAS TRAN
8231237		4700701718		103		SINGLETON "A" #3	CHAPEL GERMAN	20.0	COLUMBIA GAS TRAN
-UNION DRILLING INC				RECEIVED:	05/06/82	JA: WV			
8231248		4708300271		108		FRANK LOGAN #1 1469	ROARING CREEK DISTRIC	12.0	COLUMBIA GAS TRAN
8231251		4709702069		108		GASTON GROCERY #1 1543	WASHINGTON DISTRICT	18.0	COLUMBIA GAS TRAN
8231250		4709702011		108		HARVEY GOLDEN #1 1541	MEADE DISTRICT	9.0	COLUMBIA GAS TRAN
8231228		4709702196		103		MYRON B HYMES #1 1656	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8231232		4700101167		108		ROBERT R MORRIS #2 1514	VALLEY DISTRICT	13.0	COLUMBIA GAS TRAN
8231249		4709701667		108		RUTH Y HALL #2 1381	MEADE DISTRICT	17.0	COLUMBIA GAS TRAN
8231231		4700101064		108		UDI-MIKE ROSS #1 1457	VALLEY DISTRICT	10.0	COLUMBIA GAS TRAN
-UNION OIL COMPANY OF CALIF				RECEIVED:	05/06/82	JA: WV			
8231256		4703903742		103		WILLIAMS COAL CO #379	CHARLESTON	48.0	CONSOLIDATED GAS
-W C MURTT DRILLING CO				RECEIVED:	05/06/82	JA: WV			
8231227		4704302501		107-DV		R B DAVIDSON #4	FALLS CREEK - BRANCHL	5.5	COLUMBIA GAS TRAN
8231226		4704302502		107-DV		R B DAVIDSON #5	FALLS CREEK - BRANCHL	5.5	COLUMBIA GAS TRAN
-WILLIAM B HEETER III				RECEIVED:	05/06/82	JA: WV			
8231255		4701303324		103		JOHN R KNOTTS #3		12.0	CONSOLIDATED GAS
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
-AMOCO PRODUCTION CO				RECEIVED:	05/06/82	JA: NM 4			
8231342	NM 0273-82	3004524733		103		ABRAMS GAS COM "E" #1E	BASIN DAKOTA	12.0	EL PASO NATURAL G
8231327	NM-0139-82	3004509195		108		E E ELLIOTT "B" #5	BLANCO-PICTURED CLIFF	20.0	EL PASO NATURAL G
8231343	NM 0274-82	3004524864		103		GALLEGOS CANYON UNIT #182E	BASIN DAKOTA	31.0	EL PASO NATURAL G
8231303	NM-1997-81	3003906166		108		JICARILLA CONTRACT 146 #5 (2ND)	SOUTH BLANCO - PICTUR	17.0	NORTHWEST PIPELIN
8231322	NM-0096-82	3003905977		108		JICARILLA CONTRACT 148 #5 (4TH)	SOUTH BLANCO - PICTUR	19.0	NORTHWEST PIPE LI
8231341	NM 0272-82	3004524956		103		JONES GAS COM "C" #1E	BASIN DAKOTA	19.0	EL PASO NATURAL G
8231323	NM-0098-82	3004508926		108		PAN AM FEDERAL GAS COM "B" #1	BASIN DAKOTA	19.0	EL PASO NATURAL G
8231315	NM-0073-82	3002527359		107-DP		PERRO GRANDE UNIT #1	WILDCAT MORROW	1460.0	EL PASO NATURAL G
8231340	NM 0271-82	3004524877		103		R P HARGRAVE "L" #1E	BASIN DAKOTA	0.0	SOUTHERN UNION GA
-APOLLO OIL COMPANY				RECEIVED:	05/06/82	JA: NM 4			
8231269	NM 0028-81ER	3002500000		108-ER		FEDERAL "A" #1	LANGLIE MATTIX	20.0	EL PASO NATURAL G
8231270	NM 0029-81ER	3002500000		108-ER		FEDERAL "A" #2	LANGLIE MATTIX	18.0	EL PASO NATURAL G
8231271	NM 0030-81ER	3002511588		108-ER		FEDERAL "B" #2	LANGLIE MATTIX	40.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:	05/06/82	JA: NM 4			
8231324	NM-0103-82	3002502445		108		BALLARD DE FEDERAL #5	LYNCH (YATES-SEVEN RI	1.5	PHILLIPS PETROLEU
-CURTIS J LITTLE				RECEIVED:	05/06/82	JA: NM 4			
8231328	NM 0244-82-A	3003922861		103		SALAZAR #3	OTERO CHACRA EXT	25.0	EL PASO NATURAL G
8231329	NM 0244-82-B	3003922861		103		SALAZAR #3	SO BLANCO PC	25.0	EL PASO NATURAL G
-DUGAN PRODUCTION CORP				RECEIVED:	05/06/82	JA: NM 4			
8231305	NM-0031-82	3004525051		107-TF		JULY JUBILEE #1	BASIN DAKOTA/UNDESIGN	35.0	EL PASO NATURAL G
8231306	NM-0032-82	3004523893		107-TF		JUNE JOY #2	BASIN DAKOTA/UNDESIGN	73.0	EL PASO NATURAL G
8231307	NM-0033-82	3004524421		107-TF		MERRY MAY #1	BASIN DAKOTA/UNDESIGN	350.0	EL PASO NATURAL G
8231308	NM-0034-82	3004524636		107-TF		MF #1	BASIN DAKOTA	35.0	EL PASO NATURAL G
8231309	NM-0035-82	3004524995		107-TF		MF #2	BASIN DAKOTA	150.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	05/06/82	JA: NM 4			
8231319	NM-0080-82	3004509855		108		ATLANTIC B #4	BLANCO - MESA VERDE	16.0	EL PASO NATURAL G
8231293	NM-1451-81	3003920261		108		CANYON LARGO UNIT #148	OTERO CHACRA	23.0	EL PASO NATURAL G
8231316	NM-0074-82	3003920309		108		CANYON LARGO UNIT #163	OTERO - CHACRA	17.0	EL PASO NATURAL G
8231313	NM-0049-82	3004520906		108		DAY A #15	BLANCO PICTURED CLIFF	21.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231298	NM-1798-81	3004521512		108		DAY A #17	BLANCO - PICTURED CLI	22.0	EL PASO NATURAL G
8231320	NM-0083-82	3004500000		108		FLORANCE C #9	BASIN - DAKOTA	19.0	EL PASO NATURAL G
8231312	NM-0048-82	3004520883		108		HUBBELL #9	BLOOMFIELD CHACRA	19.0	EL PASO NATURAL G
8231336	NM 0262-82	3004524846		103		HUERFANO UNIT #144E	BASIN DAKOTA	50.0	EL PASO NATURAL G
8231321	NM-0087-82	3004507288		108		LACKEY B #7	AZTEC - PICTURED CLIF	18.0	EL PASO NATURAL G
8231299	NM-1824-81	3003906985		108		RINCON UNIT #113	BLANCO - MESAVERDE	20.0	EL PASO NATURAL G
8231290	NM-1341-81	3003920713		108		RINCON UNIT #195	SOUTH BLANCO - PICTUR	22.0	EL PASO NATURAL G
8231295	NM-1675-81	3003906973		108		RINCON UNIT #22	SOUTH BLANCO - PICTUR	23.0	EL PASO NATURAL G
8231278	NM 0009-82PB	3003907059		108-PB		SAN JUAN 27-4 UNIT #22	BLANCO-MESAVERDE GAS	13.0	EL PASO NATURAL G
8231273	NM 0003-82PB	3003920142		108-PB		SAN JUAN 27-4 UNIT #40	BASIN/DAKOTA	24.0	EL PASO NATURAL G
8231272	NM0002-82-PB	3003920733		108-PB		SAN JUAN 27-4 UNIT #61	TAPACITO-PICTURED CLI	14.2	EL PASO NATURAL G
8231285	NM 0016-82PB	3003920688		108-PB		SAN JUAN 27-4 UNIT #65	TAPACITO-PICTURED CLI	16.8	EL PASO NATURAL G
8231286	NM 0017-82PB	3003920719		108-PB		SAN JUAN 27-4 UNIT #70	BASIN-DAKOTA GAS	21.0	EL PASO NATURAL G
8231289	NM 0026-82PB	3003920825		108-PB		SAN JUAN 27-4 UNIT #84	TAPACITO-PICTURED CLI	18.0	EL PASO NATURAL G
8231288	NM 0019-82PB	3003920955		108-PB		SAN JUAN 27-4 UNIT #90	TAPACITO PICTURED CLI	20.0	EL PASO NATURAL G
8231277	NM 0008-82PB	3003960085		108-PB		SAN JUAN 27-5 UNIT #12	BLANCO-MESAVERDE GAS	16.0	EL PASO NATURAL G
8231282	NM 0013-82PB	3003920812		108-PB		SAN JUAN 27-5 UNIT #176	TAPACITO-PICTURED CLI	20.8	EL PASO NATURAL G
8231296	NM-1683-81	3003907442		108		SAN JUAN 28-5 UNIT #27	BLANCO - MESAVERDE	22.0	EL PASO NATURAL G
8231318	NM-0079-82	3003907416		108		SAN JUAN 28-5 UNIT #6	BLANCO - MESA VERDE	17.0	EL PASO NATURAL G
8231275	NM 0006-82PB	3003920187		108-PB		SAN JUAN 28-5 UNIT #81	BASIN - DAKOTA GAS	20.0	EL PASO NATURAL G
8231300	NM-1826-81	3003907118		108		SAN JUAN 28-6 UNIT #53	BLANCO - MESAVERDE	22.0	EL PASO NATURAL G
8231317	NM-0078-82	3003907351		108		SAN JUAN 28-7 UNIT #26	BLANCO - MESA VERDE	17.0	EL PASO NATURAL G
8231280	NM 0011-82PB	3003907793		108-PB		SAN JUAN 30-6 UNIT #11	BLANCO - MESAVERDE	16.0	EL PASO NATURAL G
8231279	NM 0010-82PB	3003907886		108-PB		SAN JUAN 30-6 UNIT #36	BLANCO-MESAVERDE	17.0	EL PASO NATURAL G
8231284	NM 0015-82PB	3003907858		108-PB		SAN JUAN 30-6 UNIT #39	BLANCO-MESAVERDE GAS	9.5	EL PASO NATURAL G
8231276	NM 0007-82PB	3003907876		108-PB		SAN JUAN 30-6 UNIT #40X	BLANCO-MESAVERDE GAS	16.0	EL PASO NATURAL G
8231281	NM 0012-82PB	3003907012		108-PB		SJ 27-5 UNIT #10	BLANCO-MESAVERDE GAS	15.0	EL PASO NATURAL G
8231283	NM 0014-82PB	3003907262		108-PB		SJ 28-6 UNIT #33	BLANCO-MESAVERDE GAS	8.8	EL PASO NATURAL G
8231274	NM 0005-82PB	3003907828		108-PB		SJ 30-4 UNIT NP #9	BLANCO EAST-PICTURED	20.0	EL PASO NATURAL G
8231287	NM 0018-82PB	3003907828		108-PB		SJ 30-4 UNIT NP #9	BLANCO EAST-PICTURED	20.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED:	05/06/82	JA: NM 4			
8231314	NM-0065-82	3004500000		108		GALLEGOS CANYON UNIT P C #17	KUTZ WEST PICTURED CL	17.2	EL PASO NATURAL G
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED:	05/06/82	JA: NM 4			
8231301	NM-1829-81	3015023754		102-4		GREEN "B" #11	SOUTH EMPIRE MORROW	1200.0	
-GETTY OIL COMPANY				RECEIVED:	05/06/82	JA: NM 4			
8231330	NM 0249-82-A	3003922733		103		LYDIA RENTZ #7	OJITO GALLUP-DAKOTA	150.0	EL PASO NATURAL G
8231331	NM 0249-82-B	3003922733		103		LYDIA RENTZ #7	BLANCO MESAVERDE	300.0	EL PASO NATURAL G
8231297	NM-1787-81	3002527373		102-4		NORTH BILBREY "18" FEDERAL #1	UNDESIGNATED MORROW	657.0	EL PASO NATURAL G
-KENAI OIL AND GAS INC				RECEIVED:	05/06/82	JA: NM 4			
8231310	NM-0042-82	3004525244		102-2		DOME FEDERAL #24-21	UNDESIGNATED	0.0	MESA PETROLEUM CO
8231311	NM-0043-82	3003922792		103		FEDERAL #6-43	LYBROOK-GALLUP EXT	21.9	MESA PETROLEUM CO
-MARATHON OIL CO				RECEIVED:	05/06/82	JA: NM 4			
8231334	NM 0260-82-A	3004922588		103		JICARILLA APACHE #8-E	JICARILLA APACHE-BLAN	53.0	NORTHWEST PIPELIN
-MARATHON OIL COMPANY				RECEIVED:	05/06/82	JA: NM 4			
8231335	NM 0260-82-B	3004922588		103		JICARILLA APACHE #8-E	JICARILLA APACHE (GRA	232.0	NORTHWEST PIPELIN
-MERRION OIL & GAS CORP				RECEIVED:	05/06/82	JA: NM 4			
8231339	NM 0270-82	3003922887		103		CANYON LARGO UNIT #311	DEVILS FORK GALLUP	128.0	EL PASO NATURAL G
-MESA PETROLEUM CO				RECEIVED:	05/06/82	JA: NM 4			
8231326	NM-01138210?	3000561136		102-2	107-TF	COTTONWOOD FEDERAL #2	UNDESIGNATED ABO	400.0	TRANSWESTERN PIPE
-NORMAN L GILBREATH				RECEIVED:	05/06/82	JA: NM 4			
8231304	NM-2020-81	3004500000		108		LESLIE K #1 90-178-01	SAN JUAN-KUTZ	12.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	05/06/82	JA: NM 4			
8231302	NM-1995-81	3003905417		108		FEDERAL #1	SOUTH BLANCO PICTURED	0.0	NORTHWEST PIPELIN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231325	NM-0110-82	3003920019		108		JICARILLA 92 #3	TAPACITO PICTURED CLI	12.7	NORTHWEST PIPELIN
8231292	NM-1432-81	3003921131		108		JICARILLA 92 #6	TAPACITO PICTURED CLI	21.5	NORTHWEST PIPELIN
8231291	NM-1428-81	3003907891		108		SAN JUAN 30-5 #23	BLANCO MESAVERDE	21.5	NORTHWEST PIPELIN
8231337	NM 0266-82	3003922192		103		SAN JUAN 30-5 UNIT 14A	BLANCO MESAVERDE	118.9	NORTHWEST PIPELIN
8231294	NM-1575-81	3003907841		108		SAN JUAN 30-5 UNIT 28X	BLANCO MESAVERDE	21.5	NORTHWEST PIPELIN
8231338	NM 0267-82	3004524500		103		SAN JUAN 32-7 UNIT 72	SO LOS PINOS PICTURED	458.7	NORTHWEST PIPELIN
-SUPRON ENERGY CORPORATION				RECEIVED:	05/06/82	JA: NM 4			
8231333	NM 0257-82	3004524535		103		ZACHRY 23	BLOOMFIELD CHACRA EXT	4.4	SOUTHERN UNION GA
-YATES PETROLEUM CORPORATION				RECEIVED:	05/06/82	JA: NM 4			
8231332	NM 0253-82	3001522390		103		FEDERAL "AB" COM #4	WILDCAT STRAWN	0.0	EL PASO NATURAL G

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 273.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before June 23, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–15402 Filed 6–7–82; 8:45 am]

BILLING CODE 6717–01–M

[Volume 658]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 28, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME.	FIELD NAME	PROD	PURCHASER
KENTUCKY DEPARTMENT OF MINES & MINERALS									
-ASHLAND EXPLORATION INC				RECEIVED:	05/10/82	JA: KY			
8231529	502048	1619503075		108-SA		COLONY COAL & COKE #33 - 010580	EASTERN KENTUCKY GAS	18.0	COLUMBIA GAS TRAN
8231528	500586	1619500853		108-SA		WELLS W S #1 - 008650	EASTERN KENTUCKY GAS	13.3	COLUMBIA GAS TRAN
LOUISIANA OFFICE OF CONSERVATION									
-AMINOIL OF LOUISIANA INC				RECEIVED:	05/10/82	JA: LA			
8231459	81-1989	1707522453		102-4		S/L 2028 #13	LAKE WASHINGTON	40.0	SOUTHERN NATURAL
-AMOCO PRODUCTION CO				RECEIVED:	05/07/82	JA: LA			
8231499	82-1025	1707720252		107-DP		VUA RAVENSWOOD CO INC #2	SCHWAB	3650.0	COLUMBIA GAS TRAN
NORTH DAKOTA INDUSTRIAL COMMISSION									
-ADOBE OIL & GAS CORPORATION				RECEIVED:	05/10/82	JA: ND			
8231600	502	3300700778		102-3		PEDELISKI #12-14	WHISKEY JOE	0.0	NORTHERN GAS PROD
-BURLINGTON NORTHERN INC				RECEIVED:	05/10/82	JA: ND			
8231603	505	3300700682		102-2		BN 23-15	WHISKEY JOE	15.0	WESTERN GAS PROCE
-EXETER EXPLORATION COMPANY				RECEIVED:	05/10/82	JA: ND			
8231602	504	3305301366		102-2		HYSTAD #11-31	POE	1000.0	
-GETTY OIL COMPANY				RECEIVED:	05/10/82	JA: ND			
8231609	511	3310500937		102-2		OWEN #19-13	RAY	150.0	
8231610	512	3310500900		102-2		TEMPLE #30-16	UNNAMED	175.0	
-MESA PETROLEUM CO				RECEIVED:	05/10/82	JA: ND			
8231605	507	3302500241		102-4		KADRMAS #1-25	WILDCAT	19.0	
-SOUTHLAND ROYALTY CO				RECEIVED:	05/10/82	JA: ND			
8231607	509	3302300189		102-2		GERALD RAAUM #1-22	FORTUNA	10.0	PHILLIPS PETROLEU
-TENNECO OIL COMPANY				RECEIVED:	05/10/82	JA: ND			
8231608	510	3300700613		102-2		OYHUS 2-2	TR	58.0	WESTERN GAS PROCE
-TEXACO INC				RECEIVED:	05/10/82	JA: ND			
8231601	503	3305301430		102-3		R L OLSON #9	BLUE BUTTES	436.0	MONTANA DAKOTA UT
-WILLIAM HERBERT HUNT TRUST ESTATE				RECEIVED:	05/10/82	JA: ND			
8231606	508	3300700642		102-2		HLEBECHUK #1	WILDCAT	49.0	KOCH HYDROCARBON
8231604	506	3300700754		102-2		T FEDORA #1	WILDCAT	74.0	KOCH HYDROCARBON
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO				RECEIVED:	05/10/82	JA: NM			
8231451		3004520953		108		CANEPLE GAS COM "B" #1 (3RD)	BLANCO - PICTURED CLI	18.0	EL PASO NATURAL G
8231450		3004508387		108		STATE GAS COM "BF" #1 (2ND)	BASIN - DAKOTA	20.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	05/10/82	JA: NM			
8231456		3003920024		108		SAN JUAN 27-5 UNIT #107	BASIN - DAKOTA	10.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-GULF OIL CORPORATION				RECEIVED:	05/10/82	JA: NM			
8231458		3002527551		103		ARNOTT RAMSAY (NCT-B) #12	LANGLIE MATTIX	0.0	EL PASO NATURAL G
8231457		3002527517		103		ARNOTT RAMSAY (NCT-E) #12	LANGLIE MATTIX	0.0	EL PASO NATURAL G
-MESA PETROLEUM CO				RECEIVED:	05/10/82	JA: NM			
8231449		3000561230		102-2	107-TF	BURTIS COM #2	UNDESIGNATED ABO	100.0	TRANSWESTERN PIPE
8231448		3000561248		102-2	107-TF	HORSE CREEK COM #1	UNDESIGNATED ABO	300.0	UNDETERMINED
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	05/10/82	JA: NM			
8231454		3002502849		108		E VACUUM GB/SA TR 2175 #002	VACUUM GB/SA	2.0	EL PASO NATURAL G
8231452		3002524061		108		LEA #25	VACUUM NORTH ABO	1.0	EL PASO NATURAL G
8231453		3002524062		108		LEA #26	VACUUM NORTH ABO	1.0	EL PASO NATURAL G
-TEXACO INC				RECEIVED:	05/10/82	JA: NM			
8231455		3002500000		108		L R KERSHAW #9	SKAGGS DRINKARD & MON	7.3	WARREN PETROLEUM
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-ANADARKO PRODUCTION COMPANY				RECEIVED:	05/07/82	JA: OK			
8231512	13919	3500320901		103		BROWN A-2	S E LAMBERT	110.0	PIONEER GAS PRODU
8231500	13920	3500320902		103		MCCRADY A-2	S E LAMBERT	91.0	PIONEER GAS PRODU
-ANDOVER OIL COMPANY				RECEIVED:	05/10/82	JA: OK			
8231546	16981	3501121612		102-2		SCHEFFLER #25-1		0.0	OKLAHOMA GAS PIPE
-ARCO OIL AND GAS COMPANY				RECEIVED:	05/07/82	JA: OK			
8231522	13943	3504321267		103		PEARL KUNC UNIT "A" #1	PUTMAN	182.5	MOBIL OIL CORP
-ARCO OIL AND GAS COMPANY				RECEIVED:	05/10/82	JA: OK			
8231541	14023	4204721878		108		CURTIS HILL #1	SOONER TREND	8.7	PANHANDLE EASTERN
8231539	14021	3501900000		108		J J WALK #1	HEALDTON	11.0	LONE STAR GAS CO
8231540	14022	3513700000		108		NORMAN OAKMAN UNIT #1	DOYLE EAST	14.6	LONE STAR GAS CO
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	05/07/82	JA: OK			
8231526	15121	3512920631		102-2	103	BLACKKETTER UNIT #1	S W LEEDY	474.0	
-CITIES SERVICE COMPANY				RECEIVED:	05/07/82	JA: OK			
8231511	13895	3513921485		103		HARTMAN A-4	POSTLE KEYES	49.5	NORTHERN NATURAL
-CLARK EXPLORATION				RECEIVED:	05/10/82	JA: OK			
8231553	18293	3515100000		108		JOHNSON #1	NE WINCHESTER	14.4	CITIES SERVICE GA
-DRUMRIGHT WELL SERVICE INC				RECEIVED:	05/07/82	JA: OK			
8231503	12967	3511700000		103		ELLIS 1-A		0.4	PHILLIPS PETROLEU
8231502	12966	3511700000		103		ELLIS 2-A		28.8	PHILLIPS PETROLEU
-DYCO PETROLEUM CORPORATION				RECEIVED:	05/10/82	JA: OK			
8231554	13911	3503920397		103		RICHMOND #1-7	KIOWA CREEK	200.0	NORTHERN NATURAL
-ESTORIL PRODUCING CORP				RECEIVED:	05/07/82	JA: OK			
8231508	13703	3512521204		103		GUNTER "A" #2	NE TECUMSEH (RED FORK	36.5	TRANSOK PIPELINE
8231506	13706	3512521184		103		PARSONS #1	NE TECUMSEH	31.0	TRANSOK PIPELINE
8231509	13702	3512521055		103		STATE "16" FARRIS #1	NE TECUMSEH (RED FORK	72.0	TRANSOK PIPELINE
8231507	13704	3512521227		103		YEISLEY #1	NE TECUMSEH (RED FORK	36.5	TRANSOK PIPELINE
-F C D OIL CORP				RECEIVED:	05/07/82	JA: OK			
8231523	13944	3509322248		103		GRAY 2-23	RINGWOOD	89.0	CHAMPLIN PETROLEU
-F C D OIL CORP				RECEIVED:	05/10/82	JA: OK			
8231533	13945	3509222281		103		RING 3-6	E CLEO SPRINGS	172.8	PIONEER GAS PRODU
-GETTY OIL COMPANY				RECEIVED:	05/07/82	JA: OK			
*8231518	13933	3513722738		103		SELBY #59 (HUNTON)	SHO-VEL-TUM	400.0	OKLAHOMA NATURAL
*8231519	13934	3513722738		103		SELBY #59 (SYCAMORE)	SHO-VEL-TUM	200.0	OKLAHOMA NATURAL
-HADSON PETROLEUM CORP				RECEIVED:	05/10/82	JA: OK			
8231552	18248	3505121070		107-DP		LANE #1-24		730.0	MICHIGAN WISCONSI
-HPC INC				RECEIVED:	05/07/82	JA: OK			
8231501	12009	3501521004		103		EPPERLY #1	SOUTH WEST BRIDGEPORT	274.0	OKLAHOMA GAS & EL

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-INEXCO OIL COMPANY				RECEIVED:	05/10/82	JA: OK			
8231548	16984	4212920648		102-2		FARNI #1-7	UNDESIGNATED	300.0	PRODUCER'S GAS CO
8231549	16985	3503920581		102-2		FLICK #1-19	UNDESIGNATED	365.0	TRANSWESTERN PIPE
8231547	16983	3503920479		102-2		SMALLWOOD #1-15	UNDESIGNATED	200.0	TRANSWESTERN PIPE
-INTERNORTH INC				RECEIVED:	05/10/82	JA: OK			
8231534	13991	3504520920		103		STATE "A" #1-33	MOCANE LAVERNE	484.0	INTERNORTH INC
-J T HOKE JR				RECEIVED:	05/07/82	JA: OK			
8231515	13984	3508320684		103		NORRIS #6	SOONER TREND	75.0	EASON OIL CO
-JERRY CHAMBERS EXPLORATION CO				RECEIVED:	05/10/82	JA: OK			
8231551	17044	3501520666		102-2		R F ROSS #2-6	LIBBIE	0.0	RIMROCK GAS CO
-JOHN T RIETZ & CO INC				RECEIVED:	05/07/82	JA: OK			
8231527	13226	3508300000		102-4		MARY #1	EVANSVILLE	0.0	WILSON GAS PROCES
-L & T OIL & GAS INC				RECEIVED:	05/07/82	JA: OK			
8231505	13338	3510321453		103		HAUNSCHILD #1	POLO	0.0	AMINOIL USA INC
-L R FRENCH JR				RECEIVED:	05/10/82	JA: OK			
8231535	13995	3509322322		103		EDWARD #2	CHEYENNE VALLEY	0.0	DELHI GAS PIPELIN
8231536	13995	3504722725		103		MITCHELL #2	SOONER TREND	182.0	UNION TEXAS PETRO
-LOBAR OIL CO INC				RECEIVED:	05/10/82	JA: OK			
8231537	14009	3508321800		103		NELLIE BLY #2	CRESCENT-LOVELL	0.0	EASON OIL CO
-MARTIN OIL COMPANY				RECEIVED:	05/07/82	JA: OK			
8231504	13286	3507323078		103		YORK 24-2	SOONER TREND	600.0	PHILLIPS PETROLEU
-OIL EXPLORATION OF AMERICA INC				RECEIVED:	05/07/82	JA: OK			
8231520	13936	3514321173		103		OVERHOLT #1	NORTHWEST SAPULPA	107.7	COLORADO GAS COMP
8231521	13937	3514321177		103		OVERHOLT #2	NORTH WEST SAPULPA	71.2	COLORADO GAS COMP
-P-T LTD 81				RECEIVED:	05/10/82	JA: OK			
8231538	14010	3504722664		103		ROGERS 1-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
-PHILLIPS OIL OPERATING CO				RECEIVED:	05/07/82	JA: OK			
8231517	13989	3508121208		103		HAGAR #3	SOUTHWEST PRAIRIE GEM	1.1	SUN GAS CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	05/10/82	JA: OK			
8231532	12890	3500721937		103		HAM A #2		0.0	TRANSWESTERN GAS
8231555	13693	3501722044		103		MANSFIELD "A" #1	W OKARCHE	0.0	ONG WESTERN INC
-R L BURNS CORP				RECEIVED:	05/10/82	JA: OK			
8231542	14097	3509322208		103		B M CLARK "32" #1	WEST CHEYENNE VALLEY	250.0	TENNESSEE GAS PIP
-RACK OIL INC				RECEIVED:	05/07/82	JA: OK			
8231510	13726	3503723070		103		HAYES #1	CUSHING	36.5	COLORADO GAS COMP
-SALT FORK PRODUCERS INC				RECEIVED:	05/07/82	JA: OK			
8231513	13929	3513120974		103		FUGATE #3	WEST OOLOGAH	10.0	DIAMOND "S" GAS S
8231514	13930	3513120973		103		FUGATE #5	WEST OOLOGAH	15.0	DIAMOND "S" GAS S
-SAMSON RESOURCES COMPANY				RECEIVED:	05/10/82	JA: OK			
8231530	13382	3505121141		102-4 103		SWOPE #1-6	NORTHWEST CHICKASHA	547.5	ARKANSAS LOUISIAN
-SOUTHPORT EXPLORATION INC				RECEIVED:	05/10/82	JA: OK			
8231545	16824	3504321205		102-4		JOHNSON #34-1		0.0	EL PASO NATURAL G
-SUNDANCE ENERGY CORP				RECEIVED:	05/07/82	JA: OK			
8231516	13986	3500320835		103		MCNICKLE #1	RINGWOOD	60.0	AMINOIL USA INC
-SUNRISE EXPLORATION INC				RECEIVED:	05/10/82	JA: OK			
8231550	16988	3503920632		102-2		WAGNER #1-19	E CLINTON	1500.0	
-TENNECO OIL COMPANY				RECEIVED:	05/07/82	JA: OK			
8231524	13965	3511131573		103		AIRPORT #1-29	HAMILTON SWITCH	40.0	
8231525	13966	3511131573		103		AIRPORT 1-29	HAMILTON SW/TCH	42.0	
-TENNECO OIL COMPANY				RECEIVED:	05/10/82	JA: OK			
8231543	16776	3501722122		102-2		KRIVANEK #1-13	WILDCAT	57.0	
8231544	16777	3501722122		102-2		KRIVANEK #1-13	WILDCAT	117.0	
-TOWNER PETROLEUM CO				RECEIVED:	05/10/82	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231531	15975	3507121961		102-4		BORNEMANN #1-1	WATONGA-CHICKASHA	0.0	PHILLIPS PETROLEU

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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES

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-ASHTOLA PRODUCTION CO				RECEIVED:	05/07/82	JA: PA			
8231353	11303	3712921751		102-2		CHARLES LAUFFER #1	HUNKERS	44.0	
8231355	11301	3712921885		103		CHARLES LAUFFER #2	HUNKERS	8.0	
8231356	11302	3712921873		103		CHARLES LAUFFER #3	HUNKERS	17.0	
8231354	11304	3712921752		102-2		MABLE COLE #1	HUNKERS	35.0	
8231352	11300	3712921900		102-2		MABLE COLE #2	HUNKERS	43.0	
-C & C TROYER BROTHERS				RECEIVED:	05/07/82	JA: PA			
8231416	11298	3704921563		102-2		A MISCICHOWSKI (#51)	EDINBORO	30.0	NATIONAL FUEL GAS
8231426	11297	3704921563		107-TF		A MISCICHOWSKI #1 (51)	EDINBORO	30.0	NATIONAL FUEL GAS
8231418	10899	3704921426		107-TF		CHARLES B AUSTIN #2 (#42)	EDINBORO	25.0	NATIONAL FUEL GAS
8231425	11296	3704921520		107-TF		D BLILEY #1 (49)	WATERFORD	30.0	NATIONAL FUEL GAS
8231415	11295	3704921520		102-2		D BLILEY #1 #49	WATERFORD	30.0	NATIONAL FUEL GAS
8231419	10902	3704921420		107-TF		D LAIRD - M PECK #1 (#41)	EDINBORO	12.0	NATIONAL FUEL GAS
8231422	11101	3704920993		107-TF		DONNELL #1 (#23)	WATERFORD	15.0	NATIONAL FUEL GAS
8231423	11222	3704921425		107-TF		E STAFFORD #1 (#43)	EDINBORO	10.0	NATIONAL FUEL GAS
8231420	10904	3704921308		107-TF		H ADAMS #2 (#35)	EDINBORO	15.0	NATIONAL FUEL GAS
8231421	11004	3704921490		107-TF		L KRZYWICKI #1 (#47)	EDINBORO	30.0	NATIONAL FUEL GAS
8231424	11234	3704921458		107-TF		R WALKER #1 (45)	EDINBORO	0.0	NATIONAL FUEL GAS
8231417	10636	3704920889		107-TF		TROYER PROFIT SHARING #1 (#14)	BEAVERDAM	12.0	NATIONAL FUEL GAS
-CABOT OIL & GAS CORP				RECEIVED:	05/07/82	JA: PA			
8231360	11381	3703921494		102-2		ELIZABETH PIECHOTA #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8231367	11380	3703921494		107-TF		ELIZABETH PIECHOTA #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8231361	11385	3703921441		102-2		GEORGE SIMONETTA #1	GREENWOOD	50.0	TENNESSEE GAS PIP
8231368	11384	3703921441		107-TF		GEORGE SIMONETTA #1	GREENWOOD	50.0	TENNESSEE GAS PIP
8231358	11377	3708520318		102-2		HARRY CRAWFORD #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8231365	11376	3708520318		107-TF		HARRY CRAWFORD #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8231357	11375	3708520337		102-2		HARRY CRAWFORD #2	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8231371	11392	3708520337		107-TF		HARRY CRAWFORD #2	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8231364	11391	3703921424		102-2		JOHN ALLISON #1	GREENWOOD	50.0	TENNESSEE GAS PIP
8231370	11390	3703921424		107-TF		JOHN ALLISON #1	GREENWOOD	50.0	TENNESSEE GAS PIP
8231362	11387	3708520336		102-2		JOHN BOYD #1	DEER CREEK	50.0	TENNESSEE GAS PIP
8231398	11386	3708520336		107-TF		JOHN BOYD #1	DEER CREEK	50.0	TENNESSEE GAS PIP
8231363	11389	3708520319		102-2		JOHN MALOKIS #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8231369	11388	3708520319		107-TF		JOHN MALOKIS #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8231359	11379	3708520296		102-2		JOHN TRZESNIOWSKI #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8231366	11378	3708520296		107-TF		JOHN TRZESNIOWSKI #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
-CARDINAL OIL CO				RECEIVED:	05/07/82	JA: PA			
8231373	11150	3704921518		107-TF		HARNED-ALLEN #1 PA PER ERI-21518	CONNEAUT	0.0	COLUMBIA GAS TRAN
8231372	11149	3704921562		107-TF		HARNED-ALLEN #2 PA PER ERI-21562	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	05/07/82	JA: PA			
8231379	11364	3706521043		108		A LEROY KEATON WN-1334	BELL TOWNSHIP	0.6	GENERAL SYSTEM PU
8231378	11363	3706522969		108		CLEARFIELD BITUMINOUS COAL WN-1429	PINE TOWNSHIP	0.4	GENERAL SYSTEM PU
8231376	11361	3710520127		108		COMMONWEALTH OF PA #81 WN-1589	STEWARDSON TOWNSHIP	0.6	GENERAL SYSTEM PU
8231374	11367	3706326576		103		H C BONNER WN-1875	BANKS TOWNSHIP	43.0	GENERAL SYSTEM PU
8231381	11366	3706521007		108		JOHN V ROBERTSON WN-1273	WINSLOW	0.7	GENERAL SYSTEM PU
8231380	11365	3706322027		108		LINDSEY COAL COMPANY #2 WN-1278	CANOE TOWNSHIP	0.7	GENERAL SYSTEM PU
8231375	11370	3703321168		103		MELVIN E KING WN-1855	BURNSIDE TOWNSHIP	4.0	GENERAL SYSTEM PU
8231384	11398	3706323551		108		R WADE ECELBARGER ET AL WN-1577	CANOE TOWNSHIP	0.6	GENERAL SYSTEM PU
8231382	11396	3706323552		108		R WADE ECELBARGER WN-1576	CANOE TOWNSHIP	0.6	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231383	11397	3706323579		108		R WADE ECELBARGER WN-1578	CANOE TOWNSHIP	0.6	GENERAL SYSTEM PU
8231377	11362	3703320606		108		ROBERT SPENCER WN-1538	FERGUSON TOWNSHIP	0.6	GENERAL SYSTEM PU
-DOC-NCC SERVICE CO				RECEIVED:	05/07/82	JA: PA			
8231385	11394	3712921911		103		CLAY G STROHM 1209-3		30.0	TEXAS EASTERN TRA
-GOE PRO INC				RECEIVED:	05/07/82	JA: PA			
8231386	11437	3704921650		103		BARB HYDE #1	ALBION WEST	0.0	NATIONAL FUEL GAS
8231391		3704921650		107-TF		BARB HYDE #1	ALBION WEST	0.0	NATIONAL FUEL GAS
8231387	11439	3704921447		103		CONNEAUT VALLEY FARMS #2		0.0	NATIONAL FUEL GAS
8231392	11438	3704921447		107-TF		CONNEAUT VALLEY FARMS #2		0.0	NATIONAL FUEL GAS
8231390	11445	3704921477		103		DORRANCE MOOK #1	LUNDYS LANE	0.0	COLUMBIA GAS TRAN
8231395	11444	3704921477		107-TF		DORRANCE MOOK #1	LUNDY'S LANE	0.0	COLUMBIA GAS TRAN
8231388	11441	3704921569		103		W P CHAPMAN #1	ALBION WEST	0.0	NATIONAL FUEL GAS
8231393	11443	3704921569		107-TF		W P CHAPMAN #1	ALBION WEST	0.0	NATIONAL FUEL GAS
8231389	11442	3704921525		103		WILLIAM A KAUFMAN	LUNDY'S LANE	0.0	COLUMBIA GAS TRAN
8231394	11443	3704921525		107-TF		WILLIAM A KAUFMAN	LUNDY'S LANE	0.0	COLUMBIA GAS TRAN
-KEPCO INC				RECEIVED:	05/07/82	JA: PA			
8231396	9638	3705921571		102-4		E V BUNNER #2 (PK-2)	GARARDS FORT	28.0	NEW JERSEY NATURA
8231397	09639	3705921571		103		E V BUNNER #2 (PK-2)	GARARDS FORT	28.0	NEW JERSEY NATURA
-LAKE ERIE #1				RECEIVED:	05/07/82	JA: PA			
8231400	11143	3704921511		107-TF		ARTHUR FOY #1 PA PER ERI-21511	CONNEAUT	0.0	COLUMBIA GAS TRAN
8231399	11140	3704921515		107-TF		RUDOLPH VANCO #1 PA PER ERI-21515	CONNEAUT	0.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION				RECEIVED:	05/07/82	JA: PA			
8231401	10720	3703900000		103		BIERNACKI #1-98	MOSIERTOWN FIELD (MED	41.0	COLUMBIA GAS TRAN
8231402	10721	3703900000		107-TF		BIERNACKI #1-98	MOSIERTOWN FIELD (MED	41.0	COLUMBIA GAS TRAN
-PENCO GAS INC				RECEIVED:	05/07/82	JA: PA			
8231405	11320	3700500000		108		A F MAURER - #716	W PA UPPER DEVONIAN S	4.5	APOLLO GAS CO
8231404	11319	3700500000		108		D W SNYDER HEIRS - #767	W PA UPPER DEVONIAN S	4.5	APOLLO GAS CO
8231412	11327	3700500000		108		DROHN HEIRS - #685	W PA UPPER DEVONIAN S	4.5	APOLLO GAS CO
8231411	11326	3700700000		108		DROHN HEIRS - NO 728	W PA UPPER DEVONIAN S	4.5	APOLLO GAS CO
8231407	11322	3700500000		108		G C STOCKDALE - #194	W PA UPPER DEVONIAN S	4.5	APOLLO GAS CO
8231406	11321	3700500000		108		G C STOCKDALE - #690	W PA UPPER DEVONIAN S	4.5	APOLLO GAS CO
8231409	11324	3700500000		108		J D RUPP - NO 695	W PA UPPER DEVONIAN S	4.5	APOLLO GAS CO
8231403	11318	3700500000		108		KELLY ALCORN #1 (WAYNE TWP) (725)	W PA UPPER DEVONIAN S	4.5	APOLLO GAS CO
8231408	11323	3700500000		108		NORA C RUPP - #704	W PA UPPER DEVONIAN S	4.5	APOLLO GAS CO
8231410	11325	3700500000		108		RALPH HOLLENBAUGH #1 (WELL 711)	W PA UPPER DEVONIAN S	4.5	APOLLO GAS CO
-PENNZOIL COMPANY				RECEIVED:	05/07/82	JA: PA			
8231413	11373	3708520311		103		RAY F BOUGHNER #1	KANTZ CORNERS	0.0	
8231414	11374	3708520311		107-TF		RAY F BOUGHNER #1	KANTZ CORNERS	0.0	
-VINEYARD OIL & GAS CO				RECEIVED:	05/07/82	JA: PA			
8231428	11217	3704921476		107-TF		MOUNTAIN #1	NORTH EAST	18.0	NATIONAL FUEL GAS
8231427	11216	3704921476		102-2		MOUNTAIN #1 E-1178	NORTH EAST	18.0	NATIONAL FUEL GAS
-WATSON & SWANSON INC				RECEIVED:	05/07/82	JA: PA			
8231429	11044	3703321170		103		J O CLARK ET-AL #1 BLOCK #2	BURNSIDE	0.0	COLUMBIA GAS TRAN

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WEST VIRGINIA DEPARTMENT OF MINES

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-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	05/10/82	JA: WV			
8231463		4704103074		103		A-1023	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8231466		4704103096		103		A-1041	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8231462		4704103097		103		A-1047	COURT HOUSE DISTRICT	0.0	CONSOLIDATED GAS
8231461		4708504875		103		A-887	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8231587		4704900678		102-2		A-911	WINFIELD DISTRICT	0.0	CONSOLIDATED GAS
8231468		4704900694		103		A-913	WINFIELD DISTRICT	0.0	CONSOLIDATED GAS

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231471		4708505187		103		A-941	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8231470		4700701676		103		A-951	SALT LICK	0.0	CONSOLIDATED GAS
8231465		4703302556		103		A-953	CLAY DISTRICT	0.0	CONSOLIDATED GAS
8231468		4708505188		103		A-966	MURPHY	0.0	CONSOLIDATED GAS
8231467		4702103756		103		A-978	GLENVILLE DISTRICT	0.0	CONSOLIDATED GAS
8231469		4708505211		103		A-980	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
-AMAX PETROLEUM CORPORATION				RECEIVED:	05/10/82	JA: WV			
8231575		4708300356		103		PARKS #1	ROARING CREEK	180.0	
8231574		4708300357		103		PARKS #2	ROARING CREEK	180.0	
8231573		4708300358		103		PARKS #3	ROARING CREEK	180.0	
8231579		4708300360		103		TOWERS #2	ROARING CREEK	180.0	
-ASHLAND EXPLORATION INC				RECEIVED:	05/10/82	JA: WV			
8231586		4703903705		103		EASTERN GAS & FUEL #73 - 091221	PAINT CREEK	48.0	COLUMBIA GAS TRAN
8231571		4703902027		108		R G QUARRIER #6 155730	TASA-LENS CREEK	21.0	INDUSTRIAL GAS CO
-BOX ENERGY ASSOCIATES LTD				RECEIVED:	05/10/82	JA: WV			
8231487		4708504357		108		KINCAID H-786	UNION DIST	4.2	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP				RECEIVED:	05/10/82	JA: WV			
8231582		4708300429		103		GILLOOLY #1	ELLAMORE	40.0	COLUMBIA GAS TRAN
8231580		4700701673		103		HUFFMAN #2	BURNSVILLE	40.0	CONSOLIDATED GAS
8231581		4708300498		103		TENNEY #2	ELLAMORE	40.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:	05/10/82	JA: WV			
8231482		4703903752		103		GATES & TAYLOR #1	WASHINGTON	30.0	TENNESSEE GAS PIP
8231497		4703903752		107-DV		GATES & TAYLOR #1	WASHINGTON	30.0	TENNESSEE GAS PIP
8231486		4707901022		103		J L MCLEAN A-91	UNION	20.0	TENNESSEE GAS PIP
8231498		4707901022		107-DV		J L MCLEAN A-91	UNION	20.0	TENNESSEE GAS PIP
8231496		4703903575		107-DV		JOHN KOGOY #1	JEFFERSON	29.0	TENNESSEE GAS PIP
8231484		4700501338		103		LITTLE COAL C-4	WASHINGTON	11.0	TENNESSEE GAS PIP
8231483		4700501342		103		LITTLE COAL LAND CO C-10	WASHINGTON	29.0	TENNESSEE GAS PIP
8231485		4710900847		103		POCAHONTAS LAND CORP I-22	BARKERS RIDGE	50.0	CONSOLIDATED GAS
-CITIES SERVICE COMPANY				RECEIVED:	05/10/82	JA: WV			
8231494		4704700842		103		LOPIN "A" #2	BRADSHAW	26.0	CONSOLIDATED GAS
8231493		4701702837		103		MAXWELL "A" #67-A	SMITHBURG	104.0	CONSOLIDATED GAS
8231488		4701702894		103		MAXWELL "B" #31	SMITHBURG	70.0	CONSOLIDATED GAS
8231495		4708100540		103		ROWLAND LAND COMPANY "A" #36	CLEARFORK	162.0	COLUMBIA GAS TRAN
8231490		4708100552		103		ROWLAND LAND COMPANY "A" #41	CLEARFORK	14.4	
8231489		4708100553		103		ROWLAND LAND COMPANY "A" #42	CLEARFORK	57.6	UNCOMMITTED
8231492		4700501329		103		ROWLAND LAND COMPANY "A" #43	CLEARFORK	442.8	
8231491		4700501330		103		ROWLAND LAND COMPANY "A" #44	CLEARFORK	349.2	
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	05/10/82	JA: WV			
8231481		4709702267		103		MELVIN A PRINGLE WN-12694	WASHINGTON	11.6	GENERAL SYSTEM PU
8231478		4703302627		103		OPAL COURTNEY WN-12718	UNION	5.0	GENERAL SYSTEM PU
8231480		4709702273		103		W H O'DELL WN-12689	WASHINGTON	7.6	GENERAL SYSTEM PU
8231479		4710900848		102-2		WN-12695	BARKES RIDGE	7.6	GENERAL SYSTEM PU
-DEVON CORPORATION				RECEIVED:	05/10/82	JA: WV			
8231588		4704500962		108		DINGESS RUM COAL CO #863	STOLLINGS	5.5	COLUMBIA GAS TRAN
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED:	05/10/82	JA: WV			
8231590		4700701243		108		G B HOWELL #2	LOWER SLEITH	0.0	EQUITABLE GAS CO
8231572		4704103046		107-DV		TANEY #1	COURTHOUSE	20.0	
8231578		4704103046		103		TANEY #1	COURTHOUSE	20.0	
8231589		4702103570		108		WARDEN #1	GLENVILLE	5.0	CONSOLIDATED GAS
-ELAMS GAS CO				RECEIVED:	05/10/82	JA: WV			
8231593		4709901699		108		GLENHAYES #1	LINCOLN DISTRICT	6.1	COLUMBIA GAS TRAN
8231592		4709901695		108		JARRELL VINSON #1	LINCOLN DISTRICT	9.4	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231591		4709901693		108		MYRTLE VINSON #1	LINCOLN DISTRICT	4.2	COLUMBIA GAS TRAN
-JAMES F SCOTT				RECEIVED:		05/10/82 JA: WV			
8231564		4704103026		103		CLARICE WARFIELD S-340	HACKERS CREEK	46.0	CONSOLIDATED GAS
8231561		4703302655		103		VELMA ARTERS #2 S-377	UNION	47.0	CONSOLIDATED GAS
-L & M PETROLEUM INC				RECEIVED:		05/10/82 JA: WV			
8231472		4709520845		107-DV		A B LOWTHER #1	LAFAYETTE	12.0	COLUMBIA GAS TRAN
8231475		4707320827		107-DV		OPAL LOCKE #1	LAFAYETTE	12.0	COLUMBIA GAS TRAN
8231473		4709520898		103		RALPH WESTFALL #2	LAFAYETTE	12.0	COLUMBIA GAS TRAN
8231474		4709520783		107-DV		TERRILL STARKEY #1	LAFAYETTE	10.0	COLUMBIA GAS TRAN
-NRM PETROLEUM CORPORATION				RECEIVED:		05/10/82 JA: WV			
8231560		4709702001		103		MANIFAN #2	TALLMANSVILLE	0.0	COLUMBIA GAS TRAN
8231562		4709701976		103		HARMAN #1	TALLMANSVILLE	0.0	COLUMBIA GAS TRAN
8231563		4709701969		103		HARMAN A #1	TALLMANSVILLE	0.0	COLUMBIA GAS TRAN
-ROYAL OIL & GAS CORPORATION				RECEIVED:		05/10/82 JA: WV			
8231464		4700701670		103		KENNETH GERWIG #3	OTTER DISTRICT	13.0	COLUMBIA GAS TRAN
-SWIFT ENERGY CO				RECEIVED:		05/10/82 JA: WV			
8231477		4702103772		107-DV		ALLEN #2-A	GLENVILLE NORTH	50.0	
8231476		4702103773		107-DV		ALLEN #3-A	GLENVILLE NORTH	50.0	
8231596		4704103073		107-DV		GARTON #1	FINSTER-ASPINALL	50.0	
8231597		4704103082		107-DV		HODGES "A" #1	FINSTER-ASPINALL	50.0	
8231595		4702103774		107-DV		LYNCH #1	GLENVILLE NORTH	50.0	
8231599		4702103808		103		WELCH #1	GLENVILLE NORTH	50.0	
8231598		4702103810		103		WELCH #5	GLENVILLE NORTH	50.0	
8231556		4700701707		103		WELCH #6	GLENVILLE NORTH	50.0	
-TEXAS INTERNATIONAL PET CORP				RECEIVED:		05/10/82 JA: WV			
8231576		4706700558		103		FEDERAL COAL #37	TWENTY MILE CREEK	12.0	CABOT CORP
-TRIO PETROLEUM CORP				RECEIVED:		05/10/82 JA: WV			
8231565		4702103576		108		BENNETT #1	GLENVILLE NORTH	4.8	CONSOLIDATED GAS
8231570		4702102873		108		HEATER #1	ASPINALL-FINSTER	3.5	CONSOLIDATED GAS
8231569		4702102874		108		HEATER #2	ASPINALL-FINSTER	3.5	CONSOLIDATED GAS
8231566		4702102890		108		MCPHERSON #1	ASPINALL-FINSTER	7.0	CONSOLIDATED GAS
8231568		4702102876		108		MCPHERSON B #1	ASPINALL-FINSTER	7.0	CONSOLIDATED GAS
8231567		4702102877		108		MCPHERSON B #2	ASPINALL-FINSTER	7.0	CONSOLIDATED GAS
8231577		4702103555		107-DV		MESSENGER #1	GLENVILLE NORTH	20.0	COLUMBIA GAS TRAN
-UNION DRILLING INC				RECEIVED:		05/10/82 JA: WV			
8231557		4700101492		103		BUEHL-GOLDEN #2 1627	ELK DISTRICT	0.0	CONSOLIDATED GAS
8231558		4700101500		103		CLAY STOUT #1 -1633	UNION DISTRICT	0.0	CONSOLIDATED GAS
8231583		4700101483		103		HOLLIE T STEWART #1 - 1506	PLEASANT DISTRICT	0.0	CONSOLIDATED GAS
8231559		4700101534		103		MYRTLE V RADCLIFFE #1 1642	PLEASANT DISTRICT	0.0	CONSOLIDATED GAS
8231584		4700101481		103		PHILLIP MAYLE #2-1630	PLEASANT DISTRICT	0.0	CONSOLIDATED GAS
8231594		4709702147		103		ROBERT XANDER 1-1615	WARREN DISTRICT	0.0	CONSOLIDATED GAS
-WARREN R HAUGHT AGENT				RECEIVED:		05/10/82 JA: WV			
8231585		4707301196		103		BEN CUNNINGHAM H-1210	MCKIM DISTRICT	22.0	CONSOLIDATED GAS

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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO

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-ARCO OIL AND GAS COMPANY				RECEIVED:		05/07/82 JA: CO 1			
8231443	CD 0151-82	0506706386		103		SOUTHERN UTE #14-2 32-10 (DK)	IGNACIO BLANCO	35.0	NORTHWEST PIPELIN
8231430	CD 0110-82	0506706234		103		SOUTHERN UTE 10-1 32-10 (DK)	IGNACIO BLANCO	29.0	WESTERN SLOPE GAS
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:		05/07/82 JA: CO 1			
8231431	CD 0089-82	0511306033		103		HAMM CANYON 14-26 #1	HAMM CANYON	347.0	NORTHWEST PIPELIN
-COSEKA RESOURCES (USA) LIMITED				RECEIVED:		05/07/82 JA: CO 1			
8231437	CD 0068-82	0510308637		102-2		FEDERAL #11-23-1N-103	TAIGA MOUNTAIN	431.9	NATURAL GAS CORP

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CSG EXPLORATION COMPANY				RECEIVED:	05/07/82	JA: CO 1			
8231433	CD 0033-82	0510308528		107-RT		GOVERNMENT 397-8-4	WILDCAT	244.0	CITIES SERVICE GA
-MESA PETROLEUM CO				RECEIVED:	05/07/82	JA: CO 1			
8231438	CD0094-82GR	0506700000		108-ER		VTE INDIAN #11	IGNACIO BLANCO	8.0	EL PASO NATURAL G
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	05/07/82	JA: CO 1			
8231446	CD0253-81	0510308076		108		PHILADELPHIA CREEK #19	CATHERDRAL	5.0	NORTHWEST PIPELIN
8231441	CD 0254-81	0510307824		108		PHILADELPHIA CREEK #9	CATHERDRAL MANCOS B	3.0	NORTHWEST PIPELIN
8231440	CD 0373-81	0504506243		108		RULISON 121	RULISON WASATCH	54.0	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	05/07/82	JA: CO 1			
8231445	CD 0095-82PB	0506700000		108-PB		IGNACIO 33-812	IGNACIO BLANCO	0.0	NORTHWEST PIPELIN
-SOHIO PETROLEUM CO				RECEIVED:	05/07/82	JA: CO 1			
8231435	CD 0092-82PB	0506705077		108-PB		SOUTHERN UTE #6	IGNACIO BLANCO	17.8	EL PASO NATURAL G
-TETON ENERGY CO INC				RECEIVED:	05/07/82	JA: CO 1			
8231432	CD 0155-82	0510308702		103		GOVERNMENT 7-4	SOUTH DOUGLAS CREEK	37.0	NORTHWEST PIPELIN
-TWIN ARROW INC				RECEIVED:	05/07/82	JA: CO 1			
8231442	CD 0186-81	0510308578		103		CONTINENTAL 3-16	CATHEDRAL	0.0	NORTHWEST PIPELIN
8231447	CD 0184-81	0510308540		103		CONTINENTAL 6-22	CATHEDRAL	0.0	NORTHWEST PIPELIN
-BELCO PETROLEUM CORPORATION				RECEIVED:	05/07/82	JA: UT 1			
8231439	UD 0375-81	4304730655		107-TF		DUCK CREEK 18-16	DUCK CREEK	0.0	NORTHWEST PIPELIN
8231444	UD 0376-81	4304730604		107-TF		STAGECOACH 15-27	STAGECOACH	8.0	NORTHWEST PIPELIN
-COASTAL OIL & GAS CORP				RECEIVED:	05/07/82	JA: UT 1			
8231434	UC 565-0	4304730296		102-4		NBU 15-29B 30296	NATURAL BUTTES UNIT	90.0	COLORADO INTERSTA
-TEXACO INC				RECEIVED:	05/07/82	JA: UT 1			
8231436	UD 0153-82	4303730716		103		ANETH UNIT #E-236	ANETH	25.0	EL PASO NATURAL G

OTHER PURCHASERS VOLUME NO :658

8231518 LONE STAR GAS CO
8231519 LONE STAR GAS CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 273.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before June 23, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal seams
- 107-DV: Devonia shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15403 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 659]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 28, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALTHEIRS OIL INC			RECEIVED:	05/11/82		JA: OH			
8231646		3408720305	103	107-DV		MARTIN #1	SYMMES TOWNSHIP	15.0	
-BANDS COMPANY INC			RECEIVED:	05/11/82		JA: OH			
8231647		3407523715	103			MERWIN UNIT #1	GLENMONT	1.5	COLUMBIA GAS TRAN
-BASIN PRODUCING CO			RECEIVED:	05/11/82		JA: OH			
8231648		3411122735	107-DV			LANDEFELD #1	MALAGA	20.0	TEXAS EASTERN TRA
-BECK OIL & GAS CO			RECEIVED:	05/11/82		JA: OH			
8231649		3413322542	103	107-TF		STERLING-O'BRIEN #1	CHARLESTOWN	20.0	COLUMBIA GAS OF O
8231650		3413322543	103	107-TF		STERLING-O'BRIEN #2	CHARLESTOWN	20.0	COLUMBIA GAS OF O
-BERMAN J SHAFER			RECEIVED:	05/11/82		JA: OH			
8231825		3410322849	103			GREGOIRE #1	WESTFIELD	75.0	COLUMBIA GAS TRAN
-BERRESFORD ENTERPRISES INC			RECEIVED:	05/11/82		JA: OH			
8231651		3411522656	103			RICHARD MINICH #1	ROKEBY LOCK	0.0	
-BLAUSER WELL SERVICE INC			RECEIVED:	05/11/82		JA: OH			
8231652		3410522165	107-DV			FRANCIS H ANDREWS #1	OLIVE	21.0	COLUMBIA GAS TRAN
8231653		3410522172	107-DV			HAROLD BREWER #1	OLIVE	15.0	COLUMBIA GAS TRAN
8231654		3410522173	107-DV			PAUL ANDREWS #1	OLIVE	13.0	COLUMBIA GAS TRAN
-BRIDGE OIL DEV (Q'LD) PTY LTD			RECEIVED:	05/11/82		JA: OH			
8231659		3416923248	103			L MARTY #3	RITTMAN	27.0	COLUMBIA GAS TRAN
-BROWN PETROLEUM CORP			RECEIVED:	05/11/82		JA: OH			
8231660		3407523618	103			ARNOLD #1	KILLBUCK	15.0	COLUMBIA GAS TRAN
8231661		3407523665	103			ARNOLD #2	KILLBUCK	15.0	COLUMBIA GAS TRAN
-CENTRAL ENERGY CO INC			RECEIVED:	05/11/82		JA: OH			
8231662		3411926098	103			HENDERSHOT #1	PERRYTON	20.0	NATIONAL GAS & OI
-CLARENCE SHERMAN			RECEIVED:	05/11/82		JA: OH			
8231826		3415722227	103	107-RT		NULLET #3	SUGARCREEK	10.0	EAST OHIO GAS CO
8231827		3415723701	103	107-TF		NELSON MILLER #1	SUGARCREEK	30.0	EAST OHIO GAS CO
-COLUMBIA GAS TRANSMISSION CORP			RECEIVED:	05/11/82		JA: OH			
8231682		3408900003	107-DV			AL SALOME 708360	SOUTHERN DIST STE OF	0.4	COLUMBIA GAS TRAN
8231697		3410521307	107-DV			BERNARD CARTER AGT 710160	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8231667		3408700116	107-DV			CARRIE LANG 706595	SOUTHERN DIST STE OF	0.8	COLUMBIA GAS TRAN
8231695		3410521293	107-DV			CLEORA SHUMWAY 710073	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8231696		3410521304	107-DV			DELMAR PULLINS ETAL 710139	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8231681		3408900002	107-DV			DONALD D HILL 708417	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8231683		3408920707	107-DV			EARL O HANKINSON 708268	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8231700		3410521335	107-DV			EDNA M SUMMERFIELD 710229	SOUTHERN DIST STE OF	4.0	COLUMBIA GAS TRAN
8231666		3408700115	107-DV			EGERTON LAND COMPANY 705731	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8231669		3408700118	107-DV			EMOGENE STAPLETON 706689	SOUTHERN DIST STE OF	0.5	COLUMBIA GAS TRAN
8231694		3410521288	107-DV			ERMA JOHNSTON 710056	SOUTHERN DIST STE OF	5.0	COLUMBIA GAS TRAN
8231693		3410521259	107-DV			ESTA WHITE ETAL 709974	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8231692		3410521253	107-DV			EVERETT L CROW JR 709927	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231690		3410521219		107-DV		FLOYD STOUT ETAL 709843	SOUTHERN DIST STE OF	4.0	COLUMBIA GAS TRAN
8231678		3408700127		107-DV		FORREST WELLS ETAL 706914	SOUTHERN DIST STE OF	0.8	COLUMBIA GAS TRAN
8231671		3408700120		107-DV		FRANK BLISS ENSLOW 706760	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8231688		3410520691		107-DV		H W RITCHIE ESTATE 708342	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8231668		3408700117		107-DV		HENRY V SUITER ETAL 706621	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8231674		3408700123		107-DV		JAMES T SMITH 706869	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8231675		3408700124		107-DV		JAMES T SMITH 706900	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8231680		3408700129		107-DV		JAY E SCHNEIDER 707863	SOUTHERN DIST	2.0	COLUMBIA GAS TRAN
8231685		3408923195		107-DV		JOHN CLAYPOOL 708465	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8231676		3408700125		107-DV		JOSEPH V FERGUSON 707026	SOUTHERN DIST STE OF	0.1	COLUMBIA GAS TRAN
8231684		3408920712		107-DV		LOUIS J RAUCH 708277	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8231663		3408700112		107-DV		MAXELL G MCNEELY 705187	SOUTHERN DIST STE OF	4.0	COLUMBIA GAS TRAN
8231665		3408700114		107-DV		MYLO CO 705714	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8231677		3408700126		107-DV		MYRTLE M ASH 705481	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8231670		3408700119		107-DV		ORVILLE CARRICO 706724	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8231701		3410521343		107-DV		OSCAR WEBER ETAL 710279	SOUTHERN DIST STE OF	4.0	COLUMBIA GAS TRAN
8231699		3410521332		107-DV		PEARL F EDWARDS 710223	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8231702		3410521352		107-DV		PEARL F EDWARDS 710338	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8231673		3408700122		107-DV		R A GRAY 706868	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8231691		3410521226		107-DV		RAYMOND E MAYSON 709854	SOUTHERN DIST STE OF	5.0	COLUMBIA GAS TRAN
8231664		3408700113		107-DV		ROBERT NICOL 705671	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8231672		3408700121		107-DV		RUSSELL SCHNEIDER 706827	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8231686		3410500147		107-DV		SYLVIA POOL 708367	SOUTHERN DIST STE OF	0.0	COLUMBIA GAS TRAN
8231687		3410500442		107-DV		VICTOR WOLFE ETAL 705910	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8231679		3408700128		107-DV		VIRGIL CAIN ETAL 706925	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8231698		3410521314		107-DV		WALLACE DAMEWOOD 710177	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8231689		3410521191		107-DV		WAYNE E RITCHIE 709553	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
-DERBY OIL & GAS CORP				RECEIVED: 05/11/82		JA: OH			
8231704		3407523686		103	107-TF	RABER ETAL	CLARK	12.0	COLUMBIA GAS TRAN
-EARTH RESOURCES EXPL DEV CORP				RECEIVED: 05/11/82		JA: OH			
8231709		3416923101		103	107-TF	CROSS #3	CRESTON	5.0	
8231710		3416923169		103	107-TF	CROSS #4	CRESTON	5.0	
8231706		3416922555		103	107-TF	KOHLER/HODOVAN #1	CRESTON	10.0	
8231708		3416922872		103	107-TF	SMITH #1	CRESTON	5.0	
8231711		3416923170		103	107-TF	UPP #3	CRESTON	10.0	
8231705		3400721916		103	107-TF	WATTS UNIT #1	ORWELL	15.0	
8231707		3416922633		103	107-TF	WOOD UNIT #1	CANAAN	5.0	
8231713		3416923219		103	107-TF	WYCKOFF #3	CRESTON	5.0	
8231712		3416923187		103	107-TF	WYCKOFF #4	CRESTON	0.0	
-EMRON ENERGY CORP				RECEIVED: 05/11/82		JA: OH			
8231736		3416723404	D	103		CHARLES RHODES #1	ADAMS	20.0	COLUMBIA GAS TRAN
-ENERGY UNLIMITED INC				RECEIVED: 05/11/82		JA: OH			
8231724		3412122263		107-DV		BAKER/MURREY #1	ELK TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231725		3412122276		107-DV		BOGER #1	ELK TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231730		3416725282		107-DV		BOSTAPH #1	LUDLOW TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231719		3412122235		107-DV		BUTCHER #1	ELK TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231721		3412122246		107-DV		BUTCHER #3	ELK TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231726		3412122296		107-DV		C J BAKER #1	ELK TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231716		3400922514		107-DV		COFFEY #1	CARTHAGE TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231717		3400922514		103		COFFEY #1	CARTHAGE TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231727		3416725366		107-DV		GRAHAM #1	LUDLOW TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231723		3412122261		107-DV		KEHL #1	ELK TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231714		3400922509		107-DV		KING BROTHERS #1	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231715		3400922509		103		KING BROTHERS #1	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231728		3416725367		107-DV		LISK #1	LUDLOW TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231729		3416725368		107-DV		PRYOR #1	LUDLOW TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231722		3412122257		107-DV		ROGERS #1	ELK TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231720		3412122238		107-DV		THOMPSON #1	ELK TOWNSHIP	0.0	COLUMBIA GAS TRAN
8231718		3411122336		107-DV		WILLIAMS #1	WASHINGTON TOWNSHIP	0.0	COLUMBIA GAS TRAN
-ENTERPRISE ENERGY CORP				RECEIVED:	05/11/82	JA: OH			
8231731		3400922523		103	107-TF	DRYDOCK COAL #5Y	YORK	18.2	COLUMBIA GAS TRAN
8231732		3400922526		103	107-TF	DRYDOCK COAL #9 TR	TRIMBLE	18.2	COLUMBIA GAS TRAN
8231733		3401921529		107-TF		KLOTZ #1	BROWN	18.2	M B OPERATING CO
8231734		3405923118		107-TF		MID-OHIO COAL #12	JACKSON	18.2	COLUMBIA GAS TRAN
8231735		3405923119		107-TF		VINCENT #1	JACKSON	36.5	COLUMBIA GAS TRAN
-FRANK A CSAPO JR				RECEIVED:	05/11/82	JA: OH			
8231703		3410322699		103	107-TF	CHARLES & OPAL GEORGE #1	WESTFIELD	15.0	COLUMBIA GAS TRAN
-FREDERICK PETROLEUM CORP				RECEIVED:	05/11/82	JA: OH			
8231741		3412122756		103		BIG "C" RANCH #4 121 2 2756	DEXTER CITY ENOCH TWP	50.0	
8231742		3412122756		107-DV		BIG "C" RANCH #4 121 2 2756	DEXTER CITY ENOCH TWP	0.0	
8231740		3412122754		107-DV		E F LEE #1 A	HARRIETTSVILLE ELK TW	60.0	COLUMBIA GAS TRAN
8231835		3412122754		103		E F LEE #1 A	HARRIETTSVILLE ELK TW	60.0	COLUMBIA GAS TRAN
8231739		3412122725		107-DV		E F LEE #2 121 2 2725	HARRIETTSVILLE SOUTH	60.0	COLUMBIA GAS TRAN
8231836		3412122725		103		E F LEE #2 121 2 2725	HARRIETTSVILLE SOUTH	60.0	COLUMBIA GAS TRAN
8231738		3411122723		107-DV		FREDERICK PETROLEUM #2 111 2723	MARR WEST BETHEL TWP	60.0	COLUMBIA GAS TRAN
8231834		3411122723		103		FREDERICK PETROLEUM #2 111 2723	MARR WEST BETHEL TWP	60.0	COLUMBIA GAS TRAN
8231737		3411122767		107-DV		FREDERICK PETROLEUM #9 111 2767	BETHEL TWP	60.0	COLUMBIA GAS TRAN
8231745		3411122767		103		FREDERICK PETROLEUM #9 111 2767	FREDERICK WELL #9 BET	60.0	COLUMBIA GAS TRAN
8231743		3412122771		103		ORANGE COAL #6 121 2 2771	DEXTER CITY ENOCH TWP	50.0	
8231744		3412122771		107-DV		ORANGE COAL #6 121 2 2771	DEXTER CITY ENOCH TWP	50.0	
-GMC ENERGY CORP				RECEIVED:	05/11/82	JA: OH			
8231746		3411522546		103		GREUEY WILLIAM & BARBARA #1	PENN	0.0	COLUMBIA GAS TRAN
-HERALD OIL & GAS CO				RECEIVED:	05/11/82	JA: OH			
8231747		3405320445		108		CROW & MORGAN #2		0.0	COLUMBIA GAS TRAN
8231748		3405320446		108		CROW & MORGAN #3		0.0	COLUMBIA GAS TRAN
8231749		3410521811		108		HENRY WELLS #1		0.0	COLUMBIA GAS TRAN
8231752		3410521896		108		JAMES DREHEL #9		0.0	COLUMBIA GAS TRAN
8231750		3410521841		108		TIM WOODYARD #3		0.0	COLUMBIA GAS TRAN
8231751		3410521866		108		TIM WOODYARD #5		0.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED:	05/11/82	JA: OH			
8231763		3412724591		107-TF		A CANNON #1	HARRISON	15.0	COLUMBIA GAS TRAN
8231760		3411925584		103	107-TF	BEULAH HARLAN #1	NEWTON	13.0	COLUMBIA GAS TRAN
8231754		3411121946		107-DV		EILEEN CECIL #1	GRAYSVILLE	7.0	COLUMBIA GAS TRAN
8231753		3403124052		103	107-TF	G BRILLHART #1	WASHINGTON	3.0	COLUMBIA GAS TRAN
8231755		3411121966		107-DV		GERALD GREEN #1	WAYNE	25.0	COLUMBIA GAS TRAN
8231764		3412724835		107-TF		HENNING #1	HARRISON	3.6	COLUMBIA GAS TRAN
8231758		3411925114		107-TF		J SHAW #1	CASS	14.0	COLUMBIA GAS TRAN
8231759		3411925144	D	107-TF		M HOLSKEY #1	BRUSH CREEK	12.0	COLUMBIA GAS TRAN
8231762		3412724576		107-TF		R FISHER #1	HARRISON	5.6	COLUMBIA GAS TRAN
8231756		3411122130		107-DV		ROBERT CECIL #1	GRAYSVILLE	4.0	COLUMBIA GAS TRAN
8231761		3412724556		103	107-TF	RUFF #1	HARRISON	7.0	COLUMBIA GAS TRAN
8231757		3411522036		107-TF		WEAVER #1	MALTA	2.6	COLUMBIA GAS TRAN
-IRVIN PRODUCING COMPANY				RECEIVED:	05/11/82	JA: OH			
8231765		3411926000		103	107-TF	CHRIS MADINGER #1	GRATIOT	10.0	COLUMBIA GAS TRAN
-LAKE REGION OIL INC				RECEIVED:	05/11/82	JA: OH			
8231767		3403124701		103	107-TF	CHRIST E RABER #1-A	CRAWFORD	15.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231771		3407523395		103	107-TF	ELIAS M RABER #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8231766		3403124547		103	107-TF	JOHN CONKLE #1	MILL CREEK	10.0	COLUMBIA GAS TRAN
8231768		3407523201		103	107-TF	JOHN MILLER #1	MECHANIC	5.0	COLUMBIA GAS TRAN
8231773		3407523662		103	107-TF	NOAH J RABER #1	NEW BEDFORD	5.0	COLUMBIA GAS TRAN
8231772		3407523488		103	107-TF	ORRIE OSWALD #1	BERLIN	5.0	COLUMBIA GAS TRAN
8231770		3407523219		103	107-TF	RALPH MILLER #1	MECHANIC	5.0	COLUMBIA GAS TRAN
8231769		3407523202		103	107-TF	WAYNE MILLER #1	MECHANIC	10.0	COLUMBIA GAS TRAN
-M B OPERATING CO INC				RECEIVED:	05/11/82	JA: OH			
8231775		3401921470		103	107-TF	BECK #1	BROWN	9.1	REPUBLIC STEEL CO
8231790		3415723605		103	107-TF	BODIN #1	WAYNE	31.0	REPUBLIC STEEL CO
8231776		3401921475		103		BRAY UNIT #1	MONROE	11.0	
8231779		3415123544		103	107-TF	BUCHER UNIT #1-B	LAWRENCE	20.1	REPUBLIC STEEL CO
8231783		3415123619		103		CANTON LOCAL BRD OF EDUC #1	CANTON	32.9	
8231787		3415123667		103		DANAHER EQUIPMENT CORP #1	CANTON EAST	18.3	
8231786		3415123654		103		DECKERD #3	CANTON EAST	7.3	
8231791		3415723621		103	107-TF	EBERHART COAL INC #4	LAWRENCE	91.3	REPUBLIC STEEL CO
8231782		3415123617		103		HARTER #1	NIMISHILLEN	9.1	
8231789		3415723601		103	107-TF	HEISER #1	LAWRENCE	34.7	REPUBLIC STEEL CO
8231788		3415723590		103	107-TF	HUTH UNIT #1	LAWRENCE	27.4	REPUBLIC STEEL CO
8231777		3415123488		103		JOHNS UNIT #1	BETHLEHEM	36.5	
8231781		3415123597		103	107-TF	LEMMON #1	PLAIN	45.6	REPUBLIC STEEL CO
8231784		3415123620		103		M W C D #7	PIKE	40.2	
8231774		3401921444		103	107-TF	PEARCE UNIT #1	BROWN	12.8	REPUBLIC STEEL CO
8231778		3415123542		103	107-TF	SCHOTT #1	BETHLEHEM	43.8	REPUBLIC STEEL CO
8231780		3415123554		103	107-TF	STARK TRUSS #1	BETHLEHEM	5.5	REPUBLIC STEEL CO
8231785		3415123628		103		VICK #1	LIMAVILLE	14.6	
-MITCHELL ENERGY CORPORATION				RECEIVED:	05/11/82	JA: OH			
8231796		3408720263		102-2		BOWEN #1	UNNAMED FIELD	27.0	
8231797		3408720266		102-2		CLAY UNIT #1	UNNAMED FIELD	22.0	
-NATIONAL PRODUCTION CORPORATION				RECEIVED:	05/11/82	JA: OH			
8231798		3411926188		103		SMITH-JOHNSON-LONG #1	CROOKSVILLE	15.0	NATIONAL GAS & OI
-NEIHART EXPLORATION & DEVELOPMENT C				RECEIVED:	05/11/82	JA: OH			
8231799		3412122592		107-DV		MARK & BARBRA WILLIAMS #1	ELK	50.0	
-OXFORD OIL CO				RECEIVED:	05/11/82	JA: OH			
8231801		3411926089		103		FRED SWINGLE #1	BRUSH CREEK	10.0	
8231800		3411522767		103		PERLEY CLAWSON #1	ROKEBY LOCK	8.0	
8231833		3407522256	D	108		WILMER FORTUNE #1		5.0	COLUMBIA GAS TRAN
-POI ENERGY INC				RECEIVED:	05/11/82	JA: OH			
8231803		3413322731		103	107-TF	BAIRD-STEFFNER #2	STREETSBORO	30.0	
8231806		3415320539		108		BOSTON COUNTRY CLUB #1		7.9	
8231802		3413320858		108		GEORGE #1		4.7	
8231807		3415320540		108		JOHNSON #1		19.1	
8231804		3413322763		103	107-TF	JURATOVAC #1	STREETSBORO	30.0	
8231805		3413322764		103	107-TF	JURATOVAC #2	STREETSBORO	35.0	
8231808		3415320551		108		MINNICH #1		4.0	
-PREMIER ENERGY CORP				RECEIVED:	05/11/82	JA: OH			
8231809A		3411122160		103		CLAYTON CRUM #1	MALAGA	0.0	COLUMBIA GAS TRAN
8231809B		3411122160	D	107-TF		CLAYTON CRUM #1	MALAGA	0.0	COLUMBIA GAS TRAN
8231810A		3411122131		103		HOMER STILLION #1	MALAGA	0.0	COLUMBIA GAS TRAN
8231810B		3411122131	D	107-TF		HOMER STILLION #1	MALAGA	0.0	COLUMBIA GAS TRAN
-R GENE BRASEL DBA BRASEL & BRASEL				RECEIVED:	05/11/82	JA: OH			
8231657		3405320660		103		ARTHUR JOHNSON #1	ADDISON	0.0	COLUMBIA GAS TRAN
8231658		3405320661		103		ARTHUR JOHNSON #2	ADDISON	0.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231655		3405320634		103		WENDELL BRADBURY #1	CHESHIRE	0.0	COLUMBIA GAS TRAN
8231656		3405320636		103		WENDELL BRADBURY #4	CHESHIRE	0.0	COLUMBIA GAS TRAN
-RIMCO OPERATING INC				RECEIVED:	05/11/82	JA: OH			
8231816		3416923217		103	107-TF	B DAVIS #1	CHESTER	12.0	COLUMBIA GAS TRAN
-RMR PETROLEUM CORP				RECEIVED:	05/11/82	JA: OH			
8231813		3416726633		107-DV		BLANEY LUMBER CO #8-2	LIBERTY	57.0	
-ROBERT SCRINGEOUR				RECEIVED:	05/11/82	JA: OH			
8231824		3412122704		107-DV		FLOYD HENDERSON #1	ELK	15.5	
-RPJ ENERGY FUND MANAGEMENT INC				RECEIVED:	05/11/82	JA: OH			
8231814		3408322990		103		BUNNELL #1	MOUNT VERNON	25.0	
8231815		3411925407		107-TF		REVENNAUGH #2	CHANDLERSVILLE	50.0	
-SANDHILL ENERGY INC (OH)				RECEIVED:	05/11/82	JA: OH			
8231819		3416727128		107-DV		BARBER RIGGS #3A	RAVEN ROCK	36.5	
8231820		3416727128		103		BARBER RIGGS #3A	RAVEN ROCK	36.5	
8231817		3416727124		107-DV		BARBER RIGGS #4	RAVEN ROCK	73.0	
8231818		3416727124		103		BARBER RIGGS #4	RAVEN ROCK	73.0	
-SANTA FE DRILLING CO INC				RECEIVED:	05/11/82	JA: OH			
8231823		3416724400		103		DAVID AND BARBARA ERB #1	SALEM	50.0	
8231822		3416724208		103		H E BYERS/GLADYS WAGNER #1	SALEM	50.0	
8231821		3416724014		103		MICHAEL AND DARLENE LEONHART #1	FEARING	50.0	
-UNITED PETROLEUM CORP				RECEIVED:	05/11/82	JA: OH			
8231829		3409921050		107-RT		BEUHLER UNIT #1	GOSHEN	330.0	COLUMBIA GAS TRAN
8231828		3409921012		107-RT		BUEHLER #1	GOSHEN	280.0	COLUMBIA GAS TRAN
-VICTOR MCKENZIE				RECEIVED:	05/11/82	JA: OH			
8231793		3412725391		103	107-TF	BURLEY #1	CROOKSVILLE	0.0	COLUMBIA GAS TRAN
8231795		3412725495		107-TF		CLIFFORD SAXTON #1	FULTONHAM	10.0	NATIONAL GAS & OI
8231792		3404520757		103		FORNAKER UNIT #1	BREMEN	5.0	NATIONAL GAS & OI
8231794		3412725456		107-TF		WATTS UNIT #1	CROOKSVILLE	7.0	COLUMBIA GAS TRAN
-VIKING RESOURCES CORP				RECEIVED:	05/11/82	JA: OH			
8231831		3413322609		103	107-TF	MIX UNIT #4	DEERFIELD	30.0	
8231830		3413322971		103	107-TF	SWITTER #5	SHARON	30.0	
-WILLIAM H PUTNAM				RECEIVED:	05/11/82	JA: OH			
8231812		3416726515		103		GRANT EDWARDS & GEORGE DELPH #2	INDEPENDENCE	11.0	COLUMBIA GAS TRAN
8231811		3416725165		103		K & R WHITING #1	NEWPORT	11.0	RIVER GAS CO
-WITCO CHEMICAL CORP				RECEIVED:	05/11/82	JA: OH			
8231832		3408924315		103		L & B MORAN #3-B	PERRYTON	5.0	NATIONAL GAS & OI

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OKLAHOMA CORPORATION COMMISSION

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-B R POLK INC				RECEIVED:	05/10/82	JA: OK			
8231643	14153	3508321803		103		DEAN #2	S MARSHALL	50.0	EASON OIL CO
8231644	14154	3508321008		103		GRIFFEY YORK #1	S MARSHALL	50.0	EASON OIL CO
-CLARK RESOURCES INC				RECEIVED:	05/10/82	JA: OK			
8231612	14091	3504722782		103		MOYERS 3-1	SOONER TREND	208.0	CITIES SERVICE GA
-CLEMENTS ENERGY INC				RECEIVED:	05/10/82	JA: OK			
8231637	14080	3508320987		103		KELLEY #1	N E RUSSELL	40.2	EASON OIL CO
-DLB ENERGY CORP				RECEIVED:	05/10/82	JA: OK			
8231638	14084	3507323246		103		MEHEW #1	SOONER TREND	182.0	PHILLIPS PETROLEU
-EARTH ENERGY RESOURCES INC				RECEIVED:	05/10/82	JA: OK			
8231615	16909	3511921613		102-4		C E WALL #1	VINCO	188.0	
8231624	16908	3511921751		102-4		COE-BAILEY #1	VINCO	10.0	
-EXXON CORPORATION				RECEIVED:	05/10/82	JA: OK			
8231618	14133	3501121594		103		SANTFORD COFFEY #1	SW CANTON (MORROW)	504.0	OKLAHOMA GAS & EL

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-FUNK EXPLORATION INC				RECEIVED:		05/10/82 JA: OK			
8231635	14071	3507323232		103		KOLLER #2	SOONER TREND	0.0	CONOCO INC
-HILLIARD OIL & GAS INC				RECEIVED:		05/10/82 JA: OK			
8231642	14151	3504921386		102-4		BULLOCK #1	EAST LINDSAY	252.0	LONE STAR GAS CO
-HOLDEN ENERGY CORP				RECEIVED:		05/10/82 JA: OK			
8231645	16601	3501922424		102-4		BIRD 18-1	HEWITT	50.0	AMINOIL USA INC
-J L THOMAS ENGINEERING INC				RECEIVED:		05/10/82 JA: OK			
8231631	14132	3504722720		103		PERRY #1	SOONER TREND	160.0	EXXON USA
-J WALTER DUNCAN JR				RECEIVED:		05/10/82 JA: OK			
8231613	13389	3515320534		108		BARKHART #1	WILDCAT (SE ALABASTER	19.0	DELHI GAS PIPELIN
-L & T OIL & GAS INC				RECEIVED:		05/10/82 JA: OK			
8231641	14124	3507323288		103		PURSELL #1	WEST CASHION	91.0	
-L M C & CO				RECEIVED:		05/10/82 JA: OK			
8231626	14165	3515321260		103		DAUPHIN #1-35		365.0	WESTERN FARMER EL
-L R FRENCH JR				RECEIVED:		05/10/82 JA: OK			
8231628	14149	3509322353		103		SUTTER #2	CHEYENNE VALLEY	324.0	DELHI GAS PIPELIN
-NOBLE OPERATING INC				RECEIVED:		05/10/82 JA: OK			
8231630	14134	3509322211		103		PARKER #2	NW OKEENE	0.0	DELHI GAS PIPELIN
-PCX CORP				RECEIVED:		05/10/82 JA: OK			
8231627	14166	3510920406		103		AMERICAN FIRST TITLE AND TRUST #1	WILDCAT	180.0	MUSTANG FUEL CORP
-PETROMARK EXPLORATION INC				RECEIVED:		05/10/82 JA: OK			
8231636	14079	3507323002		103		STITT 32-1	SOONER TREND	100.0	CITIES SERVICE GA
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		05/10/82 JA: OK			
8231623	13367	3513921491		102-4		GAYLE #3		0.0	
8231622	14060	3505920974		108		SMITH "DD" #1	N E FORT SUPPLY	0.0	DELHI GAS PIPELIN
-REGENCY EXPLORATION INC				RECEIVED:		05/10/82 JA: OK			
8231621	14102	3505921020		103		WOOLFOLK #1-8	NW LOVEDALE	0.0	
-RICHARD WHEELER JR				RECEIVED:		05/10/82 JA: OK			
8231617	14148	3508321042		103		TURNER #2	W MULHALL	8.0	EASON OIL CO
-SHAR-ALAN OIL CO				RECEIVED:		05/10/82 JA: OK			
8231640	14094	3507323230		103		BETTY CAMERON #1	WEST CASHION	0.0	CONOCO INC
8231639	14092	3507322706		103		IRMGARD SEEFELDT #1	NORTH LOYAL	0.0	PHILLIPS PETROLEU
-SIMCOE OIL CO				RECEIVED:		05/10/82 JA: OK			
8231633	14083	3507323085		103		MORROW	SOONER TREND	24.0	EASON OIL CO
-SOHIO PETROLEUM CO				RECEIVED:		05/10/82 JA: OK			
8231614	12280	3504921934		103		FRANKLIN "B" #3	EOLA	360.0	SOHIO PETROLEUM C
-SOUTHLAND ENERGY CORP				RECEIVED:		05/10/82 JA: OK			
8231629	14150	3512521110		103		ROSENGRANT #1	WANETTE	109.5	ARCO OIL & GAS CO
-SUNDANCE ENERGY CORP				RECEIVED:		05/10/82 JA: OK			
8231634	14070	3509321751		103		ALICE #12-1	RINGWOOD	91.0	PANHANDLE EASTERN
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:		05/10/82 JA: OK			
8231620	14121	3507323020		103		FLEETA 1-10		0.0	CITIES SERVICE GA
8231611	14120	3507323042		103		JESS #1-22		0.0	PHILLIPS PETROLEU
8231619	14123	3507323067		103		K G 1-15		0.0	CITIES SERVICE GA
8231632	14122	3509322236		103		MERLAND 1-20		0.0	DELHI GAS PIPELIN
-WALTER A KELLY JR				RECEIVED:		05/10/82 JA: OK			
8231625	16911	3511921729		102-4		C E WALL #3	VINCO	182.0	
8231616	16912	3511921804		102-4		C E WALL #5	WEST VINCO	0.0	

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15404 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-C

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 28, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS COMMISSION									
-ANADARKO PRODUCTION COMPANY				RECEIVED:	05/12/82	JA: CO			
8232191	81-318	0512309965		102-4		RICE "A" #1	WILDCAT	134.0	CITIES SERVICE CO
-CALVIN PETROLEUM CORPORATION				RECEIVED:	05/12/82	JA: CO			
8232171	81-273	0501306036		107-TF		TANAKA #1	WATTENBERG SELY	36.5	PANHANDLE EASTERN
-CARL A HOUY				RECEIVED:	05/12/82	JA: CO			
8232178	81-290	0500107731		102-4		ABBOTT 12-14	KRAUTHEAD FIELD	19.0	CRYSTAL OIL CO
8232180	81-285	0500107765		102-4		MAY 44-6	BASELINE	19.0	CRYSTAL OIL CO
8232175	81-284	0500107801		102-4		SHIVELY 21-12	BASELINE	73.0	CRYSTAL OIL CO
8232176	81-287	0500107764		102-4		SHIVELY 22-12	BASELINE	15.0	CRYSTAL OIL CO
8232179	81-291	0500107775		102-4		UPRR 11-11	KRAUTHEAD	75.0	CRYSTAL OIL CO
8232177	81-288	0500107792		102-4		WARREN 22-10	KRAUTHEAD	73.0	CRYSTAL OIL CO
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	05/12/82	JA: CO			
8232129	81-317	0500506426		103		CHAS MUEGGE 32-11	FAIRWAY	24.0	AMOCO PRODUCTION
8232174	81-316	0500506426		102-2		CHAS MUEGGE 32-11	FAIRWAY	24.0	AMOCO PRODUCTION
8232128	81-271	0500506424		103		VANNOY 41-17 #1	POLLEN	3.0	AMOCO PRODUCTION
8232115	81-327	0503906358		103		WHITEHEAD 31-7 #1	COMANCHE CREEK	0.0	
-CITIES SERVICE COMPANY				RECEIVED:	05/12/82	JA: CO			
8232120	81-315	0512109587		102-2		MATHES "A" #1	COPE	0.0	NATURAL GAS PIPEL
-COORS ENERGY CO				RECEIVED:	05/12/82	JA: CO			
8232121	81-267	0507708331		103		NICHOLS 2-5	PLATEAU FIELD SEC 5 T	20.1	NORTHERN NATURAL
-COTTON PETROLEUM CORPORATION				RECEIVED:	05/12/82	JA: CO			
8232138	81-372	0512310075		103		CLC GAS UNIT #2	WATTENBURG	158.0	COLORADO INTERSTA
8232151	81-329	0512310117		103		DAVIS GAS UNIT #2	WATTENBURG	76.0	COLORADO INTERSTA
8232141	81-255	0512310109		103		IONE #10	WATTENBERG	0.0	WESTERN SLOPE GAS
8232135	81-375	0512310079		103		IONE #11	WATTENBERG	153.0	WESTERN SLOPE GAS
8232136	81-373	0512310056		103		IONE #13	WATTENBERG	112.0	WESTERN SLOPE GAS
8232139	81-355	0512310057		103		IONE UNIT #12	WATTENBURG	124.0	WESTERN SLOPE GAS
8232137	81-374	0512310118		103		KELLY GAS UNIT #2	WATTENBERG	163.0	COLORADO INTERSTA
8232142	81-330	0512310076		103		MASON #3	WATTENBURG	96.0	WESTERN SLOPE GAS
-DONALD S WALKER				RECEIVED:	05/12/82	JA: CO			
8232182	81-305	0512506370		107-TF		MILDRED ACKER 1-9	VERNON	50.0	
-DONZOIL INC				RECEIVED:	05/12/82	JA: CO			
8232133	81-275	0512506467		107-TF		WARREN #1	SHOUT	36.5	CITIES SERVICE GA
-DUGAN PRODUCTION CORP				RECEIVED:	05/12/82	JA: CO			
8232114	81-324	0506706484		103		MCELVAIN #4	IGNACIO BLANCO	45.0	EL PASO NATURAL G
-GARY SANDLIN				RECEIVED:	05/12/82	JA: CO			
8232126	81-268	0500107618		103		FLANDERS #1	CHIEFTAN	27.4	PANHANDLE EASTERN
-GRIFFIN PETROLEUM CORP				RECEIVED:	05/12/82	JA: CO			
8232160	81-314	0512310079		102-2		JOHNNY STATE #1	HORSE CREEK	7.3	CRYSTAL GAS RESOU
8232159	81-320	0500107811		102-2		MAGGIE #1	BASE LINE	273.8	CRYSTAL GAS RESOU
-HOMESTEAD OIL INCORPORATED				RECEIVED:	05/12/82	JA: CO			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232192	81-219	0512310108		103		MARGUERITE M STATLER #1	HAMBERT	8.0	PANHANDLE EASTERN
-J-W OPERATING COMPANY				RECEIVED:		05/12/82 JA: CO			
8232184	81-304	0512506484		107-TF		G BRETHAUER #1	ROCK CREEK	15.0	CITIES SERVICE GA
8232187	81-303	0512506326		107-TF		O LUEKING #7	ROCK CREEK	21.0	CITIES SERVICE GA
8232186	81-302	0512506405		107-TF		W BRETHAUER #1	ROCK CREEK	28.0	CITIES SERVICE GA
-JOSEPH B GOULD				RECEIVED:		05/12/82 JA: CO			
8232167	82-164	0500106295		108		PILAND 1-6	GUIDON	9.0	
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED:		05/12/82 JA: CO			
8232111	81-269	0512506262		103		VINCENT 1-8	WHISPER	22.0	
-MACEY & MERSHON OIL INC				RECEIVED:		05/12/82 JA: CO			
8232148	81-306	0512310094		103		ELMQUIST #1	WATTENBERG "J"	122.0	COLORADO INTERSTA
8232152	81-307	0512301007		103		TOWNSEND #1	WATTENBERG "J"	122.0	COLORADO INTERSTA
-MARTIN EXPLORATION MGMT CORP				RECEIVED:		05/12/82 JA: CO			
8232125	81-319	0512310132		103		FUNAKOSHI #2	SPINDLE	45.0	PANHANDLE EASTERN
8232172	81-301	0501306048		107-TF		KANE #20-10	WILDCAT	73.0	PANHANDLE EASTERN
8232173	81-300	0501306033		107-TF		THRONDSON #2	WATTENBERG	73.0	PANHANDLE EASTERN
-MGF OIL CORP				RECEIVED:		05/12/82 JA: CO			
8232161	81-299	0512310153		102-2		MORRIS 13-23	NORTHEAST RIVERSIDE I	295.2	CRYSTAL OIL CO
8232169	81-323	0512310171		107-TF		MOSER 22-28	WATTENBERG	631.8	PANHANDLE EASTERN
8232157	81-322	0512310154		102-2		PACKARD 21-22	NE RIVERSIDE II	149.4	CRYSTAL OIL CO
-MIDLANDS GAS CORPORATION				RECEIVED:		05/12/82 JA: CO			
8232181	81-325	0512506381		107-TF		PARISET 1-12	WILDCAT	407.0	KANSAS-NEBRASKA N
8232188	81-326	0512506401		107-TF		V PARISET 1-11	WILDCAT	19.0	KANSAS-NEBRASKA N
-MORMAC OIL & GAS CO				RECEIVED:		05/12/82 JA: CO			
8232183	81-294	0512506443		107-TF		HELM 1-23	ROCK CREEK	36.0	CITIES SERVICE GA
8232189	81-295	0512506442		107-TF		KIRCHENSCHLAGER 1-23	SHOUT	36.0	CITIES SERVICE GA
8232130	81-296	0512506532		107-TF		KIRCHENSCHLAGER 1-24	SHOUT	18.0	CITIES SERVICE GA
8232190	81-688	0512506386		107-TF		MC CASLAND 1-11	SHOUT	36.0	CITIES SERVICE GA
8232132	81-298	0512506374		107-TF		MC CASLAND 1-2	SHOUT	36.0	CITIES SERVICE GA
8232131	81-297	0512506407		107-TF		MC CASLAND 2-11	SHOUT	36.0	CITIES SERVICE GA
8232185	81-293	0512506375		107-TF		MITCHELL 1-29	ROCK CREEK	36.0	CITIES SERVICE GA
-NATOMAS NORTH AMERICA INC				RECEIVED:		05/12/82 JA: CO			
8232150	81-331	0506706464		107-TF		BURKETT 1-3	IGNACIO	741.0	NORTHWEST PIPELIN
-NIELSON ENTERPRISES INC				RECEIVED:		05/12/82 JA: CO			
8232134	81-321	0512310124		103		EICHTHALER #2	WATTENBERG	48.0	PANHANDLE EASTERN
8232165	82-87	0512309857		108		HOMESTEAD #1	SPINDLE	9.4	PANHANDLE EASTERN
8232168	82-120	0512308643		108		MUSE #1	WATTENBERG	21.0	PANHANDLE EASTERN
-NORTHWEST EXPLORATION COMPANY				RECEIVED:		05/12/82 JA: CO			
8232119	81-279	0504506298		102-2		CLOUGH 139	RULISON WASATCH	160.0	NORTHWEST PIPELIN
8232127	81-279B	0504506298		103		CLOUGH 139	RULISON WASATCH	160.0	NORTHWEST PIPELIN
8232164	81-446	0504506224		108		RULISON #122 (FORMERLY #2)	RULISON	20.0	NORTHWEST PIPELIN
-PANHANDLE WESTERN GAS CO				RECEIVED:		05/12/82 JA: CO			
8232170	81-546-B	0512308492		108-ER		FOX #1	SPINDLE	0.0	PANHANDLE EASTERN
-READ & STEVENS INC				RECEIVED:		05/12/82 JA: CO			
8232143	81-256	0511306013		102-4		SLICK ROCK #1	LOWER ISMAY	182.5	TRANS-COLORADO PI
-SAMUEL GARY OIL PRODUCER				RECEIVED:		05/12/82 JA: CO			
8232113	81-311	0500107668		103		36-13 STATE	WILDCAT	21.9	PANHANDLE EASTERN
8232112	81-310	0500107747		103		8-16 TRUPP	WILDCAT	274.0	PANHANDLE EASTERN
-SANDLIN OIL CORP				RECEIVED:		05/12/82 JA: CO			
8232163	81-1088	0500107443		108		FRED MEYER #1	QUAIL	10.0	PANHANDLE EASTERN
-SHEPLER & THOMAS INC				RECEIVED:		05/12/82 JA: CO			
8232118	81-278	0512109542		102-4		WARREN #1	OTIS	180.0	KANSAS NEBRASKA N
-STREAM INC				RECEIVED:		05/12/82 JA: CO			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232166	82-148	0512309278		108		MCENDAFFER ESTATE 1-A	WILDCAT	16.0	KANSAS NEBRASKA N
-TETON ENERGY CO INC				RECEIVED:		05/12/82 JA: CO			
8232146	81-236	0507708219		107-TF		ANDERSON RANCHES #7-3	PLATEAU	33.0	NORTHWEST PIPELIN
8232155	81-235	0507708219		102-2		ANDERSON RANCHES #7-3	PLATEAU	33.0	NORTHWEST PIPELIN
8232123	81-229	0507708290		103		BIG CREEK LD & CATTLE #16-1	PLATEAU	102.0	NORTHWEST PIPELIN
8232162	81-228	0507708290		107-TF		BIG CREEK LD & CATTLE #16-1	PLATEAU	102.0	NORTHWEST PIPELIN
8232122	81-224	0507708111		103		KATHLYN YOUNG #4-15	PLATEAU	230.0	NORTHWEST PIPELIN
8232144	81-225	0507708111		107-TF		KATHLYN YOUNG #4-15	PLATEAU	230.0	NORTHWEST PIPELIN
8232158	81-230	0504506127		102-2		RIFLE-BOULTON #1	DIVIDE CREEK	18.0	NORTHWEST PIPELIN
8232148	81-231	0507508243		107-TF		SPARKS #36-4	PLATEAU	73.0	NORTHWEST PIPELIN
8232153	81-232	0507508243		102-2		SPARKS #36-4	PLATEAU	73.0	NORTHWEST PIPELIN
8232124	81-223	0507708260		103		WALCK #14-3	PLATEAU	91.0	NORTHWEST PIPELIN
8232149	81-222	0507708260		107-TF		WALCK #14-3	PLATEAU	91.0	NORTHWEST PIPELIN
8232147	81-221	0507708259		107-TF		WALCK #23-2	PLATEAU	91.0	NORTHWEST PIPELIN
8232154	81-220	0507708259		102-2		WALCK #23-2	PLATEAU	91.0	NORTHWEST PIPELIN
8232145	81-234	0507708218		107-TF		WILLIAMS #18-3	PLATEAU	91.0	NORTHWEST PIPELIN
8232156	81-233	0507708218		102-2		WILLIAMS #18-3	PLATEAU	91.0	NORTHWEST PIPELIN
-TEXAS OIL & GAS CORP				RECEIVED:		05/12/82 JA: CO			
8232117	81-309	0509906138		102-2		ELLENBERGER #1	WILDCAT	68.4	
8232116	81-308	0500906289		102-2		MYERS "C" #1	WALSH	10.0	NUECES CO
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-AMOCO PRODUCTION CO				RECEIVED:		05/10/82 JA: OK			
8231898	18446	3501521315		107-DP		SYLVESTER UNIT #1	WILDCAT (SPRINGER)	1000.0	SOUTHERN NATURAL
-ANADARKO PRODUCTION COMPANY				RECEIVED:		05/10/82 JA: OK			
8231884	13918	3500320893		103		LOOKABAUGH A-2	S E LAMBERT	110.0	PIONEER GAS PRODU
-ANDOVER OIL COMPANY				RECEIVED:		05/10/82 JA: OK			
8231909	16765	3514920149		102-2		DYCK #9-1		50.0	EL PASO NATURAL G
8231910	16604	3501721926		102-2		MILLER #16-1		45.0	PHILLIPS PETROLEU
8231885	18351	3501521105		107-DP		SHWEN #14-1		0.0	EL PASO NATURAL G
8231874	14096	3501722009		103		WITTROCK #1-2		180.0	DELHI GAS PIPELIN
8231873	14017	3510722008		103		WITTROCK #1-4		180.0	DELHI GAS PIPELIN
-ARKLA EXPLORATION COMPANY				RECEIVED:		05/10/82 JA: OK			
8231911	17028	3503920419		102-2		ESSARY-HUSEBY #1	INDIANAPOLIS	558.0	ARKANSAS LOUISIAN
-BEARD OIL COMPANY				RECEIVED:		05/10/82 JA: OK			
8231888	14076	3510920475		103		BARTON #1	CHOCTAW	140.0	OKLAHOMA NATURAL
-CHAMPLIN EXPLORATION INC				RECEIVED:		05/10/82 JA: OK			
8231877	14024	3509300000		103		NOBLE #1-26	NE CHEYENNE VALLEY	90.0	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:		05/10/82 JA: OK			
8231842	14032	3508300000		103		R G BECK #7	CASHION	7.0	CITIES SERVICE GA
-CHEYENNE EXPLORATION INC				RECEIVED:		05/10/82 JA: OK			
8231845	14037	3504722731		103		REUSSNER #2	HUNTER (SOUTH & WEST)	46.0	ARCO OIL & GAS CO
-CHINOOK RESOURCES INC				RECEIVED:		05/10/82 JA: OK			
8231915	14173	3501721589		103		MILTON SHEDECK #2	WEST YUKON	328.5	PHILLIPS PETROLEU
-CLASSEN OIL AND GAS COMPANY				RECEIVED:		05/10/82 JA: OK			
8231902	14111	3508321702		103		MN KIGHTLINGER 083-70603	SOONER TREND	0.0	CONOCO OIL CO
-COQUINA OIL CORPORATION				RECEIVED:		05/10/82 JA: OK			
8231906	14074	3510321425		103		BRIGGS #1	UNDESIGNATED	237.0	ARCO OIL & GAS CO
-COTTON PETROLEUM CORPORATION				RECEIVED:		05/10/82 JA: OK			
8231883	18332	3501521262		107-DP		SCHLITT #1	VERDEN N W	0.0	UNITED GAS PIPE L
-DARLING DRILLING CO				RECEIVED:		05/10/82 JA: OK			
8231900	14118	3508121137		103		GOODBERRY #1-31 SEC 31-16N-3E	WEST CARNEY SEC 31-16	0.0	SUN GAS A DIVISIO

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-DAWSON OPERATING CO INC				RECEIVED:	05/10/82	JA: OK			
8231862	12106	3513900080		108		LEGGETT #1	CAMRICK	16.5	PHILLIPS PETROLEU
-DERINEX US OIL COMPANY				RECEIVED:	05/10/82	JA: OK			
8231860	11457	3504921368		102-4		GREEN #2	PAOLI S W "A"	274.0	WARREN PETROLEUM
-DOUBLE DIAMOND INC				RECEIVED:	05/10/82	JA: OK			
8231861	11595	3510920242		102-4		MIGILL #1	NW PRAIRIE BELL	180.0	PHILLIPS PETROLEU
-EARTH ENERGY RESOURCES INC				RECEIVED:	05/10/82	JA: OK			
8231918	16907	3511921808		102-4		JORDAN #1	WEST VINCO	12.0	
-EL PASO NATURAL GAS COMPANY				RECEIVED:	05/10/82	JA: OK			
8231857	16994	3512920713		102-2		BAILEY #1	UNDESIGNATED CHEROKEE	75.0	EL PASO NATURAL G
8231886	13993	3500935580		108		WALLACE A #1	ERICK SOUTH - BROWN D	19.0	EL PASO NATURAL G
-ESTATE OF H L HUNT				RECEIVED:	05/10/82	JA: OK			
8231895	14051	3515300000		108		ARLENE SHUCK #1	WEST CHESTER	0.0	MICHIGAN WISCONSI
-FLINT & ASSOCIATES				RECEIVED:	05/10/82	JA: OK			
8231837	14000	3510720635		103		CRAWLEY #1	GREGORY	36.5	PUBLIC SERVICE CO.
8231838	14001	3510720635		103		CRAWLEY #1	GREGORY	109.5	PUBLIC SERVICE CO
8231840	14003	3510720680		103		T C #1	GREGORY	109.5	PUBLIC SERVICE CO
8231839	14002	3510720679		103		VELTON #1	GREGORY	91.3	PUBLIC SERVICE CO
-GEORGE RODMAN INC				RECEIVED:	05/10/82	JA: OK			
8231889	14086	3508720609		103		BENNINGFIELD #1-23	PAYNE	81.8	SUN GAS CO
-GETTY OIL COMPANY				RECEIVED:	05/10/82	JA: OK			
*8231881	14139	3513722812		103		DOAK UNIT #6 (HUNTON)	SHO-VEL-TUM	300.0	OKLAHOMA NATURAL
*8231904	14089	3513722715		103		KUENKEL-STEPHENS NO 1	SHO-VEL-TUM	250.0	OKLAHOMA NATURAL
-HENRY H GUNGOLL ASSOCIATES				RECEIVED:	05/10/82	JA: OK			
8231844	14036	3504722749		103		F W 2-15	SOONER TREND	90.0	
-HPC INC				RECEIVED:	05/10/82	JA: OK			
8231896	14073	3501721967		103		AIRPORT TRUST #10	UNNAMED	0.0	PHILLIPS PETROLEU
-INTERNORTH INC				RECEIVED:	05/10/82	JA: OK			
8231907	14062	3513921496		103		IRELAND 12-1	E TYRONE	400.0	INTERNORTH INC
-JA-LARK OIL CO				RECEIVED:	05/10/82	JA: OK			
8231879	14029	3508321799		103		MCCURDY #1		0.0	EASON OIL CO
-JACK BOWLES				RECEIVED:	05/10/82	JA: OK			
8231850	14046	3505320404		103		BRECKENRIDGE #1	KREMLIN	120.0	CRA INC
8231851	14047	3505320429		103		MARKWELL #1	KREMLIN	0.0	CRA INC
8231854	14056	3505320463		103		MONROE #1	KREMLIN	0.0	CRA INC
8231852	14048	3504721372		103		THOMPSON #1	KREMLIN	0.0	CRA INC
8231853	14055	3504721475		103		THORNE #1	KREMLIN	0.0	CRA INC
-JIMMY W GRAY				RECEIVED:	05/10/82	JA: OK			
8231908	16725	3504924390		103		DIXIE #1	ANTIOC	365.0	WARREN PETROLEUM
-JOE L THOMPSON INC				RECEIVED:	05/10/82	JA: OK			
8231914	14167	3508321681		103		PETREE #1		14.0	
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	05/10/82	JA: OK			
8231855	14028	3504700000		108		M BRENKENDORF	BRECKENRIDGE	16.0	CHAMPLIN PETROLEU
-L O WARD				RECEIVED:	05/10/82	JA: OK			
8231878	14026	3502700000		103		INDIAN HILLS #1	SOUTH MORRE	73.0	SUN GAS CO
8231905	14077	3502720540		103		OKLAHOMA C-16 #4		125.0	SUN GAS CO
-LEAR PETROLEUM EXPLORATION INC				RECEIVED:	05/10/82	JA: OK			
8231897	18407	3514920258		107-DP		HECK #1-12	SOUTH HYDRO	3934.0	EL PASO NATURAL G
8231916	16547	3504321395		103		LIEBERT #1-11	WEST SEILING	365.0	PRODUCER'S GAS CO
-LOBAR OIL CO INC				RECEIVED:	05/10/82	JA: OK			
8231847	14041	3508320989		103		MILLICAN #1	CRESCENT-LOVELL	0.0	EASON OIL CO
-MAJOR OIL CORP				RECEIVED:	05/10/82	JA: OK			
8231843	14033	3509322196		103		RATZLAFF #17-2 LTD	RINGWOOD	75.0	PIONEER GAS PRODU

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MOBIL OIL CORP				RECEIVED:	05/10/82	JA: OK			
8231887	14049	3509500000		108		WARD-RAINES UNIT #1	AYLESWORTH	2.1	PIONEER GAS PRODU
-MONSANTO COMPANY				RECEIVED:	05/10/82	JA: OK			
8231917	16848	3502720600		102-4		GOLDMAN #1-6	WHEATLAND SE	0.0	SUN GAS CO
-NOVA ENERGY CORPORATION				RECEIVED:	05/10/82	JA: OK			
8231849	14045	3507323296		103		AHLDEN #2-34	NE OKARCHE	0.0	
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	05/10/82	JA: OK			
8231865	13949	3501521167		103		EAST BINGER UNIT #37-2	EAST BINGER	0.0	OKLAHOMA NATURAL
8231867	13953	3505120842		103		MORVILL "B" #1	BRADLEY GOLDEN TREND	165.0	TRANSOK PIPELINE
8231868	14059	3501700000		103		SAMARA "A" #1		0.0	ONG WESTERN INC
8231866	13952	3504520983		103		STAHLMAN "A" #1	NORTH ARNETT	0.0	PANHANDLE EASTERN
8231864	13948	3501720691		103		WHITE FARMS "A" #1	UNION CITY	385.0	TRANSOK PIPELINE
-PREMIER RESOURCES LTD				RECEIVED:	05/10/82	JA: OK			
8231901	14113	3504722705		103		IVEN #1 A092-01	EAST KREMLIN	90.0	CRA INC
8231892	14112	3504722734		103		IVEN #2 A092-02	EAST KREMLIN	78.0	CRA INC
8231893	14115	3504722778		103		IVEN #3 A092-03	EAST KREMLIN	93.0	CRA INC
-RAINBOW OIL & GAS EXPLORATION				RECEIVED:	05/10/82	JA: OK			
8231894	18322	3511700000		103		BILLY #1-12		0.0	MID-AMERICA GAS L
-RICKS EXPLORATION CO				RECEIVED:	05/10/82	JA: OK			
8231848	16768	3501521178		102-4	103	DAILY B-ELLIOTT #1-24	N SICKLES	1590.0	ARKANSAS LOUISIAN
-SAMSON RESOURCES COMPANY				RECEIVED:	05/10/82	JA: OK			
8231863	13818	3515300000		108		EVELYN DAY #1	NORTH WEST WOODWARD	13.3	NORTHERN NATURAL
8231841	13819	3500720287		108		SOUTHERLAND #1	MOCANE LAVERNE	12.2	PANHANDLE EASTERN
-SOUTHLAND ROYALTY CO				RECEIVED:	05/10/82	JA: OK			
8231856	14006	3509322169		103		WOODRING #4-31	ORION	50.0	PHILLIPS PETROLEU
-STAR RESOURCES INC				RECEIVED:	05/10/82	JA: OK			
8231891	14106	3506321134		103		RAINBOLT 1-3	WELEETKA	0.0	PUBLIC SERVICE CO
-SULLIVAN AND CO				RECEIVED:	05/10/82	JA: OK			
8231903	14104	3508121460		103		COLONIAL ROYALTY #1	W RED MOUND	66.0	SUN OIL CO
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	05/10/82	JA: OK			
8231876	14019	3501121586		103		GLADYS BEDWELL #2	OKEENE NW	53.7	OKLAHOMA NATURAL
8231875	14018	3504520938		103		O W BOWMAN #1	W VICI	97.0	PANHANDLE EASTERN
-TAYLOR INTERNATIONAL INC				RECEIVED:	05/10/82	JA: OK			
8231890	14103	3511921559		103		B LEITH #2	N SCHELGEL	14.0	PARKS ENERGY INVE
-TENNECO OIL COMPANY				RECEIVED:	05/10/82	JA: OK			
8231912	17032	3512920718		102-2		ALLEN UNIT #1-17	HAMMON SW	813.0	
8231913	17033	3507323357		102-2		BOLLMAN #1-30	OKANCHE W	153.0	
8231858	17034	3507720245		102-2		CECIL #1-19	BUZZARD	762.0	
-THE WIL-MC OIL CORP				RECEIVED:	05/10/82	JA: OK			
8231882	16993	3513721942		102-4		OLIVER #1 (61-3)	COMANCHE	297.0	
-TRANS-WORLD EXPLORATION CO				RECEIVED:	05/10/82	JA: OK			
8231846	14038	3507122403		103		ASBURY #2	DILWORTH	21.6	NEWKIRK GAS TRANS
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:	05/10/82	JA: OK			
8231859	17041	3500920339		102-2		MARRIOTT 1-36		0.0	EL PASO NATURAL G
-WALTER A KELLY JR				RECEIVED:	05/10/82	JA: OK			
8231899	16913	3511921803		102-4		C E WALL #4	WEST VINCO	12.5	
8231919	16910	3511921809		102-4		SASSER-BAILEY #1	WEST VINCO	10.0	
-WILLIS EXPLORATION INC				RECEIVED:	05/10/82	JA: OK			
8231880	14035	3501722060		103		HOLE-N #1	NORTHEAST MUSTANG	54.0	CONOCO INC
-WOODS PETROLEUM CORPORATION				RECEIVED:	05/10/82	JA: OK			
8231920	17062	3504321367		102-4		HARRIET BARNES #30-1	PUTNAM	183.0	MICHIGAN WISCONSI
8231921	17063	3504321304		102-4		STATE OF OK #1-A	PUTNAM	110.0	MICHIGAN WISCONSI
-WORLD OIL INC				RECEIVED:	05/10/82	JA: OK			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231871	14014	3508321700		103		AMY #3	SW ORLANDO	0.0	
8231869	14012	3508321582		103		DORUS #1	N W RUSSELL	1.0	EASON OIL CO
8231870	14013	3508321663		103		PATTY #1	NE HULL	15.0	EASON OIL CO
8231872	14015	3508321574		103		SUSAN #1	SE ELK HORN	37.0	AMINOIL USA INC

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TENNESSEE OIL & GAS BOARD

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-B & W OIL CO			RECEIVED:	05/12/82	JA: TN				
8232049	A-903	4112920962		102-2		STRAND-KECK- & CORBITT #1	GLADES EAST	12.0	EAST TENNESSEE NA
-B-J INC			RECEIVED:	05/12/82	JA: TN				
8232030	A 929	4104920729		102-2		CARSON HULL CA 1981-1 #1	RUGBY	12.4	INTRASTATE ENERGY
8232029	A 928	4104920999		102-2		CARSON HULL CA-1 #2	RUGBY	161.3	INTRASTATE ENERGY
8232023	A 930	4112910999		102-2		G C PEMBERTON-COAKLEY UNIT #1	RUGBY	77.0	INTRASTATE ENERGY
8232041	A 1054	4115120941		102-2		PEMBERTON-BAKER PFG-V #1	GUM BRANCH	127.7	INTRASTATE ENERGY
8232070	A 1006	4115120925		102-2		RUGBY LAND COMPANY JDE-1 #1	UNKNOWN	657.0	INTRASTATE ENERGY
8232040	A-1053	4115120943		102-2		RUGBY LAND COMPANY MC 1981-2 #1	UNKNOWN	373.3	INTRASTATE ENERGY
-BILL RAY			RECEIVED:	05/12/82	JA: TN				
8232056	A 889	4115120505		102-2		JAMES YANCEY #1	JOHN HALL FLATS	20.0	INTRASTATE ENERGY
8232051	A 890	4115120543		102-2		YANCEY YORK #2	JOHN HALL FLATS	5.0	INTRASTATE ENERGY
8232055	A 888	4115120516		102-2		YANCEY-YORK UNIT #1	JOHN HALL FLATS	24.0	INTRASTATE ENERGY
-BLACK GOLD DISCOVERY INC			RECEIVED:	05/12/82	JA: TN				
8231946	A-922	4113320274		102-2		R HUFFINE-C DUKE #1	NEW FIELD - WILDCAT	15.0	RURAL GAS GATHERI
-BLENDA MILLER & B*JEWCO DRILLING CO			RECEIVED:	05/12/82	JA: TN				
8232024	A 926	4104920163		102-2		EDWARD TOMPKINS #1	UNKNOWN	21.9	INTRASTATE ENERGY
8232028	A 927	4115120298		102-2		MAURICE KANE #1	SHUG MOUNTAIN	15.3	INTRASTATE ENERGY
-CATOOSA EXPLORATION CORP			RECEIVED:	05/12/82	JA: TN				
8232097	A-1073	4104920240		102-2		ARNOLD COLDITZ ETAL #3		3.5	FENTRESS GAS TRAN
8232095	A-1072	4104920241		102-2		ARNOLD COLDITZ ETAL #4		3.5	FENTRESS GAS TRAN
8232045	A 1071	4104920546		102-2		E H HALL #1		2.0	FENTRESS GAS TRAN
8232043	A 1075	4104920547		102-2		E H HALL #2		2.0	FENTRESS GAS TRAN
8232093	A-1069	4104920305		102-2		GORDON KOGER-COLDITZ BROS UNIT #1		2.0	FENTRESS GAS TRAN
8232096	A-1076	4104920148		102-2		GUY WILLIAMS #B-1		2.0	FENTRESS GAS TRAN
8232094	A-1070	4104920149		102-2		GUY WILLIAMS #C-1		2.0	FENTRESS GAS TRAN
8232047	A 1067	4104920488		102-2		R G BURNETT #1		3.2	FENTRESS GAS TRAN
8232046	A-1066	4104920489		102-2		ROBERT T BEATY #1		1.0	FENTRESS GAS TRAN
8232092	A-1068	4104920385		102-2		WALTER GERNT #1		2.2	FENTRESS GAS TRAN
8232048	A 1065	4104920173		102-2		WILLIAM C JOHNSON #1		2.0	FENTRESS GAS TRAN
8232044	A-1074	4104920251		102-2		WILLIAM C JOHNSON #2		3.0	FENTRESS GAS TRAN
-CLYDE FULLER			RECEIVED:	05/12/82	JA: TN				
8231963	A-1081	4112920778		102-4		BOBBY YORK #CH-4	NONE	40.0	INTRASTATE ENERGY
8231923	A-1007	4112920750		102-2		BOBBY YORK #PR-2		100.0	INTERSTATE ENERGY
-COMMERCE OIL CO			RECEIVED:	05/12/82	JA: TN				
8232068	A 909	4112920797		102-2		B & L LAND CO PLATEAU PROP U A #2	STOWERS NW	21.9	GAS LINES OF TN
8232067	A 910	4112920799		102-2		B & L LAND CO #5	B & L LAND CO #5	21.9	GAS LINES OF TENN
8231970	A-894	4112920667		102-2		B & L LAND CO BEARDEN #1	STOWERS NW	21.9	GAS LINES OF TENN
8231953	A-898	4112920798		102-2		B & L LAND CO PLATEAU PROP U A #1	STOWERS NW	21.9	GAS LINES OF TENN
8232025	A 891	4112920011		102-4		B & L LAND COMPANY #1	STOWERS NW	21.9	GAS LINES OF TENN
8232063	A-908	4112920167		102-4		B & L LAND COMPANY #2	STOWERS NW	21.9	GAS LINES OF TENN
8231971	A-895	4112920617		102-2		B & L LAND COMPANY #3	STOWERS NW	21.9	GAS LINES OF TENN
8232050	A-892	4112920646		102-2		B & L LAND COMPANY #4	STOWERS NW	21.9	GAS LINES OF TENN
8232065	A-913	4112920833		102-2		B & L LAND COMPANY #6	STOWERS NW	21.9	GAS LINES OF TENN
8231969	A-893	4112920678		102-2		B & L LAND-LAYNE UNIT #1	STOWERS NW	21.9	GAS LINES OF TENN
8231973	A-897	4112920676		102-2		B & L LAND-TINCH UNIT #1	STOWERS NW	21.9	GAS LINES OF TENN

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232052	A 912	4112920996	102-2		ORA AUSTIN #1	STOWERS NW	21.9	GAS LINES OF TENN
8232064	A 914	4112921000	102-2		PLATEAU PROPERTIES #1	STOWERS NW	21.9	GAS LINES OF TENN
8232066	A-911	4112921003	102-2		PLATEAU PROPERTIES #2	STOWERS NW	21.9	GAS LINES OF TENN
8231972	A-896	4112920801	102-2		TINCH #1	STOWERS NW	21.9	GAS LINES OF TENN
-CUMBERLAND OIL PRODUCING CO INC			RECEIVED:		05/12/82 JA: TN			
8232062	A-997	4112920508	108		ROBBINS #1	DOUGLAS BRANCH	0.0	EAST TN NATURAL G
8232071	A-915	4112920438	108		S LUCHIN ET AL UNIT #1	DOUGLAS BRANCH	0.0	EAST TENNESSEE NA
-DELOY MILLER			RECEIVED:		05/12/82 JA: TN			
8232027	A 935	4112921029	102-2		ELSIE GERHART UNIT #1		620.0	INTRASTATE ENERGY
8231925	A-1049	4112921066	102-2		HOWARD DORTCH UNIT #1	DAN BRANCH	455.0	GAS LINES OF TENN
8231926	A-1048	4112921057	102-2		L FRANKS CAMPBELL UNIT #1	DAN BRANCH	50.0	GAS LINES OF TENN
8231924	A-1050	4112920823	102-2		STAPLES UNIT #1	DAN BRANCH	0.0	GAS LINES OF TENN
8231927	A-1047	4112920788	102-2		STAPLES UNIT #2	DAN BRANCH	0.0	GAS LINES OF TENN
8231943	A-1083	4104920584	102-2		WHITEHEAD #4E	STOCKTON	380.0	INTRASTATE ENERGY
8232060	A 1084	4104920583	102-2		WHITEHEAD #5E	STOCKTON	1.5	INTRASTATE ENERGY
8231929	A-1044	4115121501	102-2		WOODRUM ESTATE #1	STANLEY JUNCTION	36.9	INTRASTATE ENERGY
8231928	A-1045	4115120521	102-2		WOODRUM ESTATES #2	STANLEY JUNCTION	2.0	INTRASTATE ENERGY
-DIXIE-SHAMROCK OIL & GAS INC			RECEIVED:		05/12/82 JA: TN			
8231961	A-963	4115120865	102-2		BRIMSTONE #15	BRIMSTONE CREEK	2.3	
8231985	A-964	4115120883	102-2		BRIMSTONE #20	BRIMSTONE CREEK	1.4	
8231962	A-962	4115110855	102-2		BRIMSTONE-ROBBINS #1	BRIMSTONE CREEK	2.3	
8231960	A-961	4115120864	102-2		BRIMSTONE-ROBBINS #2	BRIMSTONE CREEK	1.4	
8231959	A-960	4115120882	102-2		BRIMSTONE-ROBBINS #3	BRIMSTONE CREEK	1.8	
8232012	A-936	4104920575	102-2		BRUNO GERNT ESTATES #24	STOCKTON SW	0.5	
8232014	A 938	4104920521	102-2		BRUNO GERNT ESTATES INC #12	STOCKTON SW	0.9	
8232015	A-939	4104920644	102-2		EST OF BRUNO GERNT #22	STOCKTON SW	0.6	
8232016	A-940	4104920785	102-2		EST OF BRUNO GERNT #30	STOCKTON SW	0.8	
8232017	A-941	4104920624	102-2		EST OF BRUNO GERNT #32	STOCKTON SW	0.5	
8232018	A-942	4104920643	102-2		EST OF BRUNO GERNT #35	STOCKTON SW	1.3	
8232019	A-943	4104920681	102-2		EST OF BRUNO GERNT #36	STOCKTON SW	0.9	
8232020	A-944	4104920702	102-2		EST OF BRUNO GERNT #38	STOCKTON SW	1.3	
8232013	A-937	4104920752	102-2		EST OF BRUNO GERNT #8	STOCKTON SW	1.1	
8232101	A-1058	4104920528	102-2		ESTATE OF BRUNO GERNT #15	STOCKTON SW	0.2	
8232042	A 1055	4104920668	102-2		ESTATE OF BRUNO GERNT #37	STOCKTON SW	0.5	
8232100	A-1059	4104920689	102-2		ESTATE OF BRUNO GERNT #39	STOCKTON SW	0.2	
8232021	A-945	4104920735	102-2		GERNT BROTHERS #1	STOCKTON SW	0.5	
8232022	A 946	4104920739	102-2		GERNT BROTHERS #2	STOCKTON SW	0.5	
8232009	A-947	4104920763	102-2		GERNT ET AL #2	STOCKTON SW	0.5	
8232010	A-948	4104920637	102-2		GERNT-GERNT #1	STOCKTON SW	0.6	
8232011	A-949	4104920723	102-2		GERNT-GERNT #4	STOCKTON SW	0.5	
8232085	A-998	4112920978	102-2		HUGH D FAUST #10	PILOT MOUNTAIN	0.2	
8232084	A-999	4112920994	102-2		HUGH D FAUST #12	PILOT MOUNTAIN	0.9	
8232090	A-993	4112920836	102-2		HUGH D FAUST #2	PILOT MOUNTAIN	0.2	
8232089	A-994	4112920853	102-2		HUGH D FAUST #3	PILOT MOUNTAIN	0.4	
8232088	A 995	4112920878	102-2		HUGH D FAUST #6	PILOT MOUNTAIN	0.6	
8232087	A-996	4112920947	102-2		HUGH D FAUST #7	PILOT MOUNTAIN	0.9	
8232086	A 997	4112920954	102-2		HUGH D FAUST #9	PILOT MOUNTAIN	0.9	
8231955	A-956	4104920699	102-2		MERCHANT #1	STOCKTON SW	91.3	
8232082	A 1001	4112920911	102-2		PEMBERTON ET AL #1	PILOT MOUNTAIN	2.1	
8232103	A-1062	4112920731	102-2		PEMBERTON-POTTER #1	WILDCAT	0.6	
8231956	A-957	4104920676	102-2		PLATEAU PROPERTIES INC #1	STOCKTON SW	4.6	
8231958	A-959	4104926450	102-2		PLATEAU PROPERTIES-CROUCH #1	STOCKTON SW	0.5	
8232081	A 1002	4112920886	102-2		RICH ET AL #1	PILOT MOUNTAIN	9.1	

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232102	A-1061	4112920890		102-2		ROSS WILLIAMS #2	UNNAMED	0.2	
8232104	A-1063	4112920918		102-2		SCOTT ET AL #1	UNNAMED	0.2	
8232083	A 1000	4112920914		102-2		SEXTON ET AL #1	PILOT MOUNTAIN	2.9	
8231957	A-958	4104920649		102-2		STOCKTON ET AL #1	STOCKTON SW	2.7	
8232099	A-1057	4115120886		102-2		THE BRIMSTONE COMPANY #23	BRIMSTONE CREEK	0.9	
8232098	A-1056	4115120886		102-2		THE BRIMSTONE COMPANY #24	BRIMSTONE CREEK	0.9	
				RECEIVED:	05/12/82	JA: TN			
-FARMSTEAD CORP									
8232105	A-1023	4115120872		102-2		WILLIE DAVIS ET AL #1	NONE	21.9	INTRASTATE ENERGY
				RECEIVED:	05/12/82	JA: TN			
-GLEN A WRIGHT									
8231987	A-1082	4112920336		102-2		GOLDMAN YORK #2		50.0	INTERSTATE ENERGY
8231990	A-1080	4112920326		102-2		YORK-SELINSKE #1		30.0	INTERSTATE ENERGY
				RECEIVED:	05/12/82	JA: TN			
-HICKORY CREEK DEVELOPMENT CORP									
8231968	A-887	4103120067		102-2		DAVID KEELE UNIT #1	HICKORY CREEK	75.0	
8231967	A-886	4103120065		102-2		ELMER CROUCH UNIT #1	HICKORY CREEK	75.0	
8231965	A-884	4103120064		102-2		LLOYD BOWDEN UNIT #1	HICKORY CREEK	75.0	
8231966	A-885	4103120066		102-2		W D LANSFORD UNIT #1	HICKORY CREEK	75.0	
				RECEIVED:	05/12/82	JA: TN			
-HITT CONTRACT DRILLING CO									
8231964	A-920	4104920719		102-2		GARY ROGERS #1		13.0	FENTRESS GAS TRAN
8231949	A-919	4104920779		102-2		GARY ROGERS #2		5.0	FENTRESS GAS TRAN
8231950	A-916	4104920787		102-2		GARY ROGERS #3		7.5	FENTRESS GAS TRAN
8231951	A-917	4104920788		102-2		GARY ROGERS #4		5.0	FENTRESS GAS TRAN
8231952	A-918	4104920789		102-2		GARY ROGERS #5		7.5	FENTRESS GAS TRAN
				RECEIVED:	05/12/82	JA: TN			
-HOMESTEAD ENERGY CORP									
8231988	A-1089	4112930869		102-2		LEE BRANSTETTER #1A	BUCKLICK FIELD	5.1	CUMBERLAND NATURA
8232091	A-1077	4115120932		102-4		MARCUM-TERRY UNIT #1	NEW HAVEN (ABD)	0.5	CUMBERLAND NATURA
8232002	A-1088	4112920983		102-4		MILLER BRANSTETTER #1A	DOUGLAS BRANCH	7.7	CUMBERLAND NATURA
8232001	A-1087	4115120835		102-4		T PHILLIPS/O PHILLIPS/O PHILLIPS 1A	NIGGS CREEK	4.0	CUMBERLAND NATURA
				RECEIVED:	05/12/82	JA: TN			
-HUDSON RESOURCES									
8231954	A-874	4112920597		102-2		HORACE WEAVER #1	MONTEAGLE	82.9	INTRASTATE ENERGY
				RECEIVED:	05/12/82	JA: TN			
-IDEAL DRILLING CO									
8231932	A-1046	4115110139		102-4		M J KEETON #1	NIGGS CREEK	0.0	INTRASTATE ENERGY
				RECEIVED:	05/12/82	JA: TN			
-KIMBERLY OIL & GAS INC									
8231989	A-1060	4112920948		102-2		CONWAY-JOHNSON #1		162.8	GAS LINES OF TENN
				RECEIVED:	05/12/82	JA: TN			
-LELAND PETROLEUM PRODUCTION INC									
8232058	A 1086	4112920861		103		ELIZABETH DEAN #1	WILDCAT	6.1	INTRASTATE ENERGY
8232059	A 1085	4112920862		103		JAMES E DEAN #1	WILDCAT	9.7	INTRASTATE ENERGY
				RECEIVED:	05/12/82	JA: TN			
-MICHAEL HAL ANDERSON									
8232026	A 924	4115120871		102-2		MCCANN-KEETON #1	NONE	36.5	INTRASTATE ENERGY
				RECEIVED:	05/12/82	JA: TN			
-PETROLEUM DEVELOPMENT CORP									
8231947	A-921	4112920354		108		BRANSTETTER-BRANSTETTER UNIT #1	DOUGLAS BRANCH	22.2	CUMBERLAND OIL PR
				RECEIVED:	05/12/82	JA: TN			
-RANDY HUDSON									
8232057	A 876	4115120703		102-2		BILLY BURTON #1	NONE	36.5	INTRASTATE ENERGY
				RECEIVED:	05/12/82	JA: TN			
-RATLIFF FARMS INC									
8232053	A 902	4112920381		102-2		R K SUOMINEN #1 PERMIT 1835	INDIAN CREEK	25.5	INTRASTATE ENERGY
				RECEIVED:	05/12/82	JA: TN			
-RONALD L WINNINGHAM									
8232004	A-976	4112921060		102-4		G C PEMBERTON BJI-1981-1-#1	UNKNOWN	90.5	INTRASTATE ENERGY
8232003	A-978	4112921052		102-4		PEMBERTON-BAKER BJI-1980-1 #1	UNKNOWN	132.1	INTRASTATE ENERGY
8232005	A-977	4112920926		102-2		RUGBY LAND COMPANY BJI-1981-1 #1	UNKNOWN	74.8	INTRASTATE ENERGY
				RECEIVED:	05/12/82	JA: TN			
-SAINT JOSEPH PETROLEUM INC									
8232069	A 1022	4104920595		102-2		CROOKS ET AL #1	STOCKTON	36.0	
				RECEIVED:	05/12/82	JA: TN			
-SONIC PETROLEUM INC									
8231922	A-1051	4112921022		102-4		BOB ANDERSON S-1		100.0	INTERSTATE ENERGY
				RECEIVED:	05/12/82	JA: TN			
-SRI DRILLING CO									

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8231941	A-1024	4112920975		102-4		G C PEMBERTON #1	PLEASANT RIDGE	13.0	EAST TENNESSEE NA
8232038	A 1033	4112921035		102-4		G C PEMBERTON #10 A	PLEASANT RIDGE	7.2	EAST TENNESSEE GA
8232039	A 1034	4112921036		102-4		G C PEMBERTON #11-A	PLEASANT RIDGE	7.2	EAST TENNESSEE OI
8231942	A-1025	4112920991		102-4		G C PEMBERTON #2-A	PLEASANT RIDGE	11.0	EAST TENNESSEE NA
8232031	A 1026	4112920997		102-4		G C PEMBERTON #3-A	PLEASANT RIDGE	16.0	EAST TENNESSEE NA
8232032	A 1027	4112920998		102-4		G C PEMBERTON #4-A	PLEASANT RIDGE	30.0	EAST TENNESSEE NA
8232034	A 1029	4112921008		102-4		G C PEMBERTON #6-A	PLEASANT RIDGE	3.8	EAST TENNESSEE NA
8232035	A 1030	4112921015		102-4		G C PEMBERTON #7-A	PLEASANT RIDGE	15.0	EAST TENNESSEE NA
8232036	A 1031	4112921019		102-4		G C PEMBERTON #8-A	PLEASANT RIDGE	7.2	EAST TENNESSEE NA
8232037	A 1032	4112921024		102-4		G C PEMBERTON #9-A	PLEASANT RIDGE	0.0	EAST TENNESSEE NA
8232033	A 1028	4112921002		102-4		G C PEMBERTON 5-A	PLEASANT RIDGE	3.7	EAST TENNESSEE NA
8231937	A-1039	4112920717		102-4		G C PEMBERTON-R PEMBERTON #2	PLEASANT RIDGE	11.0	EAST TENNESSEE NA
8231938	A-1038	4112930709		102-4		G C PEMBERTON-RALPH PEMBERTON #1	PLEASANT RIDGE	14.8	EAST TENNESSEE NA
8231934	A-1042	4112920976		102-4		G C PEMBERTON-RALPH PEMBERTON #3	PLEASANT RIDGE	10.0	EAST TENNESSEE NA
8231936	A-1040	4112920760		102-4		NORTHRUP-PEMBERTON #2	PLEASANT RIDGE	12.0	EAST TENNESSEE NA
8231940	A-1036	4112920659		102-4		PEMBERTON-NORTHRUP #1	PLEASANT RIDGE	11.0	EAST TENNESSEE NA
8231939	A-1037	4112920688		102-4		RALPH PEMBERTON #1	PLEASANT RIDGE	14.4	EAST TENNESSEE NA
8231933	A-1043	4112920658		102-4		RALPH PEMBERTON-G C PEMBERTON #1	PLEASANT RIDGE	13.0	EAST TENNESSEE NA
8231935	A-1041	4112920761		102-4		RALPH PEMBERTON-G C PEMBERTON #2	PLEASANT RIDGE	16.4	EAST TENNESSEE NA
-TARTAN OIL COMPANY				RECEIVED:		05/12/82 JA: TN			
8231992	A-1052	4112920199		102-4		CONWAY JOHNSON #2 (PERMIT #945)	UNNAMED	17.5	
8231993	A-969	4115120387		102-2		G C PEMBERTON #1 (PERMIT #1950)	GUM BRANCH	5.0	
8231999	A-975	4115120554		102-2		G C PEMBERTON #3 (PERMIT #3026)	GUM BRANCH	50.0	
8231998	A-974	4115120441		102-2		PEMBERTON-HICKS-FOX 1 (PER 2191)	GUM BRANCH	30.0	
8231997	A-973	4115120463		102-2		RAY SHOEMAKER ETAL 1 (PER #2371)	GUM BRANCH	30.0	
8231995	A-971	4115120456		102-2		RAY-PEMBERTON UNIT #2 (PER #2308)	GUM BRANCH	30.0	
8231996	A-972	4115120460		102-2		RAY-PEMBERTON UNIT #3 (PER #2341)	GUM BRANCH	10.0	
8231994	A-970	4115120443		102-2		RAY-PEMBERTON UNIT 1 (PER 2221)	GUM BRANCH	10.0	
8232080	A-1064	4112920487		108		ROBERT D PARTEN #1 (PERMIT #2396)	SUNBRIGHT	4.0	INTRASTATE ENERGY
-TENNESSEE EXPLORATION GAS & OIL				RECEIVED:		05/12/82 JA: TN			
8231944	A-787	4112920474		103		MCCARTT ETAL #3		0.0	
8231945	A-786	4112920469		103		MCCARTT ETAL UNIT #2		0.0	
-TENNESSEE LAND & EXPLORATION CO				RECEIVED:		05/12/82 JA: TN			
8232007	A 979	4112920941		102-2		GRIFFITH ET AL #1 PER #4330	UNNAMED	9.0	INTRASTATE ENERGY
8232006	A-980	4112920882		102-2		PLATEAU PROPERTIES #B-1 PER #4067	PILOT MOUNTAIN	18.0	
8232008	A-981	4115120843		102-2		TENNESSEE RAILWAY CO #2 PER #4616	WINONA	365.0	
-TEXILL ENERGY CORP				RECEIVED:		05/12/82 JA: TN			
8232080	A 1005	4112900000		103		CASSELL HULING #1	UNKNOWN	45.0	INTRASTATE ENERGY
-TOWNER PETROLEUM CO				RECEIVED:		05/12/82 JA: TN			
8231977	A-1012	4115120438		103		BILL RAY #2		7.0	
8231981	A-1016	4115120817		103		JEFFERS-JEFFERS #1	WILDCAT	3.0	
8231986	A-1008	4115120533		103		KANE #24		4.0	
8231979	A-1014	4113320105		103		MITCHELL #1	WILD CAT	13.0	
8231980	A-1015	4113320146		103		MITCHELL #5	WILD CAT	6.0	
8231975	A-1010	4115120631		103		PEMBERTON #22		0.0	
8231976	A-1011	4112920738		103		PEMBERTON F-19	BOONE CAMP	13.0	
8232079	A 985	4112920742		103		PEMBERTON F-23	BOONE CAMP EXPLORATIO	2.0	
8232078	A 986	4112920781		103		PEMBERTON F-26	BOONE CAMP EXPLORATIO	1.0	
8232077	A 987	4112920787		103		PEMBERTON F-29	BOONE CAMP EXPLORATIO	2.8	
8232076	A-988	4112920792		103		PEMBERTON F-31	BOONE CAMP EXPLORATIO	29.0	
8232075	A 989	4112920881		103		PEMBERTON F-35	BOONE CAMP EXPLORATIO	33.0	
8232073	A 991	4112920874		103		PEMBERTON F-36	BOONE CAMP EXPLORATIO	20.0	
8232074	A 990	4112924155		103		PEMBERTON F-42	BOONE CAMP EXPLORATIO	22.0	

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232072	A-992	4112924201		103		PEMBERTON F-45	BOONE CAMP EXPLORATIO	18.0	
8231974	A-1009	4112920662		103		PEMBERTON F-8	BOONE CAMP	39.0	
8231931	A-1019	4115120700		102-2		RUGBY LAND CO #5	RUGBY EAST EXPLORATIO	4.0	
8231984	A-1019	4115120700		103		RUGBY LAND CO #5		4.0	
8231948	A-1020	4115120709		102-2		RUGBY LAND CO #7		35.0	
8231982	A-1017	4115120709		103		RUGBY LAND CO #7		35.0	
8231930	A-1021	4115120708		102-2		RUGBY LAND CO #9	RUGBY EAST EXPLORATIO	35.0	
8231983	A-1018	4115120708		103		RUGBY LAND CO #9		35.0	
8231978	A-1013	4112920441		103		WENDELL-BYRD #1	WILD CAT	5.0	
-TRANS-TENNESSEE ENERGY CORP				RECEIVED:		05/12/82 JA: TN			
8231991	A-1078	4115173005		102-2		DONALD FROGGE #1		3.0	INTRASTATE ENERGY
-VOLUNTEER DRILLING CO INC				RECEIVED:		05/12/82 JA: TN			
8232054	A 900	4115120794		103		ONEIDA FARMS #2-A	ONEIDA SOUTH	365.0	INTRASTATE ENERGY
8232061	A-899	4115120845		103		SCOTT CO AIRPORT UNIT #1	ONEIDA SOUTH	365.0	INTRASTATE ENERGY
**********									
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY									
**********									
-ASHLAND EXPLORATION INC				RECEIVED:		05/12/82 JA: VA			
8232109		4502720446		103		CLINCHFIELD-LITZ #1 - 092821	VIRGINIA GAS FIELD	67.0	CONSOLIDATED GAS
-CITIES SERVICE COMPANY				RECEIVED:		05/12/82 JA: VA			
8232110		4502720424		107-DV		GEORGIA - PACIFIC "A" #1	BRADSHAW	25.0	
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:		05/12/82 JA: VA			
8232107		4502700433		107-DV		NEW ERA COAL CORP 820719	VIRGINIA FIELD AREA	30.8	
8232108		4502700433		102-2		NEW ERA COAL CORP 820719	VIRGINIA FIELD AREA	12.7	
-PHILADELPHIA OIL COMPANY				RECEIVED:		05/12/82 JA: VA			
8232106		4505120429		107-TF		SAMUEL E ROSE - #P-109	NORA	150.7	KENTUCKY WEST VIR

OTHER PURCHASERS VOLUME NO :660

8231881 LONE STAR GAS CO
8231904 LONE STAR GAS CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before June 23, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal seams
- 107-DV: Devonian shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15405 Filed 6-7-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL 2140-8]

Organic Chemicals Manufacturing and Plastics and Synthetics Point Source Categories; Intent to Transfer Confidential Information to a Contractor

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to transfer confidential information to a contractor.

SUMMARY: The Environmental Protection Agency (EPA) intends to transfer confidential information collected under Section 308 of the Clean Water Act to an EPA contractor. This information will assist the contractor in analyzing, revising, and reviewing the technical data base which supports effluent limitations and standards established under the Clean Water Act.

dates: Comments on the notice of transfer are due June 18, 1982.

FOR FURTHER INFORMATION CONTACT: Elwood H. Forsht, Organic Chemicals Branch, Effluent Guidelines Division (WH-552), Office of Water Regulations and Standards, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 426-2497.

SUPPLEMENTARY INFORMATION: The Clean Water Act of 1977 requires the Environmental Protection Agency to develop, revise, and review effluent limitations and standards for industrial point sources. The Office of Water Regulations and Standards is responsible for the plastics and synthetic fibers and organic chemicals industrial point source categories. EPA has awarded contracts to JRB Associates of McLean, Virginia (Contract Nos. 68-01-6347 and 68-01-6348) to provide statistical analyses and other contract support to the Office of Water Regulations and Standards.

One of the sources of information which EPA will use to assess effluent limitations and standards is the data collected from questionnaires sent to various industries under authority of Section 308 of the Clean Water Act. Many of the responses to these questionnaires contain fundamental information about plant size and location, wastewater composition, wastewater treatment systems, wastewater volume, production processes, and solid waste disposal practices. The specific survey responses which EPA will use in the course of its assessment relate to the 1976 (BPT) and 1977 (BAT) questionnaires including follow-up communications and submissions for the following Standard Industrial Classifications (SIC):

SIC code	Industry
2821	Plastic materials, snythetic resins and nonvulcanizable elastomers.
2823	Cellulosic man-made fibers.
2824	Synthetic organic fibers, except cellulosic.
2869	Industrial organic chemicals, NEC.
2865	Cyclic (coal tar) crudes and cyclic intermediates, dyes, and organic pigments (lakes and tones).

Many of these responses contain information which has been designated as confidential by the responding company.

The Agency has also used the authority of Section 308 to conduct numerous conventional, non-conventional and toxic pollutant parameter field sampling and analysis surveys of in-plant and end-of-pipe wastewater sources within these industries. Portions of this data also have been declared confidential by the sampled facilities.

EPA has determined that it is necessary to transfer this information to JRB Associates in order that they may carry out the work required by their contract. The contracts contain all confidentiality provisions required by EPA confidentiality regulation (40 CFR 2.302(h) (2-3)). In accordance with those regulations, sampled facilities and questionnaire respondents who have submitted confidential information have ten days from the date of this notice to comment on EPA's proposed transfer of this information to this contractor for the purposes outlined above (40 CFR 2.302(h)(2-3)).

Dated: May 28, 1982.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

[FR Doc. 82-15444 Filed 6-7-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Seminar on Implementing the 1990 Prevention Objectives; Open Meeting—Change in Date of Seminar

Notice of the open meeting of a seminar to review the 1990 objectives for the Nation and identify innovative ways the Centers for Disease Control can enhance its contribution to the accomplishment of the objectives for both urban and rural areas was published in the **Federal Register** (47 FR 23208) on Thursday, May 27, 1982.

The date of the meeting has been changed from June 17-18, 1982, *to September 23-24, 1982.* All other information concerning this seminar, as published on May 27, 1982, is unchanged.

Dated: June 1, 1982.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 82-15340 Filed 6-7-82; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 81N-0305]

Newport Pharmaceuticals International, Inc.; Isoprinosine; Revocation of Notice of Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is revoking a notice of hearing concerning a proposal to refuse to approve, and is refusing to approve, new drug application (NDA) 18-575 for Isoprinosine because the applicant, Newport Pharmaceuticals International, Inc., has withdrawn its request for a hearing.

FOR FURTHER INFORMATION CONTACT: Robert J. Rice, Jr., Regulations Policy Staff (HFC-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 23, 1982 (47 FR 7878), the Commissioner of Food and Drugs announced the granting of a hearing to Newport Pharmaceuticals International, Inc., concerning the proposal to refuse to approve NDA 18-575 for the preparation Isoprinosine for the treatment of subacute sclerosing panencephalitis. By letter of March 11, 1982, Newport Pharmaceuticals International, Inc., withdrew its previously submitted request for a hearing concerning this new drug application. Accordingly, the notice of hearing is revoked and, under 21 U.S.C. 355(c)(2), FDA is refusing to approve the NDA, but without prejudice to further consideration of the issues presented.

Dated: May 28, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82-15272 Filed 6-7-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82N-0150]

Antibiotic Drugs and Antibiotic Susceptibility Medical Devices; Interim Certification Procedures

Correction

On page 22224 in the issue for Friday, May 21, 1982, in the middle column, there is a correction with the heading as set forth above. The document corrected FR Doc. 82-12885 (see 47 FR 20186, May 11, 1982). Unfortunately, the correction contained an error. On page 22224 (May 21, 1982), in the third column, in the third line from the top of the column, the word "bathces" should have been "batches".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[N 82-1131]

Urban Development Action Grants; Revised Minimum Standards for Small Cities

AGENCY: Office of Assistant Secretary for Community Planning and Development (CDP), HUD.

ACTION: Notice.

SUMMARY: In accordance with 24 CFR 570.452(b)(1), the Department is providing Notice of the most current minimum standards of physical and economic distress for small cities for the Urban Development Action Grant program.

This notice revises the Notice published April 9, 1981 (46 FR 21312) because the five minimum standards of distress have now changed generally as a result of new data from the Bureau of the Census.

This Notice contains four lists: the first list identifies those cities which qualify as distressed communities based upon the new minimum standards; the second list identifies those cities which did not qualify when the April 1981 list was published but which do qualify now; the third list identifies those cities which were classified as distressed on the April 9, 1981 list, but which no longer qualify under the new minimum standards. The fourth list identifies those towns and townships which qualify as distressed communities based upon the new minimum standards.

EFFECTIVE DATE: This Notice replaces the April 9, 1981 Notice which listed the small cities which passed the previous minimum standards.

FOR FURTHER INFORMATION CONTACT: Frank Ridenour, Office of Action Grants, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, Telephone: 202/755-6784.

SUPPLEMENTARY INFORMATION: A Notice published by the Department on April 9, 1981 provided the minimum standards of physical and economic distress which were applicable up to the effective date of this Notice for small cities which met the standards published at that time.

Part I of this Notice now specifies the new minimum standards of physical and economic distress. Part II of this Notice contains a revised list of all the small cities which meet the new standards. Part III of this Notice lists those small cities which, based upon the new minimum standards, appear on the list in Part II but did not qualify when the April 1981 list was published. Part IV is a list of those cities which were classified as distressed on the April 1981 list but which no longer qualify under the new minimum standards. These cities listed in Part IV have a period of time, as specified in Part IV, during which they may submit Action Grant applications.

The new minimum standards are based on updated data from the Bureau of Census for small cities as of fiscal year 1982. The updated Census data are 1980 population, 1977 per capita income and 1970 poverty and housing counts (adjusted to reflect boundary changes as of the 1980 Census). The previous Census data were 1978 population, 1977 per capita income and 1970 poverty and housing counts (adjusted for boundary changes through 1979).

This Notice is published pursuant to 24 CFR 570.452(b)(1).

I. A small city must pass three minimum standards of physical and economic distress, except if the poverty is less than half the minimum standard, the city must pass four standards.

The most current minimum standards of physical and economic distress are:

A. *Age of Housing.* At least 33.98 percent of the applicant's year-round housing units must have been constructed prior to 1940, based on U.S. Census data, in order to meet this minimum standard;

B. *Per Capita Income.* The net increase in per capita income for the period 1969-1977 must have been $2,683 or less, based on U.S. Census data, in order to meet this minimum standard;

C. *Population Lag/Decline.* For the period 1970-1980 the percentage rate of population growth (based on corporate boundaries in 1978 and as of the 1980 Census) must have been 1.04 percent or less, based on U.S. Census data, in order to meet the minimum standard.

D. *Job/Lag/Decline.* The rate of growth in retail and manufacturing employment for the period 1972-1977 must have increased by 6.75 percent or less, based on U.S. Census data, in order to meet this minimum standard. If data are not available for both retail and manufacturing employment, the percentage used will be the median for either retail employment or manufacturing employment, based upon the median for those cities on which both sets of data are available. If neither data source is available, this standard will not be considered.

E. *Poverty.* The percentage of persons within the applicant's jurisdiction at or below the poverty level must be 10.87 percent or more, based on 1970 U.S.

Census data, in order to meet this minimum standard.

II. The following small cities meet the current minimum standards of physical and economic distress appropriate to their class

Alabama

Abbeville
Adamsville
Akron
Aliceville
Altoona
Andalusia
Anderson
Ariton
Ashford
Ashland
Ashville
Atmore
Attalla
Autaugaville
Avon
Baileyton
Banks
Bayou La Batre
Beatrice
Beaverton
Benton
Berry
Bessemer
Billingsley
Black
Blue Mountain
Blue Springs
Boligee
Branchville
Brantley
Brent
Brewton
Bridgeport
Brilliant
Brookside
Brundidge
Camp Hill
Carbon Hill
Carrollton
Carrville
Castleberry
Cedar Bluff
Centre
Centreville
Chatom
Clanton
Clayhatchee
Clayton
Clio
Coffeeville
Collinsville
Columbia
Cordova
Cottonwood
County line (Blount and Jefferson Counties)
Courtland
Cowarts
Cuba
Dadeville
Daleville
Dayton
Demopolis
Detroit
Dora
Douglas
Dozier
Dutton
Eclectic
Edwardsville
Elba
Eldridge
Epes
Ethelsville
Eufaula
Eutaw
Eva
Evergreen
Fairfield
Fairview
Faunsdale
Five Points
Flomaton
Florala
Forkland
Fort Deposit
Fort Payne
Franklin
Frisco City
Fruithurst
Fulton
Gainesville
Gantt
Garden City
Gaylesville
Geiger
Georgiana
Gilbertown
Glen Allen
Glenwood
Goldville
Goodwater
Gordo
Gordon
Graysville
Greensboro
Greenville
Grimes
Grove Hill
Guntersville
Guwin
Hackleburg
Haleburg
Haleyville
Hammondville
Harpersville
Hartford
Hayneville
Headland
Heflin
Hillsboro
Hobson City
Hodges
Hurtsboro
Kennedy
Kinston
Lafayette
Lanett
Langston
Leesburg
Leighton
Libertyville
Linden
Lineville
Lipscomb
Lisman
Livingston
Loachapoka
Lockhart
Louisville
Lowndesboro
Loxely
Luverne
Lynn
Madrid
Malvern
Maplesville
Margaret
Marion
Maytown
McKenzie
McMullen
Memphis
Mentone
Midland City
Midway
Millport
Millry
Monroeville
Mooresville
Mosses
Moundville
Mount Vernon
Mountainboro
Mulga
Myrtlewood
Napier Field
Nauvoo
New Brockton
New Site
Newbern
Newton
Newville
North Johns
Notasulga
Oak Hill
Oakman
Opp
Orrville
Owens Cross Roads
Ozark
Paint Rock
Parrish
Petrey
Phenix City
Phil Campbell
Pickensville
Piedmont
Pinckard
Pine Apple
Pine Hill
Powells Crossroads
Prichard
Red Bay
Red Level
Reform
Repton
Ridgeville
River Falls
Roanoke
Rockford
Roosevelt City
Rosa
Russellville
Rutledge
Samson
Sanford
Section
Selma
Sheffield
Shilo
Silas
Sipsey
Slocomb
Somerville
Steele
Stevenson
Sulligent
Sumiton
Summerdale
Sylacauga
Talladega
Talladega Springs
Tallassee
Tarrant City
Thomaston
Thomasville
Town Creek
Toxey
Trafford
Triana
Troy
Tuscumbia
Tuskegee
Union
Union Springs
Uniontown
Valley City
Valley Head
Vina
Vincent
Vredenburgh
Wadley
Waterloo
Waverly
Wedowee
West Blocton
Wetumpka
Whitehall
Whites Chapel
Wilmer
Wilton
Woodland
York

Alaska

Akhiok
Akiachak
Akiak
Akolmiut
Alakanuk
Aleknagik
Allakaket
Ambler
Anaktuvuk Pass
Angoon
Aniak
Anvik
Brevig Mission
Chefornak
Chevak
Chuathbaluk
Deering
Eek
Ekwok
Elim
Emmonak
Fort Yukon
Fortuna Ledge
Gambell
Golovin
Goodnews Bay
Grayling
Holy Cross
Hoonah
Hooper Bay
Hydaburg
Kake
Kaltag
Kiana
Kivalina
Klawock
Kobuk
Kotlik
Kwethluk
Lower Kalskag
Mekoryuk
Mountain Village
Napakiak
New Stuyahok
Newtok
Nightmute
Nikolai
Nome
Nondalton
Noorvik
Old Harbor
Ouzinkie
Pelican
Pilot Station
Platinum
Port Heiden
Quinhagak
Ruby
Savoonga
Scammon Bay
Selawik
Shageluk
Shaktoolik
Sheldon Point
Shishmaref
St. Mary's
St. Michael
Stebbins
Teller
Tenakee Springs
Togiak
Toksook Bay
Tuluksak
Tununak
Upper Kalskag
Wainwright
Wales
White Mountain

Arizona

Avondale
Bisbee
Clarkdale
Cottonwood
Douglas
Duncan
El Mirage
Eloy
Fredonia
Gila Bend
Globe
Guadalupe
Hayden
Jerome
Miami
Nogales
Patagonia
Pima
Prescott
South Tucson
Superior
Surprise
Thatcher
Tolleson
Tombstone
Wellton
Williams
Winslow

Arkansas

Adona
Alexander
Alicia
Allport
Alma
Alpena
Altheimer
Altus
Amagon
Amity
Antoine
Arkadelphia
Arkansas City
Ash Flat
Atkins
Aubrey
Augusta
Austin
Banks
Bassett
Bearden
Beaver
Beebe
Beedeville
Bellefonte
Belleville
Bergman
Bethel Heights
Big Flat
Biggers
Biscoe Town
Black Oak
Black Rock
Blevins
Blue Eye
Blue Mountain
Bluff
Blytheville
Bodcaw
Bonanza
Bono
Booneville
Bradford
Bradley
Branch
Brinkley
Buckner
Burdette
Caldwell
Cale
Calico Rock
Calion
Camden
Caraway
Carthage
Casa
Caulksville
Cave City
Cave Springs
Centerton
Central City
Charleston
Cherry Valley
Chester
Chidester
Clarendon
Clarksville
Clinton
Coal Hill
College City
Corning
Cotter
Cotton Plant
Cove
Coy
Crawfordsville
Cushman
Damascus
Dardanelle
Datto
De Queen
De Valls Bluff
De Witt
Decatur
Delight
Dell

Denning
Dermott
Des Arc
Dierks
Dover
Dumas
Dyer
Dyess
Earle
Edmondson
El Dorado
Elaine
Emerson
Emmet
England
Enola
Eudora
Eureka Springs
Evening Shade
Everton
Fifty Six
Fisher
Flippin
Fordyce
Foreman
Forrest City
Fouke
Fountain Hill
Fulton
Garfield
Garland
Garner
Gateway
Gentry
Gilbert
Gillett
Gilmore
Glenwood
Gould
Grady
Gravette
Green Forest
Greenland
Greenway
Griffithville
Guion
Gum Springs
Gurdon
Guy
Hackett
Hamburg
Hardy
Harrell
Harrisburg
Harrison
Hartford
Hartman
Hatfield
Havana
Haynes
Hazen
Heber Springs
Hector
Helena
Hermitage
Hickory Ridge
Higden
Higginson
Highfill
Holly Grove
Hope
Horatio
Hot Springs
Houston
Hoxie
Hughes
Humnoke
Humphrey
Hunter
Huntington
Huntsville
Huttig
Imboden
Jacksonport
Jasper
Jerome
Joiner
Junction City
Kensett
Keo
Kibler
Kingsland
Knobel
Lafe
Lake City
Lake View
Lake Village
Lakeview
Lamar
Leachville
Leola
Leslie
Letona
Lewisville
Lincoln
Little Flock
Lockesburg
London
Louann
Lowell
Luxora
Lynn
Madison
Magazine
Magness
Malvern
Mammoth Spring
Manila
Mansfield
Marianna
Marked Tree
Marshall
Marvell
Maynard
McCaskill
McDougal
McGehee
McNeil
McRae
Mena
Menifee
Midland
Mineral Springs
Mitchellville
Monette
Monticello
Montrose
Moro
Morrilton
Morrison Bluff
Mount Vernon
Mountain Pine
Mountainburg
Mountainview
Nashville
Newark
Nimmons
Norfolk
Norman
Oak Grove
Oden
Oil Trough
Okolona
Ola
Omaha
Osceola
Ozan
O'Kean
Palestine
Pangburn
Paragould
Paris
Parkdale
Parkin
Patmos
Patterson
Peach Orchard
Perla
Perry
Perryville
Piggott
Plainview
Pleasant Plains
Pollard
Portia
Portland
Pottsville
Powhatan
Prairie Grove
Prescott
Pyatt
Quitman
Ravenden
Reader
Rector
Reed
Reyno
Rison
Roe
Rondo
Rose Bud
Rosston
Russell
Salem
Scranton
Sedgwick
Sherrill
Shirley
Sidney
Siloam Springs
Smithville
South Lead Hill
Sparkman
St Charles
St Francis
St Paul
Stamps
Stephens
Strong
Stuttgart
Subiaco
Success
Sulphur Rock
Sulphur Springs
Sunset
Swifton
Tillar
Tinsman
Tontitown
Trumann
Tuckerman
Tupelo
Turrell
Valley Springs
Van Buren
Vandervoort
Victoria
Vilonia
Viola
Wabsaseka
Waldenburg
Waldo
Waldron
Ward
Warren
Washington
Watson
Weiner
Weldon
West Fork
West Helena
West Memphis
West Point
Wheatley
Whelen Springs
Wickes
Widener
Wiederkehr
Williford
Willisville
Wilmar
Wilmot
Wilson
Wilton
Winslow
Winthrop
Wooster
Yellville

California

Adelanto
Amador
Artesia
Avenal
Bell
Bell Gardens
Blythe
Calexico
Calipatria
Calistoga
Coachella
Colfax
Commerce
Dinuba
Dorris
Dunsmuir
Etna
Eureka
Exeter
Farmersville
Ferndale
Fort Bragg
Fowler
Gardena
Gonzales
Grass Valley
Gridley
Healdsburg
Huntington Park
Industry
Ione
Isleton
King City
La Puente
Lake Elsinore
Lawndale
Lindsay
Loyalton
Maricopa
Monrovia
Nevada City
Newman
Orange Cove
Oroville
Pacific Grove
Paramount
Parlier
Point Arena
Portola
Rio Dell
San Fernando
San Joaquin
Sand City
Santa Paula
Selma
Soledad
Susanville
Tehama
Tulelake
Weed
Westmorland
Wheatland
Woodlake

Colorado

Aguilar
Akron
Alamosa
Alma
Antonito
Arriba
Ault
Bennett
Black Hawk
Blanca
Boone
Branson
Brush
Campo
Canon City
Center
Central City
Cheyenne Wells
Coal Creek
Cokedale
Commerce City
Crawford
Creede
Cripple Creek
Crook
Crowley
De Beque
Deer Trail
Del Norte
Delta
Dolores
Durango
Eads
Eagle
Eaton
Eckley
Elizabeth
Erie
Fairplay
Flagler
Fleming
Florence
Fort Lupton
Fort Morgan
Fowler
Fraser
Fruita
Garden City
Genda
Granada
Grand Junction
Gunnison
Hartman
Haxtun
Hillrose
Holly
Holyoke
Hooper
Hotchkiss
Hugo
Ignacio
Jamestown
Julesburg
Kim
Kit Carson
La Jara
La Junta
La Veta
Lamar
Las Animas
Leadville
Limon
Lyons
Manassa
Mancos
Manitou Springs
Manzanola
Merino
Moffat
Monte Vista
Montrose
Naturita
New Castle
Norwood
Nucla
Nunn
Oak Creek
Olney Springs
Ordway
Otis
Ouray
Ovid
Pagosa Springs
Paoli
Paonia
Pierce
Pitkin
Pritchett
Prospect Heights
Ramah
Rico
Ridgway
Rockvale
Rocky Ford
Romeo
Rosedale
Rye
Saguache
Salida
San Luis
Sanford
Sedgwick
Seibert
Severance
Silver Plume
Silverton
Simla
Springfield
Starkville
Stratton
Sugar City
Trinidad
Victor
Vona
Walsenburg
Walsh
Wiggins
Williamsburg
Wray
Yuma

Connecticut

Ansonia
Bantam
Danielson
Derby
Jewett City
Middletown
Putnam
Stonington
Torrington
Willimantic

Delaware

Bethel
Bowers
Bridgeville
Cheswold
Dagsboro
Delaware City
Delmar
Ellendale

Felton
Frankford
Frederica
Georgetown
Greenwood
Harrington
Laurel
Leipsic
Lewes
Little Creek
Magnolia
Middletown
Milford
Milton
Newport
Ocean View
Seaford
Selbyville
Smyrna
Viola
Wyoming

Florida

Alachua
Alford
Altha
Apalachicola
Arcadia
Archer
Avon Park
Bell
Belle Glade
Blountstown
Bonifay
Bowling Green
Branford
Bronson
Bunnell
Bushnell
Campbellton
Carrabelle
Caryville
Cedar Key
Chattahoochee
Chiefland
Chipley
Cottondale
Crescent City
Crestview
Cross City
Dade City
Davenport
De Funiak Springs
De Land
Dunnellon
Eatonville
Esto
Everglades
Fellsmere
Florida City
Fort Meade
Fort Pierce
Fort White
Frostproof
Graceville
Grand Ridge
Green Cove Springs
Greensboro
Greenville
Greenwood
Gretna
Groveland
Haines City
Hampton
Havana
Hawthorne
High Springs
Horseshoe Beach
Iverness
Jasper
Jay
Jennings
Key West
La Crosse
Lake Butler
Lake City
Lake Helen
Lake Wales
Laurel Hill
Lawtey
Lee
Live Oak
Madison
Malone
Marianna
Mascotte
Mayo
McIntosh
Micanopy
Minneola
Monticello
Mulberry
Newberry
Noma
Lakland
Ocean Breeze Pork
Otter Creek
Oviedo
Pahokee
Palatka
Palm Shores
Penney farms
Perry
Pierson
Pomona Park
Ponce de Leon
Port St Joe
Quincy
Raiford
Reddick
Sanford
Sebring
Shalimar
Sneads
Sopchoppy
South Bay
South Flomaton
South Miami
St Augustine
St Cloud
St Leo
St Lucie
St Marks
Starke
Trenton
Umatilla
Vernon
Waldo
Wasau
Wauchula
Webster
Weeki Wachee Springs
Welaka
Westville
Wewahitchka
White Springs
Williston
Worthington Springs
Zolfo Springs

Georgia

Abbeville
Adairsville
Adel
Adrian
Ailey
Alamo
Alapaha
Aldora
Alma
Alston
Ambrose
Americus
Andersonville
Arabi
Aragon
Arcade
Argyle
Arlington
Arnoldsville
Ashburn
Attapulgus
Auburn
Avalon
Avera
Bainbridge
Ball ground
Barnesville
Bartow
Barwick
Baxley
Bellville
Berlin
Bethlehem
Bibb City
Bishop
Blairsville
Blakely
Blue Ridge
Bluffton
Blythe
Bogart
Boston
Bostwick
Bowdon
Bowman
Braselton
Bronwood
Brooks
Broxton
Brunswick
Buckhead
Buena Vista
Buford
Butler
Byromville
Caldwell
Cairo
Calhoun
Camak
Camilla
Canon
Canton
Carlton
Carnesville
Carrollton
Cartersville
Cave Spring
Cedartown
Chatsworth
Chauncey
Chester
Chickamauga
Claxton
Clayton
Clermont
Cleveland
Cobbtown
Cochran
Cohutta
Colbert
Coleman
Collins
Colquitt
Comer
Commerce
Concord
Coolidge
Cordele
Corinth
Covington
Crawford
Crawfordville
Culloden
Cusseta
Cuthbert
Daisy
Dallas
Damascus
Danielsville
Danville
Darien
Davisboro
Dawson
De Soto
Decatur
Demorest
Denton
Dexter
Dillard
Doerun
Donalsonville
Douglas
Du Pont
Dublin
East Ellijay
Eastmen
Eatonton
Edge Hill
Edison
Elberton
Ellaville
Ellenton
Enigma
Ephesus
Fitzgerald
Flemington
Flovilla
Flowery Branch
Folkston
Forsyth
Fort Gaines
Fort Valley
Franklin
Funston
Gainesville
Garden City
Gay
Geneva
Georgetown
Gibson
Gillsville
Girard
Glennville
Glenwood
Good Hope
Gordon
Grantville
Gray
Greensboro
Greenville
Griffin
Guyton
Hagan
Hahira
Hampton
Hapeville
Haralson
Harlem
Harrison
Hartwell
Hawkinsville
Helena
Hiawassee
Higgston
Hoboken
Hogansville
Homer
Homerville
Hoschton
Ideal
Ila
Irwinton
Jackson
Jacksonville
Jakin
Jefferson
Jeffersonville
Jersey
Jesup
Junction City
Kington
Kite
La Fayette
La Grange
Lake Park
Lakeland
Lavonia
Leary
Leesburg
Lenox
Leslie
Lexington
Lilly
Lincolnton
Linwood
Lithonia
Locust Grove
Loganville
Lone Oak
Louisville
Lovejoy
Ludowici
Lumber City
Lumpkin
Luthersville
Lyons
Madison
Manassas
Manchester
Mansfield
Marshallville
Martin
Maxeys
Maysville
McCaysville
McDonough
McIntyre
Meansville
Meigs
Menlo
Metter
Midville
Milan
Milledgeville
Millen
Milner
Mitchell
Molena
Monroe
Montezuma
Monticello
Montrose
Moreland
Morgan
Morganton
Morven
Moultrie
Mount Airy
Mount Vernon
Mount Zion
Mountain City
Nahunta
Naylor
Nelson
Newborn
Newington
Newnam
Newton
Nicholls
Nicholson
Norman Park
Norword
Nunez
Oak Park
Ochlocknee
Ocilla
Odum
Oglethorpe
Oliver
Omaha
Omega
Orchard Hill
Parrott
Patterson
Pavo
Payne
Pearson
Pelham
Pembroke
Pendergrass
Pine Mountain
Pinehurst
Pineview
Pitts
Plains
Portal
Porterdale
Poulan
Pulaski
Quitman
Ranger
Ray City
Rayle
Rebecca
Reidsville
Remerton
Rentz
Reynolds
Rhine
Riceboro
Richland
Riddleville
Ringgold
Roberta
Rochelle
Rockmart
Rocky Ford
Rome
Roopville
Rossville
Royston
Sale City
Sandersville
Sardis
Sasser
Scotland
Screven
Senoia
Shady Dale
Sharon
Sharpsburg
Shellman
Shiloh
Siloam
Smithville
Social Circle
Soperton
Sparks
Sparta
Stpleton
Statesboro
Stillmore
Summertown
Summerville
Sumner
Surrency
Swainsboro
Sycamore
Sylvania
Sylvester
Talbotton
Talking Rock
Tallapoosa
Tallulah Falls
Tarrytown
Taylorsville

Tennille
The Rock
Thomaston
Thomasville
Thomson
Thunderbolt
Tiger
Tignall
Toomsboro
Trenton
Trion
Tunnel Hill
Turin
Twin City
Ty Ty
Unadilla
Union Point
Uvalda
Valdosta
Van Wert
Varnell
Vidalia
Vienna
Villa Rica
Wadley
Waleska
Walthourville
Warm Springs
Warrenton
Warwick
Washington
Watkinsville
Waverly Hall
Waycross
Waynesboro
West Point
Whigham
White
White Plains
Willacoochee
Williamson
Winder
Woodbine
Woodbury
Woodland
Woodville
Wrens
Wrightsville
Yatesville
Young Harris
Zebulon

Idaho

Aberdeen
Acequia
Arimo
Ashton
Basalt
Blackfoot
Bloomington
Bonners Ferry
Buhl
Burley
Cambridge
Castleford
Challis
Clark Fork
Cottonwood
Council
Culdesac
Dayton
Deitrich
Driggs
Emmett
Ferdinand
Filer
Franklin
Georgetown
Glenns Ferry
Gooding
Grand View
Hagerman
Hamer
Harrison
Hazelton
Idaho City
Juliaetta
Kellogg
Kendrick
Kimberly
Kooskia
Kootenai
Lava Hot Springs
Mackay
Malad City
Malta
McCammon
Menan
Middleton
Midvale
Minidoka
Moscow
Mullan
Murtaugh
Nampa
New Meadows
New Plymouth
Notus
Oxford
Paris
Parker
Parma
Paul
Payette
Peck
Ponderay
Priest River
Richfield
Riggins
Ririe
Roberts
Rockland
Rupert
Salmon
Sandpoint
Shoshone
Smelterville
Spirit Lake
St Charles
State Line
Stites
Swan Valley
Teton
Tetonia
Weiser
Weston
White Bird
Wilder
Winchester
Worley

Illinois

Addieville
Adeline
Albion
Allenville
Alma
Alorton
Altamont
Alto Pass
Alton
Amboy
Anchor
Anna
Apple River
Arenzville
Arlington
Aroma Park
Arthur
Ashley
Ashmore
Assumption
Astoria
Athens
Atkinson
Augusta
Ava
Banner
Barry
Basco
Batchtown
Baylis
Beardstown
Beaverville
Beckemeyer
Beecher City
Belgium
Belknap
Belle Rive
Bellmont
Benlo
Bently
Benton
Biggsville
Bingham
Birds
Bishop Hill
Bluffs
Bone Gap
Bowen
Bradford
Bridgeport
Brocton
Brooklyn
Brookport
Broughton
Browing
Browns
Brussels
Bryant
Buckley
Buckner
Buda
Buncombe
Bureau Junction
Brunt Paririe
Bush
Butler
Cabery
Cairo
Camden
Campbell Hill
Canton
Cantrall
Carbondale
Carlinville
Carriers Mills
Carrollton
Carterville
Carthage
Casey
Cave-In-Rock
Central City
Centralia
Centreville
Chandlerville
Chapin
Charleston
Cebanse
Cherry
Chesterfield
Chicago Heights
Christopher
Cissna Park
Claremont
Clay City
Clayton
Coal City
Coalton
Cobden
Colchester
Colp
Columbus
Compton
Coulterville
Cowden
Crainville
Creal Springs
Creston
Cullom
Cutler
Cypress
Dahlgren
Dallas City
Danville
De Kalb
De Land
De Witt
Depue
Detroit
Divernon
Dixon
Dongola
Donovan
Du Bois
Du Quoin
Dunfermline
Earlville
East Cape Girardeau
East Chicago Heights
East Dubuque
East Gillespie
Edgewood
Eldorado
Eldred
Elizabeth
Elk Hart City
Elkaville
Ellis Grove
Ellisville
Ellsworth
Elvaston
Emden
Enfield
Equality
Erie
Evansville
Exeter
Fairfield
Fairmont City
Farina
Farmersville
Ferris
Fidelity
Fieldon
Fillmore
Findlay
Fithian
Flanagan
Flat Rock
Flora
Florence
Foosland
Forest City
Franklin Grove
Freeman Spur
Freeport
Fults
Galatia
Galena
Garrett
Gays
Georgetown
Gillesie
Gladstone
Golconda
Golden
Golden Gate
Good Hope
Goreville
Gorham
Grafton
Grand Tower
Granite City
Grantfork
Grayville
Greenfield
Greenup
Greeenview
Greenville
Griggsville
Hamburg
Hamletsburg
Hammond
Hanaford
Hanover
Hardin
Harrisburg
Hartford
Harvel
Harvey
Havana
Herrick
Herrin
Hettick
Hidalgo
Hillsboro
Hillview
Hindsboro
Hollowayville
Hoopeston
Hopedale
Hull
Hume
Hurst
Hutsonville
Illiopolis
Ina
Indianola
Industry
Iola
Ipava
Iroquois
Irving
Iuka
Ivesdale
Jacksonville
Jeiseyville
Jerseyville
Jewett
Johnsonville
Johnston City
Jonesboro
Joppa
Joy
Junction
Junction City
Kampsville
Kane
Kangley
Kansas
Karnak
Kaskaskia
Keenes
Keithsburg
Kempton
Kenney
Kewanee
Keyesport
Kilbourne
Kincaid
Kinderhook
Kinmundy
Kinsman
Kirkwood
La Fayette
La Harpe
La Prairie
La Salle
Lakemoor
Lanark
Lawrenceville
Leaf River
Lebanon
Lensburg
Lewistown
Lima
Lincoln
Lisbon
Litchfield
Little York
Livingston
Lockport
Lomax
London Mills
Longview
Loraine
Lostant
Louisville
Lyndon
Macedonia
Macomb
Madison
Maeystown
Magnolia
Malta
Manchester
Marietta
Marshall
Martinsville
Martinton
Mascoutah
Mason City
Mattoon
Maunie
Maywood
McCook
Medora
Mendon
Metcalf
Metropolis
Middletown
Milford
Mill Creek
Mill Shoals
Milledgeville
Milton
Monmouth
Morrisonville
Mound
Mound City
Mound Station
Mount Auburn
Mount Carroll
Mount Clare
Mount Erie
Mount Pulaski
Mount Sterling
Mount Vernon
Muddy
Mulberry Grove
Muncie
Murphysboro
Naplate
Naples
National City
Nebo
Neoga
Neponset
New Athens
New Baden
New Bedford
New Berlin
New Boston
New Burnside
New Canton
New Douglas
New Grand Chain

New Haven
New Minden
New Salem
Newman
Newton
Nilwood
Noble
Nokomis
Nora
Norris
Norris City
North City
North Henderson
Oakford
Oakland
Oblong
Odell
Odin
Ogden
Oglesby
Ohlman
Old Mill Creek
Old Ripley
Old Shawneetown
Olmstead
Olney
Omaha
Onarga
Oquawka
Oregon
Orient
Palestine
Palmyra
Pana
Papineau
Paris
Parkersburg
Patoka
Paxton
Pearl
Pearl City
Pecatonica
Perry
Peru
Petersburg
Phoenix
Pierron
Pinckneyville
Pingree Grove
Pittsburg
Pittsfield
Plainville
Pleasant Hill
Plymouth
Pocahontas
Pontoosuc
Potomac
Prairie Du Rocher
Pulaski
Quincy
Radom
Raleigh
Ramsey
Rankin
Raritan
Raymond
Redmon
Richmond
Richview
Ridge Farm
Ridott
Ripley
Robbins
Rock Falls
Rockdale
Rockwood
Roodhouse
Rose Hill
Roseville
Rosiclare
Rossville
Royal Lakes
Royalton
Rusahville
Russellville
Sailor Srpings
Salem
Sandoval
Saunemin
Savanna
Scales Mound
Schram City
Sciota
Scottville
Sesser
Shawneetown
Shelbyville
Sheldon
Sheridan
Shumway
Sidell
Simpson
Sims
Smithfield
Sorento
South Beloit
Sparland
Spillertown
Spring Bay
Springerton
St. David
St. Elmo
St. Francisville
St. Jacob
St. Johns
St. Peter
Standard City
Staunton
Ste. Marie
Sterling
Stewardson
Stockton
Stonefort
Stonington
Strasburg
Streator
Sublette
Summerfield
Summit
Sumner
Symerton
Table Grove
Tamaroa
Tamms
Taylor Ssprings
Taylorville
Tennessee
Thawville
Thebes
Thompsonville
Thomson
Tilden
Tilton
Toledo
Tonica
Tovey
Tower Hill
Ullin
Union Hill
Urbain
Valier
Valley City
Vandalia
Venedy
Venice
Vergennes
Vermilion
Vermont
Vernon
Versailles
Victoria
Vienna
Viola
Virginia
Walnut Hill
Walshville
Waltonville
Wamac
Washburn
Washington Park
Waterman
Waverly
Wayne City
Weldon
Wellington
West City
West Frankfort
West Point
Westfield
Westville
Wheeler
White City
White Hall
Williamson
Willisville
Willow Hill
Wilsonville
Winchester
Windsor
Winslow
Witt
Wood River
Woodhull
Woodland
Woodlawn
Worden
Xenia
Yale
Zeigler

Indiana

Advance
Akron
Alamo
Alton
Altona
Ambia
Amboy
Argos
Attica
Aurora
Austin
Bainbridge
Battle Ground
Bedford
Bethany
Bicknell
Bloomfield
Bloomingdale
Blountsville
Boonville
Boswell
Brazil
Brook
Brooksburg
Brookville
Bunker Hill
Burnettsville
Burns Harbor
Cadiz
Cambridge City
Campbellsburg
Cannelburg
Carbon
Carlisle
Carthage
Cayuga
Cedar Grove
Centerville
Charlestown
Chrisney
Clay City
Claypool
Clayton
Clinton
Connersville
Corydon
Crandall
Crawfordsville
Cromwell
Culver
Dana
Dayton
Decker
Dillsboro
Dublin
Dugger
Dunkirk
Dunreith
Dupont
Earl Park
East Germantown
Eaton
Economy
Edinburg
Edwardsport
Elberfeld
Elizabeth
Elnora
Elwood
English
Fairmount
Farmersburg
Farmland
Ffort Branch
Fountain City
Francisco
Franklin
Fredericksburg
Fremont
French Lick
Glenwood
Gosport
Grandview
Greencastle
Greensboro
Greensburg
Greensfork
Griffin
Hagerstown
Hamlet
Harmony
Hartford City
Hartsville
Hazleton
Holton
Hudson
Huntington
Hymera
Ingalls
Jamestown
Jasonville
Jonesboro
Kempton
Kewanna
Kingman
Kingsbury
Knightstown
Knightsville
Knox
La Paz
Laconia
Lagro
Lakeville
Lanesville
Larwill
Laurel
Lawrenceburg
Leavenworth
Leesburg
Liberty
Linton
Little York
Livonia
Logansport
Lynn
Lyons
Mackey
Macy
Madison
Marengo
Marion
Markleville
Marshall
Mauckport
Mecca
Medaryville
Medora
Mellott
Mentone
Michigan City
Milford
Millhousen
Mitchell
Monon
Monroe City
Monterey
Montezuma
Montgomery
Montpelier
Mooreland
Moores Hill
Mooresville
Morgantown
Mount Ayr
Mount Carmel
Mount Summit
Mount Vernon
New Albany
New Amsterdam
New Castle
New Harmony
New Middletown
New Pekin
New Providence
Newberry
Newpoint
Newport
Newtown
North Grove
North Judson
North Salem
North Webster
Oakland City
Oaktown
Oldenburg
Orland
Osgood
Owensville
Oxford
Palmyra
Paoli
Patoka
Patriot
Pennville
Perrysville
Peru
Petersburg
Pierceton
Pine Village
Plainville
Plymouth
Poneto
Portland
Poseyville
Princeton
Redkey
Reynolds
Richmond
Ridgeville
Rising Sun
Roachdale
Rochester
Rockport
Rockville
Rome City
Rosedale
Royal Center
Rushville
Russellville
Salem
Saltillo
Sandborn
Shamrock Lakes
Shelburn
Shelbyville
Shirley
Shoals
Sidney
Silver Lake
Somerville
Spencer
Spurgeon
St. Joe
St. Paul
Staunton
Stilesville
Stinesville
Straughn
Sullivan
Sulphur Springs
Sunman
Tell City
Tennyson
Thorntown
Tipton
Trafalgar
Troy
Union City
Universal
Utica
Veedersburg
Vera Cruz
Vernon
Vevay
Vincennes
Wabash
Wallace
Washington
Waveland
West Baden
West College Corner
West Harrison
West Lebanon
West Terre Haute
Westport
Wheatland
Williamsport
Winamac
Windfall City
Wingate
Winona Lake
Winslow
Wolcottville
Worthington

Iowa

Ackworth
Adair
Afton
Akron
Albia
Albion
Alexander
Algona
Allerton
Alta
Alta Vista
Alton

Alvord
Andover
Anita
Anthon
Aplington
Archer
Aredale
Arion
Arlspe
Arlington
Armstrong
Arnolds Park
Arthur
Ashton
Aspinwall
Athelstan
Auburn
Audubon
Aurora
Avoca
Bagley
Bancroft
Barnes City
Bassett
Batavia
Battle Creek
Beacon
Beaconsfield
Beaman
Beaver
Bedford
Belle Plaine
Bennett
Benton
Bertram
Bevington
Birmingham
Blairsburg
Blakesburg
Blanchard
Blockton
Bloomfield
Bonaparte
Bouton
Braddyville
Brandon
Brayton
Breda
Bridgewater
Brighton
Bristow
Bronson
Buffalo
Burlington
Bussey
Calmar
Calumet
Cantril
Carbon
Carpenter
Carson
Cascade
Casey
Castalia
Castana
Center Junction
Centerville
Chariton
Charles City
Charlotte
Charter Oak
Chatsworth
Chelsea
Cherokee
Chester
Churdan
Cincinnati
Clare
Clarinda
Clarion
Clarksville
Clayton
Clearfield
Clemons
Clermont
Clinton
Clio
Clutier
Coggon
Colesburg
Colfax
Collins
Conway
Coon Rapids
Coppock
Corning
Correctionville
Corydon
Coulter
Crawfordsville
Cresco
Creston
Cromwell
Cumberland
Curlew
Cushing
Dallas
Dana
Danbury
Davis City
Dawson
Decatur City
Ddham
Deep River
Defiance
Delaware
Delhi
Delmar
Deloit
Delta
Derby
Dexter
Diagonal
Dolliver
Doon
Dougherty
Dow City
Dows
Dumont
Dundee
Dunkerton
Dunlap
Eagle Grove
Earling
Early
East Peru
Eddyville
Edgewood
Elberon
Eldon
Eldora
Elgin
Elk Horn
Elkader
Elkport
Ellston
Emerson
Essex
Estherville
Exira
Exline
Fairfield
Farley
Farmersburg
Farmington
Fayette
Fertile
Floris
Floyd
Fonda
Fort Dodge
Fremont
Galt
Garber
Garden Grove
Garnavillo
Garrison
Garwin
Gibson
Gilmore City
Glidden
Goose Lake
Gowrie
Graettinger
Grafton
Grand Junction
Grand Mound
Grand River
Grant
Granville
Gravity
Gray
Greeley
Green Island
Greenfield
Greenville
Griswold
Guernsey
Guthrie Center
Guttenberg
Hamburg
Hamilton
Hancock
Hansell
Harcourt
Hardy
Harper
Harpers Ferry
Hartley
Hartwick
Harvey
Hastings
Hawarden
Hawkeye
Hazleton
Hedrick
Henderson
Hepburn
Hillsboro
Holland
Holy Cross
Hopkinton
Hornick
Hospers
Hubbard
Humboldt
Humeston
Hurstville
Ilmogene
Ionia
Iowa Falls
Ireton
Irwin
Jackson Junction
Jamaica
Jewell Junction
Jolley
Kamrar
Kanawha
Kellerton
Kensett
Kent
Keokuk
Keosauqua
Keota
Keswick
Kimballton
Kingsley
Kinross
Kirkman
Kirkville
Knierim
Lacona
Ladora
Lake City
Lake View
Lakota
Lanesboro
Lansing
Larrabee
Latimer
Laurens
Lawler
Le Roy
Ledyard
Lhigh
Leighton
Lenox
Leon
Lester
Lewis
Libertyville
Lidderdale
Lime Springs
Linden
Lineville
Linn Grove
Liscomb
Little Rock
Little Sioux
Littleport
Livermore
Lockridge
Logan
Lohrville
Lorimor
Lovilia
Lowden
Lu Verne
Luana
Lucas
Luther
Lynnville
Lytton
Macedonia
Macksburg
Magnolia
Malcom
Mallard
Maloy
Malvern
Manchester
Manilla
Manly
Manning
Manson
Mapleton
Marathon
Marble Rock
Marcus
Marengo
Marne
Martinsburg
Marysville
Mason
Massena
Matlock
Maynard
McGregor
McIntire
Melcher
Melvin
Meriden
Merrill
Meservey
Miles
Milford
Millersburg
Millerton
Millville
Milton
Minburn
Minden
Mingo
Missouri Valley
Mitchell
Moneta
Monmouth
Monticello
Montour
Moorhead
Moorland
Moravia
Morley
Moulton
Mount Auburn
Mount Ayr
Mount Sterling
Murray
Mystic
Nashua
New Albin
New Hampton
New Hartford
New Vienna
Newell
Newton
Nichols
Nodaway
Nora Springs
North Buena Vista
North English
Northboro
Oakland
Oakville
Odebolt
Oelwein
Ogden
Olds
Olin
Ollie
Onawa
Oneida
Onslow
Orchard
Osage
Osceola
Oskaloosa
Osterdock
Oto
Ottosen
Ottumwa
Owasa
Oxford
Oxford Junction
Packwood
Palmer
Panora
Parkersburg
Paton
Patterson
Paullina
Peterson
Pierson
Pisgah
Plano
Pleasanton
Pleasantville
Plover
Plymouth
Pocahontas
Pomeroy
Popejoy
Portsmouth
Postville
Prescott
Preston
Primghar
Promise City
Protivin
Pulaski
Quasqueton
Radcliffe
Rake
Ralston
Randalia
Randall
Randolph
Rathbun
Red Oak
Redding
Redfield
Remsen
Renwick
Riceville
Richland
Rickardsville
Ricketts
Ridgeway
Rippey
Riverton
Rock Valley
Rockwell
Rockwell City
Rodman
Roland
Rolfe
Rome
Rose Hill
Rossie
Rowan
Royal
Russell
Ruthven
Rutland
Sabula
Sac
Salix
Sanborn
Sandyville
Schaller
Schleswig
Scranton
Seymour
Shambaugh
Shannon City
Sharpsburg
Sheffield
Shelby
Shenandoah
Sherrill
Sibley
Sigourney
Silver City
Sioux Rapids
Smithland
Soldier
South English
Spillville
Spring Hill
Springbrook
St. Anthony
St. Charles
St. Lucas
St. Marys
St. Olaf
Stacyville
Stanley
Stanton
Steamboat Rock
Stockport
Stratford
Stuart
Sully
Sumner
Superior
Swaledale
Swea City
Tabor
Tama
Templeton
Terril
Thayer
Thor
Thornton
Thurman
Tingley
Titonka
Toledo
Toronto
Truesdale
Truro
Turin
Udell
Union
Unionville
University Park
Ute
Vail
Van Horne
Van Wert
Varina
Villisca
Vinton
Volga
Wadena
Walker
Wall Lake
Wallingford
Walnut

Wapello
Waterville
Waucoma
Webb
Webster City
Weldon
Welton
West Bend
Westgate
Westside
What Cheer
Whittemore
Whitten
Willey
Williams
Williamson
Winfield
Winterset
Woodbine
Woodburn
Woolstock
Worthington
Wyoming
Yale
Yetter
Yorktown
Zearing
Zwingle

Kansas

Abilene
Admire
Agenda
Agra
Alden
Alexander
Alma
Almena
Alta Vista
Altamont
Alton
Altoona
Anthony
Arcadia
Arkansas City
Arlington
Arma
Ashland
Atchison
Athol
Atlanta
Attica
Axtell
Barnes
Baxter Springs
Bazine
Beattie
Belle Plaine
Belleville
Belpre
Belvue
Benedict
Benton
Bern
Beverly
Bird City
Bison
Blue Mound
Blue Rapids
Bluff City
Bogue
Bronson
Brownell
Buffalo
Bunker Hill
Burden
Burdett
Burlingame
Burlington
Burns
Burr Oak
Burrton
Bushton
Caldwell
Cambridge
Caney
Canton
Cassoday
Cawker City
Cedar
Cedar Vale
Centralia
Chanute
Chapman
Chase
Chautauqua
Cherokee
Cherryvale
Chetopa
Cimarron
Circleville
Claflin
Clay Center
Clayton
Clifton
Climax
Clyde
Coats
Coffeyville
Coldwater
Collyer
Colony
Columbus
Concordia
Conway Springs
Coolidge
Corning
Cottonwood Falls
Council Grove
Courtland
Coyville
Cuba
Cullison
Cunningham
Damar
Danville
Deerfield
Delia
Delphos
Denison
Dexter
Douglass
Downs
Dresden
Dunlap
Durham
Dwight
Earlton
Edmond
Edna
Effingham
El Dorado
Elgin
Elk City
Elk Falls
Ellis
Ellsworth
Elsmore
Elwood
Emmett
Englewood
Ensign
Enterprise
Erie
Esbon
Eskridge
Eureka
Fairview
Fall River
Florence
Fontana
Formoso
Fort Scott
Fowler
Frankfort
Fredonia
Frontenac
Fulton
Galatia
Galena
Garden Plain
Garfield
Garnett
Gas
Gaylord
Gem
Geneseo
Girard
Glade
Glasco
Glen Elder
Goessel
Goff
Gove City
Grainfield
Greeley
Green
Greenleaf
Greensburg
Grenola
Grinnell
Gypsum
Haddam
Hamlin
Hanover
Hanston
Hardtner
Harris
Hartford
Harveyville
Havana
Havensville
Hepler
Herington
Herndon
Hiawatha
Highland
Hillsboro
Hollenberg
Holton
Holyrood
Hope
Horton
Howard
Hunnewell
Hunter
Huron
Hutchinson
Independence
Iola
Jamestown
Jennings
Jetmore
Jewell
Johnson City
Junction City
Kanopolis
Kanorado
Kensington
Kincaid
Kingman
Kiowa
Kirwin
La Cygne
La Harpe
Labette
Lancaster
Lane
Langdon
Latham
Le Roy
Leavenworth
Lebanon
Lebo
Lecompton
Lenora
Leon
Leonardville
Leoti
Liberty
Liebenthal
Lincoln Center
Lindsborg
Linwood
Little River
Logan
Lone Elm
Long Island
Longton
Lost Springs
Louisville
Lucas
Luray
Madison
Mahaska
Manhattan
Manter
Mapleton
Marion
Marquette
Matfield Green
Mayetta
McCracken
McCune
McDonald
McFarland
Meade
Menlo
Milan
Miltonvale
Moline
Moran
Morland
Morrill
Morrowville
Mound Valley
Mount Hope
Mulberry
Mullinville
Munden
Narka
Nashville
Natoma
Neodesha
Neosho Falls
Neosho Rapids
Ness City
Netawaka
New Albany
New Cambria
Norton
Nortonville
Oakley
Offerle
Ogden
Oketo
Olivet
Olmitz
Olsburg
Onaga
Oneida
Osage
Osawatomie
Oskaloosa
Oswego
Ottawa
Overbrook
Oxford
Palco
Palmer
Paradise
Park
Parker
Parsons
Partridge
Paxico
Peru
Phillipsburg
Pittsburg
Plainville
Pleasanton
Plevna
Pomona
Portis
Potwin
Powhattan
Prairie View
Prescott
Preston
Pretty Prairie
Quenemo
Quinter
Ramona
Randall
Ransom
Rantoul
Raymond
Reading
Redfield
Republic
Reserve
Rexford
Riley
Rolla
Rozel
Rush Center
Russell Springs
Sabetha
Satanta
Savonburg
Scammon
Scandia
Schoenchen
Scranton
Sedan
Selden
Seneca
Severy
Seward
Sharon Springs
Simpson
Smith Center
Smolan
Soldier
Solomon
Spearville
Speed
St. Francis
St. George
St. Marys
St. Paul
Stark
Sterling
Stockton
Strong City
Summerfield
Sun City
Susank
Sylvan Grove
Sylvia
Syracuse
Tampa
Tescott
Thayer
Timken
Tipton
Toronto
Treece
Tribune
Troy
Tyro
Uniontown
Utica
Vermillion
Victoria
Viola
Virgil
Wakeeney
Walnut
Washiangton
Waterville
Waverly
Webber
Weir
West Mineral
Westphalia
Wetmore
Wheaton
White City
White Cloud
Whiting
Williamsburg
Willis
Wilmore
Wilson
Winfield
Winona
Woodbine
Woodston
Yates Center
Zurich

Kentucky

Adairville
Albany
Allen
Allensville
Arlington
Auburn
Augusta
Barbourville
Bardwell
Beattyville
Bedford
Bellevue
Benham
Berry
Blaine
Bloomfield
Bonnieville
Booneville
Bowling Green
Bradfordsville
Bremen
Brodhead
Bromley
Brooksville
Brownsville
Burgin
Burkesville
Burnside
Butler
Cadiz
California
Campbellsburg
Campton
Caneyville
Carlisle
Carrsville
Caseyville
Catlettsburg
Cave City
Centertown
Central
Clarkson
Clay
Clinton
Colverport
Columbia

Columbus
Concord
Corinth
Corydon
Crab Orchard
Crofton
Cumberland
Cynthiana
Dawson Springs
Dayton
Dixon
Dover
Drakesboro
Dycusburg
Earlington
Eddyville
Ekron
Elkhorn City
Elkton
Eminence
Evarts
Ewing
Fairfield
Fairview
Falmouth
Flemingsburg
Fleming-Neon
Fordsville
Fountain Run
Franklin
Frenchburg
Fulton
Georgetown
Germantown
Ghent
Glasgow
Glencoe
Grayson
Guthrie
Hanson
Hardin
Hardinsburg
Harlan
Harrodsburg
Hawesville
Hazard
Hazel
Hickman
Hodgenville
Hollyvilla
Horse Cave
Hustonville
Hyden
Inez
Irvine
Irvington
Island
Jackson
Jamestown
Jenkins
Junction City
Kenton Vale
La Center
La Fayette
Lancaster
Latonia Lakes
Lebanon
Lebanon Junction
Leitchfield
Lewisburg
Livermore
Livingston
Lockport
London
Loretto
Louisa
Loyall
Ludlow
Mackville
Marion
Martin
Mayfield
Maysville
McHenry
Mentor
Middlesborough
Midway
Millersburg
Milton
Monterey
Monticello
Morehead
Morganfield
Mortons Gap
Mount Olivet
Mount Sterling
Mount Vernon
Muldraugh
Munfordville
Murray
Nebo
New Castle
New Haven
Newport
Owenton
Owingsville
Paducah
Paintsville
Paris
Pembroke
Perryville
Pikeville
Pineville
Pleasureville
Powderly
Prestonville
Princeton
Providence
Ravenna
Richmond
Rochester
Rockport
Russell Springs
Russellville
Sacramento
Sadieville
Salt Lick
Salyersville
Sanders
Sandy Hook
Science Hill
Scottsville
Sebree
Sharpsburg
Shelbyville
Silver Grove
Slaughterville
Smithland
Smiths Grove
Somerset
Sonora
South Carrolton
South Shore
Sparta
Springfield
St. Charles
Stanford
Strathmoor Manor
Strathmoor Village
Sturgis
Taylorsville
Tollesboro
Tompkinsville
Trenton
Uniontown
Upton
Vanceburg
Vicco
Visalia
Wallins Creek
Walton
Warsaw
Washington
Water Valley
Waverly
West Point
Wheatcroft
Wheelwright
White Plains
Whitesburg
Whitesville
Wickliffe
Williamsburg
Williamstown
Willisburg
Wilmore
Winchester
Wingo
Worthville

Louisiana

Abbeville
Abita Springs
Addis
Amite City
Anacoco
Angie
Arcadia
Arnaudville
Athens
Atlanta
Basile
Baskin
Bastrop
Belcher
Benton
Bernice
Bienville
Bogalusa
Bonita
Boyce
Breaux Bridge
Brusly Landing
Bunkie
Calvin
Campti
Cankton
Carencro
Castor
Chataignier
Chathman
Cheneyville
Choudrant
Church Point
Clarence
Clarks
Clayton
Clinton
Colfax
Collinston
Columbia
Converse
Cotton Valley
Cottonport
Coushatta
Covington
Crowley
Cullen
De Quincy
De Ridder
Delcambre
Delhi
Dixie Inn
Dodson
Donaldsonville
Downsville
Dubach
Duson
East Hodge
Elizabeth
Elton
Epps
Erath
Eros
Estherwood
Eunice
Evergreen
Farmerville
Fenton
Ferriday
Fisher
Folsom
Forest
Forest Hill
Franklin
Franklinton
French Settlement
Georgetown
Gibsland
Gilbert
Gilliam
Glenmora
Grambling
Grand Cane
Grand Coteau
Grand Isle
Grayson
Greensburg
Grosse Tete
Gueydan
Hall Summit
Hammond
Harrisonburg
Haynesville
Heflin
Henderson
Hessmer
Hodge
Homer
Horneck
Hosston
Ida
Independence
Iota
Jamestown
Jeanerette
Jennings
Jonesboro
Jonesville
Junction City
Kaplan
Keatchie
Kentwood
Kilbourne
Killian
Krotz Springs
Lake Arthur
Lake Providence
Lecompte
Leonville
Lillie
Lisbon
Livingston
Logansport
Longstreet
Lucky
Madisonville
Mamou
Mangham
Mansfield
Mansura
Many
Maringouin
Marion
Marksville
Maurice
McNary
Melville
Mer Rouge
Mermentau
Merryville
Minden
Montgomery
Montpelier
Mooringsport
Moreauville
Morganza
Morse
Mound
Napoleonville
Natchez
Natchitoches
New Roads
Newellton
Noble
North Hodge
Norwood
Oak Grove
Oak Ridge
Oakdale
Oberlin
Oil City
Opelousas
Palmetto
Parks
Pioneer
Plain Dealing
Plaquemine
Plancheville
Pleasant Hill
Pollock
Ponchatoula
Port Allen
Port Barre
Powhatan
Provencal
Rayne
Rayville
Richwood
Ringgold
Rodeline
Rodessa
Rosedale
Roseland
Saline
Sarepta
Sicily Island
Sikes
Simmesport
Sorrento
Spearsville
Springfield
Springhill
St. Francisville
St. Joseph
St. Martinville
Stanley
Sun
Sunset
Tallulah
Tangipahoa
Tickfaw
Urania
Varnado
Ville Platte
Vinton
Vivian
Washington
Waterproof
Welsh
West Monroe
White Castle
Wilson
Winnfield
Winnsboro
Winsner
Woodworth
Youngsville
Zwolle

Maine

Augusta
Bath
Belfast
Biddeford
Brewer
Calais
Caribou
Eastport
Ellsworth
Gardiner
Hallowell
Old Town
Presque Isle
Rockland
Saco
South Portland
Waterville

Maryland

Aberdeen
Accident
Barclay
Barton
Berlin
Brentwood
Burkittsville
Cambridge
Capitol Heights
Cecilton
Centerville
Charlestown
Chesapeake Beach
Chesapeake City
Chestertown
Church Creek
Church Hill
Clear Spring
Colmar Manor
Crisfield
Deer Park
Delmar
Denton
Eldorado
Elkton
Emmitsburg
Fairmount Heights
Federalsburg
Friendsville
Frostburg
Fruitland
Galestown
Glen Echo
Goldsboro
Grantsville
Greensboro
Hancock
Havre de Grace
Hebron
Henderson
Hillsboro
Keedysville
Kitzmillerville
Loch Lynn Heights
Lonaconing
Luke
Mardela Springs
Marydel
Midland
Millington
Mount Rainier
Myersville
New Market
North East

Oakland
Oxford
Perryville
Pittsville
Pocomoke City
Port Deposit
Preston
Princess Anne
Queen Anne
Ridgely
Rock Hall
Salisbury
Seat Pleasant
Secretary
Sharpsburg
Sharptown
Snow Hill
St. Michaels
Templeville
Union Bridge
Vienna
Westerport
Woodsboro

Massachusetts

Attleboro
Beverly
Chelsea
Everett
Gardner
Melrose
Newburyport
North Adams
Northampton
Peabody
Revere
Salem

Michigan

Ahmeek
Akron
Albion
Allegan
Allen
Alma
Alpena
Alpha
Applegate
Ashley
Augusta
Bad Axe
Baldwin
Bangor
Baraga
Barryton
Bear Lake
Bellevue
Berrien Springs
Bessemer
Beulah
Boyne City
Bronson
Brooklyn
Brown City
Burlington
Burr Oak
Byron
Cadillac
Calumet
Carney
Caro
Carson City
Carsonville
Casnovia
Caspian
Cassopolis
Charlevoix
Charlotte
Chatham
Cheboygan
Chesaning
Clarksville
Clayton
Clifford
Coldwater
Coleman
Concord
Constantine
Copemish
Copper City
Corunna
Crystal Falls
Daggett
Dansville
De Tour Village
Decatur
Deckerville
Dowagiac
Dryden
East Tawas
Eau Claire
Ecorse
Edmore
Elkton
Empire
Escanaba
Evart
Farwell
Ferndale
Fife Lake
Frankfort
Free Soil
Freeport
Fremont
Gaastra
Gagetown
Galien
Garden
Gaylord
Gladstone
Grand Haven
Grant
Grayling
Hamtramck
Hancock
Harbor Beach
Harbor Springs
Harrietta
Harrison
Harrisville
Hart
Hartford
Hastings
Hazel Park
Hesperia
Highland Park
Hillman
Hillsdale
Holland
Honor
Houghton
Howard City
Hudson
Inkster
Ionia
Iron Mountain
Iron River
Ironwood
Ishpeming
Kaleva
Kalkaska
Kent City
Kinde
Kingsford
Kingston
Lainsburg
Lake Angelus
Lake Ann
Lake City
Lake Linden
Lanse
Lapeer
Laurium
Lexington
Lincoln
Litchfield
Ludington
Luna Pier
Luther
Lyons
Mackinac Island
Mancelona
Manistee
Manistique
Manton
Maple Rapids
Marcellus
Marine City
Marion
Marlette
Maybee
Mayville
McBain
McBride
Mecosta
Mendon
Menominee
Merrill
Mesick
Middleville
Millington
Minden City
Montgomery
Morenci
Morrice
Mount Pleasant
Munising
Nashville
Negaunee
New Buffalo
New Haven
Newaygo
Newberry
Niles
North Adams
North Branch
Northport
Norway
Oakley
Olivet
Onaway
Onekama
Ontonagon
Otsego
Owosso
Paw Paw
Peck
Pellston
Pentwater
Petersburg
Petoskey
Pierson
Pigeon
Port Austin
Port Hope
Port Huron
Posen
Prescott
Ravenna
Reading
Reed City
Richland
River Rouge
Rogers City
Rose City
Rosebush
Sault Sainte Marie
Scottville
Sebewaing
Shelby
Sheridan
Sherwood
South Haven
South Range
South Rockwood
Springport
St. Ignace
St. Louis
Stambaugh
Stanton
Stanwood
Sterling
Tawas City
Tekonsha
Thompsonville
Three Rivers
Traverse
Turner
Tustin
Twining
Ubly
Union City
Unionville
Vandalia
Vanderbilt
Vermontville
Wakefield
Waldron
Walkerville
Watervliet
Wayland
West Branch
White Cloud
Whitehall
Whittemore
Wolverine
Woodland
Yale
Ypsilanti
Zeeland

Minnesota

Ada
Adams
Adrian
Aitkin
Akeley
Albany
Albert Lea
Alberta
Alden
Alexandria
Alpha
Altura
Alvarado
Appleton
Argyle
Adhby
Askov
Atwater
Audubon
Austin
Avoca
Backus
Badger
Bagley
Balaton
Barnesville
Barrett
Battle Lake
Baudette
Beaver Bay
Beaver Creek
Bejou
Bellchester
Bellingham
Beltrami
Bemidji
Bena
Benson
Bertha
Big Falls
Bingham Lake
Bird Island
Biwabik
Blackduck
Blomkest
Blooming Prairie
Bovey
Bowlus
Boyd
Brainerd
Breckenridge
Brewster
Brook Park
Brooks
Brookston
Brooten
Browerville
Browns Valley
Brownsville
Brownton
Bruno
Buckman
Buffalo Lake
Buhl
Burtrum
Butterfield
Caledonia
Callaway
Calumet
Campbell
Canby
Canton
Carlton
Cass Lake
Cedar Mills
Chisholm
Chokio
Clarissa
Clarkfield
Clear Lake
Clearbrook
Clearwater
Clements
Clitherall
Clontarf
Cloquet
Cobden
Cokato
Comfrey
Comstock
Cook
Crosby
Currie
Cyrus
Dakota
Dalton
Darwin
Dassel
Dawson
De Graff
Deer River
Delavan
Delhi
Denham
Dennison
Dent
Detroit Lakes
Dexter
Dilworth
Donaldson
Donnelly
Doran
Dover
Dovray
Dundee
Eagle Bend
East Gull Lake
Easton
Echo
Eden Valley
Edgerton
Effie
Eitzen
Elba
Elbow Lake
Elgin
Elizabeth
Ellsworth
Elmdale
Elmore
Elysian
Emmons
Erhard
Evan
Fairfax
Faribault
Farwell
Felton
Fergus Falls
Fertile
Flensburg
Floodwood
Florence
Foreston
Fosston
Fountain
Foxhome
Franklin
Frazee
Freeborn
Freeport
Frost
Garrison
Garvin
Gary
Geneva
Ghent
Gibbon
Glenville
Glyndon
Gonvick
Good Thunder
Goodridge
Graceville
Granada
Grand Marais
Granite Falls
Green Isle
Greenbush
Greenwald
Grey Eagle
Grygla
Gully
Hallock
Halstad
Hampton
Hencock
Hanska
Harding
Hardwick
Harmony
Hartland
Hatfield
Henderson
Hendricks
Handrum
Henning
Herman
Heron Lake
Hewitt
Hillman
Hitterdal

Hoffman
Hokah
Holdingford
Holland
Holloway
Holt
Houston
International Falls
Iona
Ironton
Isle
Ivanhoe
Jasper
Jeffers
Kasota
Kelliher
Kellogg
Kensington
Kent
Kenyon
Kettle River
Kiester
Kilkenny
Kinbrae
Kingston
Kinney
La Porte
La Salle
Lafayette
Lake Benton
Lake Brownson
Lake Henry
Lake Park
Lake Shore
Lamberton
Lancaster
Lanesboro
Lastrup
Le Sueur
Lengby
Leonard
Leonidas
Lester Prairie
Lewisville
Lindstrom
Lismore
Little Falls
Long Prairie
Louisburg
Lowry
Lucan
Lyle
Mabel
Madelia
Madison
Magnolia
Mahnomen
Manchester
Mankato
Mantorville
Mapleview
Marietta
Maynard
Mazeppa
McGregor
McIntosh
Medicine Lake
Meire Grove
Melrose
Menahga
Mentor
Middle River
Miesville
Milaca
Milan
Millerville
Millville
Milroy
Miltona
Minnesota City
Mizpah
Montgomery
Monticello
Moose Lake
Morgan
Morris
Morristown
Morton
Motley
Myrtle
Nashua
Nassau
Nelson
Nevis
New Auburn
New Market
New Munich
New Trier
New York Mills
Newfolden
Nielsville
Norcross
North Redwood
Northome
Odessa
Ogema
Oklee
Onamia
Ormsby
Orr
Ortonville
Oslo
Ottertail
Palisade
Park Rapids
Parkers Prairie
Paynesville
Pease
Pelican Rapids
Pennock
Perham
Peterson
Pierz
Pillager
Pine City
Pine Island
Pine River
Pipestone
Plummer
Porter
Preston
Princeton
Quamba
Randall
Red Lake Falls
Regal
Remer
Renville
Revere
Richmond
Richville
Rock Creek
Roosevelt
Roscoe
Roseau
Round Lake
Rush City
Rushmore
Russell
Ruthton
Sacred Heart
Sandstone
Sauk Centre
Seaforth
Sebeka
Shelly
Shevlin
Silver Lake
Sleepy Eye
Sobieski
Solway
South Haven
South International Falls
Spring Grove
Spring Hill
Spring Valley
Springfield
Squaw Lake
St. Anthony
St. Charles
St. Joseph
St. Martin
St. Rosa
Staples
Starbuck
Steen
Stephen
Storden
Strandquist
Sturgeon Lake
Sunburg
Swanville
Taconite
Tamarack
Taunton
Taylors Falls
Tenstrike
Thomson
Tintah
Tower
Tracy
Trail
Trosky
Twin Valley
Two Harbors
Ulen
Underwood
Upsala
Urbank
Utica
Vergas
Verndale
Vesta
Viking
Villard
Vining
Virginia
Wabasha
Wabasso
Wahkon
Waldorf
Walker
Walnut Grove
Walters
Waltham
Wanda
Warroad
Watkins
Watson
Waverly
Welcome
Wells
Wendell
West Union
Westbrook
Westport
Wheaton
Wilder
Willernie
Williams
Willow River
Wilmont
Winger
Winnebago
Winona
Winthrop
Winton
Wolf Lake
Wolverton
Wood Lake
Woodstock
Wright

Mississippi

Abbeville
Aberdeen
Ackerman
Alligator
Amory
Anguilla
Arcola
Artesia
Ashland
Bassfield
Bay Springs
Beaumont
Beauregard
Belzoni
Benoit
Bentonia
Beulah
Big Creek
Blue Mountain
Blue Springs
Bolton
Booneville
Boyle
Braxton
Brookhaven
Brooksville
Bruce
Bude
Burnsville
Calhoun City
Canton
Cary
Centreville
Charleston
Chunky
Clarksdale
Cleveland
Coffeeville
Coldwater
Columbia
Columbus
Como
Courtland
Crawford
Crenshaw
Crosby
Crowder
Cruger
Crystal Springs
De Kalb
Decatur
Doddsville
Drew
Duck Hill
Duncan
Durant
D'lo
Eden
Edwards
Ellisville
Enterprise
Ethel
Eupora
Falcon
Fayette
Flora
Friars Point
Gattman
Georgetown
Glendora
Gloster
Golden
Goodman
Greenville
Greenwood
Grenada
Gunnison
Guntown
Hattiesburg
Hazlehurst
Heidelberg
Hickory
Hickory Flat
Hollandale
Holly Springs
Houston
Indianola
Inverness
Isola
Itta Bena
Iuka
Jonestown
Jumpertown
Kilmichael
Kosciusko
Kossuth
Lake
Lambert
Laurel
Leakesville
Learned
Leland
Lena
Lexington
Liberty
Louin
Louise
Louisville
Lula
Lumberton
Lyon
Maben
Macon
Magnolia
Marks
Mathiston
Mayersville
McComb
McCool
McLain
Meadville
Memphis
Meridian
Merigold
Metcalfe
Mize
Montrose
Moorhead
Morgan City
Morton
Mound Bayou
Mount Olive
Myrtle
Natchez
New Albany
New Augusta
New Houlka
Newhebron
Newport
Newton
North Carrollton
Noxapater
Oakland
Okolona
Osyka
Oxford
Pace
Pachuta
Paden
Picayune
Pickens
Pittsboro
Plantersville
Polkville
Pope
Poplarville
Port Gibson
Prentiss
Puckett
Quitman
Raleigh
Richton
Rienzi
Ripley
Rolling Fork
Rosedale
Roxie
Rulesville
Sallis
Sardis
Satartia
Schlater
Scooba
Sebastopol
Seminary
Shannon
Shaw
Shelby
Sherman
Shubuta
Shuqualak
Sidon
Silver City
Silver Creek
Slate Spring
Sledge
Starkville
State Line
Stonewall
Sturgis
Summit
Sumner
Sumrall
Sunflower
Sylarena
Tchula
Terry
Tillatoba
Tishomingo
Toccopola
Tremont
Tunica
Tutwiler
Tylertown
Union
Utica
Vaiden
Vardaman
Vicksburg
Walnut
Walnut Grove
Walthall
Water Valley
Waynesboro
Webb
Weir
West
West Point
Winona
Winstonville
Woodland
Woodville
Yazoo City

Missouri

Advance
Albany
Aldrich
Alexandria
Allendale
Alma
Altamont
Alton
Amazonia
Amity
Amoret
Amsterdam

Anderson
Annada
Annapolis
Anniston
Appleton City
Arbela
Arbyrd
Arcadia
Argyle
Armstrong
Asbury
Ash Grove
Altanta
Augusta
Aullville
Aurora
Auxvasse
Ava
Aville
Baker
Bakersfield
Baldwin Park
Baring
Barnard
Barnett
Bates City
Bell City
Bellflower
Berger
Bernie
Bertrand
Bethany
Bethel
Beverly Hills
Bevier
Bigelow
Billings
Birch Tree
Birmingham
Bismarck
Blackburn
Blackwater
Blairstown
Bland
Blodgett
Bloomsdale
Blue Eye
Blythedale
Bogard
Bolckow
Bolivar
Bonne Terre
Boonville
Bosworth
Bowling Green
Bragg City
Brandsville
Braymer
Breckenridge
Brimson
Bronaugh
Brookfield
Brookline
Brooklyn Heights
Browning
Brownington
Brunswick
Bucklin
Buffalo
Bunceton
Bunker
Burlington Junction
Butler
Cabool
Cainsville
Cairo
Caledonia
Calhoun
California
Callad
Camden
Cameron
Campbell
Canalou
Canton
Cape Girardeau
Cardwell
Carrollton
Carterville
Carthage
Caruthersville
Cassville
Catron
Cedar
Center
Centerview
Centerville
Centralia
Chaffee
Chamois
Charlack
Charleston
Chillicothe
Chula
Clarence
Clarksburg
Clarksdale
Clarksville
Clarkton
Clearmont
Clever
Clifton Hill
Climax Springs
Clinton
Clyde
Cobalt City
Coffey
Cole Camp
Collins
Commerce
Concordia
Conway
Cooter
Corder
Corning
Cottleville
Cowgill
Craig
Crane
Creighton
Crocker
Cross Timbers
Crystal City
Curryville
Dalton
Darlington
De Kalb
De Soto
De Witt
Dearborn
Deepwater
Deerfield
Delta
Dennis Acres
Denver
Des Arc
Desloge
Diamond
Diehlstadt
Diggins
Dixon
Doniphan
Downing
Drexel
Dudley
Eagleville
East Prairie
Edgar Springs
Edina
El Dorado Springs
Eldon
Ellington
Ellsinore
Elmer
Elmira
Elmo
Elsberry
Elvins
Eminence
Eolia
Essex
Esther
Ethel
Eugene
Everton
Ewing
Excelsior Springs
Exeter
Fair Play
Fairfax
Fairview
Farmington
Fayette
Festus
Fillmore
Fisk
Flat River
Fleming
Flemington
Flinthill
Foley
Ford City
Fordland
Forest City
Foster
Frankford
Franklin
Fredericktown
Freeburg
Freeman
Freistatt
Fulton
Gainesville
Galena
Gallatin
Galt
Garden City
Gentry
Gerald
Gerster
Gibbs
Gideon
Gilliam
Gilman City
Glasgow
Glenallen
Glenwood
Golden City
Goodman
Graham
Granby
Grand Pass
Grandin
Granger
Grant City
Green City
Green Ridge
Greencastle
Greenfield
Guilford
Gunn City
Hale
Halfway
Hallsville
Halltown
Hamilton
Hannibal
Hardin
Harris
Hartsburg
Hartville
Hartwell
Harwood
Hawk Point
Hayti
Hayti Heights
Hayward
Haywood City
Henrietta
Herculaneum
Hermann
Hermitage
Higbee
High Hill
Hillsdale
Hoberg
Holcomb
Holden
Holland
Holliday
Hollister
Holt
Homestown
Hopkins
Hornersville
Houston
Houstonia
Howardville
Humansville
Hume
Humphreys
Hunnewell
Huntsville
Hurdland
Hurley
Iatan
Iberia
Ionia
Irondale
Ironton
Jacksonville
Jameson
Jamesport
Jamestown
Jasper
Jerico Springs
Kahoka
Kennett
Keytesville
Kidder
Kimmswick
King City
Kingston
Kinloch
Kirksville
Knob Noster
Knox City
Koshkonong
La Belle
La Grange
La Monte
Laclede
Laddonia
Lamar
Lamar Heights
Lanagan
Lancaster
Laredo
Latour
Leadington
Leadwood
Lebanon
Leeton
Leonard
Levasy
Lewistown
Lexington
Liberal
Licking
Lilbourn
Lincoln
Linn
Linn Creek
Linneus
Lithium
Livonia
Lock Spring
Lockwood
Longtown
Louisburg
Louisiana
Lowry City
Lucerne
Ludlow
Lupus
Lutesville
Mackenzie
Macks Creek
Macon
Madison
Maitland
Malden
Malta Bend
Mansfield
Maplewood
Marble Hill
Marceline
Marionville
Marquand
Marshall
Marshfield
Marston
Martinsburg
Maryville
Maysville
Mayview
McFall
Meadville
Memphis
Mendon
Mercer
Merwin
Meta
Metz
Mexico
Miami
Middletown
Milan
Mill Spring
Millard
Miller
Milo
Mindenmines
Mineral Point
Missouri City
Moberly
Mokane
Monett
Monroe City
Montgomery City
Monticello
Montrose
Mooresville
Morehouse
Morley
Morrison
Morrisville
Mosby
Moscow Mills
Mound City
Moundville
Mount Leonard
Mount Moriah
Mount Vernon
Mountain Grove
Mountain View
Napoleon
Naylor
Neelyville
Nelson
Neosho
Nevada
New Cambria
New Florence
New Franklin
New Hampton
New London
New Madrid
New Melle
Newark
Newburg
Newtonia
Newtown
Niangua
Noel
Norborne
North Lilbourn
Northwye
Norwood
Novelty
Novinger
Oak Ridge
Oakland Park
Olean
Oran
Oregon
Oronogo
Orrick
Osborn
Osceola
Osgood
Otterville
Owensville
Pagedale
Paris
Parksdale
Parkville
Parma
Parnell
Pascola
Passaic
Pattonsburg
Penermon
Perry
Perryville
Phelps City
Phillipsburg
Pickering
Piedmont
Pierce City
Pilot Grove
Pilot Knob
Pineville
Pleasant Hill
Pleasant Hope
Pocahontas
Pollock
Polo
Poplar Bluff
Portage des Sioux
Portageville
Potosi
Powersville
Prairie Home
Prathersville
Preston
Princeton
Purcell
Purdin
Purdy
Puxico
Queen City
Quitman
Qulin
Raymondville
Rayville
Rea
Reeds
Reeds Spring
Renick
Rhineland
Rich Hill
Richards
Richland
Richmond
Ridgeway
Risco
Rivermines
Rocheport
Rock Port
Rockville
Rogersville
Rolla
Roscoe
Rosebud
Rosendale
Rothville
Rush Hill
Rushville
Russellville
Rutledge
Salem
Salisbury
Sarcoxie
Savannah
Schell City
Scott City
Sedalia
Sedgewickville
Seligman

Senath
Seneca
Seymour
Shelbina
Shelbyville
Sheldon
Sheridan
Silex
Skidmore
Slater
South Gifford
South Gorin
South Greenfield
South Lineville
South West City
Sparta
Spickardsville
Spring Valley
St. Clair
St. Cloud
St. Elizabeth
St. James
St. Marys
Stanberry
Stark City
Ste. Genevieve
Steele
Steelville
Stella
Stockton
Stotts City
Stoutland
Stoutsville
Stover
Strasburg
Sturgeon
Sullivan
Summersville
Sumner
Sunrise Beach
Sweet Springs
Syracuse
Tallapoosa
Taneyville
Taos
Tarkio
Tarsney Lakes
Thayer
Theodosia
Theodosia Hills
Tina
Tindall
Tipton
Tracy
Trenton
Triplett
Troy
Truesdail
Turney
Tuscumbia
Union
Union Star
Unionville
Unity Village
University City
Urbana
Urich
Valley Park
Vandalia
Vanduser
Velda Village
Verona
Versailles
Vienna
Vinita Park
Vista
Walker
Walnut Grove
Wardell
Warrensburg
Warsaw
Washburn
Watson
Waverly
Wayland
Waynesville
Weatherby
Weaubleau
Webb City
Wellington
Wellston
Wellsville
Wentworth
West Line
West Plains
Westboro
Weston
Westphalia
Wheatland
Wheaton
Wheeling
Whiteside
Whitewater
Williamsville
Willow Springs
Wilson City
Windsor
Winfield
Winona
Winston
Wittenberg
Wooldridge
Worth
Wyaconda
Wyatt
Zalma

Montana

Anaconda-Deer Lodge
Belt
Big Timber
Boulder
Bridger
Broadus
Brockton
Browning
Butte-Silver Bow
Chinook
Circle
Clyde Park
Conrad
Culbertson
Cut Bank
Dillon
Dodson
Ekalaka
Eureka
Fairfield
Fairview
Flaxville
Fort Benton
Froid
Fromberg
Geraldine
Glasgow
Grass Range
Hamilton
Harlem
Harlowton
Hot Springs
Ismay
Joliet
Jordan
Kalispell
Kevin
Lewistown
Libby
Lima
Livinston
Lodge grass
Malta
Moore
Nashua
Neihart
Opheim
Outlook
Philipsburg
Plains
Plevna
Polson
Poplar
Red Lodge
Richey
Ronan
Roundup
Saco
Scobey
Shelby
Sheridan
St. Ignatius
Stevensville
Terry
Three Forks
Troy
Twin Bridges
Valier
Virginia City
Walkerville
Westby
White Sulphur Sprgs
Whitehall
Wibaux
Winifred
Winnett
Wolf Point

Nebraska

Abie
Adams
Ainsworth
Albion
Alexandria
Allen
Alma
Amherst
Anselmo
Arapahoe
Arcadia
Arnold
Arthur
Ashton
Atkinson
Atlanta
Auburn
Avoca
Axtell
Ayr
Bancroft
Barada
Barneston
Bartley
Bassett
Battle Creek
Bayard
Beaver City
Beaver Crossing
Bee
Beemer
Belden
Belgrade
Bellwood
Belvidere
Benkelman
Bennet
Berwyn
Bloomfield
Bloomington
Blue Hill
Blue Springs
Brady
Brainard
Bridgport
Bistow
Broadwater
Brock
Broken Bow
Bruning
Bruno
Brunswick
Burchard
Burr
Burwell
Butte
Byron
Cairo
Callaway
Cambridge
Cambell
Carleton
Carroll
Cedar Rapids
Center
Chadron
Chambers
Chapman
Chester
Clarks
Clarkson
Clatonia
Cody
Coleridge
Colon
Comstock
Concord
Cook
Cordova
Cotesfield
Cowles
Crawford
Creighton
Creston
Crofton
Crookston
Culbertson
Curtis
Dalton
Danbury
Dannebrog
Davenport
David City
Dawson
Daykin
De Witt
Decatur
Deshler
Deweese
Diller
Dixon
Dodge
Douglas
Du Bois
Dunber
Duncan
Dunning
Dwight
Eddyville
Edgar
Edison
Elba
Elgin
Elk Creek
Elm Creek
Elmwook
Elyria
Emerson
Endicott
Ewing
Exeter
Fairbury
Fairfield
Fairmont
Falls City
Farnam
Farwell
Fordyce
Fort Calhoun
Foster
Franklin
Fullerton
Genda
Gibbon
Gilead
Giltner
Gordon
Gothenburg
Greeley Center
Gresham
Gross
Guide Rock
Gurley
Hadar
Haigler
Hamlet
Hampton
Harrison
Hartington
Harvard
Hay Springs
Hayes Center
Heartwell
Hemingford
Hendley
Henry
Herman
Holbrook
Holstein
Hoskins
Howells
Hubbard
Hubbell
Humboldt
Hyannis
Indianola
Inglewood
Inman
Jansen
Johnson
Johnstown
Julian
Kearney
Kenesaw
Kennard
Kilgore
Laurel
Lawrence
Lebanon
Leigh
Lewellen
Liberty
Lindsay
Linwood
Litchfield
Lodgepole
Long Pine
Loomis
Loup City
Lyman
Lynch
Lyons
Magnet
Malmo
Manley
Marquette
Maskell
Mason City
Maxwell
Maywood
McGrew
McLean
Meadow Grove
Merna
Merriman
Milford
Miller
Milligan
Minatare
Mitchell
Monroe
Moorefield
Morse Bluff
Murdock
Murray
Naper
Naponee
Nebraska City
Nehawka
Neligh
Nelson
Nemaha
Newcastle
Newman Grove
Newport
Niobrara
Nora
North Bend
North Loup
Oak
Oakdale
Oakland
Obert
Oconto
Odell
Ohiowa
Ong
Orchard
Ord
Orleans
Oshkosh
Osmond
Oxford
O'Neill
Page
Pawnee City
Peru
Petersburg
Pickrell
Pierce
Pilger
Plainview
Plattsmouth
Pleasant Dale
Pleasanton
Polk
Prague
Primrose
Prosser
Randolph
Ravenna
Raymond
Red Cloud
Republican City
Reynolds
Richland
Riverton
Roca
Rockville
Rogers
Rulo
Rushville
Ruskin
Salem
Santee
Sargent
Saronville
Scotia
Scotts Bluff
Scribner
Seneca
Shelby
Shelton
Shickley
Sholes
Shubert

Sidney
Silver Creek
Smithfield
Snyder
South Bend
Spalding
Spencer
Springview
St. Edward
St. Helena
St. Paul
Stamford
Stanton
Steele City
Steinauer
Stella
Sterling
Stratton
Stromsburg
Stuart
Superior
Surprise
Sutherland
Sutton
Swanton
Table Rock
Talmage
Tamora
Tarnov
Taylor
Tecumseh
Tekamah
Terrytown
Thayer
Tilden
Trenton
Trumbull
Uehling
Ulysses
Union
Upland
Utica
Valparaiso
Verdel
Verdigre
Verdon
Virginia
Wahoo
Wallace
Walthill
Waterbury
Wausa
Wayne
Weeping Water
Wellfleet
West Point
Western
Weston
Wilber
Wilcox
Wilsonville
Winnebago
Winnetoon
Winside
Winslow
Wisner
Wolbach
Wood Lake
Wymore
Wynot

Nevada

Gabbs
Lovelock
Yerington

New Hampshire

Berlin

New Jersey

Alpha
Belleville
Beverly
Bradley Beach
Branchville
Burlington
Carteret
Clayton
Collingswood
Corbin City
East Newark
East Rutherford
Elmer
Englishtown
Fairview
Farmingdale
Freehold
Garfield
Gloucester City
Hackensack
Haledon
Hoboken
Keansburg
Kearny
Lambertville
Lawnside
Linden
Mount Ephraim
Orange
Paulsboro
Pemberton
Penns Grove
Phillipsburg
Plainfield
Pleasantville
Princeton
Prospect Park
Red Bank
Rockleigh
Roosevelt
Salem
South Amboy
South Belmar
South River
Swedesboro
Union Beach
West Cape May
West New York
West Wildwood
Wildwood
Woodbine
Woodlynne

New Mexico

Artesia
Belen
Bernalillo
Carrizozo
Causey
Central
Cimarron
Clayton
Columbus
Corona
Cuba
Des Moines
Dexter
Dora
Encino
Espanola
Estancia
Floyd
Folsom
Fort Sumner
Hagerman
Hope
House
Jemez Springs
Lake Arthur
Las Vegas
Logan
Lordsburg
Loving
Magdalena
Maxwell
Melrose
Mesilla
Moriarty
Mosquero
Mountainair
Pecos
Portales
Raton
Reserve
Roy
San Ysidro
Santa Rosa
Silver City
Springer
Taos
Tatum
Texico
Truth or Consequences
Tucumcari
Tularosa
Vaughn
Wagon Mound
Willard
Williamsburg

New York

Adams
Addison
Afton
Albion
Alden
Alexandria Bay
Almond
Altmar
Amsterdam
Andover
Angola
Antwerp
Argyle
Arkport
Athens
Attica
Auburn
Aurora
Avoca
Avon
Bainbridge
Ballston Spa
Batavia
Beacon
Belmont
Bemus Point
Blasdell
Bloomingdale
Bolivar
Boonville
Brewster
Broadalbin
Brocton
Brownville
Brushton
Burdett
Burke
Caledonia
Cambridge
Camden
Camillus
Canajoharie
Canandaigua
Canaseraga
Canastota
Candor
Canisteo
Cape Vincent
Carthage
Cassadaga
Castile
Castleton-on-Hudson
Cato
Catskill
Cattaraugus
Cayuga
Cazenovia
Celoron
Champlain
Chateaugay
Chatham
Clayton
Clayville
Clifton Springs
Clinton
Clyde
Cohocton
Cohoes
Cold Brook
Constableville
Cooperstown
Copenhagen
Corfu
Corinth
Corning
Cortland
Croghan
Cuba
Dansville
De Ruyter
Deferiet
Delanson
Delevan
Deposit
Dering Harbor
Dexter
Dolgeville
Dresden
Dryden
Dunkirk
Earlville
East Bloomfield
East Syracuse
Edwards
Elba
Ellenville
Ellicottville
Ellisburg
Elmira Heights
Elmsford
Endicott
Esperance
Evans Mills
Fabius
Fair Haven
Falconer
Farmingdale
Farnham
Fleischmanns
Fonda
Forestville
Fort Ann
Fort Johnson
Fort Plain
Frankfort
Franklin
Franklinville
Fredonia
Freeport
Freeville
Fulton
Fultonville
Galway
Geneva
Gilbertsville
Glen Park
Gloversville
Gouverneur
Gowanda
Grand View-on-Hudson
Granville
Green Island
Greene
Greenport
Greenwich
Hagaman
Hamilton
Hammond
Hammondsport
Hancock
Hannibal
Harriman
Hempstead
Herkimer
Hermon
Heuvelton
Highland Falls
Hillburn
Hobart
Holland Patent
Homer
Hoosick Falls
Hornell
Hudson
Hudson Falls
Ilion
Island Park
Ithaca
Jamestown
Jeffersonville
Johnson City
Johnstown
Jordan
Keeseville
Kenmore
Kingston
Lackawanna
Lake George
Lake Placid
Laurens
Le Roy
Liberty
Limestone
Lisle
Little Falls
Liverpool
Livonia
Lockport
Lodi
Long Beach
Lowville
Lynbrook
Lyons
Lyons Falls
Madison
Malone
Mannsville
Margaretville
Massena
Mayfield
Mayville
McGraw
Mechanicville
Medina
Mexico
Middleburgh
Middleport
Midleville
Milford
Millbrook
Millerton
Millport
Mohawk
Montour Falls
Moravia
Morris
Morristown
Mount Kisco
Mount Morris
Munnsville
Naples
Nelliston
Nelsonville
New Berlin
New Paltz
New Square
New York Mills
Newark
Newark Valley
Newport
Nichols
North Collins
North Tonawanda
Northville
Norwich
Norwood
Nunda
Nyack
Oakfield
Ogdensburg
Olean
Oneida
Oneida Castle
Oneonta
Oriskany Falls
Oswego
Otego
Ovid
Owego
Oxford
Palmyra
Patchogue
Peekskill
Penn Yan
Perry
Phelps
Philadelphia
Philmont
Phoenix
Pike
Pine Hill
Plattsburgh
Poland
Port Chester
Port Dickinson
Port Henry
Port Jervis
Port Leyden
Portville
Potsdam
Prospect
Pulaski
Randolph
Red Hook
Rensselaer
Rensselaer Falls
Richmondville
Richville
Riverside
Round Lake
Rouses Point
Sag Harbor
Salamanca
Salem
Sandy Creek
Saranac Lake
Saugerties
Schaghticoke

Schenevus
Schoharie
Schuylerville
Scotia
Seneca Falls
Sherburne
Sherman
Sherrill
Sidney
Silver Creek
Sinclairville
Sloan
Sloatsburg
Smyrna
Sodus
Solvay
South Corning
South Dayton
South Glens Falls
Speculator
Spencer
Springville
St. Johnsville
Stamford
Theresa
Ticonderoga
Tivoli
Tonawanda
Tuckahoe
Tupper Lake
Turin
Unadilla
Union Springs
Unionville
Valley Falls
Van Etten
Waddington
Walton
Wappingers Falls
Warsaw
Waterford
Waterloo
Watertown
Watervliet
Watkins Glen
Waverly
Wayland
Wellsburg
Wellsville
West Carthage
Westfield
Westhampton Beach
Westport
Whitehall
Wolcott
Woodhull
Woodridge
Yorkville

North Carolina

Ahoskie
Alamance
Albemarle
Alexander Mills
Alliance
Arapahoe
Atkinson
Aulander
Aurora
Autryville
Ayden
Bailey
Bath
Bayboro
Beargrass
Beaufort
Belhaven
Belmont
Belwood
Benson
Bessemer city
Bethel
Beulaville
Bladenboro
Bolivia
Bolton
Brevard
Bridgeton
Brookford
Bryson City
Bunn
Burgaw
Burnsville
Calabash
Calypso
Cameron
Canton
Carthage
Castalia
Catawba
Cerro Gordo
Chadbourn
Cherryville
Clarkton
Clayton
Cleveland
Clinton
Cofield
Colerain
Columbia
Columbus
Como
Conetoe
Conway
Cove City
Cramerton
Creedmoor
Creswell
Crossnore
Dallas
Denton
Dillsboro
Dortches
Drexel
Dunn
Earl
East Arcadia
East Bend
East Laurinburg
East Spencer
Eden
Edenton
Elizabeth City
Elk Park
Ellenboro
Ellerbe
Elm City
Enfield
Erwin
Everetts
Fair Bluff
Fairmont
Faison
Falcon
Farmville
Fountain
Four Oaks
Franklin
Franklinton
Fremont
Fuquay-Varina
Garland
Gaston
Gibson
Glen Alpine
Goldsboro
Goldston
Granite Quarry
Greenevers
Grifton
Grimesland
Halifax
Hamilton
Hamlet
Harmony
Harrells
Harrellsville
Hassell
Haw River
Hayesville
Hazelwood
Henderson
Hendersonville
Hertford
Highlands
Hobgood
Hoffman
Holly Ridge
Holly Springs
Hookerton
Hot Springs
Huntersville
Indian Beach
Jackson
Jamesville
Jonesville
Kelford
Kenly
Kings Mountain
Kinston
Kittrell
La Grange
Lake Lure
Lansing
Lasker
Lattimore
Laurinburg
Lawndale
Leggett
Lenoir
Lewiston
Lexington
Liberty
Lilesville
Lincolnton
Linden
Littleton
Louisburg
Lowell
MacClesfield
Macon
Madison
Maggie Valley
Magnolia
Marion
Marshall
Maxton
Mayodan
Maysville
McDonald
McFarlan
Mebane
Mesic
Middleburg
Middlesex
Milton
Monroe
Mooresboro
Mooresville
Morehead City
Morganton
Morven
Mount Airy
Mount Gilead
Mount Holly
Mount Olive
Mount Pleasent
Murfreesboro
Murphy
Navassa
New Bern
Newton Grove
Norlina
Norman
North Wilkesboro
Norwood
Oak City
Oakboro
Oriental
Orrum
Oxford
Pantego
Parkton
Parmele
Peachland
Pilot Mountain
Pine Level
Pinesbluff
Pinetops
Prineville
Pink Hill
Pittsboro
Plymouth
Polkton
Pollocksville
Powellsville
Princeton
Pinceville
Proctorville
Ramseur
Randleman
Ranlo
Raynham
Red Oak
Red Springs
Reidsville
Rennert
Rhodhiss
Rich Square
Richlands
Roanoke Rapids
Robbins
Robersonville
Rockingham
Rolesville
Ronda
Roper
Rose Hill
Roseboro
Rosman
Rowland
Roxboro
Roxobel
Ruth
Rutherfordton
Saratoga
Scotland Neck
Seaboard
Seagrove
Selma
Seven Springs
Severn
Shelby
Siler City
Simpson
Sims
Smithfield
Southern Pines
Southport
Speed
Spindale
Spring Hope
Spring Lake
Spruce Pine
St. Pauls
Stanley
Stantonsburg
Star
Statesville
Stem
Stovall
Swansboro
Sylva
Tabor City
Tarboro
Taylorsville
Teachey
Thomasville
Trenton
Troy
Tryon
Turkey
Vanceboro
Vandemere
Vass
Wadesboro
Wagram
Wake Forest
Wallace
Walnut Cove
Walstonburg
Warrenton
Warsaw
Washington
Waxhaw
Webster
Weldon
West Jefferson
Whitakers
Wilkesboro
Williamston
Wilson
Windsor
Winfall
Winton
Woodland
Yadkinville
Youngsville

North Dakota

Abercrombie
Adams
Alice
Alsen
Ambrose
Amenia
Anamoose
Aneta
Antler
Ardoch
Arnegard
Ashley
Ayr
Balfour
Balta
Bantry
Bathgate
Beach
Belfield City
Benedict
Berlin
Berwick
Binford
Bisbee
Bowbells
Braddock
Brinsmade
Brocket
Bucyrus
Butte
Calio
Calvin
Cando
Canton City
Carrington
Carson
Cathay
Cayuga
Christine
Cleveland
Clifford
Cogswell
Coleharbor
Columbus
Conway
Cooperstown
Courtenay
Crosby
Crystal
Davenport
Deering
Devils Lake
Dickey City
Dodge City
Donnybrook
Douglas
Drake
Dunn Center City
Dunseith
Dwight
Edgeley
Edinburg
Edmore
Egeland
Elgin
Elliott
Enderlin
Epping
Esmond
Fairmount
Fessenden
Fingal
Flasher
Flaxton
Forbes
Fordville
Fort Ransom
Fort Yates
Fortuna
Fredonia
Fullerton
Gackle
Galesburg
Gardena
Gardner
Glen Ullin
Golden Valley City
Golva
Goodrich
Grafton
Granville
Great Bend
Hague
Halliday City
Hamilton
Hankinson
Hannaford
Hannah
Hansboro
Hatton
Havana
Hazelton
Hebron
Hope
Hove Mobile Park
Hurdsfield
Jamestown
Jud
Karlsruhe
Kathryn
Kenmare
Kensal
Kief
Killdeer City
Knox
Kramer
Kulm
La Moure
Lakota
Lankin
Lansford
Larson
Lawton
Leal

Lehr
Leith
Lidgerwood
Lignite
Linton
Lisbon
Litchville
Luverne
Maddock
Mapleton
Marion
Marmarth
Martin
Max
Maxbass
Mayville
McClusky
McVille
Medina
Mercer
Merricourt
Milnor
Milton
Minnewaukan
Monango
Mott
Mountain
Mylo
Napoleon
Nekoma
New England
New Leipzig
New Rockford
New Salem
Newburg
Niagara
Nome
Noonan
Northwood
Oberon
Osnabrock
Page
Palermo
Parshall
Pekin
Petersburg
Pettibone
Pillsbury
Pingree
Pisek
Plaza
Portal
Powers Lake
Ray
Reeder
Regan
Regent
Rhame
Richardson City
Robinson
Rocklake
Rolla
Ross
Rugby
Ryder
Sanborn
Sarles
Sawyer
Selfridge
Sentinel Butte
Sharon
Sheldon
Sherwood
Sheyenne
Solen
South Heart City
St. John
Stanley
Strasburg
Streeter
Sykeston
Tappen
Tolley
Tolna
Tower City
Towner
Tuttle
Upham
Valley City
Valley Township
Velva
Ventura
Verona
Walcott
Wales
Walhalla
Warwick
White Earth
Wildrose
Willow City
Wilton
Wimbledon
Wing
Wolford
Woodworth
Wyndmere
York
Zap City
Zeeland

Ohio

Aberdeen
Ada
Adamsville
Addyston
Adelphi
Adena
Albany
Alexandria
Alger
Alliance
Amanda
Amsterdam
Andover
Antioch
Apple Creek
Aquilla
Arcanum
Arlington
Arlington Heights
Ashtabula
Athens
Attica
Bainbridge
Baltic
Barberton
Barnesville
Barnhill
Batavia
Batesville
Beallsville
Beaver
Beaverdam
Bellarie
Belle Center
Belle Valley
Bellevue
Bellville
Belmont
Belmore
Benton Ridge
Bethel
Bettsville
Blanchester
Bloomingburg
Bloomingdale
Bolivar
Bowerston
Bowersville
Bowling Green
Bradford
Bradner
Bremen
Brice
Bridgeport
Brilliant
Brookville
Buchtel
Buckeye
Buckland
Burkettsville
Butler
Butlerville
Byesville
Cadiz
Caledonia
Cambridge
Campbell
Cardington
Carroll
Casstown
Castalia
Catawba
Cecil
Centerville
Chatfield
Chauncey
Chesapeake
Cheshire
Chesterhill
Chesterville
Chillicothe
Chilo
Chippewa-on-the-Lake
Christiansburg
Circleville
Clarksburg
Clarksville
Clay Center
Clayton
Clifton
Clinton
Cloverdale
Clyde
Coal Grove
Coalton
College Corner
Columbus Grove
Commercial Point
Connesville
Conneaut
Convoy
Corning
Corwin
Coshocton
Covington
Crestline
Crooksville
Crown City
Cumberland
Custar
Cygnet
Danville
Darbyville
De Graff
Deer Park
Dellroy
Delphos
Dennison
Deshler
Dexter City
Dillonvale
Donnelsville
Dresden
Dunkirk
East Cleveland
East Liverpool
East Palestine
East Sparta
Edgerton
Edison
Elgin
Elmwood Place
Empire
Fairfax
Fairview
Fayetteville
Fletcher
Flushing
Fort Jennings
Fort Recovery
Frazeysburg
Fredericksburg
Freeport
Fremont
Fulton
Fultonham
Galena
Galion
Gallipolis
Gann
Gilboa
Glenford
Glenmont
Glouster
Gnadenhutten
Gordon
Grand Rapids
Grand River
Granville
Gratiot
Gratis
Green Camp
Greenfield
Greenwich
Grover Hill
Hamden
Hanging Rock
Harpster
Harrisville
Hartford
Harveysburg
Hemlock
Higginsport
Highland
Hillsboro
Holgate
Holland
Hollansburg
Holloway
Hopedale
Houtville
Huntsville
Irondale
Ironton
Ithaca
Jackson
Jacksonburg
Jacksonville
Jamestown
Jeffersonville
Jenera
Jeromesville
Jerusalem
Johnston
Kent
Kenton
Kettlersville
Killbuck
Kimbolton
Kingston
Kirby
Kirkersville
La Rue
Lafayette
Lakeview
Lancaster
Laurelville
Leesburg
Leesville
Leetonia
Lewisburg
Lewisville
Lincoln Heights
Lindsey
Lisbon
Lithopolis
Lockland
Logan
London
Lore City
Lowell
Lower Salem
Lucas
Ludlow Falls
Lynchburg
Lyons
Macksburg
Magnetic Spring
Malinta
Malta
Malvern
Manchester
Marblehead
Marion
Martins Ferry
Martinsburg
Martinsville
Massillon
Matamora
McConnelsville
Melrose
Metamora
Middleport
Midland
Midvale
Milledgeville
Miller City
Millersport
Milton Center
Miltonsburg
Mineral City
Minerva
Monroeville
Montezuma
Montpelier
Morral
Morristown
Morrow
Moscow
Mount Blanchard
Mount Cory
Mount Gilead
Mount Pleasant
Mount Vernon
Mount Victory
Mowrystown
Murray City
Mutual
Navarre
Nellie
Nelsonville
New Albany
New Alexandria
New Athens
New Bavaria
New Bloomington
New Boston
New Concord
New Holland
New Knoxville
New Lexington
New London
New Miami
New Paris
New Richmond
New Riegel
New Rome
New Straitsville
New Vienna
New Washington
New Weston
Newburgh Heights
Newcomerstown
Newton Falls
Newtonsville
Ney
North Baltimore
North Bend
North Hampton
Norwich
Norwood
Oak Hill
Oberlin
Octa
Old Washington
Orient
Ostrander
Ottoville
Otway
Painesville
Palestine
Parral
Patterson
Paulding
Peebles
Philo
Piketon
Piqua
Plain City
Pleasant City
Pleasantville
Polk
Pomeroy
Port Clinton
Port Washington
Port William
Portage
Portsmouth
Powhatan Point
Proctorville
Prospect
Quaker City
Quincy
Racine
Rarden
Rawson
Rayland
Rendville
Richwood
Rio Grande
Ripley
Rising Sun
Rittman
Rock Creek
Rogers
Rome
Roseville
Roswell
Rushsylvania
Rushville
Russells Point
Rutland
Salem
Salesville
Salineville
Sandusky
Sarahsville
Sardinia
Savannah
Scio
Seaman
Senecaville
Shawnee
Sherrodsville
Shiloh
Sinking Spring
Somerset
Somerville
South Bloomfield
South Charleston
South Lebanon
South Salem
South Solon
South Webster
South Zanesville
Spencer
Spencerville
St. Louisville
St. Martin
St. Paris
Stafford
Stockport
Stoutsville
Stratton

Struthers
Summerfield
Summitville
Syracuse
Tarlton
Thurston
Tiffin
Tremont City
Trimble
Uhrichsville
Union City
Urbana
Urbancrest
Van Wert
Vanlue
Venedocia
Versailles
Vinton
Warsaw
Washington
Washingtonville
Wane
Waynesburg
Waynesfield
Wellington
Wellston
Wellsville
West Alexandria
West Elkton
West Leipsic
West Manchester
West Mansfield
West Rushville
West Union
Wilkesville
Williamsburg
Williamsport
Willshire
Wilmington
Wilmot
Winchester
Woodlawn
Woodsfield
Wren
Xenia
Yellow Springs
Yorkville
Zaleski
Zanesfield
Zanesville

Oklahoma

Achille
Addington
Afton
Albion
Alex
Aline
Allen
Altus
Alva
Ames
Amorita
Anadarkd
Antlers
Apache
Ardmore
Arkoma
Arnett
Asher
Ashland
Atoka
Avant
Barnsdall
Beggs
Bennington
Bernice
Bessie
Big Cabin
Binger
Blackburn
Blackwell
Blair
Blanchard
Bluejacket
Boise City
Bokchito
Bokoshe
Boley
Boswell
Bowlegs
Boynton
Braggs
Braman
Bray
Bridgeport
Bristow
Broken Bow
Bromide
Brooksville
Bryant
Buffalo
Burbank
Butler
Byars
Byron
Caddo
Cache
Calumet
Calvin
Camargo
Canadian
Caney
Canton
Canute
Carmen
Carnegie
Carrier
Carter
Castle
Cement
Centrahoma
Chandler
Checotah
Chelsea
Cherokee
Chickasha
Claremore
Clayton
Cleo
Cleveland
Coalgate
Colbert
Colcord
Collinsville
Colony
Comanche
Commerce
Cooperton
Cornish
Council Hill
Covington
Coweta
Cowlington
Coyle
Crescent
Cromwell
Crowder
Cushing
Custer City
Cyril
Dacoma
Davenport
Davidson
Davis
Deer Creek
Delaware
Depew
Devol
Dewar
Dewey
Dibble
Dickson
Disney
Dougherty
Dover
Drumright
Durant
Dustin
Eakly
Earlsboro
East Duke
El Reno
Eldorado
Elk City
Elmer
Elmore City
Erick
Eufaula
Fairfax
Fairland
Fallis
Fanshawe
Faxon
Fletcher
Foraker
Fort Cobb
Fort Gibson
Fort Towson
Foyil
Francis
Frederick
Gage
Gans
Garber
Garvin
Gate
Geary
Gene Autry
Gerty
Glencoe
Goltry
Goodwell
Gore
Gotebo
Gould
Gracemont
Grandfield
Granite
Grayson
Greenfield
Guthrie
Haileyville
Hallett
Hammon
Hanna
Harris
Hartshorne
Haskell
Hastings
Haworth
Headrick
Healdton
Heavener
Helena
Hendrix
Henryetta
Hickory
Hinton
Hitchcock
Hitchita
Hobart
Hoffman
Holdenville
Hollis
Hominy
Howe
Hugo
Hulbert
Hunter
Hydro
Idabel
Indiahoma
Indiandla
Jay
Jennings
Jones
Kaw
Kendrick
Kenefic
Keota
Ketchum
Kiefer
Kinta
Kiowa
Knowles
Konawa
Krebs
Lamar
Lamont
Langley
Langston
Le Flore
Leedey
Lehigh
Lenapah
Leon
Lexington
Lima
Lindsay
Loco
Locust Grove
Lone Wolf
Longdale
Lookeba
Loveland
Loyal
Luther
Madill
Mangum
Manitou
Mannsville
Maramec
Marble City
Marietta
Marland
Marlow
Marshall
Martha
Maud
May
Maysville
McAlester
McCurtain
Medford
Medicine Park
Meridian
Miami
Milburn
Millerton
Moffett
Morris
Mounds
Mountain Park
Mountain View
Mulhall
Muskogee
Mutual
Nardin
Nash
New Alluwe
Newkirk
Norge
North Miami
Nowata
Oakland
Oaks
Oakwood
Oilton
Okarche
Okay
Okemah
Okmulgee
Olustee
Orlando
Osage
Paden
Panama
Paoli
Pauls Valley
Pawhuska
Pawnee
Peoria
Perkins
Phillips
Picher
Pittsburg
Pond Creek
Porter
Porum
Poteau
Prague
Putnam
Quapaw
Quinlan
Quinton
Ralston
Ramona
Randlett
Ravia
Red Oak
Red Rock
Redbird
Renfrow
Rentiesville
Reydon
Ringling
Ringwood
Rocky
Roff
Roland
Roosevelt
Rosedale
Rush Springs
Ryan
Salina
Sapulpa
Sasakwa
Savanna
Sayre
Seiling
Seminole
Sentinel
Shady Grove
Shady Point
Shamrock
Shawnee
Shidler
Silo Town
Skedee
Slick
Smithville
Snyder
Soper
South Coffeyville
Sparks
Spavinaw
Spiro
Sterling
Stigler
Stilwell
Stonewall
Strang
Stratford
Strong City
Stroud
Stuart
Sulphur
Taft
Talihina
Tamaha
Tatums
Tecumseh
Temple
Terlton
Terral
Texhoma
Texola
Thomas
Tipton
Tishomingo
Tonkawa
Tribbey
Tryon
Tullahassee
Tupelo
Tushka
Valley Brook
Valliant
Vera
Verden
Vian
Vici
Vinita
Wagoner
Wakita
Walters
Wanette
Wann
Wapanucka
Warner
Warwick
Watonga
Watts
Wayne
Waynoka
Webb City
Webers Falls
Welch
Weleetka
West Sildam Springs
Westport
Westville
Wetumka
Wewoka
Whitefield
Wilburton
Willow
Wilson
Wister
Woodville
Wright City
Wyandotte
Wynnewood
Wynona
Yale
Yeager

Oregon

Adrian
Amity
Antelope
Ashland
Astoria
Athena
Baker
Banks
Barlow
Bonanza
Chiloquin
City of the Dalles
Coburg
Condon
Coquille
Cottage Grove
Dayton
Dayville
Donald
Elkton
Falls City
Garibaldi

Gervais
Glendale
Gold Hill
Grass Valley
Haines
Halfway
Hood River
Hubbard
Huntington
Independence
Ione
Jefferson
Joseph
Long Creek
Lostine
Malin
Manzanita
Merrill
Milton Freewater
Mitchell
Monroe
Monument
Mount Angel
North Power
Nyssa
Oakland
Ontario
Paisley
Powers
Prairie City
Rainier
Richland
Rockaway
Scio
Scotts Mills
Seneca
Shaniko
Silverton
Sisters
Sodaville
Spray
Summerville
Sumpter
Vale
Vernonia
Wallowa
Waterloo
Weston
Willamina
Yachats
Yamhill
Yoncalla

Pennsylvania

Adamsburg
Adamstown
Addison
Alexandria
Aliquippa
Ambridge
Apollo
Applewold
Arnold
Arona
Ashland
Ashley
Ashville
Athens
Austin
Avalon
Avis
Avoca
Avondale
Bangor
Barkeyville
Barnesboro
Bear Lake
Beaver Falls
Beaver Meadows
Beavertown
Bedford
Belle Vernon
Bellefonte
Bellwood
Bendersville
Bentleyville
Benton
Berlin
Berrysburg
Berwick
Bessemer
Big Run
Biglerville
Birmingham
Blain
Blairsville
Blawnox
Bloomsburg
Blossburg
Boswell
Brackenridge
Braddock
Braddock Hills
Bradford
Bridgeport
Bridgewater
Brisbin
Bristol
Broad Top City
Brockway
Brownsville
Bruin
Burlington
Burnham
Butler
California
Callensburg
Callery
Cambridge Springs
Canonsburg
Canton
Carbondale
Carmichaels
Carrolltown
Cassandra
Cassville
Catawissa
Centerville
Central City
Centralia
Centre Hall
Centreville
Chalfant
Chambersburg
Charleroi
Cherry Tree
Cherry Valley
Clairton
Clarion
Clarksville
Claysville
Clearfield
Clintonville
Clymer
Coal Center
Coaldale
Coalmont
Coalport
Coatesville
Cokeburg
Collegeville
Collingdale
Columbia
Colwyn
Confluence
Conneautville
Connellsville
Connoquenessing
Conshohocken
Conway
Coraopolis
Corry
Corsica
Coudersport
Courtdale
Crafton
Creekside
Cresson
Cressona
Curwensville
Dale
Dallas
Danville
Darby
Darlington
Dawson
Dayton
Derry
Dickson City
Donegal
Donora
Dormont
Dravosburg
Driftwood
Du Bois
Dudley
Dunbar
Duncannon
Duncansville
Dunley
Dunmore
Dupont
Duquesne
Duryea
Dushore
Eagles Mere
East Berlin
East Brady
East Conemaugh
East Lansdowne
East McKeesport
East Pittsburgh
East Side
East Vandergrift
Eastvale
Eau Claire
Eddystone
Edwardsville
Elderton
Eldred
Elgin
Elizabeth
Elizabethville
Elkland
Ellport
Ellwood City
Emporium
Enon Valley
Ernest
Etna
Evans City
Everett
Everson
Export
Factoryville
Fairchance
Fairview
Falls Creek
Fallston
Farrell
Fayette City
Ford City
Forest City
Forksville
Forty Fort
Foxburg
Frackville
Frankfort Springs
Franklin
Franklin City
Franklintown
Freeland
Freeport
Galeton
Gallitzin
Garrett
Gettysburg
Gilberton
Girardville
Glasgow
Glassport
Glen Campbell
Glen Hope
Glenfield
Glenolden
Goldsboro
Gratz
Great Bend
Green Lane
Greensboro
Greenville
Grove City
Halifax
Hallam
Hallstead
Hartleton
Hastings
Hawley
Hawthorne
Haysville
Homer City
Homestead
Homewood
Honesdale
Hooversville
Hop Bottom
Hopewell
Houston
Houtzdale
Hunker
Huntingdon
Hyde Park
Hyndman
Indiana
Irvona
Jackson Center
Jacksonville
Jamestown
Jeannette
Jeddo
Jefferson
Jermyn
Jersey Shore
Jessup
Jim Thorpe
Johnsonburg
Jonestown
Juniata Terrace
Kane
Karns City
Kenhorst
Kingston
Kistler
Kittanning
Knoxville
Kulpmont
Kutztown
Landisburg
Lanesboro
Lansford
LaPorte
Larksville
Lawrenceville
Le Raysville
Lebanon
Lehighton
Lewisberry
Lewisburg
Lewistown
Liberty
Lincoln
Linesville
Little Meadows
Littlestown
Liverpool
Lock Haven
Loretto
Luzerne
Lykens
Mahaffey
Mahanoy City
Manns Choice
Manor
Manorville
Mansfield
Mapleton
Marcus Hook
Marianna
Marietta
Marion Heights
Marklesburg
Markleysburg
Masontown
Matamoras
Mayfield
McAdoo
McClure
McConnellsburg
McDonald
McEwensville
McKean
McKees Rocks
McKeesport
McSherrystown
McVeytown
Meadville
Mechanicsville
Mercer
Mercerburg
Meyersdale
Middleburg
Middleport
Midland
Midway
Mifflintown
Mill Creek
Mill Hall
Millersburg
Millheim
Millvale
Milton
Minersville
Modena
Monessen
Monongahela
Monroe
Montgomery
Montrose
Mount Carmel
Mount Jewett
Mount Oliver
Mount Penn
Mount Pleasant
Mount Union
Muncy
Myerstown
Nanticoke
Nanty Glo
Nescopeck
Nesquehoning
New Baltimore
New Berlin
New Brighton
New Castle
New Centerville
New Eagle
New Florence
New Kensington
New Lebanon
New Milford
New Paris
New Phila
New Ringgold
New Washington
Newburg
Newell
Newport
Newry
Newton Hamilton
Newville
Norristown
North Apollo
North Belle Vernon
North Braddock
North Charleroi
North East
North Irwin
North York
Northumberland
Norwood
Oakland
Ohiopyle
Oil City
Oklahoma
Old Forge
Olyphant
Orbisonia
Orrstown
Osceola Mills
Oswayo
Oxford
Paint
Palmerton
Palto Alto
Parker
Parkesburg
Patton
Pen Argyl
Penn
Pennsburg
Perkasie
Petersburg
Petrolia
Philipsburg
Pine Grove
Pitcairn
Pittston
Pleasantville
Plumville
Plymouth
Point Marion
Port Allegany
Port Carbon
Port Matilda
Portage
Pottstown
Pottsville
Punxsutawney
Railroad
Rainsburg
Rankin
Renovo
Reynoldsville
Ridgway
Rimersburg
Ringtown
Rochester
Rockhill Furnace
Rockwood
Rome
Roscoe
Rouseville
Royalton
Royersford
Saegertown
Salisbury
Salladasburg
Saltsburg
Sandy Lake
Sankertown
Saxton
Sayre
Scalp Level
Schellsburg
Schuylkill Haven
Scottdale
Seven Valleys
Seward
Sewickley
Shade Gap
Shamokin
Sharon Hill
Sharpsburg
Sharpsville
Sheakleyville
Shenandoah
Shickshinny
Shinglehouse

Shippensburg
Shippenville
Shippingport
Shirleyburg
Sliverdale
Sligo
Slippery Rock
Smethport
Smicksburg
Smithfield
Smithton
Snow Shoe
Snydertown
South Bethlehem
South Coatsville
South Connellsville
South Fork
South Greensburg
South New Castle
South Philipsburg
South Renovo
South Waverly
South Williamsport
Southwest Greensburg
Spangler
Spartansburg
Springboro
Springdale
St. Clair
St. Clairsville
St. Marys
St. Petersburg
Starrucca
Steelton
Stillwater
Strattanville
Strausstown
Stroudsburg
Sugar Grove
Sugar Notch
Sugarcreek
Summerhill
Summerville
Summit Hill
Sunbury
Susquehanna Depot
Swissvale
Swoyersville
Tamaqua
Tarentum
Thompson
Three Springs
Throop
Tidioute
Timblin
Tioga
Tionesta
Titusville
Towanda
Tower City
Townville
Trafford
Trainer
Tremont
Troy
Trumbauersville
Tunkhannock
Tunnelhill
Turtle Creek
Tyrone
Union City
Union Dale
Uniontown
Unionville
Upland
Ursina
Utica
Vanderbilt
Vandergrift
Vandling
Verona
Versailles
Wallaceton
Wampum
Warren
Warrior Run
Washington
Waterford
Watsontown
Waymart
Waynesboro
Waynesburg
Weissport
Wellsboro
Wellsville
West Alexander
West Brownsville
West Chester
West Easton
West Elizabeth
West Grove
West Hazleton
West Mayfield
West Middlesex
West Reading
West Sunbury
West Wyoming
West York
Westfield
Westover
Wheatland
Whitaker
Wilkinsburg
Williamburg
Williamstown
Wilmerding
Wilmore
Wilson
Windber
Windsor
Woodbury
Worthington
Worthville
Wrightsville
Wyalusing
Wyoming
Yorkana
Zelienople

Rhode Island

Central Falls
Newport
Woonsocket

South Carolina

Abbeville
Allendale
Andrews
Atlantic Beach
Bamberg
Batesburg
Beaufort
Belton
Bennettsville
Bethune
Bishopville
Blacksburg
Blackville
Blenheim
Bluffton
Bonneau
Bowman
Branchville
Brunson
Burnettown
Calhoun Falls
Camden
Cameron
Campobello
Carlisle
Central Pacolet
Chapin
Cheraw
Chesnee
Chester
Chesterfield
City View
Clinton
Clio
Clover
Conway
Cope
Cordova
Cottageville
Coward
Cowpens
Cross Hill
Darlington
Denmark
Dillon
Donalds
Due West
Duncan
Easley
Eastover
Edgefield
Ehrhardt
Elko
Elloree
Estill
Eutawville
Fort Lawn
Fort Mill
Fountain Inn
Furman
Gaffney
Georgetown
Gifford
Gilbert
Great Falls
Greeleyville
Greenwood
Greer
Harleyville
Hartsville
Heath Springs
Hemingway
Hodges
Honea Path
Inman
Iva
Jamestown
Jefferson
Jonesville
Kingstree
Kline
Lake city
Lake View
Lamar
Lancaster
Landrum
Lane
Latta
Laurens
Leesville
Livingston
Lockhart
Lodge
Loris
Lowndesville
Lowrys
Lyman
Lynchburg
Manning
Marion
Mayesville
McColl
McConnells
McCormick
Megget
Monetta
Mount Carmel
Mullins
Neeses
Newberry
Nichols
North
Norway
Olanta
Olar
Orangeburg
Pacolet
Pacolet Mills
Pageland
Parksville
Patrick
Paxville
Pickens
Pinewood
Plum Branch
Pomaria
Prosperity
Ravenel
Reevesville
Richburg
Ridge Spring
Ridgeland
Ridgeville
Ridgeway
Rowesville
Salem
Salley
Saluda
Santee
Scotia
Sellers
Smyrna
Snelling
Society Hill
Springfield
St. George
St. Matthews
St. Stephen
Stuckey
Summerton
Summit
Sumter
Swansea
Sycamore
Tatum
Timmonsville
Trenton
Troy
Ulmer
Union
Vance
Varnville
Walhalla
Walterboro
Ward
Ware Shoals
Waterloo
West Columbia
West Union
Westminster
Whitmire
Williams
Windsor
Winnsboro
Woodford
Woodruff
Yemassee
York

South Dakota

Aberdeen
Agar
Alexandria
Alpena
Andover
Arlington
Armour
Artas
Artesian
Ashton
Astoria
Aurora
Avon
Bancroft
Batesland
Belvidere
Beresford
Big Stone City
Bison
Blunt
Bonesteel
Bowdle
Bradley
Brandt
Brentford
Bridgewater
Bristol
Britton
Brookings
Bruce
Bryant
Buffalo
Buffalo Gap
Burke
Bushnell
Camp Crook
Canistota
Canova
Carthage
Cavour
Centerville
Central City
Chamberlain
Chancellor
Claire City
Claremont
Clark
Colman
Colome
Colton
Columbia
Conde
Corona
Corsica
Cottonwood
Cresbard
Custer
Dallas
Dante
Davis
De Smet
Deadwood
Dell Rapids
Delmont
Dimock
Doland
Dolton
Draper
Dupree
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Egan
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Estelline
Eureka
Fairfax
Fairview
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Farmer
Faulkton
Flandreau
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Frankfort
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Garden City
Gary
Gayville
Geddes
Gettysburg
Goodwin
Gregory
Grenville
Hartford
Hecla
Henry
Hermosa
Herreid
Herrick
Hetland
Highmore
Hill City
Hitchcock
Hosmer
Hot Springs
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Howard
Hudson
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Langford
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Lebanon
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Lesterville
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Loyalton
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McIntosh
McLaughlin
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Midland
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Miller
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Mobridge
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New Underwood
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Nunda
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Onida
Orient
Ortley
Parker
Parkston

Peever
Pierpont
Platte
Pollock
Presho
Pringle
Pukwana
Quinn
Ramona
Ravinia
Ree Heights
Revillo
Rockham
Roscoe
Rosholt
Roswell
Salem
Scotland
Selby
Seneca
Sherman
Sinai
Siesseton
South Shore
Spearfish
Spencer
Springfield
St. Francis
St. Lawrence
Stickney
Stockholm
Stratford
Summit
Timber Lake
Tolstoy
Toronto
Tripp
Tulare
Turton
Twin Brooks
Tyndall
Veblen
Vermillion
Viborg
Vienna
Vilas
Virgil
Volga
Volin
Wagner
Wallace
Ward
Wasta
Waubay
Wessington
Wessington Springs
Westport
White
White Lake
White River
White Rock
Willow Lake
Wilmot
Winfred
Winner
Wolsey
Wood
Woonsocket
Worthing
Yankton

Tennessee

Adams
Adamsville
Alamo
Alcoa
Alexandria
Allardt
Altamont
Arlington
Athens
Auburntown
Baileyton
Baxter
Beersheba Springs
Bells
Bethel Springs
Big Sandy
Blaine
Bluff City
Bolivar
Braden
Brighton
Brownsville
Burlison
Caryville
Cedar Hill
Celina
Centertown
Centerville
Charleston
Cleveland
Clifton
Coalmont
Copperhill
Cornersville
Cottage Grove
Covington
Cown
Crossville
Cumberland City
Dayton
Decherd
Denmark
Dickson
Dover
Dowelltown
Doyle
Dresden
Ducktown
Dyer
Dyersburg
Elizabethton
Elkton
Englewood
Enville
Erin
Erwin
Ethridge
Etowah
Fayetteville
Finger
Franklin
Friendsville
Gadsden
Gainesboro
Gates
Gibson
Gilt Edge
Gleason
Graysville
Greenback
Greenfield
Halls
Harriman
Henderson
Henning
Henry
Hickory Valley
Hollow Rock
Hornbeak
Hornsby
Huntland
Huntsville
Iron City
Jacksboro
Jackson
Jamestown
Jefferson City
Jellico
Kenton
La Follette
La Grange
Lake City
Lakeland
Lebanon
Lenoir City
Lewisburg
Lexington
Liberty
Linden
Livingston
Loudon
Luttrell
Lynchburg
Lynnville
Madisonville
Martin
Mason
Maury City
Maynardville
McKenzie
McLemoresville
McMinnville
Medina
Medon
Michie
Middleton
Milledgeville
Mitchellville
Monterey
Morrison
Morristown
Mosheim
Mount Pleasant
Mountain City
New Market
New Tazewell
Newbern
Newport
Niota
Normandy
Oakdale
Oakland
Obion
Oliver Springs
Oneida
Orlinda
Palmer
Paris
Petersburg
Philadelphia
Pikeville
Piperton
Pittman Center
Pleasant Hill
Powells Crossroads
Pulaski
Puryear
Ramer
Red Boiling Springs
Ridgely
Ripley
Rives
Rockford
Rockwood
Rossville
Rutherford
Rutledge
Saltillo
Samburg
Sardis
Saulsbury
Savannah
Selmer
Sevierville
Sharon
Slayden
Soddy-Daisy
Somerville
South Carthage
South Fulton
South Pittsburg
Sparta
Spencer
Spring City
Spring Hill
Springfield
Stanton
Stantonville
Surgoinsville
Sweetwater
Tazewell
Tellico Plains
Tiptonville
Townsend
Tracy City
Trenton
Trimble
Troy
Union
Viola
Vonore
Wartrace
Watertown
Whiteville
Whitwell
Williston
Woodland Mills
Yorkville

Texas

Abbott
Ackerly
Alamo
Alba
Alice
Alpine
Alto
Alvarado
Alvord
Ames
Amherst
Anahuac
Annona
Anthony
Anton
Aquilla
Arp
Asherton
Athens
Austwell
Avery
Avinger
Bailey
Baird
Ballinger
Balmorhea
Bandera
Bangs
Bardwell
Barry
Barstow
Bartlett
Bastrop
Bayside
Baview
Beeville
Bellevue
Bellmead
Bells
Benavides
Benjamin
Bertram
Big Sandy
Big Wells
Blackwell
Blanco
Blanket
Bloomburg
Blooming Grove
Blue Ridge
Blum
Boerne
Bonham
Bonney
Bowie
Boyd
Brackettville
Brady
Breckenridge
Bremond
Brenham
Broaddus
Bronson
Bronte
Brookshire
Browndell
Brownsboro
Brownswood
Bryson
Buckholts
Buda
Buffalo Gap
Burton
Byers
Bynum
Caddo Mills
Cameron Calvert
Camp Wood
Campbell
Carbon
Carmine
Carrizo Springs
Castroville
Celeste
Center
Centerville
Chandler
Channing
Charlotte
Chester
Chico
Chillicothe
China
Chireno
Christine
Cibolo
Cisco
Clarendon
Clarksville
Clarksville City
Cleveland
Clint
Coahoma
Cockrell Hill
Coffee City
Coldspring
Coleman
Collinsville
Colmesneil
Colorado City
Comanche
Combes
Commerce
Coolidge
Cooper
Corrigan
Corsicana
Cotulla
Covington
Crandall
Cransfills Gap
Crawford
Crockett
Crosbyton
Cross Plains
Crowell
Crystal city
Cuero
Cumby
Dawson
De Kalb
De Leon
Decatur
Del Rio
Dell City
Deport
Detroit
Devine
Dilley
Dodd City
Dodson
Domino
Donna
Dorchester
Douglasville
Driscoll
Dublin
Eagle Lake
Eagle Pass
Eastland
Easton
Ector
Edcouch
Eden
Edna
Edom
Eldorado
Electra
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Emhouse
Emory
Encinal
Ennis
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Farmersville
Fate
Fayetteville
Ferris
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Florence
Floresville
Floydada
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Forsan
Franklin
Frankston
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Frost
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Garrison
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Gatesville
George West
Gholson
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Gilmer
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Grayburg
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Groesbeck
Groom

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Gunter
Gustine
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Hamilton
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Haslet
Hearne
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Hemphill
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Hidalgo
Hillsboro
Holland
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Honey Grove
Hubbard
Huntington
Hutto
Iredell
Italy
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Jacksonville
Jasper
Jayton
Jefferson
Jewett
Joaquin
Johnson City
Joshua
Jourdanton
Junction
Karnes City
Kaufman
Kemp
Kendleton
Kenedy
Kennard
Kerens
Kingsville
Kirbyville
Knox City
Kosse
Kress
Krum
Kyle
La Coste
La Feria
La Grange
La Grulla
La Joya
La Villa
La Ward
Ladonia
Lake Worth
Lakeview
Lamesa
Lampasas
Latexo
Lavon
Lawn
Leakey
Leary
Leonard
Lincoln Park
Linden
Lipan
Livingston
Llano
Lockhart
Lockney
Lometa
Lone Oak
Loraine
Lorena
Lorenzo
Los Fresnos
Lott
Lovelady
Lowery Crossing
Lueders
Luling
Lyford
Malakoff
Malone
Manor
Marfa
Marietta
Marion
Marlin
Marquez
Mart
Mason
Matador
Mathis
Maud
McCamey
McKinney
McLean
Meadow
Melvin
Memphis
Menard
Mercedes
Meridian
Merkel
Mexia
Milano
Miles
Milford
Millsap
Mineral Wells
Mingus
Mission
Montgomery
Moody
Moran
Morgan
Morton
Moulton
Mount Calm
Mount Enterprise
Mount Vernon
Mullin
Munday
Mustang
Naples
Natalie
Navasota
Nazareth
New Deal
New Summerfield
New Waverly
Newcastle
Neylandville
Nixon
Nocona
Nome
Nordheim
Normangee
Novice
Oakhurst
Oakwood
Odem
Oglesby
Olton
Onalaska
Orange Grove
O'Brien
O'Donnell
Paducah
Paint Rock
Paris
Pattison
Pearsall
Pecan Gap
Pecos
Penelope
Petersburg
Pilot Point
Pineland
Pittsburg
Pleasanton
Plum Grove
Point
Point Blank
Ponder
Port Isabel
Post
Poteet
Poth
Pottsboro
Poynor
Premont
Primera
Putnam
Quanah
Quinlan
Quintana
Quitaque
Ralls
Ranger
Raymondville
Refugio
Rice
Richland
Richland Springs
Riesel
Rio Hondo
Rio Vista
Rising Star
Riverside
Roaring Springs
Robstown
Roby
Rochester
Rockport
Rocksprings
Rocky Mound
Rogers
Roma
Ropesville
Roscoe
Rose City
Rosebud
Rotan
Roxton
Royse City
Rule
Runge
Rusk
Sabinal
Sadler
San Augustine
San Diego
San Felipe
San Juan
San Patricio
San Perlita
San Saba
Sansom Park Village
Santa Anna
Santa Rosa
Savoy
Schulenburg
Scottsville
Seagraves
Sealy
Seven Oaks
Seymour
Shepherd
Shiner
Silverton
Sinton
Slaton
Smiley
Smithville
Somerset
Somerville
Spofford
Springlake
Spur
St. Jo
Stamford
Stockdale
Stratford
Strawn
Streetman
Sudan
Surfside Beach
Sweetwater
Taft
Tahoka
Talco
Tatum
Taylor
Tehuacana
Tenaha
Terrell
Thornton
Thrall
Three Rivers
Timpson
Tioga
Tom Bean
Toyah
Trent
Trenton
Trinidad
Trinity
Troup
Tulia
Turkey
Uvalde
Valentine
Van Alstyne
Van Horn
Venus
Vernon
Waelder
Wallis
Walnut Springs
Waxahachie
Weatherford
Weimar
Weinert
Wellington
Wells
Weslaco
West
Westbrook
Westminster
Wharton
Whitewright
Willis
Wills Point
Wilson
Windom
Winfield
Winnsboro
Winters
Wolfe City
Woodsboro
Woodson
Woodville
Wortham
Yoakum
Yorktown
Zavalla

Utah

Altamont
Amalga
Antimony
Bear River City
Beaver
Boulder
Cannonville
Centerfield
Circleville
Clarkston
Cleveland
Delta
Deweyville
Enterprise
Ephraim
Eureka
Fairview
Fayette
Fillmore
Fountain Green
Garland
Gunnison
Helper
Henefer
Henrieville
Hinckley
Holden
Honeyville
Joseph
Junction
Kamas
Kanosh
Leamington
Levan
Lewiston
Lindon
Loa
Logan
Lynndyl
Manila
Manti
Marysvale
Mayfield
Meadow
Milford
Millville
Moroni
Mount Pleasant
Myton
Nephi
Newton
Ophir
Orderville
Paragonah
Perry
Plymouth
Portage
Redmond
Richfield
South Salt Lake
Spring City
Springdale
Stockton
Toquerville
Trenton
Virgin
Wales
Yost

Vermont

Albany
Alburg
Barre
Barton
Bellows Falls
Cambridge
Derby Center
Derby Line
Enosburg Falls
Hardwick
Hyde Park
Jeffersonville
Ludlow
Lyndonville
Marshfield
Montpelier
Morrisville
Newbury
Newfane
Newport
North Troy
Northfield
Orleans
Pittsford
Poultney
Proctorsville
Readsboro
Richford
Rutland
Saxtons River
St. Albans
Swanton
Waterbury
Wells River
West Burke
Westminster
Winooski

Virginia

Abingdon
Accomac
Alberta
Appalachia
Bedford City
Belle Haven
Berryville
Big Stone Gap
Blackstone
Bloxom
Boyce
Boydton
Bristol City
Brodnax
Buchanan
Burkeville
Cape Charles
Charlotte Court House
Chase City
Chatham
Cheriton
Chilhowie
Chincoteague
Claremont
Clarksville
Cleveland
Clifton Forge City
Clinchport
Clintwood
Clover
Coeburn
Colonial Beach
Columbia
Covington City
Craigsville
Damascus
Dillwyn
Drakes Branch
Dungannon
Eastville
Edinburg
Elkton
Emporia City
Exmore
Fincastle
Floyd
Galax City
Gate City

Glade Spring
Glen Lyn
Gordonsville
Grundy
Hallwood
Haysi
Hillsboro
Honaker
Iron Gate
Keller
La Crosse
Lawrenceville
Lexington City
Luray
Madison
Marion
Martinsville City
McKenney
Melfa
Middleburg
Mineral
Mount Crawford
Narrows
Nassawadox
New Market
Newsoms
Nickelville
Occoquan
Onancock
Orange
Painter
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Pembroke
Pennington Gap
Phenix
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Pulaski
Purcellville
Quantico
Rich Creek
Round Hill
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Saltville
Saxis
Scottsburg
Scottsville
South Boston City
St. Charles
St. Paul
Stanley
Staunton City
Stephens City
Stony Creek
Strasburg
Stuart
Suffolk City
Surry
Tangier
The Plains
Toms Brook
Troutville
Victoria
Virgilina
Wachapreague
Wakefield
Warrenton
Washington
Woodstock

Washington

Aberdeen
Almira
Asotin
Bingen
Black Diamond
Buckley
Carbonado
Cathlamet
Chewelah
Clarkston
Cle Elum
Conconully
Concrete
Coulee City
Cusick
Darrington
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Deer Park
Eatonville
Ellensburg
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Grand Coulee
Granger
Granite Falls
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Hartline
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Marcus
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Morton
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Nespelem
Newport
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Oakesdale
Okanogan
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Orting
Pe Ell
Pomeroy
Prescott
Raymond
Ridgefield
Ritzville
Riverside
Rosalia
Roslyn
Ruston
Skykomish
Snoqualmie
Soap Lake
South Bend
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Springdale
St. John
Starbuck
Sultan
Sumas
Tenino
Toledo
Tonasket
Toppenish
Twisp
Uniontown
Vader
Waitsburg
Wapato
Washtucna
Waterville
Wilbur
Wilkeson
Wilson Creek
Winlock
Winthrop
Yelm
Zillah

West Virginia

Addison
Albright
Alderson
Anawalt
Anmoore
Ansted
Auburn
Bath
Bayard
Belington
Belle
Benwood
Beverly
Bluefield
Bolivar
Bradshaw
Bramwell
Bruceton Mills
Buckhannon
Buffalo
Burnsville
Camden-on-Gauley
Cameron
Capon Bridge
Cass
Cedar Grove
Chapmanville
Charles Town
Chesapeake
Clarksburg
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Clendenin
Davis
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Delbarton
Durbin
Eleanor
Elizabeth
Elk Garden
Elkins
Ellenboro
Fairmont
Falling Springs
Farmington
Fayetteville
Flatwoods
Flemington
Follansbee
Fort Gay
Gary
Gassaway
Gilbert
Glenville
Grafton
Granville
Hambleton
Hamblin
Harpers Ferry
Hartford City
Hedgesville
Henderson
Hendricks
Hillsboro
Hinton
Hundred
Iaeger
Jane Lew
Junior
Kenova
Kermit
Keyser
Keystone
Kimball
Layopolis
Leon
Lester
Littleton
Logan
Lost Creek
Lumberport
Man
Mannington
Marlinton
Marmet
Martinsburg
Mason
Masontown
Matewan
Matoaka
McMechen
Meadow Bridge
Middlebourne
Mill Creek
Monongah
Montgomery
Montrose
Moorefield
Morgantown
Moundsville
Mount Hope
Mullens
New Cumberland
Newburg
Nitro
Northfork
Nutter Fort
Oak Hill
Oakvale
Osage
Paden City
Parsons
Paw Paw
Pax
Pennsboro
Petersburg
Peterstown
Philippi
Piedmond
Pineville
Point Pleasant
Princeton
Pullman
Quinwood
Rainelle
Reedy
Rhodell
Richwood
Ridgeley
Rivesville
Romney
Ronceverte
Rowlesburg
Salem
Shepherdstown
Sisterville
Smithers
Smithfield
Sophia
St. Marys
Stonewood
Sutton
Terra Alta
Thomas
Thurmond
Tunnelton
Union
Valley Grove
War
Wardensville
Wayne
Welch
Wellsburg
West Hamlin
West Logan
West Milford
West Union
Weston
Westover
White Sulphur Springs
Whitesville
Williamson
Winfield
Womelsdorff
Worthington

Wisconsin

Adams
Algoma
Alma
Alma Center
Almond
Amherst Junction
Aniwa
Antigo
Arcadia
Arena
Argyle
Arpin
Ashland
Auburndale
Augusta
Avoca
Bagley
Barron
Bayfield
Bear Creek
Beaver Dam
Benton
Big Falls
Birnamwood
Black Earth
Blair
Blanchardville
Bloomer
Blue River
Boscobel
Bowler
Boyd
Brandon
Bruce
Buffalo
Butternut
Cable
Cadott
Cambria
Camp Douglas
Campbellsport
Cashton
Cassville
Catawba
Cazenovia
Cecil
Centura
Chaseburg
Chetek
Chilton
Chippewa Falls
Clear Lake
Clintonville
Clyman
Cobb
Coleman
Colfax
Conrath
Cornell
Couderay
Crandon
Curtiss
Dane
Darlington
Dorchester
Doylestown
Dresser
Durand
Eagle River
Eden
Egg Harbor
Eland
Elderon
Eleva
Elk Mound
Elmwood
Elroy
Ettrick
Fairchild
Fairwater
Fennimore
Ferryville
Fond du Lac
Fontana-on-Geneva Lake
Forestville
Fountain City
Friendship
Friesland
Gays Mills
Genoa
Gillett
Gilman
Glen Flora
Glenbeulah
Glenwood City
Gratiot
Greenwood
Hatley
Hayward
Highland
Hillsboro
Hixton
Hurley
Hustisford
Hustler
Ingram
Iola
Johnson Creek
Juneau
Kaukauna
Kekoskee
Kendall
Kennan
Knapp
La Farge
La Valle
Ladysmith
Lake Nebagamon
Linden
Lohrville
Lone Rock
Loyal
Lublin
Lyndon Station
Lynxville
Maiden Rock
Marinette
Matton
Mauston
Mazomanie
Mellen
Melrose
Menasha
Menomonie
Merrill
Merrillan

Milladore
Milltown
Mineral Point
Minong
Mondovi
Montfort
Mount Calvary
Mount Hope
Mount Sterling
Muscoda
Necedah
Neillsville
New Auborn
New Lisbon
Niagara
Norwalk
Oconomowoc Lake
Oconto
Oconto Falls
Oliver
Ontario
Osseo
Owen
Oxford
Park Falls
Pepin Peshtigo
Phillips
Pigeon Falls
Pittsville
Plainfield
Platteville
Plum City
Popular
Port Washington
Portage
Pound
Prairie du Chien
Prairie Farm
Prentice
Pulaski
Radisson
Readstown
Redgranite
Rewey
Rhinelander
Rib Lake
Rice Lake
Richland Center
Rio
Ripon
Rock Springs
Rockdale
Rosholt
Rudolph
Scandinavia
Sheldon
Shell Lake
Shiocton
Shullsburg
Siren
Sister Bay
Soldiers Grove
Solon Springs
South Wayne
Spooner
Spring Valley
St. Naziaz
Stanley
Stetsonville
Steuben
Stevens Point
Stockbridge
Sullivan
Superior
Taylor
Tigerton
Turtle Lake
Two Rivers
Union center
Unity
Vesper
Viola
Viroqua
Waldo
Waupaca
Wausaukee
Wautoma
Wauzeka
Webster
Westby
Westfield
Weyauwega
Weyerhaeuser
White Lake
Whitehall
Whitewater
Williams Bay
Wilton
Winter
Withee
Wonewoc
Woodville
Wrightstown
Wyeville
Wyocena
Yuba

Wyoming

Albin
Byron
Cokeville
Cowley
Dixon
East Thermopolis
Fort Laramie
Granger
Hulett
Kaycee
La Barge
La Grange
Meeteetse
Midwest
Riverside
Sundance
Yoder

III. The following list contains the names of those small cities which meet the minimum standards of physical and economic distress but which did not meet the standards as of the April 9, 1981 Notice.

Alabama

Adamsville
Anderson
Avon
Blue Mountain
Brewton
Carrville
Chatom
Coffeeville
County line (Blount and Jefferson Counties)
Dutton
Langston
Lowndesboro
Loxely
Maytown
Mount Vernon
Napier Field
New Site
Newton
Ozark

Hoonah
Nome

Bisbee
Gila Bend
Jerome

Alexander
Beaver
Bethel Heights
Blue Eye
College City
Coy

Bell
Blythe
Eureka

Coal Creek
Eaton
Elizabeth
Erie
Fairplay
Merino
Naturita

Bantam

Delaware City
Georgtown

Everglades
Gretna
Mascotte
Mulberry

Adairsville
Alamo
Aldora
Arcade
Avalon
Bibb City
Braselton
Brooks
Buford
Cadwell
Cave Spring
Chatsworth
Cohutta
Colbert
Crawford
Franklin
Gainesville
Garden City
Gray
Hapeville

Acequia
Aston
Cambridge
Castleford
Ferdinand
Red Level
Steele
Sumiton
Valley City
Wetumpka
Whitehall
Whites Chapel

Alaska

Platinum

Arizona

Superior
Wellton

Arkansas

Higden
Lockesburg
Midland
Sherrill
Truman

California

Fort Bragg
Rio Dell
Susanville

Colorado

Pagosa Springs
Rico
Silver Plume
Silverton
Stratton
Vona
Williamsburg

Connecticut

Jewett City

Delaware

Greenwood
Magnolia

Florida

Ocean Breeze Park
Shalimar
Weeki Wachee Springs
Welaka

Georgia

Haralson
Harlem
Lithonia
Lovejoy
Menlo
Milner
Nahunta
Odum
Remerton
Stillmore
Talking Rock
Thunderbolt
Tunnel Hill
Uvalda
Van Wert
Varnell
Waleska
Williamson
Yatesville

Idaho

Harrison
Parker
Peck
Riggins
Rupert

Illinois

Batchtown
Beaverville
Belgium
Bureau Junction
Chebanse
Coal City
East Dubuque
Ellis Grove
Goreville
Hidalgo
Hollowayville
Hopedale
Iroquois
Ivesdale
Jeiseyville
Kinsman
Lakemoor
Lenzburg
Lisbon
Lockport
Macomb
Mascoutah
Middletown
Mount Erie
Muddy
Naplate
New Athens
New Salem
Old Mill Creek
Rankin
Rockdale
Scales Mound
Sheridan
Sterling
Symerton
Taylorville
Thebes
Urbain
Walshville
Weldon
Wellington
Westville
Willisville
Woodland

Indiana

Altona
Bainbridge
Battle Ground
Burns Harbor
Charlestown
Clayton
Corydon
Crawfordsville
Edinburg
Elberfeld
Elizabeth
Fairmount
Fort Branch
Franklin
Fremont
Glenwood
Greensfork
Harmony
Jonesboro
Lanesville
Little York
Markleville
Medaryville
Millhousen
Mooreland
Moores Hill
Mooresville
Mount Summit
Newpoint
Pennville
Plymouth
Rising Sun
Rome City
Stilesville
Straughn
Vernon
Wolcottville

Iowa

Albion
Algona
Archer
Beaman
Coggon
Coppock
Coulter
Crawfordsville
Ellston
Gibson
Green Island
Hillsboro
Lanesboro
Latimer
Linden
Linn Grove
Lytton
Minden
Moorland
Oakland
Osterdock
Ottosen
Randall
Sabula
Thor
Zwingle

Kansas

Cassoday
Earlton
Enterprise
Grinnell
Huron
Hutchinson
La Cygne
Langdon
Leoti
Latham
Marion
Menlo
Mound Valley
Mount Hope
Oakley
Olmitz
Partridge
Paxico
Republic
Russell Springs
Satanta
Syracuse
Utica
Viola
Woodbine
Zurich

Kentucky

Allen
Benham
Carrsville
Central
Concord
Eddyville
Ewing
Fairview
Hollyvilla
Inez
Kenton Vale
Latonia Lakes
London
Milton

Paintsville
Pikeville
Strathmoor Manor
Strathmoor Village
Tollesboro
Visalia

Louisiana

Delcambre
Dixie Inn
Grambling
Hodge
Krotz Springs
Sarepta
West Monroe

Maine

Gardiner

Maryland

Aberdeen
Capitol Heights
Clear Spring
Havre De Grace
Myersville
North East
Seat Pleasant
Union Bridge
Woodsboro

Massachusetts

Newburyport

Michigan

Allegan
Allen
Alma
Alpena
Alpha
Applegate
Bear Lake
Bellevue
Beulah
Burr Oak
Byron
Cadillac
Carney
Caro
Carson City
Charlevoix
Charlotte
Chesaning
Coleman
Crystal Falls
East Tawas
Fremont
Gaylord
Grand Haven
Grant
Harbor Springs
Harrison
Hastings
Hillsdale
Honor
Hudson
Ionia
Ishpeming
Kingsford
Lake Angelus
Lincoln
Ludington
Middle City
Middleville
Millington
Morenci
Morrice
Nashville
New Haven
Newberry
North Adams
Oakley
Olivet
Owosso
Petersburg
Ravenna
Rogers City
Shelby
Sherwood
South Rockwood
Springport
Vermontville
Wayland
West Branch
Whitehall
Woodland
Zeeland

Minnesota

Alden
Alpha
Brownsville
Buhl
Carlton
Clear Lake
Cobden
Comstock
Dakota
Dilworth
Farwell
Fountain
Foxhome
Grand Marais
International Falls
Lake Brownson
Lake Shore
Le Sueur
Lester Prairie
Lismore
Miesville
Minnesota City
Moose Lake
New Trier
Ormsby
Oslo
Peterson
Pine Island
Roosevelt
South International Fall
Spring Hill
St. Joseph
Tower
Trail
Two Harbors
Wabasha
Waltham
Westbrook
Williams
Winton

Mississippi

Ellisville
Meadville
Puckett
Quitman
Releigh

Missouri

Bates City
Beverly Hills
Bigelow
Birmingham
Bloomsdale
Bragg City
Brookline
Charlack
Commerce
Cottleville
Curryville
Festus
Flinthill
Foley
Gainesville
Grand Pass
Halfway
Hallsville
Hartwell
Herculaneum
Hermann
Holt
Kingston
Linn
Mackenzie
Montgomery City
Morrison
Moundville
Northwye
Parksdale
Phelps City
Rayville
Rolla
Rothville
Scott City
Union
Unity Village
Velda Village
Warrensburg
Warsaw
Wellington
West Line

Montana

Bridger
Conrad
Jordan
Kalispell
Nashua
Plains
Scobey
Twin Bridges
Whitehall
Wolf Point

Nebraska

Arapahoe
Fort Calhoun
Hayes Center
Horse Bluff
Kennard
Merriman
Nehawka
Plattsmouth
Pleasant Dale
Richland
Roca
Rogers
Saronville
Terrytown
Ulysses
Winnetoon

New Jersey

Belleville
Branchville
East Rutherford
Farmingdale
Freehold
Hackensack
Lawnside
Pemberton
Swedesboro

New Mexico

Artesia
Espanola
Melrose
Tatum
Tularosa
Williamsburg

New York

Adams
Afton
Albion
Alden
Andover
Angola
Argyle
Arkport
Athens
Attica
Avon
Ballston Spa
Blasdell
Boonville
Broadalbin
Brownville
Burdett
Burke
Caledonoia
Camden
Camillus
Canandaigua
Cassadaga
Catskill
Cattaraugus
Cazenovia
Champlain
Clayton
Cohocton
Copenhagen
Corfu
Dexter
Dresden
Elba
Evans Mills
Farnham
Fonda
Fort Ann
Fort Johnson
Freeville
Galway
Greene
Hagaman
Hancock
Hannibal
Harriman
Homer
Jordan
Kenmore
Le Roy
Liverpool
Livonia
Lynbrook
Mayfield
Middleburgh
Millbrook
Morris
Mount Kisco
Nelsonville
Nunda
Oakfield
Oriskany Falls
Ovid
Patchogue
Peekskill
Phoenix
Pine Hill
Prospect
Randolph
Red Hook
Riverside
Rouses Point
Saugerties
Schaghticoke
Schoharie
Silver Creek
Sloatsburg
Smyrna
South Corning
Springville
Stamford
Valley Falls
Wappingers Falls
Warsaw
Waterloo
Westhampton Beach

North Carolina

Alamance
Beulaville
Brevard
Burgaw
Carthage
Catawba
Cleveland
Columbus
Coway
Denton
Dillsboro
Drexel
Franklinton
Gaston
Goldston
Harrellsville
Haw River
Hendersonville
Huntersville
Indian Beach
Jackson
Liberty
Lincolnton
Macon
Magnolia
Marion
McFarlan
Pine Level
Pineville
Ranlo
Richlands
Rolesville
Siler City
Spring Lake
Staley
Sweansboro
Taylorsville
Wallace
Walstonburg
Warrenton
Windor
Yardkinville
Youngsville

North Dakota

Bathgate
Dickey City
Fort Yates
Fortuna
Hansboro
Hove Mobile Park
Lansford
Monango
Nekoma
Niagara
Osnabrock
Rolla
Sentinel Butte
Towner
Verona
York

Ohio

Addyston
Albany
Amsterdam
Andover
Aquilla
Bellevue
Bettsville
Blanchester
Bolivar
Bradford
Bremen
Brookville
Buckeye
Buckland
Caledonia
Cardington
Castalia
Cecil
Chippewa-on-the-Lake
Clinton
Clyde
Columbus Grove
Conesville
Conneaut
Deshler
East Palestine
East Sparta
Edison
Fletcher
Fulton
Galiton
Grand Rapids
Granville
Gratiot
Greenwich
Hartford
Harveysburg
Holland
Hollansburg
Huntsville
Irondale
Jacksonburg
Johnstown
Kimbolton
Leetonia
Lewisburg
Lewisville
Lindsey
Lisbon
Lithopolis
Lowell
Lynchburg
Magnetic Serings
Marblehead
Millersport
Minerva
Morral
Moscow
Mount Gilead
Mount Vernon
Mutual
New Athens
New Holland
Newton Falls
Ney
North Bend
Otway
Painesville
Parral
Plain City
Port Clinton
Portage
Powhatan Point
Rendville
Rio Grande
Rising Sun
Rittman
Rock Creek
Rogers
Rushville
Salem
Sherrodsville
Somerville
Spencer
St. Paris
Urbana
Versailles
Wayne
West Alexandria
Williamsburg
Wilmot
Woodlawn

Oklahoma

Altus
Ardmore
Arnett
Cherokee
Cooperton
Gore
Helena
Knowles
Lamont
Shady Grove
Shidler
Skedee
Tupelo
Valley Brook
Vera
Warner

Oregon

Astoria
Barlow
City of The Dalles
Coburg
Coquille
Elkton
Falls City
Hodd River
Independence
Monroe
Oakland
Rainier
Sisters
Vale
Yachats

Pennsylvania

Adamstown
Addison
Arona
Avis
Bellwood
Berrysburg
Bessemer
Blain
Blawnox
Boswell
Carrolltown
Cassville
Clarion
Coatesville
Colwyn
Connoquenessing
Conway
Corsica
Creekside
Cressona
Derry
Donegal
Duncansville
East Berlin
Enon Valley
Export
Factoryville
Franklin
Freeport
Glasgow
Goldsboro
Green Lane
Halifax
Jamestown
Jermyn
Jonestown
Kenhorst
Lewisberry
Marklesburg
McKean
Mechanicsville
Middleburg
Mill Hall
Monroe
Mount Penn
Muncy
Nescopeck
Nesquehoning
New Berlin
New Brighton
New Eagle
New Florence
Newry
North East
Northumberland
Oklahoma
Old Forge
Pen Argyl
Perkasie
Port Matilda
Royalton
Royersford
Saegertown
Saltsburg
Scalp Level
Seven Valleys
Seward
Sewickley
Shippensburg
Shippenville
Slippery Rock
Spartansburg
Springboro
Sugar Creek
Tionesta
Trafford
Trainer
Tunkhannock
Union City
Utica
Vandling
Wampum
Watsontown
West Easton
West Elizabeth
West Grove
West Mayfield
West Middlesex
Windber
Windsor

South Carolina

Beaufort
Clover
Cordova
Coward
Cowpens
Fort Mill
Lyman
Pacolet
Reevesville
Ridgeland
Salem
Snelling
West Columbia

South Dakota

Blunt
Faith
Lemmon
Stratford
Turton
Vilas

Tennessee

Lebanon
Morristown
Normandy
Oliver Springs
Selmer
Spencer

Texas

Anahuac
Avinger
Bellmead
Benjamin
Bonney
Buffalo Gap
Centerville
Cockrell Hill
Edna
Eustace
Grayburg
Lake Worth
Lampasas
Lavon
Leary
Lincoln Park
Maud
Millsap
Oakhurst
Pleasanton
Rockport
Rose City
Sansom Park Village
Surfside Beach
Trent
Trinidad
Weinert
Woodson

Utah

Altamont
Eureka
Meadow
Ophir
South Salt Lake

Vermont

Derby Line
Hardwick
Hyde Park
Marshfield
Northfield
West Burke

Virginia

Big Stone Gap
Colonial Beach
Grundy
Haysi
Madison
McKenney
Middleburg
Occoquan
Purcellville
Quantico
Troutville
Warrenton

Washington

Clarkston
Grand Coulee
Index
Kelso
Lyman
Ritzville
Rushton
Skykomish
Soap Lake
South Bend

West Virginia

Bolivar
Bradshaw
Chapmanville
Chesapeake
Elizabeth
Granville
Nitro
Northfork
Nutter Fort
Pineville
Princeton
Sophia
Wellsburg
West Logan
Winfield

Wisconsin

Alma Center
Beaver Dam
Cassville
Cobb
Couderay
Dane
Eagle River
Eland
Fountain City
Hatley
Juneau
Kaukauna
Menasha
Mineral Point
Oconto Falls
Peshtigo
Rio
Rudolph
Scandinavia
Shiocton
Spring Valley
St. Naziaz
Sullivan
Westfield

Wyoming

Granger
Kaycee
Riverside
Sundance

IV. The following list contains the names of those small cities which met the minimum standards of physical and economic distress as of the Notice but which do not meet the current minimum standards. The final date for submission

of an application by the cities listed below is November 30, 1982.

Alabama

Armore
Babbie
Bear Creek
Brighton
Cariff
Cardiff
Carolina
Coffee Springs
Coosada
County Line (Covington County)
Daphne
Elkmont
Eunola
Fayette
Geneva
Gurley
Hayden
Ider
Kansas
Kinsey
Lester
Lincoln
Ohatchee
Pell City
Pollard
Providence
Rainsville
Riverside
Riverview
Union Grove
Walnut Grove
West Point
Winfield

Alaska

Buckland
Larsen Bay
Manokotak

Arizona

Buckeye
Florence
Marana
Bomerton

Arkansas

Ashdown
Bald Knob
Bigelow
Carlisle
Cash
Colt
Daisy
Felsenthal
Friendship
Grannis
Judsonia
Magnolia
Marie
Melbourne
Moorefield
Newport
Oak Grove Heights
Pocahontas
Poyen
Redfield
Tyronza
Western Grove

California

Azusa
Colton
Cudahy
Emeryville
Guadalupe
Imperial Beach
Irwindale
Live Oak
Lynwood
Maywood
Merced
Pittsburg
Rosemead
San Juan Bautista
South El Monte
Watsonville

Colorado

Burlington
Cheraw
Iliff
Mead
Minturn
Olathe
Palisade
Swink

Delaware

Blades
Henlopen Acres
Kenton

Florida

Bristol
Hastings
Plant City

Georgia

Allenhurst
Alto
Baconton
Bowersville
Euharlee
Fairmount
Hilltonia
Hiram
Industrial City
Morae
Nashville
Plainville
Sunny Side
Walnut Grove

Idaho

Caldwell
Chatcolet
Downey
Hansen
Jerome
Lewiston
Plummer
Rathdrum
Reubens
Wendell

Illinois

Aledo
Alsey
Arcola
Ashland
Bement
Brimfield
Broadnell
Brownstown
Bulpitt
Bushwell
Carbon Cliff
Carmi
Chester
Chrisman
Cisne
Coatsburg
Coffeen
Crossville
Cuba
Danforth
Donnellson
Dowell
Dwight
Eagarville
Eddyville
Edinburg
Fairbury
Farmington
Fayetteville
Forrest
Forreston
Galesburg
Gibson
Gilberts
Gilman
Glasgow
Grainville
Hamel
Hartsburg
Highwood
Hoyleton
Kappa
La Moille
Lemont
Mansfield
Mantend
Mark
McLean
McLeansboro
Mendota
Modesto
Momence
Morrison
Mount Morris
Mount Olive
Nauvoo
Oconee
Ohio
Orangeville
Pembroke
Piper City
Ridgway
Ruma
Rutland
Seatonville
Sheffield
Sibley
Spring Valley
St. Anne
Strawn
Stronghurst
Sullivan
Thayer
Tiskilwa
Toluca
Toulon
Warren
Warsaw
Watseka
Watson
West Salem
Williamsfield
Wyanet
Wyoming

Indiana

Alfordsville
Angola
Birdseye
Bruceville
Butler
Channelton
Carefree
Colfax
Crothersville
Cynthiana
Decatur
Frankfort
Geneva
Hardinsburg
Haubstadt
Holland
Judson
Kendallville
Kennard
Ladoga
Lagrange
Lake Hart
Ligonier
Lodgootee
Losantville
Matthews
Merom
Milan
Milton
Mount Auburn
Mulberry
North Manchester
Odon
Otterbein
Riley
Seelyville
Sheridan
Syracuse
Walkerton
Warren
Waterloo
Winchester

Iowa

Ackley
Agency
Alden
Alleman
Arcadia
Aurelia
Bellevue
Bode
Britt
Buck Grove
Buffalo Center
Burt
Central City
Chillicothe
Columbus Junction
Corwith
Craig
Dakota City
Dallas Center
Decorah
Dickens
Drakesville
Earlville
Elma
Farnhamville
Fruitland
Galva
Geneva
Harris
Havelock
Holstein
Hull
Jefferson
Keystone
Klemme
Knoxville
La Porte City
Lake Park
Lamoni
Lamont
Le Mars
Luxemburg
Maquoketa
Masonville
Melrose
Montrose
Mount Pleasant
New Market
New Sharon
Numa
Ocheyedan
Orient
Perry
Prairieburg
Quimby
Ringsted
Rock Rapids
Rudd
Salem
Scarville
Sidney
Sioux Center
Somers
Stanhope
Stanwood
Strawberry Point
Sutherland
Thornburg
Ventura
Waukon
Wayland
West Burlington
Westphalia
Winthrop

Kansas

Baldwin City
Bucklin
Bushong
Carbondale
Edwardsville
Elmdale
Haviland
La Crosse
Lehigh
Lewis
Lyndon
Marysville
Mayfield
Mclouth
Mildred
Minneola
Muscotah
Olpe
Otis
Protection
Richmond
Sawyer
Sharon
South Haven
St. John
Turon
Valley Falls
Wamego
Wathena
Wellington

Kentucky

Benton
Calhoun
Campbellsville
Carrollton
Cedarville
Edmonton
Elsmere
Ferguson
Fredonia
Gamaliel
Greensburg
Greenup
Hartford
Jeffersonville
Kevil
Kuttawa
Lakeview Heights
Liberty
Manchester
Mckee
Morgantown
North Middletown
Nortonville
Oakland
Olive Hill
Phelps
Pleasant Valley
Southgate
Stamping Ground
Stanton

Louisiana

Blanchard
Dry Prong
Florien
Fordoche
Golden Meadow
Goldonna
Haughton
Jackson
Kinder
Lutcher
Martin
Mount Lebanon
Richmond
Ruston
South Mansfield
Stonewall
Turkey Creek
Vienna
Walker

Maine

Westbrook

Maryland

Eagle Harbor
Hurlock
Sudlersville
Upper Marlboro

Massachusetts

Taunton

Michigan

Adrian
Bloomingdale
Central Lake
Douglas
Edwardsburg
Lake Odessa
Memphis
Stephenson
Sturgis

Minnesota

Amboy
Blue Earth
Cambridge
Clinton
Corcoran
Cromwell
Crookston
Delano
Evansville
Eveleth
Foley
Glencoe
Glenwood
Grove City
Hadley
Halma
Hector
Heidelberg
Hinckley
Hollandale
Jackson
Kennedy
Lonsdale
Mapleton
Minnesota Lake
Minnetonka Beach
Montevideo
Mountain Lake
Nashwauk
New Germany
Olivia
Osakis
Plainview
Royalton
Rushford
Slayton
St. James
St. Peter
Tyler
Warren
Whalan
Young America
Zumbrota

Mississippi

Batesville
Caledonia
Carthage
Corinth
Derma
Dumas
Ecru
Falkner
Flowood
Forest
Magee
Marietta
Philadelphia
Renova
Smithville
Soso
Taylor
Thaxton
Wiggins

Missouri

Agency
Archie
Bloomfield
Burgess
Centertown
Circle City
Conception Junction
Country Life Acres
Duguesne
Edgerton
Frohna
Gasconade
Harrisburg
Homestead
Jonesburg
La Plata
Leasburg
Leawood
Lone Jack
Matthews
Milford
New Bloomfield
North Wardell
Palmyra
Pine Lawn
Plattsburg
Ravenwood
Ritchey
Saginaw
Strafford

Montana

Bainville
Ennis
Hobson

Nebraska

Ansley
Beatrice
Benedict
Bertrand
Bradshaw
Brownville
Central City
Clearwater
Cozad
Garrison
Hastings
Hooper
Howard City
Madison
Martinsburg
Octavia
Osceola
Palmer
Palmyra
Paxton
Plymouth
Rosalie
Schuyler
Staplehurst
Stockham
Tobias
Valentine
Wauneta

New Hampshire

Claremont
Concord

New Jersey

Fieldsboro
Harrison
Keyport
North Wildwood
South Toms River
Wrightstown

New Mexico

San Jon

New York

Alexander
Ames
Bellerose
Cherry Valley
Fishkill
Richburg
Richfield Springs
Savannah
Wurtsboro

North Carolina

Andrews
Ansonville
Boiling Springs Lakes
Centerville
Chocowinity
Coats
Dublin
Elkin
Faith
Garysburg
Granite Falls
Havelock
Kure Beach
Lumberton
Mocksville
Nashville
New London
Newland
Pikeville
Rocky Mount
Southern Shores
Valdese
Waco
Waynesville
Whiteville
Wingate
Woodville

North Dakota

Barney
Bottineau
Colfax
Dawson
Gilby
Glenburn
Grand
Harvey
Hunter
Leonard
Ludden
Makoti
Manvel
Mooreton
Russell
Starkweather
Taylor City
Turtle Lake
Wishek

Ohio

Antwerp
Bellefontaine
Bloomville
Bluffton
Brady Lake
Bryan
Cridersville
Defiance
Dover
Edon
Georgetown
Gettysburg
Green Springs
Hicksville
Jewett
Lakemore
Leipsic
Meyers Lake
Midway
Millersburg
New Madison
Port Jefferson
Roaming Rock
Sabina
Scott
Sebring
Sparta
Stryker
Sugarcreek
Tuscarawas
Upper Sandusky
Wharton
Willard

Oklahoma

Ada
Alderson
Bradley
Cameron
Clinton
Dill City
Fargo
Fort Supply
Foss
Freedom
Kemp
Lahoma
Liberty
Mooreland
Ochelata
Okeene
Oktaha
Rattan
Shattuck
Sperry
Springer
Stringtown
Tahlequah
Taloga
Thackerville
Union City
Wellston

Oregon

Durham
Echo
Moro
Phoenix

Pennsylvania

Albion
Brookville
Chester Hill
Christiana
Clarendon
Deemston
Deer Lake
Fawn Grove
Freeburg
Freemansburg
Harrisville
Hydetown
Laceyville
Laurel Run
Mars
Meshoppen
Milesburg
Millbourne
Mohnton
Mont Alto
New Oxford
New Salem
Pleasantville
Pringle
Prospect Park
Ramey
Roaring Spring
Selinsgrove
Shamokin Dam
Somerset
Speers
Sykesville
Wesleyville
West Middletown
White Haven
Youngwood

South Carolina

Cayce
Central
Fairfax
Hollywood
Johnston
Kershaw
Luray
McCellanville
New Ellenton
Ninety Six
Pamplico
Starr
Wellford
Williamston

South Dakota

Alcester
Freeman
Fulton
Groton
Harrold
Letcher
Philip
Plankinton
Redfield
Roslyn
Tabor
Trent
Wakonda
Webster

Tennessee

Adair
Algood
Ardmore
Benton
Byrdstown
Camden
Collinwood
Cross Plains
Decaturville
Eastview
Friendship
Gallaway
Hartsville
Jonesboro
Lakesite
Lobelville
Milan
Minor Hill
Parsons
Shelbyville
Smithville
Sneedville
Tennessee Ridge
Trezevant
Tullahoma
Waynesboro
West Moreland
Winchester

Texas

Agua Dulce
Alma
Alton
Anna
Anson
Appleby
Abpermont
Aubrey
Beckville
Bishop
Bogata
Celina
Cleburne
Como
Darrouzett
Dickens
Earth
East Tawakdni
Edgewood
Edmonson
Elgin
Fairview
Furit Vale
Gainesville
Haskell
Idalou
Josephine
Kermit
Kirvin
La Vernia
Leona
Leroy
Lexington
Hertens
Hertzon
Mobeetie
Monticello
Moore Station
Muleshoe
New Boston
Oak Grove
Overton
Palmhurst
Palmview
Plains
Pleasant Valley
Prairie View
Pyote

Reklaw
San Marcos
Seadrift
Seguin
Seminole
Shamrock
Sterling City
Sulphur Springs
Sunnyvale
Teague
Thorndale
Toco
Valley Mills
Wellman
West Tawakoni
Weston
Whitesboro

Utah

Ballard
Cedar Fort
Cornish
Elmo
Mantua
Oak City
Oakley
Santa Clara
Santaquin
Scipio
Sterling
Washington
Woodruff

Vermont

Plainfield
Randolph
Vergennes

Virginia

Boykins
Brookneal
Dayton
Grottoes
Independence
Irvington
Louisa
Lovettsville
Norton City
Port Royal
Smithfield
Toutdale
Waverly

Washington

Algona
Colfax
College Place
Elma
Farmington
Pacific
Palouse
Snohomish

West Virginia

Cowen
Dunbar
Handley
Harrisville
Shinnston
Triadelphia

Wisconsin

Baraboo
Berlin
Colby
De Soto
Deer Park
Eastman
Endeavor
Frederic
Granton
Ironton
Livingston
Marquette
Montreal
Nelsonville
North Freedom
Princeton
Reedsville
Stoddard
Waupun
West Baraboo
Wisconsin Dells
Woodman

Wyoming

Chugwater
Manderson
South Superior

V. The following list contains the name of towns and townships which meet the minimum standards for physical and economic distress and which are in States where towns and townships may have powers comparable to the powers of municipalities. Each town and township is not listed with places in Section II because their eligibility as cities has not been determined under the criterion of 24 CFR 570.3(e), which requires that they (1) have powers and perform functions comparable to municipalities, (2) are closely settled and (3) have corporation agreements with all incorporated places within their boundaries. Requests for waivers of the closely settled requirement from towns and townships which meet all other requirements may be waived by the Secretary on a case by case basis.

Connecticut

Inc. Putnam Town, Windham County
Sterling Town, Windham County
Thomaston Town, Litchfield County
Winchester Town, Litchfield County

Maine

Abbot Town, Piscataquis County
Addison Town, Washington County
Alexander Town, Washington County
Allagash Town, Aroostook County
Alton Town, Penobscot County
Amity Town, Aroostook County
Andover Town, Oxford County
Anson Town, Somerset County
Appleton Town, Knox County
Arrowsic Town, Sagadahoc County
Ashland Town, Aroostook County
Athens Town, Somerset County
Atkinson Town, Piscataquis County
Avon Town, Franklin County
Baldwin Town, Cumberland County
Bar Harbor Town, Hancock County
Baring Plantation, Washington County
Barnard Plantation, Piscataquis County
Beals Town, Washington County
Beddington Town, Washington County
Belgrade Town, Kennebec County
Belmont Town, Waldo County
Benedicta Town, Aroostook County
Benton Town, Kennebec County
Bingham Town, Somerset County
Blaine Town, Aroostook County
Blue Hill Town, Hancock County
Boothbay Harbor Town, Lincoln County
Boothbay Town, Lincoln County
Bowerbank Town, Piscataquis County
Bradford Town, Penobscot County
Bremen Town, Lincoln County
Bridgewater Town, Aroostook County
Bridgton Town, Cumberland County
Bristol Town, Lincoln County
Brooklin Town, Hanoock County
Brooks Town, Waldo County
Brooksville Town, Hancock County
Brownfield Town, Oxford County
Brownville Town, Piscataquis County
Buckfield Town, Oxford County
Bucksport Town, Hancock County
Burlington Town, Penobscot County
Cambridge Town, Somerset County
Camden Town, Knox County
Canaan Town, Somerset County
Caratunk Plantation, Somerset County
Carroll Plantation, Penobscot County
Castine Town, Hancock County
Castle Hill Town, Aroostook County
Caswell Plantation, Aroostook County
Chapman Town, Aroostook County
Cherryfield Town, Washington County
Chesterville Town, Franklin County
Clinton Town, Kennebec County
Codyville Plantation, Washington County
Columbia Falls Town, Washington County
Corinth Town, Penobscot County
Cyr Plantation, Aroostook County
Dallas Plantation, Franklin County
Damariscotta Town, Lincoln County
Danforth Town, Washington County
Dedham Town, Hancock County
Deer Isle Town, Hancock County
Dennysville Town, Washington County
Detroit Town, Somerset County
Dixfield Town, Oxford County
Dixmont Town, Penobscot County
Dover Foxcroft Town, Piscataquis County
Dresden Town, Lincoln County
Eagle Lake Town, Aroostook County
East Machias Town, Washington County
East Millinocket Town, Penobscot County
Easton Town, Aroostook County
Elliottsville Plantation, Piscataquis County
Etna Town, Penobscot County
Eustis Town, Franklin County
Exeter Town, Penobscot County
Fairfield Town, Somerset County
Fort Fairfield Town, Aroostook County
Fort Kent Town, Aroostook County
Frankfort Town, Waldo County
Franklin Town, Hancock County
Freedom Town, Waldo County
Frenchville Town, Aroostook County
Friendship Town, Knox County
Garland Town, Penobscot County
Georgetown Town, Sagadahoc County
Gilead Town, Oxford County
Glenwood Plantation, Aroostook County
Gouldsboro Town, Hancock County
Grand Isle Town, Aroostook County
Grand Lake Stream Plantation, Washington County
Greenbush Town, Penobscot County
Greene Town, Androscoggin County
Greenfield Town, Penobscot County
Hamlin Town, Aroostook County
Hancock Town, Hancock County
Hanover Town, Oxford County
Harmony Town, Somerset County
Harrington Town, Washington County
Hartland Town, Somerset County
Hebron Town, Oxford County
Hersey Town, Aroostook County
Highland Plantation, Somerset County
Hodgdon Town, Aroostook County
Houlton Town, Aroostook County
Howland Town, Penobscot County
Hudson Town, Penobscot County
Island Falls Town, Aroostook County
Jackman Town, Somerset County
Jefferson Town, Lincoln County
Jonesboro Town, Washington County
Jonesport Town, Washington County
Kenduskeag Town, Penobscot County
Kingfield Town, Franklin County
Kittery Town, York County
Knox Town, Waldo County
Lagrange Town, Penobscot County
Leeds Town, Androscoggin County
Liberty Town, Waldo County
Limerick Town, York County
Limestone Town, Aroostook County
Lincoln Town, Penobscot County
Littleton Town, Aroostook County
Livermore Falls Town, Androscoggin County
Lovell Town, Oxford County
Lowell Town, Penobscot County
Lubec Town, Washington County
Machias Town, Washington County
Machiasport Town, Washington County
Macwahoc Plantation, Aroostook County
Madawaska Town, Aroostook County
Madison Town, Somerset County
Madrid Town, Franklin County

Mars Hill Town, Aroostook County
Masardis Town, Aroostook County
Mattawamkeag Town, Penobscot County
Mechanic Falls Town, Androscoggin County
Meddybemps Town, Washington County
Merrill Town, Aroostook County
Mexico Town, Oxford County
Milo Town, Piscataquis County
Monroe Town, Waldo County
Monson Town, Piscataquis County
Monticello Town, Aroostook County
Montville Town, Waldo County
Moose River Town, Somerset County
Moscow Town, Somerset County
Mount Chase Plantation, Penobscot County
Mount Vernon Town, Kennebec County
New Canada Plantation, Aroostook County
New Gloucester Town, Cumberland County
New Limerick Town, Aroostook County
New Portland Town, Somerset County
New Sweden Town, Aroostook County
New Vineyard Town, Franklin County
Newport Town, Penobscot County
Newry Town, Oxford County
North Haven Town, Knox County
Northfield Town, Washington County
Norway Town, Oxford County
Oakfield Town, Aroostook County
Oakland Town, Kennebec County
Orient Town, Aroostook County
Osborn Plantation, Hancock County
Oxbow Plantation, Aroostook County
Paris Town, Oxford County
Parsonsfield Town, York County
Patten Town, Penobscot County
Pembroke Town, Washington County
Penobscot Town, Hancock County
Perham Town, Aroostook County
Perry Town, Washington County
Phillips Town, Franklin County
Phippsburg Town, Sagadahoc County
Pittsfield Town, Somerset County
Plantation No. 21, Washington County
Pleasant Ridge Plantation, Somerset County
Plymouth Town, Penobscot County
Portage Lake Town, Aroostook County
Porter Town, Oxford County
Pownal Town, Cumberland County
Prentiss Plantation, Penobscot County
Princeton Town, Washington County
Rangeley Town, Franklin County
Reed Plantation Town, Aroostook County
Richmond Town, Sagadahoc County
Ripley Town, Somerset County
Robbinston Town, Washington County
Rockport Town, Knox County
Roque Bluffs Town, Washington County
Roxbury Town, Oxford County
Rumford Town, Oxford County
Sangerville Town, Piscataquis County
Searsmont Town, Waldo County
Spearsport Town, Waldo County
Sedgwick Town, Hancock County
Sherman Town, Aroostook County
Shirley Town, Piscataquis County
Skowhegan Town, Somerset County
Smyrna Town, Aroostook County
Sorrento Town, Hancock County
South Bristol Town, Lincoln County
Southport Town, Lincoln County
St. Agatha Town, Aroostook County
St. Albans Town, Somerset County
St. Francis Town, Aroostook County
St. George Town, Knox County
St. John Plantation Town, Aroostook County
Stacyville Town, Penobscot County
Starks Town, Somerset County
Stetson Town, Penobscot County
Steuben Town, Washington County
Stockholm Town, Aroostook County
Stockton Springs Town, Waldo County
Stoneham Town, Oxford County
Stonington Town, Hancock County
Sullivan Town, Hancock County
Swanville Town, Waldo County
Talmadge Town, Washington County
Thorndike Town, Waldo County
Topsfield Town, Washington County
Turner Town, Androscoggin County
Unity Town, Waldo County
Van Buren Town, Aroostook County
Vienna Town, Kennebec County
Vinalhaven Town, Knox County
Wade Town, Aroostook County
Waldo Town, Waldo County
Waldoboro Town, Lincoln County
Wales Town, Androscoggin County
Wallagrass Plantation, Aroostook County
Waltham Town, Hancock County
Warren Town, Knox County
Washington Town, Knox County
Wayne Town, Kennebec County
Weld Town, Franklin County
Wesley Town, Washington County
West Forks Plantation, Somerset County
Westfield Town, Aroostook County
Whitefield Town, Lincoln County
Whiting Town, Washington County
Winn Town, Penobscot County
Winter Harbor Town, Hancock County
Winterport Town, Waldo County
Woodland Town, Aroostook County
Woodstock Town, Oxford County
Woolwich Town, Sagadahoc County

Massachusetts

Adams Town, Berkshire County
Amherst Town, Hampshire County
Athol Town, Worcester County
Ayer Town, Middlesex County
Blackstone Town, Worcester County
Buckland Town, Franklin County
Clarksburg Town, Berkshire County
Clinton Town, Worcester County
Dalton Town, Berkshire County
Fairhaven Town, Bristol County
Great Barrington Town, Berkshire County
Hancock Town, Berkshire County
Hardwick Town, Worcester County
Hawley Town, Franklin County
Heath Town, Franklin County
Hopedale Town, Worcester County
Hull Town, Plymouth County
Huntington Town, Hampshire County
Lee Town, Berkshire County
Leyden Town, Franklin County
Millbury Town, Worcester County
Millville Town, Worcester County
Montague Town, Franklin County
New Marborough Town, Berkshire County
Palmer Town, Hampden County
Petersham Town, Worcester County
Plainfield Town, Hampshire County
Provincetown Town, Barnstable County
Rowe Town, Franklin County
Royalston Town, Worcester County
Salisbury Town, Essex County
Sandisfield Town, Berkshire County
South Hadley Town, Hampshire County
Southbridge Town, Worcester County
Webster Town, Worcester County
West Bridgewater Town, Plymouth County
West Springfield Town, Hampden County
Williamsburg Town, Hampshire County
Winchendon Town, Worcester County
Winthrop Town, Suffolk County
Worthington Town, Hampshire County

Michigan

Adams Township, Arenac County
Inc. Adams Township, Houghton County
Aetna Township, Missaukee County
Inc. Akron Township, Tuscola County
Albion Township, Calhoun County
Allis Township, Presque Isle County
Inc. Allouez Township, Keweenaw County
Amboy Township, Hillsdale County
Antioch Township, Wexford County
Argyle Township, Sanilac County
Au Gres Township, Arenac County
Austin Township, Sanilac County
Baldwin Township, Delta County
Baltimore Township, Barry County
Bangor Township, Van Buren County
Inc. Baraga Township, Baraga County
Bark River Township, Delta County
Barton Township, Newaygo County
Batavia Township, Branch County
Bates Township, Iron County
Bay De Noc Township, Delta County
Bay Mills Township, Chippewa County
Beaver Township, Newaygo County
Belknap Township, Presque Isle County
Inc. Bellevue Township, Eaton County
Benona Township, Oceana County
Benton Township, Berrien County
Bergland Township, Ontonagon County
Berlin Township, St. Clair County
Bessemer Township, Gogebic County
Bethany Township, Gratiot County
Inc. Bingham Township, Huron County
Bismarck Township, Presque Isle County
Blaine Township, Benzie County
Bloomfield Township, Huron County
Inc. Boon Township, Wexford County
Brampton Township, Delta County
Breen Township, Dickinson County
Brevort Township, Mackinac County
Inc. Bridgehampton Township, Sanilac County
Bridgeton Township, Newaygo County
Brockway Township, St. Clair County
Bronson Township, Branch County
Inc. Brookfield Township, Huron County
Brown Township, Manistee County
Buckeye Township, Gladwin County
Buel Township, Sanilac County
Inc. Burdell Township, Osceola County
Burleigh Township, Iosco County
Burnside Township, Lapeer County
Inc. Burr Oak Township, St. Joseph County
Burt Township, Alger County
Burt Township, Cheboygan County
Inc. Bushnell Township, Montcalm County
Butterfield Township, Missaukee County
Caldwell Township, Missaukee County
California Township, Branch County
Inc. Calumet Township, Houghton County
Calvin Township, Cass County
Inc. Camden Township, Hillsdale County
Inc. Carlton Township, Barry County
Carp Lake Township, Emmet County
Cedar Creek Township, Wexford County
Center Township, Emmet County
Centerville Township, Leelanau County
Champion Township, Marquette County
Chandler Township, Huron County

Chapin Township, Saginaw County
Chase Township, Lake County
Cherry Valley Township, Lake County
Inc. Chesaning Township, Saginaw County
Cheshire Township, Allegan County
Chippewa Township, Chippewa County
Churchill Township, Ogemaw County
Clam Union Township, Missaukee County
Clark Township, Mackinac County
Claybanks Township, Oceana County
Clayton Township, Arenac County
Inc. Cleon Township, Manistee County
Clinton Township, Oscoda County
Coldwater Township, Isabella County
Colfax Township, Huron County
Colfax Township, Mecosta County
Colfax Township, Wexford County
Inc. Columbia Township, Van Buren County
Columbus Township, Luce County
Inc. Concord Township, Jackson County
Cornell Township, Delta County
Covert Township, Van Buren County
Covington Township, Baraga County
Cross Village Township, Emmet County
Crystal Township, Montcalm County
Crystal Township, Oceana County
Cumming Township, Ogemaw County
Dafter Township, Chippewa County
Inc. Daggett Township, Menominee County
Inc. Dalton Township, Muskegon County
Inc. Day Township, Montcalm County
Inc. Decatur Township, Van Buren County
Inc. Deerfield Township, Mecosta County
Inc. Delaware Township, Sanilac County
Inc. Denver Township, Newaygo County
Dover Township, Lake County
Dover Township, Otsego County
Doyle Township, Schoolcraft County
Duncan Township, Houghton County
Inc. Duplain Township, Clinton County
Inc. Dwight Township, Huron County
Eagle Harbor Township, Keweenaw County
Echo Township, Antrim County
Eckford Township, Calhoun County
Inc. Elba Township, Gratiot County
Elbridge Township, Oceana County
Inc. Elkland Township, Tuscola County
Ellis Township, Cheboygan County
Inc. Ellsworth Township, Lake County
Elm River Township, Houghton County
Elmer Township, Sanilac County
Inc. Elmswood Township, Tuscola County
Emerson Township, Gratiot County
Inc. Empire Township, Leelanau County
Ensley Township, Newaygo County
Enterprise Township, Missaukee County
Erwin Township, Gogebic County
Evangeline Township, Charlevoix County
Everett Township, Newaygo County
Evergreen Township, Sanilac County
Ewing Township, Marquette County
Fairbanks Township, Delta County
Fairfield Township, Lenawee County
Fairfield Township, Shiawassee County
Fairhaven Township, Huron County
Ferris Township, Montcalm County
Ferry Township, Oceana County
Fillmore Township, Allegan County
Flynn Township, Sanilac County
Forest Township, Missaukee County
Inc. Fork Township, Mecosta County
Franklin Township, Houghton County
Inc. Free Soil Township, Mason County
Fremont Township, Isabella County
Fremont Township, Saginaw County
Inc. Fremont Township, Tuscola County
Friendship Township, Emmet County
Inc. Fulton Township, Gratiot County
Inc. Galien Township, Berrien County
Ganges Township, Allegan County
Inc. Garden Township, Delta County
Garfield Township, Kalkaska County
Garfield Township, Mackinac County
Geneva Township, Van Buren County
Germfask Township, Schoolcraft County
Gilford Township, Tuscola County
Goodwell Township, Newaygo County
Grant Township, Huron County
Grant Township, Newaygo County
Grant Township, St. Clair County
Greenbush Township, Clinton County
Greendale Township, Midland County
Greenland Township, Ontonagon County
Greenwood Township, Oceana County
Greenwood Township, St. Clair County
Inc. Gustin Township, Alcona County
Haight Township, Ontonagon County
Hamilton Township, Gratiot County
Hamilton Township, Van Buren County
Hancock Township, Houghton County
Harris Township, Menominee County
Hart Township, Oceana County
Hartwick Township, Osceola County
Haynes Township, Alcona County
Hematite Township, Iron County
Hendricks Township, Mackinac County
Hinton Township, Mecosta County
Holland Township, Missaukee County
Holmes Township, Menominee County
Inc. Home Township, Montcalm County
Home Township, Newaygo County
Inc. Homestead Township, Benzie County
Inc. Hopkins Township, Allegan County
Inc. Hudson Township, Lenawee County
Hulbert Township, Chippewa County
Imlay Township, Lapeer County
Inc. Indianfields Township, Tuscola County
Ingallston Township, Menominee County
Interior Township, Ontonagon County
Inwood Township, Schoolcraft County
Inc. Iron River Township, Iron County
Inc. Irving Township, Barry County
Jefferson Township, Cass County
Inc. Jonesfield Township, Saginaw County
Jordan Township, Antrim County
Keeler Township, Van Buren Cunty
Kinderhook Township, Branch County
Inc. Kingstown Township, Tuscola County
Kinross Township, Chippewa County
Klacking Township, Ogemaw County
Inc. La Grange Township, Cass County
Lafayette Township, Gratiot County
Laird Township, Houghton County
Lake Township, Huron County
Lakefield Township, Luce County
Lamotte Township, Santlac County
Inc. Lanse Township, Baraga County
Inc. Leavitt Township, Oceana County
Lee Township, Allegan County
Inc. Leelanau Township, Leelanau County
Inc. Lenox Township, Macomb County
Leonidas Township, St. Joseph County
Inc. Lexington Township, Sanilac County
Lincoln Township, Arenac County
Inc. Lincoln Township, Huron County
Lincoln Township, Osceola County
Long Rapids Township, Alpena County
Loud Township, Montmorency County
Inc. Lyons Township, Ionia County
Inc. Mackinaw Township, Cheboygan County
Madison Township, Lenawee County
Manistique Township, Schoolcraft County
Maple Forest Township, Crawford County
Inc. Maple Grove Township, Manistee County
Maple Ridge Township, Delta County
Inc. Maple River Township, Emmet County
Marengo Township, Calhoun County
Marilla Township, Manistee County
Inc. Marion Township, Osceola County
Marion Township, Saginaw County
Inc. Marion Township, Sanilac County
Marquette Township, Mackinac County
Inc. Martin Township, Allegan County
Mayfield Township, Grand Traverse County
Inc. McKinley Township, Emmet County
Inc. McMillan Township, Luce County
McMillan Township, Ontonagon County
Inc. Meade Township, Huron County
Medina Township, Lenawee County
Inc. Mendon Township, St. Joseph County
Mentor Township, Oscoda County
Meyer Township, Menominee County
Michigamme Township, Marquette County
Middle Branch Township, Osceola County
Middlebury Township, Shiawassee County
Millbrook Township Mecosta County
Inc. Minden Township, Sanilac County
Moffatt Township, Arenac County
Moltke Township, Presque Isle County
Monterey Township, Allegan County
Montmorency Township, Montmorency County
Moore Township, Sanilac County
Moran Township, Mackinac County
Inc. Morton Township, Mecosta County
Mueller Township, Schoolcraft County
Mullet Township, Cheboygan County
Munro Township, Cheboygan County
Inc. Mussey Township, St. Clair County
Inc. Nadeau Township, Menominee County
Nahma Township, Delta County
New Haven Township, Gratiot County
Newark Township, Gratiot County
Newberg Township, Cass County
Newton Township, Mackinac County
Noble Township, Branch County
North Allis Township, Presque Isle County
Inc. North Branch Township, Lapeer County
Inc. North Plains Township, Ionia County
North Shade Township, Gratiot County
North Star Township, Gratiot County
Norwich Township, Missaukee County
Norwood Township, Charlevoix County
Inc. Nunda Township, Cheboygan County
Inc. Odessa Township, Ionia County
Ogden Township, Lenawee County
Inc. Oliver Township, Huron County
Oliver Township, Kalkaska County
Inc. Onekama Township, Manistee County
Inc. Ontonagon Township, Ontonagon County
Osceola Township, Houghton County
Osceola Township, Osceola County
Oscoda Township, Iosco County
Ossineke Township, Alpena County
Otto Township, Oceana County
Paris Township, Huron County
Inc. Parma Township, Jackson County
Inc. Penn Township, Cass County
Inc. Pentwater Township, Oceana County
Pickford Township, Chippewa County
Pioneer Township, Missaukee County
Inc. Pipestone Township, Berrien County
Pittsford Township, Hillsdale County
Platte Township, Benzie County

Inc. Pleasent Plains Township, Leelanau County
Pokagon Township, Cass County
Inc. Port Austin Township, Huron County
Portage Township, Houghton County
Portage Township, Mackinac County
Porter Township, Midland County
Inc. Posen Township, Presque Isle County
Quincy Township, Houghton County
Reno Township, Idsco County
Republic Township, Marquette County
Inc. Reynolds Township, Montcalm County
Richland Township, Missaukee County
Inc. Richland Township, Ogemaw County
Richmond Township, Marquette County
Richmond Township, Osceola County
Riverton Township, Mason County
Inc. Rock River Township, Alger County
Roger Township, Presque Isle County
Rolland Township, Isabella County
Inc. Roxand Township, Eaton County
Rudyard Township, Chippewa County
Rush Township, Shiawassee County
Rust Township, Montmorency County
Sand Beach Township, Huron County
Inc. Sanilac Township, Sanilac County
Inc. Schoolcraft Township, Houghton County
Scipio Township, Hillsdale County
Sebewa Township, Ionia County
Inc. Sebewaing Township, Huron County
Sheridan Township, Calhoun County
Sheridan Township, Clare County
Sheridan Township, Huron County
Sheridan Township, Mecosta County
Sherman Township, Huron County
Sherman Township, Idsco County
Sherman Township, Keweenaw County
Inc. Sidney Township, Montcalm County
Sigel Township, Huron County
Skandia Township, Marquette County
Sodus Township, Berrien County
South Branch Township, Wexford County
Inc. Spalding Township, Menominee County
Inc. Speaker Township, Sanilac County
Springfield Township, Kalkaska County
Inc. Springville Township, Wexford County
Stambaugh Township, Iron County
Stannard Township, Ontonagon County
Stanton Township, Houghton County
Summerfield Township, Clare County
Superior Township, Chippewa County
Sweetwater Township, Lake County
Sylvan Township, Osceola County
Inc. Tekonsha Township, Calhoun County
Torch Lake Township, Houghton County
Trout Lake Township, Chippewa County
Inc. Turner Township, Arenac County
Inc. Tyrone Township, Kent County
Inc. Union Township, Branch County
Vernon Township, Isabella County
Verona Township, Huron County
Volinia Township, Cass County
Wakefield Township, Gogebic County
Warner Township, Antrim County
Watersmeet Township, Gogebic County
Watertown Township, Tuscola County
Waucedah Township, Dickinson County
Waverly Township, Cheboygan County
Inc. Wawatam Township, Emmet County
Wayne Township, Cass County
Weare Township, Oceana County
Inc. Webber Township, Lake County
Weesaw Township, Berrien County
Inc. Weldon Township, Benzie County
Wellington Township, Alpena County
West Branch Township, Dickinson County
West Branch Township, Missaukee County
West Branch Township, Ogemaw County
Wheatland Township, Hillsdale County
Wheatland Township, Mecosta County
Wheatland Township, Sanilac County
White Oak Township, Ingham County
White River Township, Muskegon County
Wilson Township, Charlevoix County
Inc. Winsor Township, Huron County
Winterfield Township, Clare County
Inc. Wright Township, Hillsdale County
Yates Township, Lake County
Zilwaukee Township, Saginaw County

New Hampshire

Acworth Town, Sullivan County
Albany Town, Carroll County
Ashland Town, Grafton County
Bennington Town, Hillsborough County
Benton Town, Grafton County
Boscawen Town, Merrimack County
Bristol Town, Grafton County
Brookfield Town, Carroll County
Canaan Town, Grafton County
Clarksville Town, Coos County
Colesbrook Town, Coos County
Dalton Town, Coos County
Easton Town, Grafton County
Freedom Town, Carroll County
Goshen Town, Sullivan County
Grafton Town, Grafton County
Greenfield Town, Hillsborough County
Haverhill Town, Grafton County
Henniker Town, Merrimack County
Lancaster Town, Coos County
Landaff Town, Grafton County
Lisbon Town, Grafton County
Lyman Town, Grafton County
Middleton Town, Strafford County
Newington Town, Rockingham County
Newport Town, Sullivan County
Northumberland Town, Coos County
Piermont Town, Grafton County
Rindge Town, Cheshire County
Roxbury Town, Cheshire County
Shelburne Town, Coos County
Stark Town, Coos County
Stewartstown Town, Coos County
Stratford Town, Coos County
Sullivan Town, Cheshire County
Thornton Town, Grafton County
Troy Town, Cheshire County

New Jersey

Commercial Township, Cumberland County
Cranbury Township, Middlesex County
Downe Township, Cumberland County
Eagleswood Township, Ocean County
Fairfield Township, Cumberland County
Frelinghuysen Township, Warren County
Greenwich Township, Cumberland County
Hillside Township, Union County
Lafayette Township, Sussex County
Lawrence Township, Cumberland County
Lower Alloways Creek Township, Salem County
Mannington Township, Salem County
Mansfield Township, Burlington County
Montclair Township, Essex County
Mount Holly Township, Burlington County
Mullica Township, Atlantic County
Neptune Township, Monmouth County
North Bergen Township, Hudson County
North Hanover Township, Burlington County
Oldmans Township, Salem County
Oxford Township, Warren County
Pahaquarry Township, Warren County
Pennsauken Township, Camden County
Plumsted Township, Ocean County
Riverside Township, Burlington County
Shrewsbury Township, Monmouth County
South Harrison Township, Gloucester County
Upper Pittsgrove Township, Salem County
Walpack Township, Sussex County
Washington Township, Burlington County
Weehawken Township, Hudson County
Weymouth Township, Atlantic County
Woolwich Township, Gloucester County

New York

Inc. Adams Town, Jefferson County
Inc. Addison Town, Steuben County
Inc. Albion Town, Orleans County
Inc. Albion Town, Oswego County
Inc. Alexander Town, Genesee County
Inc. Alexandria Town, Jefferson County
Alma Town, Allegany County
Inc. Almond Town, Allegany County
Inc. Altamont Town, Franklin County
Altona Town, Clinton County
Amenia Town, Dutchess County
Inc. Amsterdam Town, Montgomery County
Inc. Andover Town, Allegany County
Inc. Antwerp Town, Jefferson County
Inc. Arcadia Town, Wayne County
Ashford Town, Cattaraugus County
Inc. Ashland Town, Chemung County
Ashland Town, Greene County
Inc. Athens Town, Greene County
Inc. Au Sable, Clinton County
Austerlitz Town, Columbia County
Inc. Avoca Town, Steuben County
Inc. Bainbridge Town, Chenango County
Baldwin Town, Chemung County
Bango Town, Franklin County
Barrington Town, Yates County
Inc. Barton Town, Tioga County
Inc. Bath Town, Steuben County
Belfast Town, Allegany County
Bellmont Town, Franklin County
Inc. Benton Town, Yates County
Bethany Town, Genesee County
Black Brook Town, Clinton County
Blenheim Town, Schoharie County
Bolton Town, Warren County
Bombay Town, Franklin County
Boylston Town, Oswego County
Bradford Town, Steuben County
Brandon Town, Franklin County
Inc. Brant Town, Erie County
Brasher Town, St. Lawrence County
Brookfield Town, Madison County
Brunswick Town, Rensselaer County
Inc. Burke Town, Franklin County
Inc. Burns Town, Allegany County
Inc. Butler Town, Wayne County
Inc. Butternuts Town, Otsego County
Inc. Callicoon Town, Sullivan County
Inc. Camden Town, Oneida County
Inc. Cana Joharie Town, Montgomery County
Inc. Candor Town, Tioga County
Caneadea Town, Allegany County
Inc. Cape Vincent Town, Jefferson County
Inc. Carrollton Town, Cattaraugus County
Inc. Castile Town, Wyoming County
Inc. Cato Town, Cayuga County
Caton Town, Steuben County
Inc. Cazenovia Town, Madison County
Inc. Champion Town, Jefferson County
Inc. Champlain Town, Clinton County
Charleston Town, Montgomery County

Inc. Charlotte Town, Chautauqua County
Inc. Chateaugay Town, Franklin County
Inc. Chatham Town, Columbia County
Chazy Town, Clinton County
Inc. Cherry Creek Town, Chautauqua County
Chester Town, Warren County
Inc. Chesterfield Town, Essex County
Clare Town, St. Lawrence County
Clarksville Town, Allegany County
Inc. Clayton Town, Jefferson County
Clermont Town, Columbia County
Clifton Town, St. Lawrence County
Clinton Town, Clinton County
Cochecton Town, Sullivan County
Colchester Town, Delaware County
Coldspring Town, Cattaraugus County
Colesville Town, Broome County
Inc. Collins Town, Erie County
Colton Town, St. Lawrence County
Conesville Town, Schoharie County
Inc. Conewango Town, Cattaraugus County
Conquest Town, Cayuga County
Constable Town, Franklin County
Inc. Corinth Town, Saratoga County
Inc. Corning Town, Steuben County
Coventry Town, Chenango County
Inc. Croghan Town, Lewis County
Crown Point Town, Essex County
Cuyler Town, Cortland County
Dansville Town, Steuben County
Danube Town, Herkimer County
Day Town, Saratoga County
Inc. Dayton Town, Cattaraugus County
Inc. De Kalb Town, St. Lawrence County
Inc. De Ruyter Town, Madison County
Decatur Town, Otsego County
Inc. Denmark Town, Lewis County
Denning Town, Ulster County
Inc. Deposit Town, Delaware County
Dickinson Town, Franklin County
Inc. Dix Town, Schuyler County
Dover Town, Dutchess County
Duane Town, Franklin County
Dunkirk Town, Chautauqua County
Durham Town, Greene County
East Otto Town, Cattaraugus County
Inc. Easton Town, Washington County
Inc. Edwards Town, St. Lawrence County
Elizabeth Town Town, Essex County
Ellenburg Town, Clinton County
Inc. Ellery Town, Chautauqua County
Inc. Ellicott Town, Chautauqua County
Inc. Ellicottville Town, Cattaraugus County
Ellington Town, Chautauqua County
Inc. Ellisburg Town, Jefferson County
Esopus Town, Ulster County
Essex Town, Essex County
Exeter Town, Otsego County
Inc. Fairfield Town, Herkimer County
Inc. Fallsburg Town, Sullivan County
Farmersville Town, Cattaraugus County
Inc. Fayette Town, Seneca County
Fine Town, St. Lawrence County
Florence Town, Oneida County
Forestport Town, Oneida County
Fort Covington Town, Franklin County
Inc. Fort Edward Town, Washington County
Fowler Town, St. Lawrence County
Inc. Frankfort Town, Herkimer County
Inc. Franklin Town, Delaware County
Freedom Town, Cattaraugus County
Freetown Town, Cortland County
Fremont Town, Steuben County
French Creek Town, Chautauqua County
Friendship Town, Allegany County
Inc. Gainesville Town, Wyoming County
Inc. Galen Town, Wayne County
Inc. Geddes Town, Onondaga County
Georgetown Town, Madison County
Inc. German Flats Town, Herkimer County
Germantown Town, Columbia County
Gilboa Town, Schoharie County
Inc. Glen Town, Montgomery County
Inc. Lake George Town, Warren County
Lake Luzerne Town, Warren County
Inc. Lancaster Town, Erie County
Lapeer Town, Cortland County
Lawrence Town, St. Lawrence County
Inc. Le Ray Town, Jefferson County
Inc. Ledyard Town, Cayuga County
Inc. Leicester Town, Livingston County
Inc. Lenox Town, Madison County
Leon Town, Cattaraugus County
Lewis Town, Lewis County
Lexington Town, Green County
Inc. Leyden Town, Lewis County
Inc. Liberty Town, Sullivan County
Lincklaen Town, Chenango County
Lisbon Town, St. Lawrence County
Inc. Lisle Town, Broome County
Litchfield Town, Herkimer County
Little Falls Town, Herkimer County
Inc. Lodi Town, Seneca County
Long Lake Town, Hamilton County
Inc. Lowville Town, Lewis County
Lyndon Town, Cattaraugus County
Inc. Lyons Town, Wayne County
Machias Town, Cattaraugus County
Macomb Town, St. Lawrence County
Madrid Town, St. Lawrence County
Inc. Malone Town, Franklin County
Inc. Manheim Town, Herkimer County
Martinsburg Town, Lewis County
Inc. Maryland Town, Otsego County
Masonville Town, Delaware County
Inc. Massena Town, St. Lawrence County
McDonough Town, Chenango County
Inc. Mexico Town, Oswego County
Inc. Middlebury Town, Wyoming County
Inc. Middlefield Town, Otsego County
Inc. Middletown Town, Delaware County
Milan Town, Dutchess County
Inc. Milford Town, Otsego County
Inc. Mild Town, Yates County
Minerva Town, Essex County
Inc. Moira Town, Franklin County
Inc. Montour Town, Schuyler County
Inc. Mooers Town, Clinton County
Inc. Moravia Town, Cayuga County
Inc. Moriah Town, Essex County
Inc. Morris Town, Otsego County
Inc. Morristown Town, St. Lawrence County
Inc. Mount Hope Town, Orange County
Inc. Mount Kisco Town, Westchester County
Inc. Mount Morris Town, Livingston County
Inc. Naples Town, Ontario County
Napoli Town, Cattaraugus County
Nelson town, Madison County
Inc. New Albion Town, Cataraugus County
Inc. New Brehem Town, Lewis County
New Hudson Town, Allegany County
New Lebanon Town, Columbia County
New Lisbon Town, Otsego County
Inc. New Paltz Town, Ulster County
Newcomb Town, Essex County
Newfane Town, Niagra County
Inc. Newport Town, Herkimer County
Inc. Norfolk Town, St. Lawrence County
Inc. North Collins Town, Erie County
Inc. North Dansville Town, Livingston County
Inc. North Elba Town, Essex County
North Harmony Town, Chautauqua County
North Hudson Town, Essex County
Inc. Northampton Town, Fulton County
Inc. Nunda Town, Livingston County
Inc. Oakfield Town, Genesee County
Ohio Town, Herkimer County
Olean Town, Cattaraugus County
Oneonta Town, Otsego County
Inc. Oppenheim Town, Fulton County
Orleans Town, Jefferson County
Inc. Oswegatchie Town, St. Lawrence County
Inc. Otsego Town, Otsego County
Otselic Town, Chenango County
Inc. Ovid Town, Seneca County
Inc. Owego Town, Tioga County
Inc. Oxford Town, Chenango County
Inc. Paris Town, Oneida County
Pavilion Town, Genesee County
Inc. Perry Town, Wyoming County
Inc. Persia Town, Cattaraugus County
Peru Town, Clinton County
Petersburg Town, Rensselaer County
Inc. Philadelphia Town, Jefferson County
Pierrepont Town, St. Lawrence County
Inc. Pike Town, Wyoming County
Pinckney Town, Lewis County
Pitcairn Town, St. Lawrence County
Pittsfield Town, Otsego County
Inc. Pittstown Town, Rensselaer County
Plainfield Town, Otsego County
Inc. Pomfret Town, Chautauqua County
Pompey Town, Onondaga County
Portage Town, Livingston County
Inc. Portland Town, Chautauqua County
Inc. Potsdam Town, St. Lawrence County
Prattsburg Town, Steuben County
Prattsville Town, Greene County
Preston Town, Chenango County
Pulteney Town, Steuben County
Putnam Town, Washington County
Inc. Randolph Town, Cattaraugus County
Rathbone Town, Steuben County
Rensselaerville Town, Albany County
Inc. Richfield Town, Otsego County
Richford Town, Tioga County
Inc. Richland Town, Oswego County
Inc. Ridgeway Town, Orleans County
Ripley Town, Chautauqua County
Rockland Town, Sullivan County
Rodman Town, Jefferson County
Inc. Romulus Town, Seneca County
Rose Town, Wayne County
Rosendale Town, Ulster County
Rossie Town, St. Lawrence County
Roxbury Town, Delaware County
Russell Town, St. Lawrence County
Inc. Rutland Town, Jefferson County
Inc. Rye Town, Westchester County
Inc. Salem Town, Washington County
Salisbury Town, Herkimer County
Inc. Sandy Creek Town, Oswego County
Inc. Sanford Town, Broome County
Inc. Sangerfield Town, Oneida County
Inc. Saranac Town, Clinton County
Savannah Town, Wayne County
Inc. Schoharie Town, Schoharie County
Scio Town, Allegany County
Scipio Town, Cayuga County
Sempronius Town, Cayuga County
Inc. Seneca Falls Town, Seneca County
Seneca Town, Ontario County
Seward Town, Schoharie County
Inc. Shandaken Town, Ulster County
Inc. Shelby Town, Orleans County
Inc. Sherburne Town, Chenango County
Inc. Sherman Town, Chautauqua County

Inc. Sidney Town, Delaware County
Smithfield Town, Madison County
Inc. Smyrna Town, Chenango County
Solon Town, Cortland County
Inc. Somerset Town, Niagara County
Southport Town, Chemung County
Spafford Town, Onondaga County
Inc. Spencer Town, Tioga County
Springfield Town, Otsego County
St. Johnsville Town, Montgomery County
Inc. Stamford Town, Delaware County
Stanford Town, Dutchess County
Inc. Sterling Town, Cayuga County
Steuben Town, Oneida County
Inc. Stockbridge Town, Madison County
Stockholm Town, St. Lawrence County
Inc. Stockton Town, Chautauqua County
Stony Creek Town, Warren County
Stratford Town, Fulton County
Summerhill Town, Cayuga County
Summit Town, Schoharie County
Taghkanic Town, Columbia County
Taylor Town, Cortland County
Inc. Theresa Town, Jefferson County
Thurman Town, Warren County
Inc. Ticonderoga Town, Essex County
Tompkins Town, Delaware County
Inc. Trenton Town, Oneida County
Inc. Triangle Town, Broome County
Troupsburg Town, Steuben County
Inc. Turin Town, Lewis County
Tuscarora Town, Steuben County
Inc. Unadilla Town, Otsego County
Inc. Van Etten Town, Chemung County
Venice Town, Cayuga County
Inc. Verona Town, Oneida County
Inc. Veteran Town, Chemung County
Victory Town, Cayuga County
Villenova Town, Chautauqua County
Inc. Waddington Town, St. Lawrence County
Inc. Walton Town, Delaware County
Ward Town, Allegany County
Warren Town, Herkimer County
Warrensburg Town, Warren County
Inc. Washington Town, Dutchess County
Inc. Waterford Town, Saratoga County
Inc. Waterloo Town, Seneca County
Watson Town, Lewis County
Waverly Town, Franklin County
Inc. Wawarsing Town, Ulster County
Wayne Town, Steuben County
Wells Town, Hamilton County
Inc. Wellsville Town, Allegany County
West Almond Town, Allegany County
West Sparta Town, Livingston County
Inc. West Turin Town, Lewis County
West Union Town, Steuben County
Western Town, Oneida County
Inc. Westfield Town, Chautauqua County
Inc. Westport Town, Essex County
Westville Town, Franklin County
Wethersfield Town, Wyoming County
Wheeler Town, Steuben County
Inc. White Creek Town, Washington County
Inc. Whitehall Town, Washington County
Inc. Whitestown Town, Oneida County
Williamson Town, Wayne County
Willsboro Town, Essex County
Wilmington Town, Essex County
Inc. Wilna Town, Jefferson County
Inc. Wolcott Town, Wayne County
Inc. Woodhull Town, Steuben County
Worcester Town, Otsego County
Inc. Yorkshire Town, Cattaraugus County

Pennsylvania

Abbott Township, Potter County
Adams Township, Snyder County
Aleppo Township, Greene County
Allegheny Township, Butler County
Allegheny Township, Cambria County
Amity Township, Erie County
Amwell Township, Washington County
Annin Township, McKean County
Anthony Township, Lycoming County
Anthony Township, Montour County
Apolacon Township, Susquehanna County
Armagh Township, Mifflin County
Ashland Township, Clarion County
Asylum Township, Bradford County
Athens Township, Crawford County
Ayr Township, Fulton County
Banks Township, Carbon County
Banks Township, Indiana County
Barr Township, Cambria County
Bart Township, Lancaster County
Beaver Township, Columbia County
Beaver Township, Jefferson County
Beaver Township, Snyder County
Beccaria Township, Clearfield County
Bedford Township, Bedford County
Belfast Township, Fulton County
Bell Township, Clearfield County
Benezette Township, Elk County
Benton Township, Lackawanna County
Berlin Township, Wayne County
Bethel Township, Armstrong County
Bethel Township, Fulton County
Bigler Township, Clearfield County
Bingham Township, Potter County
Black Creek Township, Luzerne County
Bloomfield Township, Bedford County
Bloomfield Township, Crawford County
Blythe Township, Schuylkill County
Boggs Township, Armstrong County
Boggs Township, Clearfield County
Bradford Township, Clearfield County
Brady Township, Clarion County
Brady Township, Clearfield County
Brady Township, Huntingdon County
Braintrim Township, Wyoming County
Brecknock Township, Lancaster County
Broad Top Township, Bedford County
Brookfield Township, Tioga County
Brothersvalley Township, Somerset County
Brown Township, Lycoming County
Brown Township, Mifflin County
Brownsville Township, Fayette County
Burlington Township, Bradford County
Burnside Township, Clearfield County
Burrell Township, Indiana County
Butler Township, Luzerne County
Butler Township, Schuylkill County
Cadogan Township, Armstrong County
Caernarvon Township, Lancaster County
Cambridge Township, Crawford County
Canaan Township, Wayne County
Canal Township, Venango County
Canoe Township, Indiana County
Canton Township, Bradford County
Canton Township, Washington County
Carbon Township, Huntingdon County
Cass Township, Schuylkill County
Center Township, Greene County
Center Township, Indiana County
Chapman Township, Clinton County
Chapman Township, Snyder County
Charleston Township, Tioga County
Chatham Township, Tioga County
Cherry Township, Butler County
Cherry Township, Sullivan County
Cherryhill Township, Indiana County
Cherrytree Township, Venango County
Chest Township, Clearfield County
Chester Township, Delaware County
Clara Township, Potter County
Clarion Township, Clarion County
Clearfield Township, Cambria County
Cleveland Township, Columbia County
Clifford Township, Susquehanna County
Clinton Township, Venango County
Coal Township, Northumberland County
Cogan House Township, Lycoming County
Colerain Township, Bedford County
Colerain Township, Lancaster County
Colley Township, Sullivan County
Columbia Township, Bradford County
Columbia Township, Warren County
Conemaugh Township, Indiana County
Conewago Township, Adams County
Conneaut Township, Crawford County
Connellsville Township, Fayette County
Conyngham Township, Columbia County
Conyngham Township, Luzerne County
Cooper Township, Clearfield County
Cornplanter Township, Venango County
Cowanshannock Township, Armstrong County
Crescent Township, Allegheny County
Cresson Township, Cambria County
Cromwell Township, Huntingdon County
Cross Creek Township, Washington County
Cumberland Township, Greene County
Cummings Township, Lycoming County
Curtin Township, Centre County
Cussewago Township, Crawford County
Damascus Township, Wayne County
Davidson Township, Sullivan County
Dean Township, Cambria County
Decatur Township, Clearfield County
Decatur Township, Mifflin County
Deerfield Township, Tioga County
Delano Township, Schkuylkill County
Dimock Township, Susquehanna County
Donegal Township, Washington County
Dorrance Township, Luzerne County
Drumore Township, Lancaster County
Dublin Township, Fulton County
Dunbar Township, Fayette County
Duncan Township, Tioga County
Dunkard Township, Greene County
Dyberry Township, Wayne County
East Bethlehem Township, Washington County
East Cameron Township, Northumberland County
East Deer Township, Allegheny County
East Earl Township, Lancaster County
East Finley Township, Washington County
East Mahoning Township, Indiana County
East Norwegian Township, Schuylkill County
East Nottingham Township, Chester County
East Taylor Township, Cambria County
East Union Township, Schuylkill County
Eden Township, Lancaster County
Elder Township, Cambria County
Eldred Township, Jefferson County
Eldred Township, Warren County
Elk Lick Township, Somerset County
Elk Township, Warren County
Elkland Township, Sullivan County
Eulalia Township, Potter County
Fairfield Township, Crawford County
Fairfield Township, Westmoreland County
Fairhope Township, Somerset County
Fallowfield Township, Washington County
Fannett Township, Franklin County
Farmington Township, Clarion County

Farmington Township, Tioga County
Farmington Township, Warren County
Fawn Township, York County
Fell Township, Lackawanna County
Fermanagh Township, Juniata County
Forks Township, Sullivan County
Forkston Township, Wyoming County
Forward Township, Allegheny County
Foster Township, Luzerne County
Foster Township, McKean County
Foster Township, Schuylkill County
Fox Township, Elk County
Fox Township, Sullivan County
Frailey Township, Schuylkill County
Franklin Township, Carbon County
Franklin Township, Greene County
Freeport Township, Greene County
French Creek Township, Mercer County
Fulton Township, Lancaster County
Gaines Township, Tioga County
Gallitzin Township, Cambria County
Gaskill Township, Jefferson County
Georges Township, Fayette County
German Township, Fayette County
Gibson Township, Susquehanna County
Gilmore Township, Greene County
Glade Township, Warren County
Goshen Township, Clearfield County
Graham Township, Clearfield County
Grant Township, Indiana County
Granville Township, Bradford County
Granville Township, Mifflin County
Gray Township, Greene County
Green Township, Indiana County
Greene Township, Clinton County
Greenfield Township, Blair County
Greenfield Township, Lackawanna County
Greenville Township, Somerset County
Greenwood Township, Crawford County
Greenwood Township, Juniata County
Greenwood Township, Perry County
Gregg Township, Centre County
Grove Township, Cameron County
Gulich Township, Clearfield County
Haines Township, Centre County
Halfmoon Township, Centre County
Hamilton Township, McKean County
Hamlin Township, McKean County
Hanover Township, Luzerne County
Harford Township, Susquehanna County
Harmar Township, Allegheny County
Harmony Township, Forest County
Harmony Township, Susquehanna County
Harrison Township, Bedford County
Harrison Township, Potter County
Hartley Township, Union County
Hector Township, Potter County
Hemlock Township, Columbia County
Henderson Township, Jefferson County
Henry Clay Township, Fayette County
Herrick Township, Bradford County
Hickory Township, Lawrence County
Highland Township, Clarion County
Honey Brook Township, Chester County
Hopewell Township, Huntingdon County
Horton Township, Elk County
Hovey Township, Armstrong County
Huntington Township, Adams County
Huston Township, Blair County
Huston Township, Centre County
Huston Township, Clearfield County
Independence Township, Washington County
Jackson Township, Columbia County
Jackson Township, Greene County
Jackson Township, Lycoming County
Jackson Township, Northumberland County
Jackson Township, Perry County
Jackson Township, Snyder County
Jackson Township, Susquehanna County
Jefferson Township, Fayette County
Jefferson Township, Greene County
Jenks Township, Forest County
Jenner Township, Somerset County
Jessup Township, Susquehanna County
Jordan Township, Clearfield County
Jordan Township, Lycoming County
Juniata Township, Perry County
Karthaus Township, Clearfield County
Keating Township, McKean County
Kelly Township, Union County
Kimmel Township, Bedford County
King Township, Bedford County
Kingsley Township, Forest County
Kittanning Township, Armstrong County
Kline Township, Schuylkill County
Knox Township, Clarion County
Knox Township, Clearfield County
Knox Township, Jefferson County
Lack Township, Juniata County
Lake Township, Mercer County
Lake Township, Wayne County
Larimer Township, Somerset County
Lawrence Township, Tioga County
Leacock Township, Lancaster County
Lebanon Township, Wayne County
Lehigh Township, Carbon County
Leidy Township, Clinton County
Lemon Township, Wyoming County
Lenox Township, Susquehanna County
Leroy Township, Bradford County
Lewis Township, Lycoming County
Lewis Township, Union County
Liberty Township, Bedford County
Liberty Township, Centre County
Liberty Township, McKean County
Liberty Township, Montour County
Licking Creek Township, Fulton County
Limestone Township, Clarion County
Limestone Township, Union County
Lincoln Township, Bedford County
Lincoln Township, Huntingdon County
Little Britain Township, Lancaster County
Little Mahanoy Township, Northumberland County
Liverpool Township, Perry County
Logan Township, Huntingdon County
Londonderry Township, Bedford County
Lower Chanceford Township, York County
Lower Chichester Township, Delaware County
Lower Mount Bethel Township, Northampton County
Lower Turkeyfoot Township, Somerset County
Lower Tyrone Township, Fayette County
Lower Yoder Township, Cambria County
Lumber Township, Cameron County
Lurgan Township, Franklin County
Luzerne Township, Fayette County
Lykens Township, Dauphin County
Madison Township, Armstrong County
Madison Township, Clarion County
Mahanoy Township, Schuylkill County
Mahoning Township, Armstrong County
Mahoning Township, Montour County
Maidencreek Township, Berks County
Mann Township, Bedford County
Manor Township, Armstrong County
Marion Township, Butler County
Marion Township, Centre County
Mayberry Township, Montour County
McCalmont Township, Jefferson County
McIntyre Township, Lycoming County
McNett Township, Lycoming County
Mead Township, Warren County
Mehoopany Township, Wyoming County
Menallen Township, Fayette County
Menno Township, Mifflin County
Mercer Township, Butler County
Metal Township, Franklin County
Middlebury Township, Tioga County
Miles Township, Centre County
Milford Township, Juniata County
Mill Creek Township, Mercer County
Monongahela Township, Greene County
Monroe Township, Bedford County
Monroe Township, Bradford County
Monroe Township, Clarion County
Montgomery Township, Franklin County
Montgomery Township, Indiana County
Moreland Township, Lycoming County
Morris Township, Clearfield County
Morris Township, Greene County
Morris Township, Tioga County
Mount Carmel Township, Northumberland County.
Mount Pleasant Township, Wayne County
Napier Township, Bedford County
Nelson Township, Tioga County
Nescopeck Township, Luzerne County
New Castle Township, Schuylkill County
New Milford Township, Susquehanna County
New Vernon Township, Mercer County
Newlin Township, Chester County
Newport Township, Luzerne County
Nicholson Township, Fayette County
Nicholson Township, Wyoming County
North Annville Township, Lebanon County
North Bethlehem Township, Washington County
North Mahoning Township, Indiana County
North Shenango Township, Crawford County
North Union Township, Fayette County
North Union Township, Schuylkill County
North Woodbury Township, Blair County
Northeast Madison Township, Perry County
Northmoreland Township, Wyoming County
Norwich Township, McKean County
Noxen Township, Wyoming County
Noyex Township, Clinton County
Oakland Township, Butler County
Oakland Township, Susquehanna County
Ogle Township, Somerset County
Oil Creek Township, Crawford County
Ontelaunee Township, Berks County
Orwell Township, Bradford County
Osceola Township, Tioga County
Oswayo Township, Potter County
Otto Township, McKean County
Overton Township, Bradford County
Paradise Township, Lancaster County
Parker Township, Butler County
Parks Township, Armstrong County
Penn Township, Centre County
Penn Township, Clearfield County
Penn Township, Huntingdon County
Penn Township, Perry County
Penn Township, Snyder County
Perry Township, Clarion County
Perry Township, Fayette County
Perry Township, Greene County
Perry Township, Jefferson County
Perry Township, Lawrence County
Perry Township, Snyder County
Peters Township, Franklin County
Piatt Township, Lycoming County
Pike Township, Potter County

Pine Creek Township, Jefferson County
Pine Township, Armstrong County
Pine Township, Columbia County
Pine Township, Indiana County
Pine Township, Lycoming County
Pinegrove Township, Venango County
Piney Township, Clarion County
Plain Grove Township, Lawrence County
Plains Township, Luzerne County
Pleasant Valley Township, Potter County
Plum Township, Venango County
Plumcreek Township, Armstrong County
Plymouth Township, Luzerne County
Portage Township, Cambria County
Portage Township, Potter County
Porter Township, Clarion County
President Township, Venango County
Preston Township, Wayne County
Pulaski Township, Beaver County
Putnam Township, Tioga County
Quincy Township, Franklin County
Randolph Township, Crawford County
Rayburn Township, Armstrong County
Redbank Township, Armstrong County
Redbank Township, Clarion County
Redstone Township, Fayette County
Reed Township, Dauphin County
Reilly Township, Schuylkill County
Richhill Township, Greene County
Richland Township, Clarion County
Richland Township, Venango County
Richmond Township, Crawford County
Richmond Township, Tioga County
Ringgold Township, Jefferson County
Rochester Township, Beaver County
Rockland Township, Venango County
Rome Township, Bradford County
Rome Township, Crawford County
Roulette Township, Potter County
Rush Township, Centre County
Rush Township, Schuylkill County
Rush Township, Susquehanna County
Rutland Township, Tioga County
Ryan Township, Schuylkill County
Sadsbury Township, Lancaster County
Salem Township, Clarion County
Salem Township, Mercer County
Salem Township, Wayne County
Saltlick Township, Fayette County
Sandy Creek Township, Mercer County
Schuylkill Township, Schuylkill County
Scott Township, Lackawanna County
Scott Township, Wayne County
Scrubgrass Township, Venango County
Sergeant Township, McKean County
Shade Township, Somerset County
Sharon Township, Potter County
Sheffield Township, Warren County
Sheshequin Township, Bradford County
Shippen Township, Tioga County
Shirley Township, Huntingdon County
Shrewsbury Township, Lycoming County
Shewsbury Township, Sullivan County
Smith Township, Washington County
Smithfield Township, Bradford County
Smithfield Township, Huntingdon County
Snake Spring Township, Bedford County
Snow Shoe Township, Centre County
Snyder Township, Blair County
South Landonderry Township, Lebanon County
South Union Township, Fayette County
South Versailles Township, Allegheny County
South Woodbury Township, Bedford County
Southampton Township, Bedford County
Southampton Township, Somerset County
Sparta Township, Crawford County
Spring Township, Crawford County
Springfield Township, Bradford County
Springfield Township, Fayette County
Springfield Township, Mercer County
Springhill Township, Fayette County
Springhill Township, Greene County
Spruce Creek Township, Huntingdon County
Spruce Hill Township, Juniata County
St. Clair Township, Westmoreland County
Standing Stone Township, Bradford County
Steuben Township, Crawford County
Stevens Township, Bradford County
Stewardson Township, Potter County
Stewart Township, Fayette County
Stowe Township, Allegheny County
Strasburg Township, Lancaster County
Sugar Grove Township, Warren County
Sugarcreek Township, Armstrong County
Sugarloaf Township, Columbia County
Sullivan Township, Tioga County
Summerhill Township, Cambria County
Summit Township, Somerset County
Sweden Township, Potter County
Tell Township, Huntingdon County
Terry Township, Bradford County
Thompson Township, Fulton County
Thompson Township, Susquehanna County
Tioga Township, Tioga County
Toboyne Township, Perry County
Toby Township, Clarion County
Todd Township, Fulton County
Towanda Township, Bradford County
Triumph Township, Warren County
Tuscarora Township, Juniata County
Tyrone Township, Adams County
Ulster Township, Bradford County
Union Township, Bedford County
Union Township, Centre County
Union Township, Huntingdon County
Union Township, Jefferson County
Union Township, Lawrence County
Union Township, Mifflin County
Union Township, Schuylkill County
Union Township, Snyder County
Union Township, Tioga County
Upper Mahantonga Township, Schuylkill County
Upper Mifflin Township, Cumberland County
Upper Oxford Township, Chester County
Upper Turkeyfoot Township, Somerset County
Upper Tyrone Township, Fayette County
Valley Township, Chester County
Walker Township, Juniata County
Warren Township, Bradford County
Warren Township, Franklin County
Warsaw Township, Jefferson County
Washington Township, Armstrong County
Washington Township, Cambria County
Washington Township, Fayette County
Washington Township, Indiana County
Washington Township, Snyder County
Washington Township, Wyoming County
Wayne Township, Armstrong County
Wayne Township, Greene County
Wayne Township, Mifflin County
Wells Township, Bradford County
West Abington Township, Lackawanna County
West Bethlehem Township, Washington County
West Branch Township, Potter County
West Burlington Township, Bradford County
West Carroll Township, Cambria County
West Fallowfield Township, Chester County
West Fallowfield Township, Crawford County
West Finley Township, Washington County
West Franklin Township, Armstrong County
West Mahanoy Township, Schuylkill County
West Mahoning Township, Indiana County
West Pike Run Township, Washington County
West St. Clair Township, Beford County
West Taylor Township, Cambria County
West Township, Huntingdon County
West Wheatfield Township, Indiana County
Westfield Township, Tioga County
Wharton Township, Fayette County
Wharton Township, Potter County
White Township, Beaver County
White Township, Cambria County
Whiteley Township, Greene County
Wilkes-Barre Township, Luzerne County
Wilmington Township, Lawrence County
Wilmot Township, Bradford County
Windham Township, Bradford County
Windham Township, Wyoming County
Winslow Township, Jefferson County
Wolf Creek Township, Mercer County
Wood Township, Huntingdon County
Woodbury Township, Bedford County
Woodward Township, Clearfield County
Worth Township, Mercer County
Wouthwest Madison Township, Perry County
Wysox Township, Bradford County
Young Township, Indiana County
Young Township, Jefferson County
Zerbe Township, Northumberland County

Rhode Island

New Shoreham Town, Washington County
South Kingstown Town, Washington County
West Warwick Town, Kent County

Vermont

Addison Town, Addison County
Inc. Albany Town, Orleans County
Inc. Alburg Town, Grand Isle County
Arlington Town, Bennington County
Athens Town, Windham County
Bakersfield Town, Franklin County
Barnard Town, Windsor County
Barnet Town, Caledonia County
Inc. Barton Town, Orleans County
Belvidere Town, Lamoille County
Inc. Bennington Town, Bennington County
Berkshire Town, Franklin County
Bethel Town, Windsor County
Bloomfield Town, Essex County
Braintree Town, Orange County
Brattleboro Town, Windham County
Brighton Town, Essex County
Brookfield Town, Orange County
Brownington Town, Orleans County
Inc. Burke Town, Caledonia County
Inc. Cabot Town, Washington County
Inc. Cambridge Town, Lamoille County
Canaan Town, Essex County
Chelsea Town, Orange County
Chester Town, Windsor County
Chittenden Town, Rutland County
Concord Town, Essex County
Corinth Town, Orange County
Cornwell Town, Addison County
Craftsbury Town, Orleans County
Danby Town, Rutland County
Inc. Derby Town, Orleans County
Dorset Town, Bennington County
Dummerston Town, Windham County

Inc. Enosburg Town, Franklin County
Fair Haven Town, Rutland County
Fairfield Town, Franklin County
Ferrisburg Town, Addison County
Franklin Town, Franklin County
Glover Town, Orleans County
Grafton Town, Windham County
Greensboro Town, Orleans County
Groton Town, Caledonia County
Inc. Hardwick Town, Caledonia County
Highgate Town, Franklin County
Inc. Hyde Park Town, Lamoille County
Irasburg Town, Orleans County
Isle La Motta Town, Grand Isle County
Lemington Town, Essex County
Lincoln Town, Addison County
Londonderry Town, Windham County
Lowell Town, Orleans County
Inc. Ludlow Town, Windsor County
Lunenburg Town, Essex County
Inc. Manchester Town, Bennington County
Middletown Springs Town, Rutland County
Monkton Town, Addison County
Montgomery Town, Franklin County
Newark Town, Caledonia County
Inc. Newbury Town, Orange County
Inc. Newfane Town, Windham County
Newport Town, Orleans County
Norton Town, Essex County
Orwell Town, Addison County
Pawlet Town, Rutland County
Pittsfield Town, Rutland County
Inc. Plainfield Town, Washington County
Plymouth Town, Windsor County
Inc. Poultney Town, Rutland County
Proctor Town, Rutland County
Putney Town, Windham County
Inc. Readsboro Town, Bennington County
Inc. Richford Town, Franklin County
Inc. Rockingham Town, Windham County
Royalton Town, Windsor County
Rupert Town, Bennington County
Ryegate Town, Caledonia County
Sheffield Town, Calldonia County
Sheldon Town, Franklin County
Shoreham Town, Addison County
St. Johnsbury Town, Caledonia County
Stockbridge Town, Windsor County
Sudbury Town, Rutland County
Sutton Town, Caledonia County
Inc. Swanton Town, Franklin County
Tinmouth Town, Rutland County
Topsham Town, Orange County
Inc. Troy Town, Orleans County
Tunbridge Town, Orange County
Vershire Town, Orange County
Victory Town, Essex County
Waitsfield Town, Washington County
Walden Town, Caledonia County
Wallingford Town, Rutland County
Inc. Waterbury Town, Washington County
Waterford Town, Caledonia County
Waterville Town, Lamoille County
West Fairlee Town, Orange County
West Haven Town, Rutland County
West Rutland Town, Rutland County
West Windsor Town, Windsor County
Westfield Town, Orleans County
Weston Town, Windsor County
Whiting Town, Addison County
Windsor Town, Windsor County
Wolcott Town, Lamoille County
Woodbury Town, Washington County

Puerto Rico

Adjuntas Municipio
Aguada Municipio
Aguadilla Municipio
Aguas Buenas Municipio
Aibonito Municipio
Anasco Municipio
Arroyo Municipio
Barceloneta Municipio
Barranquitas Municipio
Cabo Rojo Municipio
Camuy Municipio
Catano Municipio
Cayey Municipio
Ceiba Municipio
Ciales Municipio
Cidra Municipio
Cuama Municipio
Comerio Municipio
Corozal Municipio
Culebra Municipio
Dorado Municipio
Fajardo Municipio
Guanica Municipio
Guayama Municipio
Guayanilla Municipio
Gurabo Municipio
Hatillo Municipio
Hormigueros Municipio
Humacao Municipio
Isabela Municipio
Jayuya Municipio
Juana Diaz Municipio
Juncos Municipio
Lajas Municipio
Lares Municipio
Las Marias Municipio
Las Piedras Municipio
Loiza Municipio
Luquillo Municipio
Manati Municipio
Maricao Municipio
Maunabo Municipio
Moca Municipio
Morovis Municipio
Naguabo Municipio
Naranjito Municipio
Orocovis Municipio
Patillas Municipio
Penuelas Municipio
Quebradillas Municipio
Rincon Municipio
Rio Grande Municipio
Sabana Granda Municipio
Salinas Municipio
San German Municipio
San Lorenzo Municipio
San Sebastian Municipio
Santa Isabel Municipio
Toa Alta Municipio
Utuado Municipio
Vega Alta Municipio
Vega Baja Municipio
Vieques Municipio
Villalba Municipio
Yabucoa Municipio
Yauco Municipio

Dated: May 28, 1982.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

[FR Doc. 82-15295 Filed 6-7-82; 8:45 am]

BILLING CODE 4710-29-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

California Desert District

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of a public hearing to explain a proposal for the future management of the Western San Diego County Wilderness Study Areas (WSAs) and to obtain information and advice from the public on these areas.

SUMMARY: The areas concerned lie outside the California Desert Conservation Area and are in the special Escondido Project Area. They include the Western Otay Mountain, Southern Otay Mountain, Beauty Mountain, Hauser Mountain, and Agua Tibia Wilderness Study Areas (WSAs).

DATE: The meeting will be held on Wednesday, July 7, 1982, from 2:00 to 5:00 and 7:00 to 10:00 p.m. in the Escondido High School cafeteria, 1525 N. Broadway, Escondido, California. This meeting replaces the previously announced June 21 meeting, scheduled at the high school.

FOR FURTHER INFORMATION CONTACT: Russell Kaldenberg, Desert District Office, 1695 Spruce Street, Riverside, California 92507, or call (714) 351-6379.

SUPPLEMENTARY INFORMATION: The proposal for the WSAs is included in the Draft Environmental Impact Statement for the Western Counties Wilderness Study Project. This document will be sent to those requesting additional information. Written comments by those wishing to have their viewpoints included in the official record of the meeting must be received by August 9, 1982.

Dated: June 1, 1982.

Wesley Chambers,

Acting District Manager.

[FR Doc. 82-15460 Filed 6-7-82; 8:45 am]

BILLING CODE 4310-84-M

Review of the California Desert Plan; Record of Decision for 1981 Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice is hereby given that the Record of Decision for the first amendment (1981) to the California Desert Conservation Area Plan has been prepared.

FOR FURTHER INFORMATION CONTACT: Gerald Hillier, District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507.

SUPPLEMENTARY INFORMATION: The Record of Decision (ROD) describes each proposed amendment, indicates whether it was accepted or rejected, and presents the rationale for the decision. Final decisions were made by the District Manager and concurred in by the State Director. Decisions were based on the findings of an Environmental Assessment prepared for the amendments, public review, and input from the California Desert District Multiple Use Advisory Council. Members of the public wanting a summary of the ROD may obtain one by writing to the address given above. The complete ROD is available for public inspection, also at the above address. The protest period extends to July 6, 1982.

Dated: June 1, 1982.

Gerald E. Hillier,

District Manager.

[FR Doc. 82-15436 Filed 6-7-82; 8:45 am]

BILLING CODE 4310-84-M

Wisconsin; Availability of Bureau of Land Management Maps

AGENCY: Bureau of Land Management, Interior.

ACTION: Availability of Bureau of Land Management Maps (Wisconsin).

Notice is hereby given that five (5) new Bureau of Land Management (BLM) maps showing the location of public lands and Federal mineral rights in areas of northwestern Wisconsin are now available to the public. The Bloomer, Spooner, Park Falls, Medford (all Wisconsin) and Ironwood (Michigan-Wisconsin) quadrangles were prepared as part in of the Bureau-wide Federal Minerals Management Mapping Program (FMMMP) covering areas of mineral exploration interest where they coincide with significant acreages of federally-owned mineral rights. The scale of the map is 1:000,000 (one centimeter represents one kilometer) in a format of 60' longitude by 30' latitude (approximately 34x49 miles). The maps sell for $2.00 each.

Other BLM maps covering northern Minnesota, northeastern Wisconsin and western Upper Michigan have already been printed and made available to the public. Additional maps covering Lower Michigan and eastern Upper Michigan will be publised in the future.

For further information and/or a BLM map index, contact the Bureau of Land Management, Duluth Field Offices, 125 Federal Building, Duluth, Minnesota 55802, (218) 727-6692, extension 378 or Bureau of Land Management, Eastern States Office, 350 South Pickett, Street, Alexandria, Virginia 22304, telephone (703) 235-2840.

G. Curtis Jones, Jr.,

Eastern States Director.

[FR Doc. 82-15435 Filed 6-7-82; 8:45 am]

BILLING CODE 4310-84-M

Realty Action: Exchange—Public Lands in Jerome County for Private Land in Elmore County, Idaho; Public Land Exchange

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action: Exchange—Public Lands in Jerome County for Private Land in Elmore County, Idaho.

SUMMARY: Notice of Realty Action published April 26, 1982 in the **Federal Register** is hereby vacated in its entirety. This notice supersedes any previously published Notice of Realty Action.

The following described lands have been determined to be suitable for disposal through exchange under Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

Jerome East

T. 8S., R. 18 East, Boise Meridian

Section 30:	
Lot 1	36.81
Lot	36.82
NE4NW4	40.00
	113.6.

In exchange for these lands the Federal government will acquire one parcel of non-Federal land in Elmore County from Joseph Davidson of Jerome, Idaho, described as follows:

The S2SE4, Section 2, T. 5 S., R. 11 E., Boise Meridian, containing 80 acres, and a parcel of land in Sections 1, 11, and 12, T. 5 S., R. 11 E., B.M., all in Elmore County, Idaho, more specifically described as follows:

Commencing at the south quarter corner of Section 11, T. 5 S., R. 11 E., B.M., thence N. 26°14'14.8" W., 2989.89 feet to the REAL POINT OF BEGINNING: Said REAL POINT OF BEGINNING also bears N. 26°12'58.7" E., 2977.38 feet from the southwest corner of said Section 11;

Thence from this real point of beginning northerly 2595.00 feet more or less along the westerly boundary of the E2NW4, Section 11 to the boundary common to Sections 2 and 11.

Thence easterly along the boundary common to said Sections 2 and 11 to the section corner common to Sections 1, 2, 11 and 12;

Thence from said Section corner northerly to the northwest corner of the S2SW4, Section 1;

Thence easterly 927.44 feet more or less along the north boundary of the S2SW4, Section 1;

Thence S. 0°26'00" W., 3034.70 feet more or less to a point on the approximate southerly rim of Clover Creek Canyon; Said point bears N. 44°28'59" E., 1353.50 feet from the Quarter Corner common to Sections 11 and 12, T. 5 S., R. 11 E., B.M.; Said point also bears N. 25°39'27" W., 3967.55 feet from the south quarter corner of said Section 12;

Thence along the approximate southerly rim of Clover Creek Canyon the following courses and distances:

N. 84°19'55" W., 572.91 feet;
S. 86°57'45" W., 428.24 feet;
N. 1°58'14" W., 294.21 feet;
S. 88°49'30" W., 975.39 feet;
S. 64°32'58" W., 635.11 feet;
S. 15°44'19" E., 230.42 feet;
S. 74°05'50" W., 2,482.06 feet to the real point of beginning, containing 239.5 acres more or less.

The total area contained in the two parcels described above is 319.5 acres more or less. Subject to and together with the following reservations:

Grantors reserve unto themselves, their heirs and assigns, all of their right, title and interest in and to an easement from existing springs in S2N2 of Section 11, T. 5 S., R. 11 E., B.M., Elmore County, Idaho, for the purpose of constructing, operating and maintaining an existing water delivery system consisting of a ditch and springs, over and across a portion of the S2N2 of Section 11, T. 5 S., R. 11 E., B.M., Elmore County, Idaho; said easement being for the benefit of and appurtenant to the W2NW4 of Section 11, T. 5 S., R. 11 E., B.M., and shall inure to the benefit of and may be used by all persons who may hereafter become owners of said appurtenant property or any parts or portions thereof.

Grantors also reserve unto themselves, their heirs and assigns, all their right, title and interest in and to all water rights, and right-of-way to springs in and on the canyon described in the S2N2 of Section 11, T. 5 S., R. 11 E., B.M., Elmore County, Idaho, Claim No. 37-1469, filed with the State of Idaho Department of Water Resources, April 14, 1981, and all existing Clover Creek water rights and rights-of-way also described in the S2N2 of Section 11, T. 5 S., R. 11 E., B.M., Elmore County, Idaho, including rights of ingress and egress for maintaining said rights-of-way and water rights described above.

DATES: For a period of 45 days interested parties may submit comments to the Shoshone District Manager, Bureau of Land Management, P.O. Box 2B, Shoshone, Idaho 83352. All comments will be taken into consideration

FOR FURTHER INFORMATION CONTACT: Jack Durham, Bennett Hills Area Manager, Bureau of Land Management, P.O. Box 2B, Shoshone, Idaho 83352, telephone (208) 886-2206.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire scenic lands that exhibit a high potential for multiple uses. The value of the lands to be exchanged is approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. The Reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).
2. All valid existing rights shown on the Master Title Plat on the date this Notice of Realty action becomes final.
3. Mineral estates will be transferred with the surface on both the non-Federal and Federal land.
4. There will be an easement reservation on a portion of the acquired non-Federal lands as described above.

Detailed information concerning the exchange, including the Environmental Assessment and any record of public comment, is available for review at the Shoshone District Office, Bureau of Land Management, P.O. Box 2B, Shoshone, Idaho 83352.

Dated: May 28, 1982.

Terrance M. Costello,

Acting District Manager.

[FR Doc. 82-15437 Filed 6-7-82; 8:45 am]

BILLING CODE 4310-84-M

Bureau Forms Submitted for Review

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of forms submitted for review.

SUMMARY: The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below.

Title: 43 CFR 4120.6-3, Range Improvement Permit.
Bureau Form Number: 4120-7.
Frequency: Intermittent.
Description of Respondents: Permittees or lessees authorized to graze livestock on the public lands.
Annual Responses: 60.
Annual Burden Hours: 30.

ADDRESS: Comments and suggestions should be sent to:

Linda Gibbs (Bureau Clearance Officer (Alternate)), Bureau of Land Management (871), 1800 C Street, N.W., Washington, D.C. 20240
William T. Adams, Office of Management and Budget, Washington, D.C. 20503.

Delmar D. Vail,

Deputy Director.

[FR Doc. 82-15458 Filed 6-7-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, U.S. Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Mesa Petroleum Co. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 3329 and 3142, Blocks 392 and 407, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 28, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-15461 Filed 6-7-82; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Reclamation

[INT-FES 82-20]

Minidoka Powerplant Rehabilitation and Enlargement, Minidoka Project, Idaho-Wyoming; Availability of Final Environmental Statement/Feasibility Report

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a combined final environmental statement and feasibility report on a proposal for the Bureau of Reclamation to construct a new 30-megawatt powerplant and continue operation of existing 5-megawatt unit 7, at the site of the existing Minidoka Powerplant on the Snake River in South central Idaho. Other functions included in the proposed plan are fish and wildlife enhancement, outdoor recreation, preservation of the existing powerplant as a public museum, and preservation of environmental quality.

Copies are available for inspection at the following locations:

Department of the Interior, Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Washington, D.C. 20240, Telephone: (202) 343-4991
Division of Management Support, Library Branch, Room 450, Building 67, Denver Federal Center, Denver, Colorado 80225, Telephone: (303) 234-3019
Regional Director, Bureau of Reclamation, Federal Building, Box 043-550 West Fort Street, Boise, Idaho 83724, Telephone: (208) 334-1926
Minidoka Project Office, Bureau of Reclamation, 1359 Hansen Ave., Burley, Idaho 83318, Telephone: (208) 678-0461

Single copies of the statement may be obtained upon request to the Office of Environmental Affairs, Bureau of Reclamation, or the Regional Director, at the above addresses. Copies will also be available for inspection in libraries in the project vicinity.

Dated: June 1, 1982.

Robert N. Broadbent,

Commissioner of Reclamation.

Approved:

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 82-15417 Filed 6-7-82; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387 (Sub-145)]

Burlington Northern Railroad Company Exemption for Contract Tariff ICC-BN-C-0071

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The Burlington Northern Railroad Company (BN) filed a petition on May 20, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract ICC-BN-C-0071 filed on May 20, 1982, to become effective on one day's notice. The contract involves the movement of bentonite clay.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The shipper had been moving traffic under a contract with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Trustee); however, freight service was terminated on or about April 1, 1982. The BN started providing service on April 20, 1982 and has negotiated modifications to this shipper's outstanding contract. To aid in the transfer of service and to allow maximum use of the subject rail line, the effective date of the contract should be moved forward. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

Petitioner's contract ICC-BN-C-0071 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission's permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Dated: June 1, 1982.

By the Commission, Division 1, Commissioners Sterrett, Gilliam, and Andre. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-15428 Filed 6-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 142)]

SCL Exemption for Contract Tariff ICC-SCL-C-0027

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: John J. Sado, (202) 275-7277.

SUPPLEMENTARY INFORMATION: Seaboard Coast Line Railroad Company (SCL) filed a petition on May 19, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract ICC-SCL-C-0027 to become effective on one day's notice. The contract was filed to become effective on June 13, 1982 and involves storage of newsprint.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. Sales of newsprint have fallen to a level which has forced the shipper to temporarily store that commodity. No additional warehouse space is available in the vicinity of the shipper's plant but SCL currently has excess cars that could be used for this purpose. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

SCL's contract may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Dated: June 1, 1982.

By the Commission, Division 2, Gresham, Taylor, and Simmons. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-15427 Filed 6-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 1 to I.C.C. Order No. 82 under Service Order No. 1344]

Rerouting Traffic

To: Consolidated Rail Corporation; Michigan Interstate Railway Company; Chesapeake and Ohio Railway; Grand Trunk Western Railroad Company; Michigan Northern Railway Company; Green Bay and Western Railroad Company; Chicago and North Western Transportation Company; Soo Line Railroad Company; Norfolk and Western Railway Company, and Detroit, Toledo and Ironton Railroad Company.

Upon further consideration of I.C.C. Order No. 82 and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 82 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., June 30, 1982, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., May 31, 1982.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 31, 1982.

Interstate Commerce Commission.

Bernard Gaillard,

Agent.

[FR Doc. 82-15424 Filed 6-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Amendment No. 1 to Fourth Revised I.C.C. Order No. 80 Under Service Order No. 1344]

Rerouting Traffic

To: St. Louis Southwestern Railway Company; Cadillac & Lake City Railway Company; Chicago and North Western Transportation Company, and Iowa Railroad Company.

Upon further consideration of Fourth Revised I.C.C. Order No. 80 and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 80 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., June 30, 1982, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., May 31, 1982.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 28, 1982.

Interstate Commerce Commission.

Bernard Gaillard,

Agent.

[FR Doc. 82-15425 Filed 6-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 143)]

Union Pacific Railroad Co., Exemption for Contract Tariff ICC-UP-C-0037

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: John J. Sado, (202) 275-7277.

SUPPLEMENTARY INFORMATION: Union Pacific Railroad Co. (UP) filed a petition on May 20, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It request that we permit its contract ICC-UP-C-0037 to become effective on one day's notice. The contract was filed to become effective on 30 days' notice and involves frozen foodstuffs.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. 49 U.S.C. 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. Due to unforeseen delays in negotiations the parties were unable to finalize the contract until May 14, 1982. Granting short notice will allow the contract to coincide as closely as possible with the shipper's 1982-83 fiscal year. Without relief, the shipper will be potentially hampered in its ability to meet the minimum volume requirement in the contract since that requirement was established on the basis of the shipper's traffic projection for its 1982-83 fiscal year. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

UP's contract may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Dated: June 1, 1982.

By the Commission, Division 1, Sterrett, Gilliam, and Andre. Commissioner was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-15430 Filed 6-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29924]

Union Pacific Railroad Co. and Oregon Short Line Railroad Co.—Abandonment and Discontinuance at Malad, ID—Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 the abandonment by the Oregon Short Line Railroad Company of 0.06 miles of track at Malad, Onieda County, ID, between Milepost 52.10 and Milepost 52.16, and the discontinuance of service by the Union Pacific Railroad Company over such line subject to the standard labor protection.

DATES: This exemption will be effective on July 8, 1982. Petitions to stay the effectiveness of this decision must be filed by June 18, 1982. Petitions for reconsideration must be filed by June 28, 1982.

ADDRESSES: Send Pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioners' representative, Joseph D. Anthofer, 1416 Dodge Street, Omaha, NE 68179.

Pleadings should refer to Finance Docket No. 29924.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, contact: TS Infosystems, Inc., Room 2227, 12th &

Constitution Ave., N.W., Washington, D.C. 20423, or call toll free (202) 289-4357 in the D.C. Metropolitan Area, or (800) 424-5403 outside the D.C. area.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-15429 Filed 6-7-82; 8:45 am]

BILLING CODE 7035-01-M

Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carrier pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: May 28, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-F-14857, filed May 14, 1982. VIKING FREIGHT SYSTEM, INC. (Viking) (3405 Victor Street, Santa Clara, CA 95050)—PURCHASE—DeANZA DELIVERY SYSTEM, INC. (DeAnza) (3765 Yale Way, P.O. Box 1840, Fremont, CA 94538). Representatives: Thomas M. Loughran, 100 Bush Street, 21st Floor, San Francisco, CA 94104; and Robert E. Phelan, 235 Montgomery St., San Francisco, CA 94104.

Viking, a publicly held corporation, seeks authority to purchase the interstate operating rights and property of DeAnza. The authority to be purchased is contained in Certificate Nos. MC-144344 and Sub-Nos. 3, 4, 5, and 6, which authorize the transportation of *such commodites* as are dealt in or used by department stores and mail order houses, between points in CA, NV, and AZ; and *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in CA.

Notes.—(1) TA has been filed. (2) Viking holds authority in Certificate of Registration No. MC-121835. As a directly related matter, Viking has filed an application seeking to convert its Certificate of Registration into a Certificate of Public Convience and Necessity. That application is docketed No. MC-121835 (Sub-No. 2) and is published in this same **Federal Register** issue.

MC-F-14850, filed April 29, 1982. BLUEBONNET EXPRESS, INC. (Bluebonnet) (7800 Littel York Road, Houston, TX 77016)—PURCHASE—TEXAS MOTOR LINES (TML) (361 West Tyler Avenue, Longview, TX 75601). Representatives: Joe G. Gender, 9601 Katy Freeway, Suite 320, Houston, TX 77024.

Bluebonnet Express, Inc. seeks authority to purchase certain property including all of the operating rights of Texas Motor Lines (Carl M. Bowen, Kirk Yocum and Travis Coving dba) by transfer of Certificate No. 153284. Express Investment, Inc. and all of its stockholders, Doyle L. Horne, W. E. Price and Gilbert Turner seeks authority to control the properties through the transaction. Certificate MC-153284 authorizes the transportation of general commodities, between points in Bowie, Titus, Morris, Camp, Upshur, Franklin, Hopkins, Wood, Smith, Rusk, Panola, Greeg, Harrison, Marion, Cass, Tarrant and Dallas Counties, TX, and Texarkana, AR. Bluebonnet Express holds Certificate MC-85451 Sub. No 22X authorizing the transportation of general commodities except Class A and B explosives over various regular and irregular routes between points in Texas.

Condition: Although the application and related papers indicate that the three stockholders of Express Investment, Inc., Doyle L. Horne (35 percent), W. E. Price (15 percent), and Gilbert Turner (50 percent), also seek to control the operating rights to be purchased, through the transaction, these individuals have not signed the application. Our approval is conditioned upon these three individual specifically joining the application, through a letter so stating.

MC-F-14854, filed May 6, 1982. Authority under 49 U.S.C. 11343, 11344 to acquire control by Schiavone Carrier Corp., 254 College Street, New Haven, CT 06510 of Gray Line New York Tours Corp., 254 West 54th Street, New York NY 10019 and Walters Transit Corp., 525 11th Avenue, New York, NY 10018 and for acquisition of control by the Schiavone Corporation and Joel Schiavone, through the acquisition by Schiavone Carrier Corp. of control of Gray Line New York Tours Corp. and Walters Transit Corp.

Applicant's Attorney: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, CT 06103.

Operating rights sought to be controlled: Authority of Gray Line New York Tours Corp. as described in certificate No. MC-109897 to include transportation of passengers and their baggage in the same vehicle with passengers (1) in special operations, in one-way and round-trip sightseeing or pleasure tours, between New York, NY and West Point, NY; (2) in charter operations between New York, NY to points in the U.S. (except AK and HI); and (3) in one-way and round-trip charter operations beginning or ending at points in Nassau and Suffolk Counties, NY and extending to points in the U.S. (except AK and HI); and the authority of Walters Transit Corp. as described in Certificate No. MC-46879 and Nos. MC-46879 Subs 7, 9, and 12, to transport passengers and their baggage in the same vehicle with passengers (1) over regular routes between New York, NY and Canaan, CT, serving all intermediate points, and from numerous specific points in NY to other specific points in NY, serving all intermediate points; (2) alternate routes between New York, NY and Junction Interstate Highway 287 and New York Highway 9A; (3) in special operations between New York, NY and the Bridgeport Jai-Alai Fronton, at Bridgeport, CT; and (4) in special operations beginning and ending at the Borough of Queens, NY and extending to the New Jersey Sports and Exposition Facilities, East Rutherford, NJ.

Schiavone Carrier Corp. holds no authority from the I.C.C. but is owned by the Schiavone Corporation which owns Schiavone Transportation Corp., a non-carrier, which in turn owns (1) Connecticut Limousine Service, Inc., which, pursuant to No. MC-123748 and various sub numbers thereunder, conducts bus and Limousine operations between points in CT, on the one hand, and, on the other, the John F. Kennedy International Airport and LaGuardia Airport in New York, NY and Newark Memorial Airport, Newark, NJ, and (2) Valley Transportation, Inc., which under No. MC-109865 and various sub numbers thereunder performs regular route, charter and special operations between various points in CT and various points in NY and other states. No application has been filed for temporary authority.

Note.—Schiavone Carrier Corp. shall be considered a carrier, pursuant to 49 U.S.C. 11348, for the purposes stated therein.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: May 28, 1982.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC 121835 (Sub-2), filed May 14, 1982. Applicant: VIKING FREIGHT SYSTEM, INC.—conversion, 3405 Victor Street, Santa Clara, CA 95050. Representative: Thomas M. Loughran, 100 Bush Street, 21st Floor, San Francisco, CA 94104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except classes A & B explosives, household goods and commodities in bulk), (1) Between Colfax, CA and Oakland, CA, over Interstate Hwy 80; (2) Between Junction Interstate Hwy 80 and CA Hwy 4 near Pinole and Stockton, CA, over CA Hwy 4; (3) Between Willits, CA and San Diego, CA, from San Diego, over Interstate Hwy 5 to junction U.S. Hwy 101, then over U.S. Hwy 101 to Willits, and return over the same route; (4) Between Montalvo, CA and San Juan Capistrano, CA, over CA Hwy 1; (5) Between junction CA Hwys 118 and 26 near Ventura and Chatsworth, over CA Hwy 118; (6) Between Red Bluff, CA and San Fernando, CA, from Red Bluff over CA Hwy 99 to Wheeler Ridge, then over Interstate Hwy 5 to San Fernando, and return over the same route; (7) Between Banta, CA and Mettler, CA, from Banta, over CA Hwy 33 to Maricopa, then over CA Hwy 166 to Mettler, and return over the same route; (8) Between Temecula, CA and San Dieto, CA, over Interstate Hwy 15; (9) Between Los Angeles, CA and Blythe, CA, from Los Angeles, over CA Hwy 60 to Beaumont, then over Interstate Hwy 10 to Blythe, and return over the same route; (10) Between Redlands, CA and Calexico, CA, from Redlands, over Interstate Hwy 10 to Indio, then over CA Hwy 86 to Calexico, and return over the same route; (11) Between Bostonia, CA and Winterhaven, CA over Interstate Hwy 8; (12) Between Barstow, CA and Needles, CA, over Interstate Hwy 40; (13) Between Ludlow, CA and Fenner, CA, over San Bernardino County Road designated "National Trails Highway"; (14) Between Independence, CA and junction U.S. Hwy 395 and CA Hwy 14 north of Inyokern, over U.S. Hwy 395; (15) Between Ventura, CA and

Greenfield, CA, from Ventura, over CA Hwy 33 to its junction with CA Hwy 119, then over CA Hwy 119 to Greenfield, and return over the same route; (16) Between Merced, CA and Mariposa, CA over CA Hwy 140; (17) Between Mariposa, CA and Grass Valley, CA, over CA Hwy 49; (18) Between Grass Valley, CA and Yuba City, CA, over CA Hwy 20; (19) Between Vallejo, CA and Upper Lake, CA, over CA Hwy 29; (20) Between junction CA Hwy 20 and Interstate Hwy 5 near Williams, CA and junction CA Hwy 20 and U.S. Hwy 101 near Calpella, CA, over CA Hwy 20; (21) Between Sacramento, CA and Project City, CA, over Interstate Hwy 5; serving all intermediate points on routes (1) through (21) above and serving all points in Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Imperial, Kern, Kings, Lake, Los Angeles, Medera, Marin, Mariposa, Mendocino, Merced, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Solano, Sonoma, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Ventura, Yolo and Yuba Counties, CA as off-route points.

Note.—The purpose of this application is to convert Certificate of Registration No. MC-121835 into a Certificate of Public Convenience and Necessity. This application is directly related to MC-F-14857, *Viking Freight System, Inc.—Purchase—De Anza Delivery System, Inc.*, published in the same Federal Register issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-15423 Filed 6-7-82; 8:45 am]

BILLING CODE 7035-01-M

Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931, and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-79707. By decision of 5/25/82, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to RELIABLE CARRIERS, INC., of Memphis, TN, of Certificate No. MC-120693 (Sub-No. 6), Issued to JEWELL PACE, of Waverly, TN, which authorizes the transportation of *general commodities* (with exceptions), over regular routes, (A) (1) between Nashville and Camden, TN, over U.S. Hwy 70, serving all intermediate points between Dickson, TN (not including Dickson) and Camden, TN, and serving all other points in Benton and Humphreys Counties, TN, as off-route points; (2) between Waverly and Buffalo, TN, over TN Hwy 13, serving all intermediate points; (3) between Camden and Memphis, TN, over U.S. Hwy 70, serving the intermediate point of Jackson, TN; routes (1), (2), and (3) and with respect to service at Memphis, Camden, and Jackson restricted to defined operations, and (B) (1) between Nashville and Buffalo, TN, as an alternate route for operating convenience only, in connection with carrier's regular route operations, over Interstate Hwy 40; and (2) between Buffalo and Memphis, TN, as an alternate route for operating convenience only, in connection with carrier's regular route operations, over Interstate Hwy 40; and (3) above. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004.

Note.—Transferee is not a carrier, but is affiliated with Direct Motor Express, Inc., a common carrier under MC-151522.

MC-FC-79805. By decision of May 20, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to CORONET TRUCK LINES, INC., of Des Moines, IA, of Certificate No. MC-107496 (Sub-No. 1279), Issued to RUAN TRANSPORT CORPORATION, of Des Moines, IA, authorizing: Commodities in bulk, between points in AL, AR, CO, IL, IN, IA, KS, TN, KY, LA, MI, MN, MS, MO, MT, NE, ND, OH, OK, SD, TX, UT, WI, and WY, on the one hand, and, on the other, points in the United States. Representative: Kenneth L. Kessler, P.O. Box 855, Des Moines, IA 50304. TA lease is not sought. Transferee is not a carrier.

MC 79806. By decision of May 20, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to NEWTON TRUCKING, INC. of Certificate No. MC-92410 issued to MALBA TRUCKING, INC. authorizing the transportation of (1) *new store fixtures, office equipment and building supplies uncrated, from points in the New York, NY Commercial Zone, as defined by the Commission in 1 M.M.C. 665, to points in NY, NJ, and CT, (2) New uncrated store fixtures, office equipment and building supplies* from the above specified destination points to the described origin points, (3) *groceries* during the season extending from June 1 to September 15, inclusive, from New York, NY to Highland Mills and Newburgh, NY, and (4) *building and construction equipment and materials* (including those requiring special equipment, when transported to or from construction sites, or between such sites, on the one hand, and, on the other, building or yards used for the storage of construction equipment), (a) between points in Bronx, Kings, Nassau, New York, Queens, Richmond, Suffolk, and Westchester Counties, NY, on the one hand, and, on the other points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, Union, Atlantic, Ocean, and Warren Counties, NJ and (b) between points in the NY and NJ Counties specified immediately above, on the one hand, and, on the

other, points in that part of NY on, south and east of NY Hwy 7 (except those in the NY Counties specified immediately above, and those in CT and MA. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528.

Note.—Transferee is a noncarrier.

MC-FC-79807. By decision of May 25, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to BRADCO TRUCKING SERVICE, INC., of Middleton, OH of Certificate No. MC-119508 issued to HARVEY TRANSFER COMPANY, a CORPORATION of Middletown, OH authorizing: over (1) regular routes, *paper, paper products, fiber boxes,* and *materials* used in the manufacture thereof, between Dayton, OH and Newport, KY, and (2) irregular routes, *paper, paper products, fiber boxes,* and *materials* used in the manufacture thereof, between Middletown, Lockland, Franklin, and Excello, OH, on the one hand, and, on the other, points in OH, IN, and KY and *composition or prepared roofing,* in rolls or shingles, and materials used in the installation thereof, from Franklin, OH to points in IN and KY. Representative: Richard H. Brandon, 220 West Bridge St., P.O. Box 97, Dublin, OH 43017. TA lease is not sought. Transferee is a carrier.

MC-FC-79810. By decision of May 25, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to COMMON CARRIERS, INC., of Ellensburg, WA of Certificate No. MC-138468 Sub-Nos. 1, 3, and 5 issued to BI COUNTY TRUCKING, INC., of Warden, WA authorizing the transportation of *livestock feed, feed ingredients, liquid and dry fertililzers, liquid feed supplement* and *cements* between named points in WA, OR, ID, and MT. Representative: Boyd Hartman, P.S., P.O. Box 3641, Bellevue, WA 98009. TA lease is sought. Transferee is not a carrier.

MC-FC-79811. By decision of May 28, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to TITAN TRANSPORTATION, INC. of Findlay, OH of Certificate No. MC-120378 (Sub-No. 8) issued to FINDLAY TRUCK LINE, INC. of Findlay, OH authorizing: *general commodities,* with usual exception, between Chicago, IL, Louisville, KY, points in Lauderdale County, TN, Broome County, NY, Alamance an Orange Counties, NC, Crisp County, GA, Union and Fayette Counties, IA, Lavaca and De Witt Counties, TX, Stanislaus County, CA, Thurston County, WA, Fayette County, IL, Fayette County, KY, Logan, Kit Carson, Morgan, Phillips, Yuma, and Gunnison Counties, CO, and points in OH, MI, IN, on the one hand, and, on the other, points in the United States (except AK and HI). Representative: Philip B. Cochran, 50 West Broad St., Columbus, OH 43215. TA lease is not sought. Transferee is not a carrier.

MC-FC-79830. By decision of May 21, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to GARY LEE NELSON, of Ontario, CA, of Certificate No. MC-156699 issued to GENE OWENS, d.b.a. O & B TRANSPORTATION CO., of Santa Ana, CA, authorizing (1) *lumber and wood products,* between points in OR, WA, and ID, on the one hand, and, on the other, points in CA; (2) *foodstuffs,* between points in Orange County, CA, on the one hand, and, on the other, points in NV, WA, and OR; and (3) *furniture and fixtures,* between points in Orange County, CA, on the one hand, and, on the other, points in NV, AZ, OR and WA. Representative: Donald R. Hednick, P.O. Box 4334, Santa Ana, CA 92702. TA lease is sought. Transferee is not a carrier.

MC-FC-79827. By decision of May 21, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to HORTON INDUSTRIES, INC., of Washington Courthouse, OH, of Certificate Nos. MC-139083 (Sub-Nos. 11X, 12, 13 and the Sub 14X which was issued June 10, 1981), issued to BUILDING SYSTEMS TRANSPORTATION, INC., also of Washington Courthouse, OH, which authorize the transportation, as summarized, of *rubber and plastic products, pulp, paper and paper products, lumber and wood products, metal products,* and *clay, concrete, glass or stone products,* throughout specified points in the U.S. Representative: Marshall Kragen, 1919 Pennsylvania Ave. NW., Suite 300, Washington, DC 20006.

Notes.—Transferee is not a carrier but is affiliated with the transferor. Transferor is retaining Certificate No. MC-139083 (Sub 14X), issued December 4, 1981.

MC-FC-79646. By decision of May 20, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Shippers Transportation, Inc., of Eden Prairie, MN, of Certificate No. MC-96877 (Sub-No. 5) issued to Yuma County Transportation Co., of Grand Island, NE., authorizing general commodities, between points on the pipeline of National Gas Pipeline Company of America, at points in Morgan and Washington Counties, CO, on the one hand, and, on the other, Denver, Akron, and Yuma, CO; also the transfer to Shippers Transportation of certain authority held by Grand Island Moving & Storage Co., Inc. of Grand Island, NE, in MC-135283 (Sub-No. 67) authorizing general commodities (with exceptions) between Grand Island, NE, and Beatrice, NE, serving intermediate and off-route points; and irregular route authority between described territories within Nebraska. Representative: Charles J. Kimball, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. TA lease is not sought. Transferee is not a carrier.

MC-FC-79814. By decision of May 20, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to EAST SIDE DISTRIBUTOR'S INC. of Certificate No. MC-157620 issued to BARRY TOTH, authorizing the transportation of *such commodities* as are dealt in or used by retail ice cream and confectionery stores, between points in Westchester County, NY, Bergen County, NJ, and Hampden and Suffolk Counties, MA, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Transferee is a noncarrier. Representative: Joseph A. Keating, Jr., 121 South Main Street, Taylor, PA 18517.

MC-FC-79815. By decision of May 20, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to QUALITY MOVING & STORAGE, INC. of Kenner, LA, of Certificate No. MC-8768 (Sub-Nos. 1, 20, 29, 30 and 36G) issued to SECURITY VAN LINES, INC. of Kenner, LA authorizing: *household goods* between specified points in the United States including Hawaii; *Household goods, new and used furniture,* and *office equipment,* between points in Louisiana, on the one hand, and, on the other, points in Mississippi, Tennessee, Arkansas, Georgia, Florida, Missouri, Illinois, Alabama, and Texas; and *General commodities,* between points in an area comprising New Orleans, LA, and points within 15 miles of New Orleans. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006. TA lease is not sought. Transferee is not a carrier.

MC-FC-79819. By decision of May 25, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to WESTLAND FREIGHT

LINES, INC. of Vernon, CA of Certificate No. MC-39085 and Sub-Nos. 6 and 7 thereunder issued to CUSTOM CARTAGE COMPANY of New York, NY authorizing: *general commodities,* with usual exceptions, over regular and irregular routes, between, (1) specified points in NY, NJ, CT, PA, OH, KY, and IN, (2) the terminal facilities of Universal Carloading & Distributing Co., Inc., located in Broward, Dade and Palm Beach Counties, FL, on the one hand, and, on the other, points in Broward, Dade and Palm Beach Counties, FL, (3) the terminal facilities of Universal Carloading & Distributing Co., Inc., located in Hillsborough County, FL, on the one hand, and, on the other, points in Charlotte, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk and Sarasota Counties, FL, restricted in (2) and (3) to shipments moving on bills of lading issued by the above named freight forwarder, and (4) points in the United States, restricted to traffic moving on the bills of lading of freight forwarders. Representative: S. S. Eisen, 370 Lexington Ave., New York, NY 10017. TA lease is not sought. Transferee is not a carrier.

MC-FC-79835. By decision of May 25, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to LARRY REVENAUGH, d.b.a. HANSEN TRANSFER, of Certificate No. MC-34697 and MC-34697 (Sub-No. 2), issued to MERVIN HANSEN, d.b.a. HANSEN TRANSFER, also of Logan, IA, which authorize the transportation of (1) *general commodities,* (with exceptions), (a) over irregular routes, between Logan, IA, and points within 10 miles of Logan, on the one hand, and, on the other, points within 25 miles of Logan, and (b) over regular routes, between Woodbine, IA and Omaha, NE, from Woodbine over US Hwy 30 to Missouri Valley, IA, then over US Hwy 75 to Council Bluffs, IA, and then across the Missouri River to Omaha, and return over the same route, serving the intermediate and off-route points of Logan, Missouri Valley, Loveland, Beebeetown, and Reeder Mills, IA; (2) *Livestock, feed, and agricultural implements,* between Logan, IA, and points within ten miles of Logan, on the one hand, and, on the other, Omaha, NE; and (3) feed, agricultural implements, and building materials, between Logan, IA, and points within 15 miles of Logan, on the one hand, and, on the other, Omaha, NE. Representative: James E. Lang, 11306 Davenport Street, Omaha, NE 68154.

Note.—Transferee is not a carrier.

MC-FC-79820. By decision of May 20, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Kalfur Bros., Inc., Floral Park, NY, of Certificate No. MC-41669 (Sub-No. 1) issued to George M. Wood and Eugene W. Hoerig, a partnership doing business as Kalfur Bros., authorizing the transportation of household goods between New York, NY, on the one hand, and, on the other, points in CT, MA, NJ, PA, and NY. Representative: James G. Zaffiro, 12 Tulip Avenue, Floral Park, NY 11001.

Note.—Transferee is not a carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-15422 Filed 6-7-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP 3-084

Decided: May 28, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 162015, filed May 17, 1982. Applicant: NORMAN TRUCKING, INC., P.O. Box 145, Rayland, OH 43943. Representative: Ronald E. Antill, 409 Walnut St., Martins Ferry OH 43935, (614) 633-5551. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 162074, filed May 17, 1982. Applicant: U.S. FREIGHT SERVICE, INC., P.O. Box 1390, Kent, WA 98031. Representative: Keith M. Dickenson (same address as applicant), (206) 251-6145. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 162075, filed May 17, 1982. Applicant: H. E. MYERS, Rt. 2, Box 12F, Marion, TX 78124. Representative: Harry F. Horak, 5001 Brentwood Stair Rd., Suite 115, Fort Worth, TX 76112, (817)

457-0804. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162085, filed May 19, 1982. Applicant: FRANK B. KOPP and SUSAN D. KOPP, d.b.a. IRON HORSE TRUCKING, 34204 Seavey Loop, Eugene, OR 97405. Representative: Frank B. Kopp (same address as applicant), (503) 726-8836. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 162115, filed May 20, 1982. Applicant: WEST COAST TRAFFIC SERVICES, INC., 1165 San Antonio Dr., Ste. C, Long Beach, CA 90807. Representative: Milton W. Flack, 6484 Wilshire Blvd., #840, Beverly Hills, CA 90211, (213) 655-3573. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 162125, filed May 20, 1982. Applicant: RICHARD B. BROWN, d.b.a. MAPLE LEAF TRANSPORT, 313 Hearthwood Blvd., Vancouver, WA 98664. Representative: Richard B. Brown (same address as applicant), (206) 892-7604. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except HI).

MC 162154, filed May 24, 1982. Applicant: BERT R. BLOOD, 3104 South 1810 East, Salt Lake City, UT 84106. Representative: (same as above). Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle, in such vehicle, between points in the U.S. (except AK and HI).

MC 162155, filed May 24, 1982. Applicant: EXPRESS WORLD, INCORPORATED, 14415 N. 73rd Street, Suite 107, Scottsdale, AZ 85260. Representative: Eric B. Fable (same address as applicant), (602) 948-2101. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 162164, filed May 24, 1982. Applicant: MONDI, INC., 7368 Woodcroft, Cincinnati, OH 45230. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005, (202) 296-3555. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP4-191

Decided: June 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 162106, filed May 20, 1982. Applicant: EXPEDITED TRANSPORTATION SERVICES, INC., One West Court Square, Suite 465, Decatur, GA 30030. Representative: Robert L. Cope, Suite 501, 1730 M St., NW., Washington, D.C. 20036, (202) 296-2900. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 162176, filed May 24, 1982. Applicant: SIS TRANSPORTATION, 9725 S. 2733 East, Sandy, UT 84092. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. As *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 162186, filed May 14, 1982. Applicant: ALMAR INTERNATIONAL CORP., 9545 N.W. 13th St., Miami, FL 33172. Representative: Alberto J. Marino (same address as applicant), (305) 591-7450. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP4-197

Decided: June 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 161587 (Sub-1), filed May 24, 1982. Applicant: GERALD C. BURTON, d.b.a. BURTON FARMS, Route #1, Clarksdale, MO 64430. Representative: Gerald C. Burton (same address as applicant), (816) 393-5425. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in MO, IA, NE, KS, OK, TX, NM, CO, and AR.

MC 162077, filed May 17, 1982. Applicant: FREIGHTWAYS OF NORTH CAROLINA, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Trowbridge (same address as applicant), (704) 372-1610. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 162187, filed May 24, 1982. Applicant: RODNEY L. RESH, Box 33, 509 A St., Shelton, NE 68876. Representative: Rodney L. Resh (same address as applicant), (308) 647-6544. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP5-123

Decided: May 28, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 161999, filed May 14, 1982. Applicant: PARRIS TRANSPORT, INC., 6214 J St., Omaha, NE 68117. Representative: Clayton H. Shrout, 1030 First National Bank Bldg., 402-342-8015. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-15431 Filed 6-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-79]

Motor Carriers; Permanent Authority Decisions; Corrected Decision-Notice

Decided: April 30, 1982.

A notice of correction of volume OP1-79 was published in the **Federal Register** issue of May 26, 1982 indicating that certain applications were incorrectly published under the non-fitness guidelines.

Anyone wishing to file opposition to the following applications has 45 days from the date of publication to file. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

The purpose of this republication is to indicate that the following application is the only proceeding governed under the fitness criteria as published in the **Federal Register** issue of May 26, 1982.

MC 38400 (Sub-9), filed April 23, 1982. Applicant: HITCHCOCK BROS., INC., Box 212, Canaan, CT 06018.

Representative: C. Frank Hitchcock (same address as applicant).

The remainder of the proceedings published in the FR issue of May 26, 1982 (appearing at 47 FR 23033–34) beginning with docket number MC–87231 Sub. 30, through MC–161690, are governed under the non-fitness guidelines as published in the **Federal Register** of May 7, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–15428 Filed 6–7–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82–13908, published at page 22235, on Friday, May 21, 1982, on page 22236, in the first column in the first paragraph, in the first line "MC 16513 (Sub-30)" Should be corrected to read "MC 16513 (Sub-35)".

BILLING CODE 1505–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82–13369, appearing at page 21310, in the issue of Tuesday, May 18, 1982, on page 21312, in the middle column, under MC 128333 (Sub-10), the last paragraph and last line in the column, correct "NY" to read "NV".

BILLING CODE 1505–01–M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82–14395 appearing at page 23220 in the issue for Thursday, May 27, 1982, please make the following correction:

On page 23224, in the first column, the paragraph beginning "MC 143720 (Sub-20)" filed for "All Freight Systems, Inc.", should have begun "MC 143702 (Sub-20)".

BILLING CODE 1505–01–M

Motor Carriers; Permanent Authority Decision; Decision-Notice

Correction

In FR Doc 82–12304 appearing on Page 19591 of the issue for Thursday, May 6, 1982, make the following change:

On Page 19596, First complete paragraph, line ten, the initials "NT" should be corrected to read "MT".

BILLING CODE 1505–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemd to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP3–083

Decided: May 28, 1982.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 1515 (Sub-309), filed May 24, 1982. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson, (same address as applicant), (602) 248–5016. Over regular routes, transporting *passengers and their baggage and express and newspapers,* in the same vehicle with passengers, between Rome, GA and Calhoun, GA, over GA Hwy 53, serving all intermediate points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 67234 (Sub-53), filed May 24, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (including AK and HI), under continuing contract(s) with Intel Corporation, of Santa Clara, CA.

MC 74755 (Sub-7), filed May 20, 1982. Applicant: SUELZER MOVING & STORAGE, INC., 4325 Meyer Rd., Fort Wayne, IN 46806. Representative: Richard A. Huser, One Indiana Square, Suite 2120, Indianapolis, IN 46204, (317) 639–5534. Transporting *household goods,* between points in the U.S., under continuing contract(s) with General

Electric Motor Business Group, of Fort Wayne, IN.

MC 117954 (Sub-34), filed May 20, 1982. Applicant: H. L. HERRIN, JR., P.O. Box 1106, Metairie, LA 70004. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202, (316) 265-2634. Transporting *food and related products,* between points in WI, on the one hand, and, on the other, points in AL, AR, LA, MS, MO, OK, TN and TX.

MC 120114 (Sub-3), filed May 21, 1982. Applicant: COLDIRON LINES, INC., 5325 So. Madera, Oklahoma City, OK 73129. Representative: Brent Coldiron, Suite 724, First Continental Bank Tower, Del City, OK 73115, (405) 677-3301. Transporting *pulp paper and related products, lumber and wood products, chemicals and related products, metal products, rubber and plastic products and petroleum and coal products,* between points in OK, AR and TX, on the one hand, and, on the other, points in OK, AR, TX, LA, KS, CO, UT and WY.

MC 124545 (Sub-1), filed May 21, 1982. Applicant: DAVID NOAKE, INC., Rockingham Rd., Bellows Falls, VT 05101. Representative: Brian S. Stern 5411-D Backlick Rd., Springfield, VA 22151, (703) 941-8200. Transporting *such commodities* as are dealt in or used by (1) grocery and food business houses, and (2) manufacturers and distributors of lumber and wood products, forest products, pulp, paper, and related products, and printed matter, between those points in the U.S. in and east of WI, IL, KY, TN, MS, and LA.

MC 141985 (Sub-2), filed May 19, 1982. Applicant: TAB TRANSPORTATION, INC., 8457 Eastern Ave., Bell Gardens, CA 90201. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067, (213) 879-5955. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties, CA.

MC 145625 (Sub-8), filed May 20, 1982. Applicant: DUTCHLAND TRUCKING, INC., 1051 Center Ave., Oostburg, WI 53070. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086, (608) 238-3119. Transporting *food and related products* (1) between points in WI, on the one hand, and, on the other, points in IL, IA, and MN, and (2) between points in IL, IA, MN, and WI, on the one hand, and, on the other, points in AR, KS, LA, MO, ME, OK, and TX.

MC 145765 (Sub-16), filed May 19, 1982. Applicant: WIEST TRUCKLINE, INC., R.R. 2, I-94, West Exit 57, Jamestown, ND 58401. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502, (701) 223-5300. Transporting (1) *such commodities* as are dealt in by agricultural dealers and manufacturers, and (2) *attachments* for the commodities named in (1) above, between points in the U.S. (except AK and HI).

MC 149504 (Sub-2), filed May 21, 1982. Applicant: WADDELL TRANSFER, INC., P.O. Box 168, Atkins, VA 24311. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting (1) *lumber and wood products,* between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, (2) *metal articles,* between points in Washington County, VA, on the one hand, and, on the other, points in NC, SC, KY, TN, GA, FL, AL, MS, LA, TX, WV, MD, DE, PA, NJ, NY, CT, and MA, (3) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Smyth County, VA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (4) *building materials,* between points in Woodbury and Dallas Counties, IA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 149604 (Sub-3), filed May 3, 1982. Applicant: ACTION TRANSIT COMPANY, Rt. 21 South, P.O. Box 884, Mooresville, NC 28115. Representative: M. Diane Neal, 2230 Shepler Church Ave., SW., P.O. Box 6270, Canton, OH 44706, (216) 456-4571. Transporting *general commodities* (except household goods and classes A and B explosives), between points in IL, IN, NJ, NY, OH, PA, and SC, on the one hand, and, on the other, points in AZ, AR, CA, CO, IA, KS, LA, MA, MI, MN, MS, MO, MT, NE, NH, NM, ND, OK, RI, SD, TX, WA, WI, UT, and VT.

MC 151665 (Sub-2), filed May 20, 1982. Applicant: MAGNUM, LTD., P.O. Box 775, Hillsboro, ND 58045. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108, (701) 236-3300. Transporting *general commodites* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Sprenger Midwest, Inc., of Sioux Falls, SD.

MC 156354 (Sub-3), filed May 20, 1982. Applicant: FICEL SALES, INC., 4678 Big Tree Road, Hamburg, NY 14075. Representative: Michael A. Wargula, 128 Sherburn Drive, Hamburg, NY 14075, (716) 845-6066. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Midland Rochester Corporation, and Xerox Corporation, both of Rochester, NY.

MC 156834 (Sub-1), filed May 20, 1982. Applicant: NEBRASKALAND TRUCKING, INC. Route 3, Box 63, Blair, NE 68008. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392-1220. Transporting *building materials and supplies,* between points in CA, on the one hand, and, on the other, those points in the U.S. in and west of OH, IN, IL, MO, AR, and TX.

MC 161885 (Sub-1), filed May 20, 1982. Applicant: ROBERT L. NEWSOM, d.b.a. NEWSOM TRANSPORTATION, 1005 Jewell Ave., Salt Lake City, UT 84104. Representative: Irene Warr, Suite 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531-1300. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Bar-S-Foods, Inc., of Phoenix, AZ.

MC 162065 filed May 17, 1982. Applicant: GOLD EQUIPMENT RENTALS, INC., d.b.a. GOLD FREIGHT LINES 13900 Schroeder Rd., Houston, TX 77070. Representative: George Spencer, 7 North Block, Fayetteville, AR 72701, (501) 442-0585. Transporting *general commodities* (except commodities in bulk, household goods, and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Charles McAlpin Brokerage Company, of Decatur, AL.

MC 162084, filed May 19, 1982. Applicant: RICHARD A. RAMEY, d.b.a. RICHARD A. RAMEY TRUCKING, Route 1, Box 125, Middletown, VA 22645. Representative: Dixie C. Newhouse, 1329 Pennsylvania Avenue., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting (1) *food and related products,* and (2) *metal and metal containers, and machinery,* between those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX.

MC 162104, filed May 20, 1982. Applicant: PETERSON EXPRESS, INC., P.O. Box 41770, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in

the U.S. (except AK and HI), under continuing contract(s) with Schering Plough, Inc., and its wholly-owned subsidiaries, Maybelline Company, Scholl, Inc., and Dap, Inc., of Memphis, TN.

MC 162105, filed May 20, 1982. Applicant: DAVID W. McQUEEN, d.b.a. McQUEEN TRUCKING, Route 3, Collins, MS 39428. Representative: John A. Crawford, 17th Fl. Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948-5711. Transporting (1) *forest products,* and (2) *lumber and wood products,* between points in AL, AR, FL, GA, LA, MS, TN, and TX.

MC 162124, filed May 20, 1982. Applicant: DANA YOUNG'S ENTERPRISES, 6343 Millcreek Rd., Turner, OR 97392. Representative: Dana D. Young (same address as applicant), (503) 743-2205. Transporting *such commodities* as are dealt in or distributed by manufacturers of building materials, metal products, farm machinery, and farm and ranch supplies, between points in AZ, CA, CO, ID, KS, MT, NM, NV, OK, OR, TX, UT, WA, and WY.

MC 162144, filed May 21, 1982. Applicant: MARY JO RICHARDS TOURS, INC., 852 Verdun St., Clarksburg, WV 26301. Representative: Mary Jo Richards (same address as applicant), (304) 624-4185. As a *broker,* at Clarksburg, WV, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* beginning at Clarksburg, WV and extending to points in WV, PA, OH, MD, VA, KY, NY, NJ, SC, NC, TN and DC.

MC 162145, filed May 21, 1982. Applicant: THOMAS BROTHERS TRUCKING COMPANY, Inc., Route 2, Box 509, Hayneville, AL 36040. Representative: Robert S. Richard, 57 Adams Ave., Montgomery, AL 36197, (205) 262-1671. Transporting *lumber and plywood,* between points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, VA, and WV.

Volume No. OP4-192

Decided: May 28, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 117836 (Sub-16), filed May 24, 1982. Applicant: EDWARD J. STINSON, d.b.a. STINSON MOTOR LINES, Rt. #1, Box 256, Glen Rose, TX 76043. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35021-0217. Transporting *food and related products,* between points in Lamar County TX, on the one hand, and, on the other, points in AL, AZ, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MS, MO, MI, NE, NM, ND, OK, OH, SD, TN, UT, and WI.

MC 124896 (Sub-107), filed May 24, 1982. Applicant: WILLIAMSON TRUCK LINES, INC., Corner Thorne and Ralston Sts., P.O. Box 3485, Wilson, NC 27893. Representative: Norman J. Philion III, 1920 N St., N.W., Suite 700, Washington, DC 20036, (202) 331-8800. Transporting *food and related products,* between points in AL, AR, CA, DE, IA, IL, IN, KS, KY, LA, MA, MI, MN, MO, MS, NE, NY, OH, PA, OK, TN, TX, WI, and WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 134676 (Sub-6), filed May 24, 1982. Applicant: H. H. MOORE JR. TRUCKING CO., INC., P.O. Box 477, Appomattox, VA 24522. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235, (804) 745-0446. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of MT, WY, CO and NM.

MC 151556 (Sub-4), filed May 17, 1982. Applicant: ALLSTATE TRANSPORTATION COMPANY, 2000 W. 96th St., Bloomington, MN 55431. Representative: Marvin M. Mueller (same address as applicant), (612) 881-3378. Transporting (1) *containers,* (2) *plastic products,* and (3) *such commodities* as are dealt in by office furniture and supply houses, between points in the U.S., under continuing contract(s) with Liberty Diversified Industries and/or L. D. I. Transport, Inc., of New Hope, MN.

MC 155796 (Sub-7), filed May 20, 1982 Applicant: TRANSPORTATION SPECIALISTS, LTD., 440 Commerical Federal Tower, 2120 S. 72nd St., Omaha, NE 68124. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842-8600. Transporting *food and related products,* between points in the U.S. (except AK and HI).

MC 162036, filed May 17, 1982 Applicant: MR. FRANK INC., 201 West 155th St., South Holland, IL 60473. Representative: Edward G. Bazelon, 29 South LaSalle St., Chicago, IL 60603. Transporting *hazardous materials* and *waste or scrap materials not identified by industry producing,* between points in the U.S. (except AK and HI), under continuing contract(s) with American Chemical Service, Inc., of Griffith, IN, American Recovery Company, of East Chicago, IN, Andrew Corporation, of Orland Park, IL, Bliss & Laughlin Steel Co., of Harvey, IL, KNS Companies, Inc., of Carol Stream, IL, Stepan Chemical, of Elwood, IL, SCA Chemical Services, Inc., of Chicago, IL, Illinois Central and Gulf Railroad, of Chicago, IL.

MC 162086, filed May 19, 1982 Applicant: BERNICE BRITTON, d.b.a. BRITTON TRAVEL, 4324 Parkside Dr., Baltimore, MD 21206. Representative: Bernice Britton (same address as applicant), (301) 485-1155. To operate as a *broker,* at Baltimore, MD, in arranging for the transportation of *passengers and their baggage,* in charter operations, between points in MD, DE, NJ, NY, CT, RI, NH, MA, VT, ME, VA, WV, VA, NC, SC, GA, FL, TN, and PA.

Volume No. OP-193

Decided: June 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 115676 (Sub-6), filed May 25, 1982 Applicant: CONWAY'S BUS SERVICE, INC., 3220 Mendon Rd., Cumberland, RI 02864. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *passengers and their baggage,* in special and charter operations, beginning and ending at points in CT, MA and RI, and extending to points in the U.S. (except AK and HI).

MC 149406 (Sub-14), filed May 20, 1982 Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 S 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of brick, tile, and other clay products, between points in the U.S. (except AK and HI), under continuing contract(s) with Sioux City Brick & Title Company, of Sioux City, IA, United Brick & Tile Co. of Iowa, of Adel, IA and Ballou Brick Company of Sergeant Bluff, IA.

MC 149536 (Sub-6), filed May 24, 1982. Applicant: RODCO LEASING, INC., 380 Union St., West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Friendly Ice Cream Corporation, of Wilbraham, MA.

MC 150806 (Sub-9), filed May 20, 1982 Applicant: WECO, INC., P.O. Box 5128, Kansas City, KS 66119. Representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, KS 66603, (913) 232-0601. Transporting *food and related products,* between points in Shawnee County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152906 (Sub-2), filed May 20, 1982. Applicant: BILLIG TRUCKING SERVICE, INC., R.D. No. 8, Box 136, Allentown, PA 18104. Representative: Robert J. Brooks, 1828 L St. NW., Suite 1111, Washington, DC 20036, (202) 466-3892. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), on the one hand, and, on the other, points in CT, MA, NY, NJ, PA, DE, MD, DC, VA, WV, OH, IN, IL, MI, KY, TN, NC, and SC.

MC 153376, filed May 21, 1982 Applicant: THOMAS W. HEADRICK, d.b.a. HEADRICK TRUCKING, Route 1, Box 258-B, Crandall, GA 30711. Representative: Clayton R. Byrd, 2870 Briarglen Dr., Doraville, GA 30340, (404) 491-1696. Transporting *crushed limestone rock,* between points in the U.S. (except AK and HI), under continuing contract(s) with Georgia Talc Company, of Chatsworth, GA, and H & S Industries, Inc., of Dalton, GA.

MC 158286 (Sub-11), filed May 24, 1982 Applicant: M. T. TRUCK LINE, INC., 4947 W. 173rd St., County Club Hills, IL 60477. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236-5944. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of plastic and cast iron products, between points in the U.S. (except AK and HI).

MC 158846, filed May 20, 1982. Applicant: MONARCH MARKET STREET CORP., 505 Long Beach Blvd., Long Beach, NY 11561. Representative: William J. Augello, 120 Main St., Huntington, NY 11743, (516) 427-0100. Transporting *trade show exhibits and displays,* between points in the U.S. (except AK and HI).

MC 162076, filed May 17, 1982. Applicant: DANIEL'S MOVING & STORAGE, INC., 324 Lafayette St., Utica, NY 13502. Representative: Roy D. Pinsky, State Tower Bldg., Suite 1020, Syracuse, NY 13202, (315) 422-2384. Transporting *household goods,* between points in NY, on the one hand, and, on the other, points in CT, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA and DC.

MC 162126, filed May 25, 1982. Applicant: ON THE ROAD TRANSPORTATION, INC., P.O. Box 183, 5713 Middaugh, Downers Grove, IL 60516. Representative: Stepehn C. Herman, 20 No. Wacker Dr., Suite 1760, Chicago, IL 60606, (312) 236-0204. Transportating *passengers and their baggage,* in charter operations, between points in the U.S., under continuing contract(s) with On The Road Tours, Inc., of Downers Grove, IL.

MC 162146, filed May 21, 1982. Applicant: FRANK J. BRAZIL TRUCKING CO., 500 Richards Blvd., Sacramento, CA 95814. Representative: Frank J. Brazil, (same address as applicant), (916) 447-2580. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between point in CA in and north of Monterey, San Benito, Fresno and Alpine Counties.

Volume No. OP4-194

Decided: May 28, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 68717 (Sub-2), filed May 17, 1982. Applicant: W. N. DAUL TRANSFER LINES, INC., 1521 Ellis St., Kewaunee, WI 54216. Representative: John L. Bruemmer, P.O. Box 927, Madison, WI 53701, (608) 257-9521. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk): (1) between Algoma and Green Bay, WI, serving all intermediate points, and the off-route point of New Franken, WI, over WI Hwy 54; (2) between Manitowoc and Green Bay, WI serving all intermediate points and the off-route point of Denmark, WI, over U.S. Hwy 141; and (3) between the junction of WI Hwys 29 and 163, at or near Pilsen, WI, and the junction of WI Hwy 96 and U.S. Hwy 141, at or near Denmark, WI: from the junction of WI Hwys 29 and 163, over WI Hwy 163 to junction WI Hwy 96, then over WI Hwy 96 to junction U.S. Hwy 141.

Note.—Applicant intends to tack this authority with its presently authorized operating rights.

MC 98017 (Sub-8), filed May 17, 1982. Applicant: SHAY'S SERVICE, INC., N. Main St., Dansville, NY 14437. Representative: Warren A. Goff, 109 Madison Ave., Memphis, TN 38103, (901) 525-2900. Transporting *general commodities* (except A and B explosives, household goods, and commodities in bulk), between points in Allegheny, Broome, Cattaraugus, Chautaugua, Chemung, Erie, Genessee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Stubin, Tioga, Wayne, Wyoming, and Yates Counties, NY, and Potter County, PA. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Certificate of Registration No. MC-98017.

MC 120847 (Sub-2), filed May 19, 1982. Applicant: FOURWAYS EXPRESS, INC., 112 Will Dr., Canton, MA 02021. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742-3530. Transporting (1) *general commodities,* between points in MA, and (2) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT. Conditions: Issuance of a certificate in this proceeding is subject to the prior or coincidental cancellation of carrier's Certificate of Registration in No. MC-120847 (Sub-No. 1), and to the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 124167 (Sub-2), filed May 21, 1982. Applicant: READY BUS LINE CO., INC., P.O. Box 100, County Highway 6, La Crescent, MN 55947. Representative: Harold O. Orlofske, P.O. Box 368, Neenah, WI 54956, (414) 722-2848. Transporting *passengers and their baggage,* in special and charter operations, beginning and ending at Minneapolis, MN, and points in Allamakee, Dubuque, Howard, and Winneskiek Counties, IA, Dodge, Fillmore, Goodhue, Lake, Mower, Olmstead, St. Louis, Wabasha, and Winona Counties, MN, and WI, and extending to points in the U.S. (except HI).

MC 142847 (Sub-4), filed May 21, 1982. Applicant: LESLIE OAKLEY AND BARRY D. OAKLEY, d.b.a. OAKLEY BROTHERS TRUCKING, P.O. Box 338, Fairfield, MT 59436. Representative: William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, (406) 543-8369. Transporting *such commodities* as are dealt in or used by lumber yards and farm supply stores, between points in MT, on the one hand, and, on the other, points in ID, OR, and WA.

MC 144927 (Sub-43), filed May 20, 1982. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (same address as applicant), (219) 261-3461. Transporting *drugs,* between Atlanta, GA, Chicago, IL, Dallas, TX, Denver, CO, Kansas City and St. Louis, MO, Minneapolis, MN, Portland, OR, San Francisco and Los Angeles, CA, and points in Montgomery County, PA and Shelby County, TN.

MC 145457 Sub 13, filed May 17, 1982. Applicant: B & M EXPRESS, INC., 1800 S. Portland, P.O. Box 82506, Oklahoma City, OK 73108. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, (405) 424-3301. Transporting *general commodities* (except classes A and B explosives,

commodities in bulk, and household goods), between points in AR, CO, KS, LA, MO, OK, and TX.

MC 162116, filed May 20, 1982. Applicant: SURE TRANSPORATION & SERVICES, INC., 1617 Marguerite, Park Ridge, IL 60068. Representative: Irwin D. Rozner, 134 N. LaSalle St., Chicago, IL 60602, (312) 782-6937. As a broker of *general commodities* (except household goods) between points in the U.S. (except HI).

MC 162137, filed May 21, 1982. Applicant: R & R CARTAGE, INC., 1257 E. Reno, Oklahoma City, OK 73117. Representative: Wilburn L. Williamson, Suite 107, 50 Classen Center, 5101 N. Classen Blvd., Oklahoma City, OK 73118, (405) 848-7946. Transporting *general commodities* (except classes A and B explosives), between points in OK.

MC 162147, filed May 21, 1982. Applicant: CALABRIA LEASING, INC., 12071 Larkins Rd., Brighton, MI 48116. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49684, (616) 941-5313. Transporting *metal and metal products,* between points in Crawford and Sebastian Counties, AR, Contra Costa County, CA, Washoe County, NV, Essex and Middlesex Counties, NJ, and points in IN, MI, OH, PA, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152337 (Sub-5), filed May 20, 1982. Applicant: CENTRAL STATES TRUCKING CO., 5101 S. Lawndale Ave., P.O. Box 450, Summit, IL 60501. Representative: Edward G. Bazelon, 29 S. La Salle St., Chicago, IL 60603, (313) 236-9375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Pacific Northwest Perishable Shippers Association, Washington, Oregon Shippers Cooperative Association, Inc., Northwest Perishable Shippers Cooperative Association, Inc., Pacific Northwest Shippers Cooperative Association, Inc., and Trailer Express, Inc., all of Seattle, WA.

Volume No. OP4-195

Decided: June 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 102616 (Sub-1036), filed April 29, 1982, previously noticed in the **Federal Register** issue of May 12, 1982, and republished this issue. Applicant: COASTAL TANK LINES, INC., 250 Cleveland Massillon Rd., Akron, OH 44319. Representative: Fred H. Daly, 2550 M St., NW., Suite 475, Washington, DC 20037, (202) 293-3204. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK), under continuing contract(s) with Standard Oil Company (Ohio), B P Oil, Inc., Vistron Corporation, Mountaineer Carbon Company, The Sohio Petroleum Company, and The Old Ben Coal Company, all of Cleveland, OH.

Note:—The purpose of this republication is to include the additional constracting shippers.

MC 143776 (Sub-52), filed May 26, 1982. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (800) 253-9527. Transporting *food and related products,* between points in Cook and Lake Counties, IL, and Chickasaw County, IA, and points in the U.S. (except AK and HI).

MC 144986 (Sub-5), filed May 24, 1982. Applicant: STAHLER TRUCKING & LEASING, INC., 208 E. Harrison St., Wapakoneta, OH 45895. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481-8821. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Auglaize, Shelby, Allen, and Van Wert Counties, OH, on the one hand, and, on the other points in the U.S. (except AK and HI).

MC 149616 (Sub-6), filed May 17, 1982. Applicant: R.C.R., INC., Box 157, Yutan, NE 68073. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392-1220. Transporting *food and related products,* between Omaha, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157596 (Sub-1), filed May 24, 1982. Applicant: VANGUARD CONTRACT CARRIER, INC., 25 N. Via Monte, P.O. Box 9285, Walnut Creek, CA 94598. Representative: Alfred G. Krebs (same address as applicant), (415) 944-7374. Transporting, for or on behalf of the United States Government, *general commodities,* except used household goods, hazardous or secret materials, and sensitive weapons and munitions, between points in the U.S. (except AK and HI). CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team Four, Room 2410.

Volume No. OP4-196

Decided: June 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 124887 (Sub-138), filed May 24, 1982. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632-2300. Transporting *machinery,* between points in the U.S. (except AK and HI).

MC 126717 (Sub-17), filed May 18, 1982. Applicant: WALT'S DRIVE-A-WAY SERVICE, INC., 1103 E. Franklin St., Evansville, IN 47711. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204, (317) 639-4511. Transporting (1) *truck-mounted cranes, mine, well and quarry-drilling machinery, equipment, and A-frames, self-propelled drilling equipment, self-propelled cranes, and self-propelled machinery, equipment, and accessories,* and (2) *trucks,* between points in the U.S. (except AK and HI).

MC 143267 (Sub-120), filed May 25, 1982. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th St., NW., Washington, DC 20005, (202) 223-6680. Transporting (1) *chemicals and related products,* and (2) *ores and minerals,* between those points in the U.S. in and east of MT, WY, CO, and NM.

MC 148237 (Sub-1), filed May 18, 1982. Applicant: JESS A. MAY, d.b.a. MAY TRUCKING CO., 540 Sonoma Ave., Livermore, CA 94550. Representative: Richard E. Macey, 2111 W March La., A-3, Stockton, CA 95207, (209) 951-8227. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Komatsu America Corp., of Hayward, CA.

MC 161387 (Sub-2), filed May 24, 1982. Applicant: DOUGLAS C. ROYCRAFT, d.b.a. ROYCRAFT TRANSIT & STORAGE, 1800 Vernon St., Eau Claire, WI 54701. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *computers and related equipment,* between points in the U.S. (except AK and HI), under continuing contract(s) with Cray Research, Inc., of Chippewa Falls, WI.

MC 162107, filed May 20, 1982 Applicant: DORIS DRAKE

ENTERPRISES, INC., 7110 SW 5th St., Pembroke Pines, FL 33023. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53d St., Miami, FL 33166, (305) 592-0036. Transporting *theatrical equipment*, between points in the U.S. (except AK and HI).

Volume No. OP5-122

Decided: May 28, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 84739 (Sub-31), filed January 22, previously published (republication) in the Federal Register on February 17, 1982. Applicant: SEVERSON TRANSPORT, INC., 624 Albion Road, Edgarton, WI 53534. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226, (313) 963-3750. Transporting (1) *metal products* and (2) *such commodities* as are dealt in or used by a manufacturer of truck trailers, between points in WI, on the one hand, and, on the other, points in KY, MI, OH, PA, and WV.

Note.—Purpose of republication is to show correct territorial description.

MC 145748 (Sub-5), filed May 17, 1982 Applicant: MEYERS TRANSFER, INC., Route 64, East, Mt. Morris, IL 61054. Representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603, (312) 236-0548. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Dixon Publishing Co., of Dixon, IL, E. D. Etnyre Co., of Oregon, IL, Henry Pratt Company, a division of Armsted Industries, Inc., of Aurora, IL, Kable Printing Company, of Mt. Morris, IL, Roscoe Mfg. Co., and Flaherty Mfg., both of Arlington, MN, Woods Bros., a division of Hesston Corp., of Oregon, IL, Northwestern Steel & Wire Co., of Sterling, IL, and L.R.B. Distributors, Inc., of Dixon, IL.

MC 145858 (Sub-7), filed May 20, 1982. Applicant: B & G SUPPLY COMPANY, INC., P.O. Box 748, Albertville, AL 35950. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Pkwy, Birmingham, AL 35209-4786, 205-942-9116. Transporting *food and related products*, between points in Portage and Summit Counties, OH, and Allegan, Kent, and Ottowa Counties, MI, on the one hand, and, on the other, points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

MC 151419 (Sub-4), filed April 26, 1982. Initially published in the Federal Register on May 12, 1982. Applicant: GORDON JOHNSON, P.O. Box 252; Route #2, Fredericktown, OH 43019. Representative: Lewis S. Witherspoon, 2455 North Star Rd., Columbus, OH 43221, 614-486-0448. Transporting (1) *games, toys, and athletic equipment*, between points in Ashland County, OH, on the one hand, and, on the other, points in CT, MA, NJ, NY, PA, and RI, (2) *lawn and garden tools, and farm implements*, between points in Herkimer County, NY, on the one hand, and, on the other, points in IN and IL, (3) *containers, container closures and components, glassware, packaging products and scrap materials*, between points in Gloucester and Cumberland Counties, NJ, on the one hand, and, on the other, points in OH, IN, and MI, and (4) *gas and electrical appliances*, (a) between points in Marion County, OH, on the one hand, and, on the other, points in MA, and (b) between points in Hancock County, OH, on the one hand, and, on the other, points MA, NJ, and NY.

Note.—This application is republished to correct inadvertent omission.

MC 153539 (Sub-3), filed May 13, 1982. Applicant: JET LINE SERVICE, INC., 460 Riverside Industrial Parkway, Portland, ME 04103. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in ME, NH, VT, RI, CT, MA, NY, NJ, and PA.

MC 154469 (Sub-2), filed April 16, 1982. Originally published in the Federal Register on May 4, 1982. Applicant: WARREN L. ADAMS, d.b.a. WARREN TRANSPORTATION, 2667 English St., Maplewood, MN 55109. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, 612-333-1341. Transporting *malt beverages*, between points in Shelby County, TN, on the one hand, and, on the other, points in Pierce, Dunn, Polk, and Burnett Counties, WI, Wright, Anoka, Hennepin, Ramsey Sherburne, Benton, and Stearns Counties, MN, and ND.

Note.—This application is republished to include North Dakota, inadvertently omitted in the initial publication.

MC 161529, filed April 16, 1982. Applicant: DOCKSIDE, INC., 3350 S. Fletcher Ave., Suite 7, Fernandina Beach, FL 32034. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632-2300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Railside, Inc., of Folkston, GA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-15432 Filed 6-7-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the Fiftieth meeting of the Board for International Food and Agricultural Development (BIFAD) on June 24, 1982.

The purposes of the meeting are to approve the BIFAD Charter revision; to discuss recommendations on the future of A.I.D. university Strengthening Programs, Title XII policy guidelines to implement General Accounting Office report recommendations, and a draft Memorandum of Understanding (if ready) between A.I.D. and universities; and to receive the report of the Presidential mission on agricultural development in Egypt, and final reports of the Joint Committee on Agricultural Development (JCAD) and the Joint Research Committee (JRC). The Board will also meet with the BIFAD Support Staff to discuss staff actions and operational procedures.

The meeting will begin at 9:00 a.m. and adjourn at 12:15 p.m., and will be held in Room 540, National Science Foundation, 1800 G Street NW., Washington, D.C. The meeting with the BIFAD Support Staff will begin at 1:30 p.m. and adjourn at 3:00 p.m. This meeting will be held in Room 6439, New State Department Building, 22nd and C Streets NW., Washington, D.C. The meetings are open to the public. Any interested person may attend, may file written statements with the Board before or after the meetings, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meetings permit.

Dr. Erven J. Long, Coordinator, Title XII Strengthening Grants and University Relations, Bureau for Science and Technology, Agency for International Development, is designated as A.I.D. Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International

Development, International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235-8929.

Dated: June 1, 1982.

Erven J. Long,

A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 82-15494 Filed 6-7-82; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

National Advisory Committee for Juvenile Justice and Delinquency Prevention; Meeting

The first quarterly meeting of the newly-appointed National Advisory Committee for Juvenile Justice and Delinquency Prevention will be held in Washington, D.C. on June 28 and 29, 1982. The meeting will take place in the Andretta Room of the U.S. Department of Justice building and will run from 9:00 a.m. to 5:00 p.m. on Monday the 28th and from 9:00 a.m. to noon on the 29th.

Agenda items will include an overview of OJJDP activities and plans, Committee priorities, and discussions of filling remaining Committee positions. Members of the public are welcome to attend.

Further information regarding this meeting may be obtained by contacting: Nancy L. Kujawski, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW, Washington, D.C. 20531. (202) 724-7751.

Dated: June 3, 1982.

Approved:

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 82-15480 Filed 6-7-82; 8:45 am]

BILLING CODE 4410-18-M

Bureau of Prisons

National Institute of Corrections Advisory Board; Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Friday, June 25, 1982, starting at 8:30 a.m., at the Seeley Conference Center, Menninger Foundation, West Campus, 5600 West 6th Street, Topeka, Kansas, 66606.

At this meeting (one of the regularly scheduled triannual meetings of the Advisory Board), the Board will receive its subcommittees' reports and recommendations as to future thrusts of the Institute.

Allen F. Breed,

Director.

[FR Doc. 82-15452 Filed 6-7-82; 8:45 am]

BILLING CODE 4410-05-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period May 24, 1982-May 28, 1982.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-12,461; Fiesta, Fashions, Inc., Hoboken, NJ

TA-W-12,530; Warner & Swasey Corp., Cleveland, OH

TA-W-12,437; Avante Fashions, Inc., Hoboken, NJ

TA-W-12,751; Apeco Corp., Des Plaines, IL

TA-W-12,752; Apeco Corp., Elk Grove Village, IL

TA-W-12,739; The General Tire & Rubber Co., Newcomerstown, OH

TA-W-12,542; R. Jackson Manufacturing Corp., New York, NY

TA-W-12,188; A. P. Parts Co., Pinola, IN

TA-W-12,113; Gracinda Fashions, Inc., Newark, NJ

TA-W-12,250; Brunswick Corp., Fond Du Lac, WI

TA-W-12,710; Scovill, Inc., Markel-Nutone Div., Buffalo, NY

TA-W-12,308; Brave-Moc, Inc., Lynn, MA

TA-W-12,656; Fabrics America Group, Toweling Div., Enterprise, AL

TA-W-12,569; Arvin Outerwear, Inc., Jersey City, NJ

TA-W-12,740; J. C. Sportswear Co., Inc., New York, NJ

TA-W-12,455; Five Sons, Jersey City, NJ

TA-W-12,331; The Basic Aluminum Casting Co., Cleveland, OH

TA-W-12,597; Penry Manufacturing Co., Saltville, VA

The following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-12,524; Rockwell International Corp., Automotive Operations Headquarters, Troy, MI

TA-W-12,136; Two-B-Wear, Pennsauken, NJ

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-12,348; Gold-EE Fashions, Inc., New York, NY

The investigation revealed that criterion (3) has not been met. Imports did not increase as required for certification.

TA-W-12,128; F/V Cape Windy-Santa Rosa, CA

The investigation revealed that criterion (3) has not been met. Imports did not increase as required for certification.

TA-W-12,134; F/V Northern Lights-Santa Rosa, CA

The investigation revealed that criterion (3) has not been met. Imports did not increase as required for certification.

TA-W-12,135; F/V Seal-Bodego Bay, CA

The investigation revealed that criterion (3) has not been met. Imports did not increase as required for certification.

TA-W-12,498; Hunter Offshore Enterprises-Fields Landing, CA

The investigation revealed that criterion (3) has not been met. Imports did not increase as required for certification.

TA-W-12,200; International Hat Co., Oran, MO

The investigation revealed that criterion (3) has not been met. Imports did not increase as required for certification.

Affirmative Determinations

TA-W-12,497; Fairy Tale Children's Wear, New York, NY

A certification was issued in response to a petition received on March 16, 1981 covering all workers separated on or after January 1, 1981.

TA-W-12,449; Gay Coat Co., Inc., Union City, NJ

A certification was issued in response to a petition received on March 9, 1981 covering all workers separated on or after May 14, 1981.

TA-W-12,794; Fiat Allis North American Operations, Inc., Deerfield, IL

A certification was issued in response to a petition received on June 17, 1981 covering all workers engaged in the production of hydraulic cylinders separated on or after October 1, 1981 and before March 1, 1982.

TA-W-12,431; MCM Coat Co., Inc., Hoboken, NJ

A certification was issued in response to a petition received on March 9, 1981 covering all workers separated on or after October 17, 1980.

TA-W-12,015; Star Coat Manufacturing Co., Inc., Hoboken, NJ

A certification was issued in response to a petition received on December 22, 1980 covering all workers separated on or after October 12, 1980.

I hereby certify that the aforementioned determinations were issued during the period May 24, 1982—May 28, 1982. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: June 1, 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-15486 Filed 6-7-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-11,892]

Imperial Glass Corp.; Amended Determination on Reconsideration

On February 12, 1982, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the Imperial Glass Corporation's plant in Bellaire, Ohio. This determination was published in the **Federal Register** on February 23, 1982, (47 FR 7896).

The union claims that the Department's certification fails to cover many stemware workers at the Bellaire plant who were laid off in 1980, several months before the December 1, 1980 impact date set in the Department's certification, TA-W-11,892. The union also makes a claim concerning the adequacy of the Department's customer survey.

On reconsideration, the Department conducted a survey of the company's stemware customers for 1979, 1980 and 1981. Stemware customers were not included in the Department's initial customer survey. The survey showed an increased import reliance by the company's stemware customers in 1980 compared to 1979 and in 1981 compared to 1980. It was also found that there were significant layoffs in 1980 compared to 1979. Production in quantity decreased in the 10-month period in 1980, minus the September-October strike affected interval, compared to the same period in 1979. U.S. imports of machine-made and hand-made glassware increased absolutely in 1980 compared to 1979 and in the first half of 1981 compared to the same period in 1980.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of glassware contributed importantly to the total or partial separations of workers and former workers at the Bellaire, Ohio plant of the Imperial Glass Company. In accordance with the provision of the Trade Act of 1974, I make the following amended determination:

All workers of Imperial Glass Corporation, Bellaire, Ohio who became totally or partially separated from employment on or after February 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of May 1982.

Robert A. Schaerfl,

Director, Office of Program Management Unemployment Insurance Service.

[FR Doc. 82-15485 Filed 6-7-82; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under Section 1-5 of Executive Order 12196 of February 26, 1980, published in the **Federal Register** February 27, 1980 (45 FR 12769), will meet on June 30, 1982 starting at 10:00 AM in Rooms N3437 A, B, C, of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. The meeting will be open to the public. (This meeting was previously scheduled for May 20, 1982.)

The agenda provides for:

I. Call to Order.

II. Presentation of FACOSH Appointees.

III. Approval of Minutes of October 7, 1981 Meeting.

IV. Election—Managment Representative as Vice Chairman.

V. New OSHA Initiatives on Federal Safety and Health.

VI. Proposed Hazardous Labeling Standard.

VII. Report of Standing Committee on Field Federal Safety and Health Councils.

VIII. New Business.

IX. Adjournment.

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions received by close of business June 25, 1982, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard by close of business June 25, 1982. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All comunications regarding this Advisory Council should be addressed to John E. Plummer, Director, Office of Federal Agency Programs, Department of Labor, OSHA, Bicentennial Building, 600 E Street, NW., Suite 500, Washington, D.C. 20210, telephone (202) 376-3005.

Signed at Washington, D.C. this 2nd day of June, 1982.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 82-15487 Filed 6-7-82; 8:45 am]

BILLING CODE 4510-26-M

[V-82-4]

Grant of Variance; Oil and Gas Wells

I. Background

For a number of years, the oil and gas well industry has alleged difficulty in attempting to comply with lthe requirements of 29 CFR 1910.212(a)(1) and (a)(2), as they relate to the guarding of rotating kelly bushings and exposed portions of rotary tables on oil and gas well drilling rigs. According to industry figures, there are approximately 4,500 active rotary rigs drilling for oil and gas in the United States, each of which is an individually unique piece of equipment.

The Occupational Safety and Health Administration has been aware, for some time, of alleged problems associated with the use of the several types of available kelly bushing/rotary table guards. As a result, a meeting was held in Dallas, Texas on March 18, 1982 between representatives of OSHA and a number of oil and gas industry drilling contractors and their legal representative to determine whether alternative methods could be devised which would provide equivalent or greater protection for employees who could be exposed to these rotating parts, in lieu of the physical guarding required by 29 CFR 1910.212(a)(1) and (a)(2).

The result of this effort was the development of a proposed alternative method incorporating modifications to some equipment on the rig as well as work practices reinforced by appropriate training procedures. Because of the degree of potential hazard presented by the rotating equipment on the drill rig, the decision was made to recommend to the Secretary that this proposed alternative method be tested initially under limited and controlled conditions to assure that it adequately met the intent of the aforementioned standard. To this end, the Secretary is exercising his authority under Section 6(b)(6)(C) of the Act to grant, for a ninety day period, an experimental variance to examine an alternative method of preventing employee injury from contact with rotary kelly bushings and exposed portions of rotary tables on oil and gas well drilling rigs to those required by 29 CFR 1910.212(a)(1) and (a)(2).

Section 6(b)(6)(C) of the OSHA Act states:

> The Secretary is authorized to grant a variance from any standard or portion thereof whenever he determines, or the Secretary of Health, Education, and Welfare certifies, that such variance is necessary to permit an employer to participate in an experiment approved by him or the Secretary of Health, Education, and Welfare designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

The names and addresses of the companies participating in this experimental variance are:

Robinson Brothers Drilling, 1123 Main Street, Woodward, OK 73801
Questor Drilling, Inc., 1213 Mockingbird Lane, Victoria, TX 77904
Sonat Southland Drilling Company, 14811 St. Mary's Suite 270, Houston, TX 77079
Houteck Energy, Inc., 8700 Commerce Park Drive, Houston, TX 77036
Harkins & Company, P.O. Box 1940, Alice, TX 78332
MGF Drilling, P.O. Box 360, Midland, TX 79702
Wheless Drilling Company, 920 Commercial National Bank, Shreveport, LA 71101
Richards Drilling, P.O. Box 1149, Bay City, TX 77414
Search Drilling, 5815 Oklahoma Ave., P.O. Box 487, Woodward, OK 73802
Butler-Johnson Drilling Co. Inc., 600 Travis Place, Shreveport, LA 71101
Glasscock Drilling, Building 11, Heyman Blvd., P.O. Box 51716, Lafayette, LA 70505
Saw Drilling Incorporated, P.O. Box 4630, Victoria, TX 77901
Nortion Drilling Co., 606 Lubbock National Bank Bldg., Lubbock, TX 79401

ADDRESSES: Send comments to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Room N-3662, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. Hershal Hensley, Office of Field Coordination, Occupational Safety and Health Administration, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Room N-3603, Washington, D.C. 20210.

All interested persons, including employers and employees who believe they would be affected by this experimental variance, are invited to submit written data, views, and arguments to the Office of Variance Determination.

The participants certify that employees who would be affected by the variance have been notified by giving a copy of it to their authorized employees' representative and/or by posting a copy at all places where notices to employees are normally posted.

II. Facts

A variance would permit the use of modified equipment, and work practices, reinforced by appropriate training procedures, to be utilized in lieu of the guarding required by 29 CFR 1910.212(a)(1) and (a)(2) for the exposed portions of the kelly bushing and rotary table on oil and gas well drilling rigs.

The following is a description of the rotating equipment found on an oil and gas well drilling rig:

The rotating equipment consists of a swivel, a short piece of pipe called a kelly, kelly bushing, rotary table, the drill string, and the bit. The assembly of members between the swivel and bit including the kelly, drill pipe, and drill collars, is termed the drill stem.

The swivel is hung from the hook on the travelling block to suspend and permit free rotation of the drill stem. It also provides a connection for the rotary hose (sometimes called the kelly hose), pressure-tight seal, and passageway for the flow of mud (drilling fluid) into the drill stem. The swivel sustains the weight of the drill string, which may be in the hundreds of tons and rotate 200 or more revolutions per minute (rpm). The swivel supports substantially the same load while it rotates. It also provides a fluid passage that may be under pressure greater than 3,000 pounds per square inch (psi).

The Kelly, which is a square or hexagonal piece of pipe, is attached immediately below the swivel. Most kellys are about 40 feet long. The kelly, like the swivel, is also a unit through which drilling mud is pumped on its way to the bottom of the hole. The reason the kelly is four or six sided is because it serves as a way of transferring the rotating motion of the rotary table to the drill string.

The kelly sits inside a corresponding square or hexagonal opening in a device called a kelly bushing which, when inserted, is a part of the rotary table. The kelly bushing, in turn, fits into another part of the rotary table called the master bushing.

Thus, as the master bushing rotates, the kelly bushing also rotates. Since the kelly mates with the kelly bushing, the kelly rotates. And, finally, since the drill pipe is connected to the bottom of the kelly, the pipe rotates when the kelly rotates. The bit also rotates because it is attached to the drill string.

The drill string consists of the drill pipe and drill collars. Both are steel tubes through which mud (drilling fluid) can be pumped. A section of drill pipe is about 30 feet long. The drill collar is a heavy, thick wall tube used between the

drill pipe and the bit (the tool that actually makes the hole), in order to add weight to the bit and to improve its performance.

Rotary drilling gets its name from the rotary table. The rotary, which has a beveled gear arrangement, may be powered either off the compound or by its own electric motor.

Kelly bushing guards have been developed and are being used on a number of drilling rigs. Nevertheless, they have also been a controversial subject for some time. While there is little dispute that kelly bushings having projections of the j-bolt type must continue to be guarded by a substantial kelly bushing/rotary table guard, some have suggested that alternative preocedures, which would include work practices reenforced by appropriate training procedures, could be utilized on rigs where the kelly bushings are of the so-called "smooth" type. It is argued that these procedures could provide protection at least equivalent to that provided by the standard for employees who could be exposed to these rotating parts. Indeed, it is argued further that the alternative procedures could be more protective of employees because of certain problems claimed to exist with the kelly bushing/rotary table guards.

The experiment, which has been developed to validate the effectiveness of the new techniques, is limited to rigs utilizing kelly bushings that are "smooth", i.e., having no projections of the j-bolt type. It requires that all employees be trained in safe operating procedures, and that the employer designate the person who will be the equipment operator and assure that this person is trained and competent, since the equipment operator will control the activity and access of personnel on the drilling floor while the equipment is rotating.

All materials and equipment which may become entangled in the rotating eqipment shall be kept at a safe distance, and wash down hose shall be prevented, by length or location, from coming into contact with rotating equipment.

Further, if it is necessary that an employee handle materials which can become entangled in any of the rotating equipment while in motion, someone capable of stopping this equipment shall be stationed at the controls.

Any injuries related to the condition of the experiment shall be recorded and details of the occurrence shall be immediately reported to OSHA by telephone.

OSHA personnel shall also visit worksites to observe the experiment, examine records, and discuss with employees their acceptance of the alternative method of protecting them.

III. Decision

Section 6(b)(6)(C) of the Act authorizes the granting of an experimental variance in situations where the Secretary of Labor or of Health, Education, and Welfare (now Health and Human Services) determines that it is necessary in order to allow an employer to participate in an experiment designed to demonstrate or validate new and improved techniques to safeguard the health and safety of workers.

Therefore, before a variance can be granted under this section of the Act, the following determinations must be made:

1. There is an experiment designed to demonstrate or validate a new and improved technique to safeguard the health and safety of workers;

2. That such experiment has been or should be approved by either the Secretary of Labor or the Secretary of Health and Human Services; and,

3. That, in order to carry out the experiment, the Secretary of Labor has determined, or the Secretary of Health and Human Services has certified, that it is necessary for the employer to deviate from compliance with the standard or portion thereof.

The Secretary of Labor hereby determines that the conditions described in this notice meet the criteria of the Act for granting an experimental variance as follows:

1. There is an experiment designed to demonstrate or validate a new and improved technique to safeguard the health or safety of workers.

29 CFR 1910.212 is concerned with general requirements for all machines as they relate to machine guarding, and anchoring fixed machinery, respectively. Paragraphs (a)(1) and (a)(2) deal with types of machine guarding and general requirements for machine guards.

29 CFR 1910.212(a)(1) states that "One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips, and sparks. Examples of guarding methods are—barrier guards, two-hand tripping devices, electronic safety devices, etc."

29 CFR 1910.212(a)(2) states that "Guards shall be affixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself."

This experiment, which will be carefully controlled and monitored, should determine whether the combination of modifications and equipment, (e.g., "smooth" kelly bushings, length or location of wash down hoses), and closely supervised work practices reenforced by appropriate training procedures, will provide protection equivalent to that provided by the use of guards.

2. That such experiment has been or should be approved by either the Secretary of Labor or the Secretary of Health and Human Services.

The desired objective of the experimental variance is the valuation of the safety of utilizing the alternative procedure and the determination of whether this alternative procedure provides protection equivalent to 29 CFR 1910.212.

It is determined that the experiment as described is a valid means for OSHA to evaluate the effectiveness of the procedure.

A 90 day time period has been selected as an appropriate length for this experiment. This will allow the accumulation of an adequate amount of data and observation of the procedure to determine whether it is adequate as devised or whether some modification is necessary.

3. That, in order to carry out the experiment, the Secretary of Labor has determined, or the Secretary of Health and Human Services has certified, that it is necessary for the employer to deviate from compliance with the standard in whole or in part.

Although the proposed procedure appears to be as least as protective of employees as rigid adherence to the standard, without the experiment, as devised, this determination cannot be fully made. Thus, it is necessary for the participating employers to engage in a procedure which deviates from the standard in order to carry out the experiment as described.

For the reasons detailed above, it is determined that this proposed experiment meets the criteria for an experimental variance under section 6(b)(6)(C) of the Act and it is hereby approved.

IV. Order

Pursuant to the authority in Section 6(b)(6)(C) of the Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 8–76 (41 FR 25059), it is ordered that the companies and sites previously listed be, and are hereby, authorized to conduct an experiment involving an alternative method of preventing worker contact with rotating kelly bushings and exposed portions of rotary tables on oil and gas well drilling rigs in lieu of

complying with the physical guarding requirements of 29 CFR 1910.212(a)(1) and (a)(2). The experiment shall be subject to the following conditions and requirements.:

1. This experiment is limited to those rigs utilizing kelly bushings that are classed as "smooth", i.e., having no projections of the J-bolt type. All kelly bushings other than the "smooth"type shall have a substantially constructed kelly bushing/rotary table guard in place.

2. The participants shall comply with all other requirements of 29 CFR 1910.212 as applicable, as well as with all other applicable OSHA regulations.

3. All participating employees shall be trained in safe operating procedures.

4. The employer shall designate the person who will be the equipment operator and shall assure that he is trained and competent.

5. The designated equipment operator shall control the access and activity of personnel on the drilling floor while equipment is rotating, or shall stop such equipment from rotating until there is no danger to personnel from that equipment.

6. The equipment operator shall never engage the rotary clutch without first assuring that no employees are on, or in proximity to, the rotary table in such manner that they could be endangered.

7. At any time an employee's work activities require the handling of materials which can become entangled in the rotary table, the kelly bushing, or kelly while such equipment is in motion, a person capable of stopping the rotating equipment shall be at the controls.

8. No materials which may become entangled in the rotary table and kelly bushing shall be allowed within 6 inches of this equipment when it is to be operated.

9. Wash down hoses shall be of such length, or located in such manner, that they cannot be brought within 6 inches of the kelly bushing.

10. Spinning chain shall not be wrapped around the joint of the pipe in the mousehole, nor handled on the drilling floor within 2 feet of the exposed rotating portions of the rotary table, kelly bushing, or kelly.

11. Any injury occurring during the operation, and related to the conditions of this experimental variance, shall be immediately reported to the Office of Variance Determination by telephone: (202) 523-7183. A written report shall also be made describing the incident and all other pertinent information concerning the incident.

12. Representatives of the Occupational Safety and Health Administration may visit the worksites to observe the experiment in operation, to examine records, and to obtain information concerning employee acceptance of the method.

13. A record shall be made of the number of rigs involved in the experiment at each site and shall include for each rig: the total number of personnel participating in the experiment; the number of shifts per 24 hour period and the number of participating employees on each shift; and the number of hours the rig was operated during each shift.

14. Reports and records required by this order shall be available for inspection at each rig site and shall be submitted at the completion of the experiment to the Office of Variance Determination of the Occupational Safety and Health Administration.

15. This variance shall continue in effect for a period of 90 days unless revoked.

16. The Assistant Secretary for Occupational Safety and Health reserves the right to revoke or modify this variance for reasons of injury to employees, failure to comply with the terms of this order, a previously unanticipated hazard being caused by the experiment, or for other good cause. Such revocation or modification shall be effective upon receipt of notice thereof.

As soon as possible, all participating employers shall give notice to affected employees of the terms of this order by giving a copy of it to their authorized employee representative and/or by posting a copy at all places where notices to employees are normally posted.

Effective date: This order shall become effective on June 8, 1982, and shall remain in effect until September 7, 1982 unless revoked.

Signed at Washington, D.C., this 3rd of June 1982.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 82-15538 Filed 6-2-82; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

[Application No. D-3294]

Proposed Exemption for Certain Transactions Involving the Retirement Plan for Employees of the Arizona Bank Located in Phoenix, Ariz.

AGENCY: Office of Pension and Welfare Benefits Programs, Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale on December 31, 1979 of a repurchase agreement (the Agreement) to the Retirement Plan for Employees of the Arizona Bank (the Plan) by the Arizona Bank (the Bank), the Plan sponsor. The proposed exemption, if granted, would affect the Bank and the Plan and its participants and beneficiaries.

DATES: Written comments and requests for a public hearing must be received by the Department on or before July 23, 1982.

EFFECTIVE DATE: The exemption, if granted, will be effective as of December 31, 1979.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-3294. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b) (1) and (2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this

notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit plan with approximately 1,457 participants as of December 29, 1981 and net assets of approximately $6.85 million at the time of the sale of the Agreement. The Bank is an Arizona corporation engaged in the general banking business. The Bank's Trust Department was responsible for investment decisions for the Plan at the time of the subject transaction.

2. The Employer's 1979 Plan contribution in the amount of $1,434,101 was transmitted to the Trust Department on the afternoon of Monday, December 31, 1979. The Trust Department sought to identify the best temporary investment available under the circumstances until such time as the funds could be permanently invested. As a matter of policy, the Trust Department does not hold or invest Plan assets with the Bank, unless necessary to pay benefits to participants or to hold funds prior to investment outside the Bank. However, because the national money markets were closed for the day, and because the next business day was January 2, 1980, the Trust Department entered into the Agreement on December 31, 1979.

3. Through the Agreement, the Bank obtained the use of the Plan's funds for seven days, in return for which the Plan was credited with U.S. Treasury Bills with a maturity date of June 5, 1980, equal in face amount to the amount of the Plan contribution. On January 7, 1980, the Bank repurchased the government securities from the Plan, and the Plan's funds were then reinvested through normal channels outside of the Bank.

4. The terms and conditions of the Agreement were the same as those the Bank used in dealing with unrelated parties. The interest rate under the Agreement was 11%, which was the interest rate available for repurchase agreements for that day. The seven-day return to the Plan was $3,025 whereas, if the Plan contribution had been invested in a Bank savings account at 5.25%, the Plan would have earned $1,444. Therefore, of the two viable investment choices available, the Agreement was substantially more advantageous to the Plan.

5. In summary, the applicant represents that the transaction satisfies the statutory criteria of section 408(a) of the Act due to the following:

a. the Bank represents that under the circumstances described above, and with the limited choice of short-term investment vehicles then available, the purchase of the Agreement was in the interest of the Plan and provided the greatest return to the Plan of the available short-term investment choices;

b. the interest rate and terms of the Agreement were the same as the Bank used in arm's-length transactions with unrelated parties; and

c. pursuant to the Agreement, the Plan received U.S. Government securities equal to 100% of the amount invested in the Agreement, providing adequate security in the event of the Bank's default on the Agreement.

Notice to Interested Persons

Notice of the proposed exemption will be given to all Plan participants and beneficiaries within 15 days of its publication in the **Federal Register**. Participants who are current Bank employees will be notified by posting on the Bank's employee bulletin boards. Participants who are not current Bank employees and beneficiaries will be notified by first class mail. The notice will contain a copy of the proposed exemption as published in the **Federal Register** and will inform each recipient of his right to comment on or request a hearing regarding the proposed exemption.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirements of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b) (1) and (2) of the Act and the sactions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the Agreement entered into between the Bank and the Plan, provided that the terms and conditions of the Agreement were at least as favorable to the Plan as those it could have obtained from an unrelated party.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes

all material terms of the transaction that is the subject of the exemption.

Signed at Washington, D.C., this 1st day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-15316 Filed 6-7-82; 8:45 am]

BILLING CODE 410-29-M

[Application No. L-3181]

Proposed Exemption for Certain Transactions Involving the Chase Bank Special Growth Fund and the Chase Bank Inter-Mediate Capitalization Fund of the Chase Manhattan Bank, N.A. Located in New York City, N.Y.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt certain past interaccount sales of publicly traded common stock (the Securities) between the Chase Bank Inter-Mediate Capitalization Fund (the Capitalization Fund) and the Chase Bank Special Growth Fund (the Growth Fund), (together, the Funds), which are collective investment funds managed by the Chase Manhattan Bank, N.A. (Chase). The proposed exemption, if granted, would affect Chase, participants and beneficiaries of the Funds and other persons participating in the transactions.

EFFECTIVE DATE: The effective date of this exemption is January 29, 1982.

DATES: Written comments and requests for a public hearing must be received by the Department on or before July 19, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. L-3181. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-8881. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendence before the Department of an application for exemption from the restrictions of section 406(b)(2) of the Act. The proposed exemption was requested in an application filed by Chase, pursuant to section 408(a) of the Act, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Chase is a New York State banking corporation which manages in excess of $3 billion in assets of employee benefit plans subject to Title I of the Act. In 1957, Chase established collective investment funds in response to the desires of its retirement plan customers (the Plans) to participate in diversified portfolios of publicly traded common stocks. To participate, a Plan must be qualified under section 401(a) of the Code and the trusts thereunder must be exempt from taxation under section 501(a) of the Internal Revenue Code of 1954. Chase currently manages 10 such collective investment funds, two of which are the Capitalization Fund and the Growth Fund.

2. As of December 31, 1981, 56 Plans with total assets of $198,342,902.03 were participating in the Growth Fund. As of December 31, 1981, 54 Plans with total assets of $154,524,129.18 were participating in the Capitalization Fund. With two exceptions, each Plan that is participating in the Funds has approximately the same percentage of Plan assets invested in both the Growth Fund and the Capitalization Fund. Two Plans participate only in the Growth Fund. In addition, the Chase Bank Equity Fund (the Chase Fund), in which 96 other Plans are invested, participates in the Funds.

3. The investment emphasis in both the Growth Fund and the Capitalization Fund is capital appreciation. The Growth Fund has concentrated its investments on companies with market capitalizations of between $25 million and $250 million, while the Capitalization Fund has focused its investments on companies with market capitalizations of between $250 million and $500 million. Although the foregoing guidelines have established the basic investment emphasis of the Funds, investments are not limited to such securities, and securities have been held in each Fund which fall outside the above-mentioned market capitalization ranges. In addition, there have been instances where the same security has been held in each Fund. All of the securities now held in the Funds are traded either on a national securities exchange or on the over the counter market. None of the Securities held are subject to restrictions on transfer under the Securities Act of 1933.

4. Chase's Institutional Investment Committee determined that the Funds would be most effectively managed and the interests of participating plans best served if the investment emphasis of the Growth Fund were broadened to include a number of securities of the type now held in the Capitalization Fund, and for the Capitalization Fund to acquire a broader spectrum of securities, in terms of market capitalization size, than heretofore held. The decision to modify the composition of each of the two Funds was made after due consideration of the investment portfolios of each Fund and with regard to the interests of the participants in each of the Funds. The shift in investment emphasis of the two Funds will result in a restructured Growth Fund portfolio which will hold a number of securities prsently held in the Capitalization Fund. Chase identified certain Securities which were held in the Capitalization Fund, having a current market value of approximately $85 million and which were appropriate for inclusion in the portfolio of the Growth Fund.

5. The applicant is requesting an exemption that will exempt the past sale of the Securities by the Capitalization Fund to the Growth Fund. The applicant represents that although the sales and purchases of the Securities could have been effectuated in the open-market, transfers effectuated in this manner would have entailed brokerage commissions of approximately $450,000. In addition, the applicant represents that the transactions would have had an unfavorable market impact on both the sales and purchases of the shares of common stock in question, many of which have a relatively low daily trading volume. In light of market conditions Chase determined to conduct the sale of the Securities in two parts. On January 29, 1982, certain of the Securities comprising 60% of the total value of the Securities were sold by the

Capitalization Fund to the Growth Fund. On March 18, 1982, the remaining 40% of the Securities were sold by the Capitalization Fund to the Growth Fund.

6. For Securities listed on a national sales exchange, the price at which the Securities were sold was the closing market price of the Security on the date of sale and for over-the-counter issues, the mean between the bid and asked prices at the market close on the date of sale. Chase represents that such pricing procedure assured that each Fund received fair market value in the sales and that neither Fund obtained an advantage by virtue of a sale. The sales did not in and of themselves, have any impact on the respective values of the accounts involved as of the time of sale. Chase did not receive any commissions, special fees or increases in its regular investment management fees for effecting these sales. The sales were made for the sole purpose of benefiting the interests of Plans who participate in the Funds.

7. The need for an exemption arises because the interaccount sales described above might constitute a violation of section 406(b)(2) of the Act, which generally prohibits a plan fiduciary from acting on behalf of or representing, an adverse party in a transaction with a plan. No request for an exemption from any other provision of the Act has been made by Chase.

8. The applicant represents that the sales of the Securities satisfy the criteria of section 408(a) of the Act as follows: (1) Chase did not receive any commissions, special fees or increases in its regular investment management fees for effecting these sales; (2) the sales were made for the sole purpose of benefiting the interests of Plans that participate in the common stock accounts of Chase; (3) the sales saved the Funds from having to pay brokerage commissions of approximately $450,000; and (4) each Fund received fair market value in each sale and neither Fund obtained an advantage by virtue of a sale.

Notice to Interested Persons

Within ten days of its publication in the **Federal Register** a copy of the notice of pendency and a statement advising interested persons of their right to comment or request a hearing, will be mailed by Chase to the sponsor, or to another appropriate Plan fiduciary of all involved Plans.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act.

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a), 406(b)(1) and 406(b)(3) of the Act.

(3) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the addresa set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(b)(2) of the Act shall not apply to certain past inter-account sales of the Securities by Chase as described herein.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all materials terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of June, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-15314 Filed 6-7-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. 3147]

Proposed Exemption for Certain Transactions Involving the Greater Cleveland Hospital Association Retirement Plan Located in Cleveland, Ohio

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the loan of $1,200,000 by the Greater Cleveland Hospital Association Retirement Plan (the Plan) to 1226 Huron Road Co., Ltd. (HRC), an unrelated party. HRC will use the proceeds of the loan to make improvements to real property which it will lease to the Greater Cleveland Hospital Association (GCHA) and its affiliates, which are parties in interest with respect to the Plan. The proposed exemption, if granted, would affect GCHA, its affiliates, participants and beneficiaries of the Plan, and others participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before July 19, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No.

D-3147. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of GCHA and the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan is a form of master plan that has been adopted by GCHA for its employees. GCHA is a not-for-profit corporation in which hospitals and health care institutions are invited to become members. Approximately 31 such institutions have adopted the Plan by joinder agreement. The Plan is a tax-qualified plan with respect to each employer subscribing to it. For purposes of the Act and the Code, the Plan is treated as a separate plan with respect to each adopting employer. As of July 1, 1981, the market value of the Plan's assets equaled $89,050,495. The Plan had approximately 17,000 participants as of that date.

2. The Plan proposes to loan $1,200,000 to HRC, an Ohio limited partnership. HRC is the owner of land and a multi-story office building in downtown Cleveland, which GCHA and its affiliates will occupy under a lease now being negotiated. There will be no tenants other than GCHA and its affiliates. The proceeds of the loan from the Plan will be used by HRC to improve the real estate which will be leased. HRC is not related to GCHA, any other participating employer, or any other party in interest.

3. Interest for the first five years of the loan will be at 12 percent. Interest for the next 15 years will be not less than 1% over the prime rate charged at the beginning of each fifth year of the loan by Citibank Corporation of New York, but will be not less than 12% per year nor more than 15% per year. Principal and interest will be repaid under a 30 year amortization schedule. There will be a balloon payment at the end of the 20th year in the amount of the entire unpaid balance of the principal and interest then due.

4. Should the property be sold by HRC at any time prior to the end of the 20th year, the difference between the sale price and the initial value of the property will be shared by the Plan and HRC. The Plan will receive 9% of this difference if the property is sold before the 10th anniversary of the loan, and 10% of this difference if the sale occurs after the 10th anniversary of the loan but before the 20th anniversary. In the event the property is not sold during the 20 year period of the loan, the difference between the appraised value at the end of the 20th year and ther initial value of the real estate at the inception of the loan will be the subject of a payment to the Plan equal to 10% of the difference between the two values. The initial value for purposes of these calculations has been set at $1,800,000, though the property has been appraised at $1,900,000 (see 7. below).

5. GCHA has named Mr. Raymond E. Rossman, President and Chairman of the Board of the Midwest Bank and Trust Co. (the Bank), as an independent fiduciary. It is intended that the Bank will be named as a second trustee for the Plan (under a separate trust document) to hold the subject promissory note and mortgage and to administer it and remit the repayment proceeds to the Plan. The trust document will name Mr. Rossman as trust advisor to the trustee and as independent fiduciary for the Plan, and will direct the trustee to take whatever actions Mr. Rossman directs in the course of his duties as independent fiduciary to enforce the loan on behalf of the Plan and its participants. Mr. Rossman is not an officer or director of GCHA, nor of any of the employers maintaining any plan administered by GCHA. Mr. Rossman represents that he has been selected in the past as an independent fiduciary in connection with other similar transactions of this kind.

6. Mr. Rossman has made a determination that the proposed loan would be appropriate for the Plan for the following reasons: (1) the loan terms include a reasonable equity participation, and along with it reasonable minimum and maximum interest rates; (2) the loan has excellent collateral in the form of a first mortgage on the real estate in a good and developing section of downtown Cleveland; and (3) the property will be leased by HRC to a good, stable tenant. Mr. Rossman represents that in today's economy, real estate loans are not generally made unless there is a degree of equity participation by the lender in the transaction. Where a real estate loan does involve participation by the lender in the appreciation of the mortgaged property, the borrower will be reluctant to the point of refusal to pay interest rates at today's prevailing high rates. If the loan is to be made with the lender participating in the appreciation, the borrower will normally refuse to agree to interest that will float with the prime rate. Instead, the parties will normally negotiate a reasonable ceiling on the interest. Historically, a 15% rate has been very attractive, and thus, notwithstanding the current bulge in interest rates, the 15% ceiling in the proposed transaction is attractive, considering the equity participation and the quality of the tenant. The minimum interest rate of 12% is an appropriate protection for the lender in the event interest rates should fall during the 20 year term of the loan.

7. The loan is to be secured by a first mortgate on the subject property. The property has been appraised by Mr. John A. Davis, MAI, an independent appraiser in Cleveland, Ohio. Mr. Davis determined that the property will have a fair market value of $1,900,000 after completion of the scheduled renovations. Thus, the collateral/loan ratio would be approximately 158%. As stated in 4. above, for the purposes of computing the Plan's equity participation in the property's appreciation, however, the parties have agreed to set the initial value of the property at $1,800,000.

8. In summary, the applicants represent that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because: (1) the loan only involves approximately 1.3% of the Plan's assets; (2) the loan is secured by real property with an appraised value that is more than 1½ times the amount of the loan; (3)

the Plan will participate in the appreciation of the property; (4) the loan will be administered by an independent fiduciary who will take whatever actions are necessary to enforce the Plan's rights; and (5) the independent fiduciary has determined that the transaction is appropriate for the Plan and is in the best interests of its participants and beneficiaries.

Notice to Interested Persons

Within 10 days after the publication of this proposed exemption in the **Federal Register**, the applicants will notify all Plan participants by posting a notice on the appropriate bulletin boards of the respective employers. Such notice will contain a copy of the proposed exemption as it appears in the **Federal Register**, and will notify interested persons of their right to comment and request a hearing.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to a loan of $1,200,000 by the Plan to HRC, under the terms and conditions set forth above, provided that the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party at the time of the consummation of the transaction.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-15313 Filed 4-7-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-92; Exemption Application No. D-2905]

Exemption From the Prohibitions for Certain Transactions Involving the Profit-Sharing Plan for Employees of Gibraltar Savings Association Located in Houston, Tex

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption will exempt the sale by the Profit-Sharing Plan for Employees of Gibraltar Savings Association (the Plan) of all of its non-cash assets to Gibraltar Savings Association (the Employer), the Plan sponsor.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 2, 1982, notice was published in the **Federal Register** (47 FR 14252) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice has been provided to interested persons in compliance with the provisions of the notice of proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102

of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale by the Plan of all of its non-cash assets to the Employer for $1,275,061, provided that the sales price of each asset is not less than its fair market value as of the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 1st day of June, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration. U.S. Department of Labor.

[FR Doc. 82-15310 Filed 6-7-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3287]

Proposed Exemption for Certain Transactions Involving the Hammer, Siler, George Associates Retirement Plan Located in Silver Spring, Maryland

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed loan of $145,000 (the Loan) by the Hammer, Siler, George Associates Retirement Plan (the Plan) to 1111 Bonifant Associates (the Partnership), a party in interest with respect to the Plan; and other transactions, as described herein, to be executed in accordance with the terms of the Loan. The proposed exemption, if granted, would affect the Plan and its participants and beneficiaries, the Partnership, and any other persons participating in the proposed transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before July 20, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-3287. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Partnership, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit pension plan with, as of December 31, 1981, 38 participants and total assets of approximately $723,000. Messrs. Robert W. Siler, Vernon George and David C. Slater are the trustees of the Plan (the Trustees) and exercise investment discretion with respect to Plan assets.

2. Hammer, Siler, George Associates, Inc. (the Employer) is the sponsor of the Plan. The Employer is engaged in the business of urban economic development consulting. The Partnership is a Maryland general

partnership consisting of nine partners (the Partners), each of whom is an officer and employee of the Employer. An interest of approximately 84% of the Partnership is owned by the Trustees.

3. The applicant seeks an exemption to allow the Plan to engage in the Loan with the Partnership. The Loan amount of $145,000 will represent approximately 20% of the Plan's total assets. The Loan will be for a term of 10 years with monthly payments of principal and interest amortized upon a twenty year schedule. For the first five years of the Loan's term the interest rate will be the greater of 15% per annum or the prevailing rate for similar loans in the Washington, D.C. metropolitan area at the time the Loan is entered into. At the beginning of the sixth and each succeeding year of the term of the Loan the interest rate will be adjusted to the greater of 15% or the then-prevailing rate for comparable loans in Washington, D.C.

4. The Loan will be secured by a duly recorded second mortgage on an improved parcel of real property located at 1111 Bonifant Street, Silver Spring, Maryland (the Property). Mr. Donald C. McCandless, MAI, CRE, made a complete appraisal of the Property and determined that, as of April 1, 1982, its fair market value was $705,000. Mr. McCandless is a lessee in the Property. The Partnership expects to lease part of the Property to the Employer.

5. The Property is subject to an existing purchase money first deed of trust dated January 11, 1982, in the amount of $325,000 (the Mortgage). Pursuant to the terms of the Mortgage, its entire principal balance is due and payable by the Partnership at the end of the fifth year from its date of execution. The initial outstanding balance of the Loan and the principal amount due under the Mortgage will collectively represent approximately 65% of the appraised value of the Property. The Partnership represents that it will ensure that throughout the term of the Loan the value of the collateral securing the Loan has a value at least 150% of the sum of the total outstanding balance of the Mortgage and the Loan. Should the value of the Property fall below this amount, additional collateral will be provided. Throughout the term of the Loan the Property will be insured against fire and other hazards in an amount equal to or exceeding the sum of the total outstanding balance of the Mortgage and the Loan. The Plan will be named as loss-payee on the insurance policy to the extent of its interest in the Property subject only to the rights of the mortgagee with respect to the Mortgage.

6. A full recourse note rendering each Partner personally liable to the Plan in the event of default will be executed by the Partnership. The aggregate net worth of the Partners exceeds $2,500,000. Additionally, the Partnership will assign to the Plan rents due under the lease to be entered into with the Employer (and any and all other leases entered into during the term of the Loan) in order to permit the Plan to collect lease payments directly in the event of default. The Employer will execute a written commitment to purchase the note securing the Loan from the Plan for an amount equal to its outstanding principal balance plus accrued interest in the event of any default which is not cured within 90 days. As of October 31, 1981, the Employer had a net worth exceeding $425,000.

7. Mr. Eugene Mattison (Mr. Mattison), an attorney and C.P.A. located in Upper Marlboro, Maryland, will serve as the independent fiduciary for the Plan with respect to the proposed Loan. Mr. Mattison has no business relationships with any of the parties involved in the proposed transaction and is qualified in both employee benefit plan and real estate matters. Mr. Mattison has examined the terms of the proposed Loan and has determined that they are fair and reasonable. Mr. Mattison has determined that the proposed Loan is an appropriate and suitable investment for the Plan and is in the best interests of the Plan. Mr. Mattison has determined that Mr. McCandless is sufficiently independent of the parties and that he is satisfied with the appraisal report prepared by Mr. McCandless. Mr. Mattison also has determined that the second deed of trust is adequate security for the Loan. Mr. Mattison will again make these determinations immediately prior to the consummation of the Loan. Mr. Mattison will enforce the terms of the Loan and the second trust deed and will be empowered to make demand upon the Partnership for timely payment; bring suit or other appropriate process against the Partnership in the event of default; report at least annually to the Plan on the performance of the Loan; determine that the initial interest rate to be charged is appropriate, and determine the interest rate that the Loan will bear after the initial five years of the Loan's term; and ensure that throughout the term of the Loan the Property, and other collateral, will have a value not less than 150% of the sum of the total outstanding balance of the Mortgage and the Loan.

8. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act because (a) the Loan will enable the Plan to realize a high rate of return which will not be less than 15% per annum; (b) the Loan will be secured by a duly recorded second deed of trust on the Property which has been appraised as having a value and equal to 150% of the total outstanding liens on the Property; (c) an independent, qualified party, Mr. Mattison, has determined that the terms of the Loan are fair and reasonable, the security is adequate and protective of the interests of the Plan, and the Loan is an appropriate and suitable investment for the Plan; and (d) Mr. Mattison will be empowered to completely monitor and enforce the terms of the Loan.

Notice of Interested Persons

Within 10 days after publication in the **Federal Register** notice will be provided to all participants in the Plan by mail. Notice will include a copy of this Notice of Proposed Exemption as published in the **Federal Register** together with a statement informing such interested persons of their right to comment and/or request a hearing with regard to the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible,

in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the Loan of $145,000 by the Plan to the Partnership; and (2) other transactions to be executed in accordance with the terms of the Loan, including the commitment by the Employer to purchase the note securing the Loan from the Plan for an amount equal to its outstanding principal balance plus accrued interest in the event of any default by the Partnership which is not cured within 90 days; provided that the Loan and other transactions to be consummated pursuant to the terms of the Loan are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated third party at the time of the consummation of the transaction.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-15317 Filed 6-7-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-93; Exemption Application No. D-3008]

Exemption From the Prohibitions for Certain Transactions Involving the Carl J. Johnson, D.D.S., Split Funded Defined Benefit Pension Plan and Trust Located in San Francisco, California

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale by the Carl J. Johnson, D.D.S., Split Funded Defined Benefit Pension Plan (the Plan) of a limited partnership interest to Carl and Emma Johnson (the Plan Trustees), parties in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 9, 1982, notice was published in the **Federal Register** (47 FR 15438) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed by legal counsel for the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or

statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of a limited partnership interest in La Mariposa III by the Plan to the Plan Trustees for $11,000, provided that this amount is not less than the fair market value at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 1st day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-15311 Filed 6-7-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-97; Exemption Application No. D-3169]

Exemption From the Prohibitions for a Certain Transaction Involving the Michael Whittle, M.D., P.C. Money Purchase Pension Plan Trust Located in Albany, Georgia

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts the sale of stock to the Michael Whittle, M.D., P.C. Money Purchase Pension Plan Trust (the Plan) by Dr. Michael Whittle (Dr. Whittle), a disqualified person with respect to the Plan. Since Dr. Whittle is the sole stockholder of Michael Whittle, M.D., P.C. (the Employer), and the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Internal Revenue Code of 1954 (the Code).

TAX CONSEQUENCES OF TRANSACTION: The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Code, including sections 401(a)(4), 404 and 415.

EFFECTIVE DATES: This exemption is effective October 12, 1981.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 20, 1982, notice was published in the **Federal Register** (47 FR 16912) of the pendency before the Department of Labor (the Department) of a proposal to grant and exemption from the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed on behalf of Dr. Whittle. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 4975(c)(2) of the Code and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the October 12, 1981 sale of 500 shares of Class A Special Stock of Pathologists' Service Professional Associates, Inc. (the Stock) by Dr. Whittle to the Plan for $1,400, provided that this amount was not higher than the fair market value of the Stock on the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application

accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 1st day of June, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-15306 Filed 6-7-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-91; Exemption Application No. D-2641]

Exemption From the Prohibitions for Certain Transactions Involving the Mittleman, Smith, Wynn Money Purchase Pension Plan Located in Los Angeles, Calif.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the sale of certain real property (the Property) by the Mittleman, Smith, Wynn Money Purchase Pension Plan (the Plan) to a partnership (the Partnership) which is a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 2, 1982, notice was published in the **Federal Register** (47 FR 14253) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed by Mittleman, Smith, Wynn, Inc., the sponsor of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of notice to interested persons as stated in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of the Property by the Plan to the Partnership for the cash sum of $350,000, provided that this amount is at least the fair market value of the Property at the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describe all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 1st day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards.

[FR Doc. 82-15312 Filed 6-7-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-95; Exemption Application No. D-3075]

Exemption From the Prohibitions for Certain Transactions Involving the Nielsen Lithographing Company Employees Profit Sharing Retirement Plan Located in Cincinnati, Ohio

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption will exempt the proposed loan of funds (the Loan) by the Nielsen Lithographing Company Employees' Profit Sharing Retirement Plan (the Plan) to Nielsen Lithographing Company (the Employer), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200

Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 9, 1982, notice was published in the **Federal Register** (47 FR 15446) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice has been provided to interested persons in compliance with the provisions of the notice of proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not believe a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transactional rule is not dispositive of whether the transaction is, in fact, a prohibition transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406 (b)(1), and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the Loan by the Plan to the Employer, provided that the terms and conditions of the Loan are not less favorable to the Plan than those obtainable in a similar transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the appplication are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 1st day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards.

[FR Doc. 82-15308 Filed 6-7-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3096]

Proposed Exemption for Certain Transactions Involving Employee Benefit Plans Investing in Property Investment Separate Account Maintained by Prudential Life Insurance Company of America Located in Newark, N.J.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the past and prospective leasing (the Leases) of office space by Property Investment Separate Account (PRISA), a separate account in which employee benefit plans (the Plans) invest, which is maintained by the Prudential Insurance Company of America (Prudential), to Bache, Halsey, Stuart, Shields, Inc. (Bache), a subsidiary of Prudential. The proposed exemption, if granted, would affect PRISA, Prudential, Bache, the Plans and their participants and beneficiaries.

DATES: Written comments must be received by the Department on or before July 19, 1982.

EFFECTIVE DATE: The proposed exemption, if granted, will be effective as of March 18, 1981.

ADDRESS: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D-3096. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Department,

telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code. The proposed exemption was requested in an application filed by Prudential, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Prudential is a mutual life insurance company with total assets of more than $59 billion as of December 31, 1980. Prudential provides funding, asset management and other services for thousands of employee benefit plans. Prudential also maintains a number of pooled separate accounts, including PRISA, in which employee benefit plans invest. PRISA is a real estate pooled separate account established by Prudential in 1970 to invest in income-producing properties such as office buildings and shipping centers. PRISA currently holds equity or mortgage interests in more than 365 properties. As of June 30, 1981, PRISA had total assets of more than $2.9 billion. Approximately 357 Plans are currently invested in PRISA with accounts ranging from less than $1 million to more than $100 million.

2. Bache is a securities brokerage firm with 164 offices located throughout the Unites States. As of January 31, 1981, Bache had total assets of almost $3.4 billion. On June 11, 1981, Bache shareholders approved the merger of Bache into a Prudential subsidiary, Pru Holdings Inc. Bache is currently 100% owned by Prudential.

3. Prior to its acquisition by Prudential, Bache leased space in four office buildings (the Buildings) owned by PRISA. The Buildings are located in San Francisco, Boston, Tulsa, Oklahoma and Jacksonville, Florida. Each of the Buildings is 99 to 100 percent leased and each Building has appreciated in value since it was purchased by PRISA. The percentage of the rentable space that Bache or a Bache affiliate leases in each Building is as follows: San Francisco—12 percent; Boston—less than 1 percent; Tulsa—3 percent; and Jacksonville—4 percent. The total amount of space leased to Bache in the Building constitutes substantially less than 1 percent of the rentable space in PRISA properties and the rental received represents less the ¼ of 1 percent of PRISA's total income for the year ended June 30, 1981.

4. The applicant requests an exemption for these leases effective as of March 18, 1981, which was the date that the Prudential Board of Directors approved the making of a tender offer for Bache. The applicant emphasizes that it filed an application for exemption regarding the Leases shortly after Prudential acquired Bache.

5. The applicant represents that each lease was negotiated on an arm's-length basis and executed prior to Prudential's acquisition of Bache. Moreover, the leases of the San Francisco, Boston and Tulsa Buildings were executed prior to their acquisition by PRISA. Also, the terms and conditions of the leases are essentially identical to leases with other, unrelated tenants in each of the Buildings.

6. The applicant represents that Prudential retains independent property management firms (Management Firms) for each of the Buildings. The Management Firms manage the Buildings and are also responsible for negotiating extensions, waivers, renewals or options with respect to the Leases, within guidelines established by the Prudential Real Estate Investment Department.

7. However, Prudential, on behalf of PRISA, has agreed not to permit any transaction to take place that would involve any expansion of space, extension, renewal, waiver, exercise of option or any other modification to the existing Leases, or to lease any additional space to Bache in the four Buildings. In addition, the applicant has represented that since the date that the tender offer for Bache was made, no modifications of the Leases have been made. Therefore, the Leases will terminate, respectively, on the following dates: (a) San Francisco—November 15, 1986; (b) Boston—April 30, 1982; (c) Tulsa—September 30, 1985; and (d) Jacksonville—May 31, 1984.

8. In summary, the applicant represents that the transactions satisfy the statutory criteria of section 408(a) due to the following:

(a) Prudential represents that the continuation of the Leases is in the Plans' interests as they were negotiated at arm's-length prior to Prudential's acquisition of Bache;

(b) No modifications of any kind have been or would be made to the Leases; and

(c) The applicant requested an exemption for the Leases shortly after Prudential acquired Bache.

Notice to Interested Persons

Notice of the proposed exemption will be mailed to the appropriate Plan fiduciary for each Plan participating in PRISA within 15 days of its publication in the **Federal Register**. The notice will include a copy of the proposed exemption as proposed in the **Federal Register** and will inform each recipient of his right to comment on the proposed exemption.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its

participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the Leases between PRISA and Bache, provided that the terms and conditions of the Leases are at least as favorable to PRISA as those it could obtain from an unrelated party.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions that are the subject of this exemption.

Signed at Washington, D.C., this 1st day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards.

[FR Doc. 82–15318 Filed 6–7–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–96; Exemption Application No. D–3125]

Exemption From the Prohibitions for Certain Transactions Involving Seafirst Corporation Retirement Plan Located in Seattle, Washington (Exemption Application No. D–3125)

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the lease (the Lease) of real property by the Seafirst Corporation Retirement Plan (the Plan) to Seattle-First National Bank (the Employer), the Plan sponsor.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–8195. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On March 5, 1982, notice was published in the **Federal Register** (47 FR 9613) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed in accordance with the requirements set forth in the proposed exemption. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(a)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b) (1) and (2) of the Act and the sanctions resulting from the

application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the Lease between the Plan and the Employer, provided that the terms and conditions of the Lease are and remain at least as favorable to the Plan as those it could obtain from an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 1st day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards.

[FR Doc. 82-15307 Filed 6-7-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-94; Exemption Application No. D-3039]

Exemption From the Prohibitions for a Certain Transaction Involving the Ro-Mac Lumber and Supply, Inc., Profit Sharing Plan, Located in Tavares, Florida (Exemption Application No. D-3039)

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the loan of $175,000 by the Ro-Mac Lumber and Supply, Inc. Profit Sharing Plan (the Plan) to Ro-Mac Lumber and Supply, Inc. (the Employer) and the guarantee of this loan by the principal shareholders of the Employer.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 2, 1982, notice was published in the **Federal Register** (47 FR 14255) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above-described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification requirements as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the loan of an amount, not to exceed $175,000 by the Plan to the Employer and the guarantee of the Loan by the principal shareholders of the Employer, provided the terms of the Loan are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 1st day of June, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards.

[FR Doc 82-15309 Filed 6-7-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2678]

Proposed Exemption for Certain Transactions Involving the West Coast Bank Bankers' Participation Acceptances Loan Participation Program Located in Encino, California

AGENCY: Office of Pension and Welfare Benefit Program, Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department)

of a proposed exemption form certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the International Revenue Code of 1954 (the Code). The proposed exemption would exempt, subject to certain conditions, transactions to be effected by the West Coast Bank (the Bank) in connection with the maintenance, operations and servicing of the West Coast Bank Bankers' Participation Acceptances Loan Participation Program (the Program) and the investment by certain employee benefit plans in the Program when the Bank is a party in interest with respect to an investing plan. The proposed exemption, if granted, would affect the Bank, the Program, participating plans in the Program, and any other parties participating in the proposed transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before July 9, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2678. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf the Bank, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Bank, formerly First State Bank of Encino, is a commercial bank incorporated under the laws of the State of California. The Bank conducts a general banking business, is licensed by the California Superintendent of Banks and its deposits are insured by the Federal Deposit Insurance Corporation (FDIC). The Bank is subject to regulation, supervision and regular examination by the State Banking Department and the FDIC. The regulations of these agencies affect most aspects of the Bank's business and prescribe the permissible types of loans and investments, the amount of required reserves, the permissible scope of the Bank's activities and various other requirements. The Bank is also subject to certain reporting requirements of the State Banking Department and the FDIC. The Bank employs the national accounting firm of Peat Marwick, Mitchell & Co. which provides auditing services to the Bank, including certified audits. As of June 30, 1981, the Bank had a total shareholders equity of approximately $5,600,000, total assets of approximately $82,000,000 and total deposits of approximately $75,000,000.

2. The Program was started in April 1980, and presently provides for the Bank to issue up to $30,000,000 of 180-day participations (the Loan Participations) in loans (the Loans) evidenced by promissory notes secured by gold or silver bullion coins (the Collateral) physically held by the Bank, or by designated depositories of the Bank. The Loans are transferred to a pool (the loan Pool) in which the Loan Participations are sold. The Loan Participations are not subject to regulation by state or federal banking authorities and are not insured by the FDIC or any other agency. The underlying Loans in the Loan Pool, however, are subject to regulation by state and federal banking authorities. The Loan Participations, which are sold exclusively to State of California residents, are not registered with the Securities and Exchange Commission under the Securities Act of 1933, as amended. The offering of the Loan Participations pursuant to offering circulars (Offering Circulars) published by the Bank is authorized by a permit granted by the Commissioner of Corporations of the State of California. The Offering Circulars are updated at least annually pursuant to requirements of the Commissioner of Banks in the State of California. Loan Participations are not readily transferable and no trading market for them exists.

3. The Loans are from the Bank's regular inventory of gold or silver bullion coin loans. The Loans are evidenced by notes payable on demand or, if no demand is made, within 180 days. The notes require variable interest payments to be made monthly based on the variable interest rate negotiated at loan origination. All Loans are secured by the Collateral and at the time of origination must have a collateral-to-loan ratio of at least 125%. It is the policy of the Bank that if the collateral-to-loan falls to 110%, the Loan is called and, if payment is not made, the Collateral sold. Current maket quotations for the Collateral are reviewed daily by the Bank. Because international precious metals markets are open 24 hours a day, five days a week, the Bank believes that it has the ability to liquidate any quantity of Collateral to major international banks, dealers and refineries with cash settlement within 24 hours.

4. Each Loan Participation is represented by a certificate evidencing an undivided dollar interest in the principal balance of the Loan Pool. Participants receive monthly payments based on a pass-through of variable interest at the Bank's daily prime rate on the amount of each Loan Participation and a return of their investment at the end of the 180 day participation period. The Bank will retain a minimum undivided interest of at least 5% of the principal balance of the Loan Pool with a minimum of $1,000,000 and will share pro rata in the payment of interest and principal from the Loan Pool on the same basis as any other participant (a Participant). The Bank may, in addition, receive additional revenues from (a) the interest differential between the Bank's daily prime rate passed through to Participants and the actual amount of interest received on Loans in the Loan Pool; (b) origination fees charged in connection with Loans sold to the Loan Pool (as of December 30, 1981, the Bank charged an origination fee of 3% of the Loan amount); or (c) any payments received for inspections, credit reports and associated charges and costs in connection with the sponsoring of the Loan Pool. The Loan origination fees are charged to a borrower at the inception of a Loan. No portion of any Participant's investment in the Program

is deducted for commissions or expenses of any nature whatsoever.

5. The applicant represents that since March 1, 1979, the Bank has made over $30,000,000 of loans secured by gold or silver bullion coins. Since the inception of the Program Participants have purchased over $8,400,000 of Loan Participations in such Loans under the Program and no Participant has ever lost any principal or interest under the Program. The Bank has a reserve of only $2,000 for potential interest loss on its $30,000,000 of Loans written. The Bank represents there are no assurances that future delinquencies or losses will not occur. The Program provides that if losses occur to principal or interest in the Loan Pool, the loss will be first charged to that day's interest differential earned by the Bank and then to Participants at the time of the loss in proportion to the Loan Participations held, including the Bank as a Participant.

6. The Bank represents that the payment of Loan Participations when due will be funded in the normal course of business by Loan payoffs and renewals. In the event of a short term need the Bank will repurchase Loans from the Loan Pool up to $500,000 in amount, in order to provide liquidity for orderly repayment of Participations. If, for any reason, these funds are insufficient for payment of Loan Participations on maturity the Bank can either call the underlying Loans or advance additional funds. The Bank reserves the right at any time and in its sole discretion to repurchase any or all of the outstanding Loan Participations for a cash payment to the Participant of an amount equal to the Participant's adjusted principal balance and accrued interest when either the individual Participant consents to the repurchase, or there is an inadequate amount of Loans available for the Program to match the amount of Loan Participations.

7. The applicant requests an exemption to allow employee benefit plans (the Plans) which meet the applicable residency requirements, i.e. that the participants of such plan are all residents of the State of California, to invest a portion of their assets in Loan participations in the Program. A participating Plan would invest in the Program under the same terms and conditions as any other Participant and a Plan would be offered Loan Participations pursuant to the Offering Circular. The Bank is not presently engaged as a trustee on behalf of any qualified employee benefit plan and the only involvement it may have is that it may serve as a depository for funds of employee benefit plans. The applicant represents that the Bank's involvement as the sponsor of the Program may cause it to be a fiduciary, as defined in the Act, with respect to Plans which invest in Loan Participations. Thus, the Bank may engage in certain prohibited transactions as described in section 406 of the Act with respect to the Program. The applicant represents that these prohibited transactions result from the normal operation of the Program and are necessary for the Bank to effectively operate the Program.[1]

8. The applicant represents that the decision to invest in Loan Participations by a Plan will be solely made by independent Plan fiduciaries. Such fiduciaries will be unrelated to the Bank and will make an independent decision whether to invest portions of their respective Plan's assets in Loan Participations. The Bank represents that it will not pay a fee to any person to solicit employee benefit plans to invest in the Program. The Bank represents that at least 50% of all Loan Participations will be held at all times by investors other than the Plans.

9. In order to afford additional protection for investing Plans, the Bank will issue letters of credit to serve as a form of insurance for Loan Participations purchased by Plans. Pursuant to such letters of credit the Bank will be obligated to add assets to the Loan Pool up to a maximum of 5% of the total principal dollar amount invested by Plans to cover losses of principal by such Plans which may result from default by a borrower after exhaustion of the Collateral. Letters of credit issued by the Bank will be adjusted quarterly to ensure that the amount of security will not be less than 5% of the total principal dollar amount invested by Plans. This insurance program is not unlike the insurance programs described in Prohibited Transaction Exemption 81-7 (PTE 81-7, 46 FR 7520) involving transactions between plans and parties in interest pertaining to investment in mortgage pool investment trusts.

10. In summary, the applicant represents that the proposed transactions satisfy the criteria of section 408(a) of the Act because (1) the decision to invest employee benefit plan assets in the program will be made solely by unrelated, independent Plan fiduciaries; (2) the Bank offers the Loan Participations pursuant to an annually updated and detailed Offering Circular published by the Bank; (3) the Bank maintains a minimum undivided interest in the Program; and (5) at least 50% of all Loan Participations will be held at all times on identical terms by investors other than employee benefit plans.

[1] No exemption from section 406(a) of the Act for the provision of services is being proposed for the transactions discussed in this exemption beyond that which is provided by section 408(b)(2) of the Act.

Notice to Interested Persons

Because no employee benefit plans presently participate in the Program, publication of this notice in the **Federal Register** will be deemed adequate notice to interested persons.

General Information

The attention of interested person is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

I. If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the sale, exchange, or transfer by the Plans of Loan Participations in the Program and the holding of such Loan Participations by the Plans provided that:

A. Such sale, exchange, or transfer is expressly approved by a fiduciary independent of the Bank who has authority to manage or control those Plan assets being invested in the Loan Participations;

B. A Plan pays no more for the Loan Participation than would be paid in an arm's-length transaction with an unrelated party;

C. No sales commission or similar compensation is paid to the Bank with regard to such investment by a Plan;

D. At least 50% of all Loan Participations are held by investors other than the Plans; and

E. The following record-keeping requirements are satisfied:

1. The Bank shall maintain for six years from the date any Loan Participation is sold to a Plan pursuant to this exemption, records necessary to enable the persons described in paragraph (2) of this section to determine whether the conditions of this exemption have been met, except that:

a. A prohibited transaction will not be deemed to have occurred, if, due to circumstances beyond the control of the Bank, records are lost or destroyed prior to the end of the six year period.

b. No party in interest shall be subject to the civil penalty which may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained or are not available for examination as required by paragraph (2) below; and

2. Notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (1) of this section must be unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Plans, during normal business hours by: any trustee, investment manager, employer of Plan participants, employee organization whose members are covered by a Plan, participant or beneficiary of a Plan, or any duly authorized employee or representative of such person or of the Department or the Internal Revenue Service.

II. If the exemption is granted, the restrictions of section 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) and (E) of the Code shall not apply to the transactions to be effected by the Bank with respect to the maintenance, operation and servicing of the Program, provided that (A) such transactions are effected in accordance with the terms of the Offering Circular; and (B) the Offering Circular is made available to Plan fiduciaries before they invest in Loan Participations in the Program; and (C) the sum of all payments made to, retained by, or inuring to the benefit of the Bank as a result of the administration of the Program represent not more than adequate consideration for its services with respect to the Program.

III. If the exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) and (D) of the Code shall not apply to any transactions to which such restrictions or taxes would otherwise apply merely because a person is deemed to a party in interest (including a fiduciary) with respect to a Plan by virtue of providing services to the Plan (or who has a relationship to such service provider described in section 3(14) (F), (G), (H), or (I) of the Act, solely because of the ownership of a Loan Participation by such Plan.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemptions.

Signed at Washington, D.C., this 1st day of May 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards.

[FR Doc. 82-15315 Filed 6-7-82; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL SCIENCE FOUNDATION

Subpanel on Measurement Methods and Data Resources; Meeting

In accordance with the Federal Advisory Committee Act, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Measurement Methods and Data Resources of the Advisory Panel for Social and Economic Science

Date and time: June 25, 1982: 9:00 AM to 6:00 PM

Place: Room 523, National Science Foundation, 1800 G Street, NW., Washington, DC 20550

Type of meeting: Closed—June 25, 1982: 9:00 AM to 6:00 PM

Contact person: Dr. Murray Aborn, Program Director, Measurement Methods and Data Resources, Room 312, National Science Foundation, Washington, DC 20550, Telephone (202) 357-7913.

Summary of minutes: May be obtained from the contact person Dr. Murray Aborn at the above address.

Purpose of subpanel: To provide advice and recommendations concerning support for research and research-related projects in Measurement Methods and Data Resources.

Agenda: Review and evaluation of research and research-related proposals as part of the award selection process.

Reason for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

June 3, 1982.

[FR Doc. 82-15465 Filed 6-7-82; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Chemical and Process Engineering; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463 as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Chemical and Procress Engineering of the Advisory Committee for Engineering
Type of meeting: June 24—9:00 a.m. to 12:00 noon Open; June 24—1:30 p.m. to 5:00 p.m. Closed June 25—9:00 a.m. to 4:00 p.m. Open
Date: June 24 and 25, 1982
Place: Room 642, 1800 G Street, NW., Washington, D.C. 20550
Contact Person: Dr. Marshall M. Lih, Division Director, Chemical and Process Engineering, Room 1126, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-9606
Summary Minutes: May be obtained from Dr. Marshall M. Lih, Director, Division of Chemical and Process Engineering, Room 1126, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-9606
Purpose of Subcommittee: To provide directions to Chemical and Process Enginering research.
Agenda:

Thursday, June 24—Open—9:00 a.m. to 12:00 Noon

9:00 a.m.—Introduction by Division Director and Status Report
10:00 a.m.—Questions and Answers
10:15 a.m.—Briefing by Division Programs
11:45 a.m.—Questions and Answers
12:00 p.m.—Recess

Thursday, June 24—Closed—1:30 p.m. to 5:00 p.m.

1:30 p.m.—Review and comparison of declined proposals (and supporting documentation) with successful awards under the Chemical and Process Engineering Division, including review of peer review materials and other privileged materials.

Friday, June 25—Open—9:00 a.m. to 4:00 p.m.

9:00 a.m.—Oral Reports from the Subcommittee
9:30 a.m.—Program Coordination
11:00 a.m.—Discussion of issues
11:45 a.m.—Recess
1:15 p.m.—Continued discussion of issues
4:00 p.m.—Adjourn

Reason for Closing: The meeting will deal with a review of grants and declinations in which the Subcommittee will review materials containing the names of applicant institutions and principal investigators and privileged information from the files pertaining to the proposals. The meeting will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act
Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
June 3, 1982.
[FR Doc. 82-15462 Filed 6-7-82; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Clinch River Breeder Reactor and Site Suitability; Meeting

The Combined ACRS Subcommittees on Clinch River Breeder Reactor (CRBR) and Site Suitability will hold a meeting on June 24 and 25, 1982, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittees will discuss the site suitability for the CRBR.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: Thursday, June 24, 1982—8:30 a.m. until the conclusion of business Friday, June 25, 1982—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommitee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommitee will then hear presentations by and hold discussions with representatives of the Department of Energy, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Poehnert (telephone 292/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: June 3, 1982.

John C. Hoye,
Advisory Committee Management Officer.
[FR Doc. 82-15493 Filed 6-7-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 70 and 53 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2. The amendments are effective as of the date of issuance.

The amendments revise the Appendix B Environmental Technical Specifications to delete non-radiological water quality requirements and to incorporate an Environmental Protection Plan into the Appendix B Technical Specifications as Part II.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant

environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendment dated April 8, 1982, as supplemented April 16, 1982, (2) Amendment Nos. 70 and 53 to License Nos. DPR-53 and DPR-69, and (3) the Commission's letter dated May 26, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of May, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 82-15491 Filed 6-7-82; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270 and 50-287]

Duke Power Co., Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 112, 112, and 109 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company (the licensee), which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Stations, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments delete the requirements relating to aquatic ecology from the appendix B TS, since these requirements are within the jurisdiction of the State of South Carolina.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments is a ministerial action required as a matter of law and that therefore, no environmental impact statement or negative declaration and environmental impact appraisal need be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 1, 1982, (2) Amendments Nos. 112, 112, and 109 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's related letter to the licensee dated May 27, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of May 1982.

For the Nuclear Regulatory Commission,

John F. Stolz,

Chief, Operating Reactors Branch #4 Division of Licensing.

[FR Doc. 82-15492 Filed 6-7-82; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22519; 70-6545]

Louisiana Power & Light Co.; Proposed Amendment Increasing Commitment Under Lease and Credit Agreement

June 2, 1982.

In the matter of Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174 (70-6545).

Louisiana Power & Light Company ("Louisiana"), a wholly-owned subsidiary of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a post-effective amendment to its application previously filed and amended pursuant to Sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act").

Louisiana was authorized by an order of this Commission dated May 31, 1978 (HCAR No. 20564), to enter into a lease ("Lease") with Bayou Fuel Company ("Bayou"), dated June 1, 1978. Under the Lease, Louisiana leases from Bayou the nuclear fuel, including facilities incident to its use, to be used as fuel in Louisiana's Waterford No. 3 nuclear generating unit. Bayou makes payments to suppliers, authorized processors and manufacturers, as well as future nuclear fuel suppliers, necessary to carry out the terms of Louisiana's nuclear fuel contracts for Waterford No. 3. Louisiana can also make such payments and be reimbursed by Bayou. The authorized maximum obligation of Bayou to make payments for nuclear fuel was $59,000,000 at any one time outstanding. Bayou has financed these obligations under a Credit Agreement ("Credit Agreement"), dated as of June 1, 1978, between Bayou and Security Pacific National Bank ("Bank"). By subsequent order dated March 3, 1981 (HCAR No. 21946), the Commission authorized amendments to the lease and to the Credit, Security and Depositary Agreements. One amendment to the credit agreement, consented to by Louisiana, increased the Bank's commitment under the Credit Agreement from $60,000,000 to $105,000,000 and increased Bayou's maximum obligations to make payments for nuclear fuel to $104,000,000 at any one time outstanding.

By post-effective amendment, Louisiana proposes to amend the Credit Agreement to increase the Bank's maximum commitment under the credit agreement from $105,000,000 to $130,000,000 and to increase Bayou's maximum obligation to make payments for nuclear fuel to $129,000,000 at any one time outstanding. As required by the Lease, Louisiana would consent to the amendment to the Credit Agreement. Except for certain conforming changes in certain agreements, the terms and conditions of the previously authorized financial arrangement will not be changed.

The application 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 June 25, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant 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 this matter. After said date, the application, as amended by the post-effective amendment or as it may be further amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-15471 Filed 6-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22515, 70-6739]

Middle South Utilities, Inc. et al.; Proposal To Form System Money Pool and To Sell Notes to Banks and Commercial Paper

May 28, 1982.

In the matter of Middle South Utilities, Inc., Middle South Services, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Mississippi Power & Light Company, Electric Building, Jackson, Mississippi 39201; New Orleans Public Service Inc., 317 Baronne Street, New Orleans, Louisiana 70112 (70-6739).

Middle South Utilities, Inc. ("Middle South"), a registered holding company, its service company subsidiary, Middle South Services, Inc. ("Services"), and its principal operating subsidiaries, Arkansas Power & Light Company ("Arkansas"), Louisiana Power & Light Company ("Louisiana"), Mississippi Power & Light Company ("Mississippi") and New Orleans Public Service Inc. ("New Orleans"), have filed an application-declaration with this Commission, pursuant to Sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 50(a)(2), 50(a)(3) and 50(a)(5) thereunder.

The principal operating subsidiaries ("Operating Companies") are currently authorized to issue and sell from time to time through June 30, 1982 unsecured short-term promissory notes including commercial paper to various commercial banks and/or dealers in commercial paper (HCAR No. 21811). In addition to continuing such short-term financing from time to time through December 31, 1983, the Operating Companies propose together with Middle South and Services to establish a Middle South Utilities System Money Pool ("Money Pool") to be composed of available funds loaned by the participating companies and borrowed by all the participating companies except Middle South to meet their respective interim capital needs.

Arkansas, Louisiana, Mississippi and New Orleans each proposes to effect short-term borrowings through the Money Pool and to issue and sell unsecured short-term promissory notes including commercial paper to various commercial banks and/or a dealer in commercial paper in aggregate amounts outstanding at any one time not to exceed the lesser, from time to time, of (i) $200,000,000, $225,000,000, $63,000,000 and $22,000,000, respectively, or (ii) 10 percent of the sum of (a) the total principal amount of all bonds or other securities representing secured indebtedness issued or assumed by the Operating Company and then outstanding and (b) the capital and surplus of the Operating Company as then stated on its books of account (which 10 percent is the maximum principal amount of unsecured short-term borrowings permissible under the provisions of the respective charters of the Operating Companies without the appropriate consent of their respective preferred stockholders). On the basis of the foregoing 10 percent restriction, Arkansas, Louisiana, Mississippi and New Orleans would have been permitted, as of February 28, 1982, to effect borrowings through the Money Pool and to issue and sell short-term promissory notes including commercial paper in aggregate amounts of up to $191,000,000, $183,000,000, $47,000,000 and $23,000,000, respectively.

The Operating Companies, Middle South and Services ("Participant(s)") propose to establish a Money Pool to be administered on behalf of the Participants by Services. The Money Pool will consist solely of available funds in the treasuries of the Operating Companies, Middle South and Services which will be loaned on a short-term basis (conceivably as short as one day) to the Participants in the Money Pool, other than Middle South, or otherwise invested. The determination of whether a Participant has at any time funds to make available to the Pool will be made by, or under the direction of, its respective treasurer, financial officer or other designee. No Participant will effect external borrowings for the purpose of providing funds to the Money Pool or of making loans to other Participants in the Money Pool.

The operation of the Money Pool will be designed to match, on a daily basis, the available cash and short-term borrowing requirements of the Participants, thereby minimizing the need for short-term borrowings to be made by the Participants from external sources. To this end, it is anticipated that the short-term borrowing requirements of the Participants will be met, in the first instance, with the proceeds of borrowings through the Money Pool, and thereafter, to the extent necessary, with the proceeds of external borrowings. Arkansas, Louisiana, Mississippi and New Orleans will have priority as borrowers from the Money Pool. Services will be permitted to effect borrowings through the Money Pool only if, on any given day, there are available funds in the Money Pool after the needs of the Operating Companies have been satisfied, provided that the total borrowings by Services through the Money Pool will not exceed at any one time outstanding an amount equal to the aggregate unused portion of the line(s) of credit then available to Services pursuant to the Letter Agreement, dated as of July 8, 1981, between Services and First National Bank of Commerce of $50,000,000 as authorized by this Commission by order dated July 7, 1982 (HCAR No. 22123) and/or other borrowing arrangements hereafter entered into by Services upon approval of the Commission. Middle South will be a Participant in the Money Pool insofar as it has funds available for lending through the Money Pool, but under no circumstances will Middle South be permitted to borrow funds held in the Money Pool. In the event that at any time there are funds remaining in the Money Pool after satisfaction of the borrowing needs, of the Participants, Services, as administrator of the Money Pool, will invest these funds and allocate the earnings on any such investments between or among those Participants providing such excess funds.

Subject to their borrowing limitations, the Participants making borrowings through the Money Pool will be entitled to borrow, on any given day, an amount of the total funds then available for lending to the Participants determined on the basis of an equal allocation of such funds among all such borrowing Participants, except that where such an allocation would provide one or more borrowing Participants with funds in excess of its or their borrowing requirements, such excess will then be available for loans equally allocated among the remaining borrowing Participants. Each borrowing Participant will borrow pro rata from each lending Participant in the proportion which the total amount being loaned through the Money Pool by such lending participant bears to the total amount then being

loaned by all Participants through the Money Pool.

All borrowings from and contributions to the Money Pool will be adequately documented and will be evidenced on the books of each Participant who is borrowing or contributing surplus funds through the Money Pool. All loans will be payable on demand, may be prepaid by a borrowing Participant at any time without premium or penalty and will bear interest, payable monthly, at a rate of interest, calculated on a daily basis, equal to the daily Federal Funds Effective Rate as quoted by the Federal Reserve Bank of New York. The Participants believe that the cost of the proposed borrowings through the Money Pool will generally be more favorable to the borrowing Participants than the comparable cost of external borrowings through bank loans and the sale of commercial paper, and that the yield to Participants contributing available funds to the Money Pool will generally be higher than the typical yield on short-term investments.

In the event that, on any given day, the available funds in the Money Pool are insufficient to satisfy the short-term borrowing requirements of one or more of the Operating Companies, such Operating Companies will effect short-term borrowings through bank loans and/or the sale of commercial paper.

Arkansas, Louisiana, Mississippi and New Orleans each proposes to make short-term borrowings from various commercial banks which are located in each of their general service areas ("Territorial Banks") up to the maximum aggregate principal amount of $61,000,000, $28,935,000, $20,600,000 and $22,000,000 respectively. In addition, each of the Operating Companies will continue to make short-term borrowings under consolidated "either/or" lines of credit established with various commercial banks located outside the general service areas of the Operating Companies ("Non-territorial Banks") up to a maximum aggregate amount of $200,000,000.

Under the proposed "either/or" borrowing arrangements, each of the Non-territorial Banks will provide a single line of credit which will be available to any and all of the Operating Companies. It is stated that the continuation of consolidated credit lines with Non-territorial Banks will allow for the maintenance of lines of credit for the Operating Companies, on an aggregate basis, at the minimum levels necessary to provide adequate amounts of capital as required from time to time, will minimize the Operating Companies' related costs of borrowing, including commitment fees and/or compensating balance requirements, and will afford the Middle South Utilities System continued control over the cost of short-term funds.

The notes proposed to be issued and sold by each respective Operating Company to the Territorial Banks and the Non-territorial Banks will be in the form of unsecured promissory notes, will be payable not more than 270 days from the date of issuance with the right of renewal, will bear interest at a rate per annum no greater than the prime commercial bank rate in effect at the lending bank on the date of issuance or renewal or from time to time depending upon the arrangements with the lending bank, and will, at the option of such Operating Company, or, under certain circumstances, with the consent of the lending bank, be prepayable, in whole or in part, at any time without premium or penalty.

Each of the Operating Companies maintains accounts with its Territorial Banks, and although balances in these accounts may be deemed to be compensating balances, these accounts are working accounts, and fluctuations in their balances do not reflect or depend upon fluctuations in the amounts of bank loans outstanding. Assuming that a 7% compensating balance is maintained and assuming a 16.5% per annum prime commercial bank rate, the effective interest cost for borrowings from Territorial Banks would be 17.7% per annum.

With respect to borrowings from the Non-territorial Banks, it is anticipated that the Non-territorial Banks will require the maintenance of compensating balances or the payment of commitment fees with respect to the amount of loan commitments, but in no case will the total of such compensating balances exceed 5%. Assuming that 5% compensating balance is maintained and assuming a 16.5% per annum prime commercial bank rate, the effective interest cost for borrowings from Non-territorial Banks would be 17.4% per annum.

The proposed commercial paper will be in the form of unsecured promissory notes with varying maturities not to exceed 270 days, the actual maturities to be determined by market conditions, effective cost of money to the respective Operating Company, and such Operating Company's anticipated cash requirements at the time of issuance. In accordance with the established custom and practice in the market, the proposed commercial paper will not be payable prior to maturity. Each Operating Company proposes to issue, reissue and sell the commercial paper directly to a dealer in commercial paper ("Dealer") at a discount which will not be excess of the maximum discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality of that particular maturity sold by public utility issuers to commercial paper dealers. No commission or fee will be payable by the Operating Companies in connection with the issuance and sale of commercial paper. Each Dealer, as principal, will reoffer and sell the commercial paper at the customary discount rate for commercial paper in such a manner as not to constitute a public offering. Each Dealer in reoffering the commercial paper will limit the reoffer and sale to a non-public customer list for each Operating Company containing not more than 200 buyers of commercial paper consisting of commercial banks, insurance companies, corporate pension funds, investment trusts, foundations, colleges and university funds, municipal and state funds and other financial and non-financial corporations which normally invest funds in commercial paper. It is anticipated that the commercial paper will be held by the buyers to maturity. However, each Dealer may, if desired by a buyer, repurchase the commercial paper for resale to others on the list of customers.

As of January 31, 1982, the construction programs of the Operating Companies in 1982 and 1983 were estimated to result in the following expenditures:

	Arkansas	Louisiana	Mississippi	New Orleans
1982	$241,800,000	$413,600,000	$118,400,000	$22,500,000
1983	241,900,000	270,900,000	76,400,000	32,200,000

The net proceeds to be received by the Operating Companies from borrowings through the Money Pool and through the issuance and sale of promissory notes to banks and commercial paper, together with other funds available, from time to time, to the Operating Companies from their operations, from the sale and leaseback or repurchase of property, from the issuance and sale of long-term debt and/or equity securities and from other financing transactions, will be applied to the Operating Companies' construction programs, for the funding of maturing long-term debt and preferred stock

sinking fund requirements, for the repayment of short-term debt and for other lawful corporate purposes. The proceeds of any borrowings by Services through the Money Pool will be used by Services for the repayment of bank borrowings and for any lawful purposes in connection with the performance by Services of its various functions as a subsidiary service company under the Act.

The Operating Companies request an exception from the competitive bidding requirements of Rule 50 pursuant to Paragraph (a)(5) with respect to the sale of commercial paper because such commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for such borrowers are published daily in financial publications, and it is not practical to invite bids for commercial paper.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 21, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses 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 this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-15477 Filed 6-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12455; 812-5166]

T. Rowe Price U.S. Treasury Money Fund, Inc.; Filing of Application

June 2, 1982.

In the matter of T. Rowe Price U.S. Treasury Money Fund, Inc., 100 East Pratt Street, Baltimore, Maryland 21202 (812-5166).

Notice is hereby given that T. Rowe Price U.S. Treasury Money Fund, Inc. ("Applicant"), and open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application on April 15, 1982, for an order of the Commission pursuant to Section 6(c) of the Act exempting it from the provisions of Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to compute its price per share for the purposes of sales and redemptions of its shares to the nearest one cent on a share value of one dollar. In all other respects, portfolio securities held by Applicant will be valued in accordance with the views set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("IC-9786"). All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Applicant is a corporation organized under the laws of the State of Maryland. Applicant has filed a registration statement on Form N-1 under the Securities Act of 1933 for the purposes of registering shares of its capital stock. Applicant is one of eight funds, including the Applicant, which is managed by T. Rowe Price Associates, Inc.

Applicant states that it is a "money market" fund whose investment objective is seeking maximum current income consistent with low capital risk and maintenance of liquidity. The Applicant represents that it will invest only in United States Government and Agency obligations, securities guaranteed by the United States Government and repurchase agreements maturing in one year or less. Applicant states that it will maintain a dollar-weighted average portfolio maturity of 120 days or less.

Applicant represents that its board of directors has adopted a policy, subject to securing the exemption requested, whereby it will attempt to maintain a net asset value of one dollar per share by rounding its net asset value per share to the nearest one cent. This method of valuation is commonly referred to as "penny rounding". Under this policy, should Applicant incur or anticipate any unusual expense, loss, depreciation, gain, or appreciation which would affect its net asset value per share or income for a particular period, the board of directors of the Applicant, in an effort to maintain a stable net asset value per share, might temporarily reduce or suspend the payment of dividends (if the net asset value per share should decline) or might supplement such dividends with other distributions (if the net asset value per share should rise).

Rule 22c-1 under the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption and repurchase shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets fair value as determined in good faith by the board of directors of the registered company. In Release No. IC-9786 the Commission issued an interpretation of Rule 2a-4 expressing its view that it was inconsistent with Rule 2a-4 for certain money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of one dollar, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" its portfolio valuation as required by Rule 2a-4.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order, upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the issuance of the requested order is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant represents that in the view of its management, a stable one dollar net asset value would benefit the Applicant and its shareholders.

Release No. 9786 stated, *inter alia*, the Commission' view that it is inconsistent with the provisions of Rule 2a-4 for money market funds using a "floating" net asset value to "round off" calculations of their net asset values on share values of one dollar. The board of

directors of the Applicant submits that computing the net asst value per share to the nearest one cent on a share value of one dollar as described above will allow Applicant to maintain a constant net asset value per share under most circumstances and, thereby, permit it to serve the interests and requirements of its shareholders notwithstanding its use of pricing methods other than amortized cost for valuing its porfolio instruments having remaining maturities in excess of 60 days. The application further represents that the board of directors of the Applicant has determined in good faith that this method of calculating the net asset value share of the Applicant under such circumstances, is appropriate.

Applicant further represents that the following conditions may be imposed in any order granting the exemptions it has requested:I111. The Applicant's board of directors in supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objectives, that Applicant's price per share as computed for the purposes of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from one dollar.

2. Applicant will seek to maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share. Applicant will not purchase a portfolio security unless it matures in twelve months or less than the date of purchase, or is subject to a repurchase agreement so maturing or has been called for redemption within twelve months; nor will it maintain a dollar-weighted average portfolio maturity in excess of 120 days.

3. Applicant's purchase of portfolio instruments, including repurchase agreements and securities called for redemption, will be limited to those instruments which are denominated in United States dollars and which the directors of Applicant determine present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board.

Notice is further given that any interested person may, not later than June 28, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-15478 Filed 6-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18777; SR-Amex-82-7]

American Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

May 28, 1982.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, NY 10006 (SR-Amex-82-7).

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s (b)(1), notice is hereby given that on May 14, 1982, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend Amex Rule 471 to: (i) reduce by two percent the early warning levels prescribed in Rule 471 under which member organizations are required to cease to expand or reduce their business and limit or reduce unsecured loans and advances: (ii) reduce by two percent the level for required notification to the Exchange by members and member organizations whose net capital as computed under the alternative method falls below the prescribed level in Rule 471; and (iii) add provisions to Rule 471 relating to the percentage of funds required to be segregated pursuant to the Commodity Exchange Act and regulations thereunder where a broker-dealer is registered as a Futures Commission Merchant. In its filing, Amex has indicated that the purpose of the proposed rule change is to modify its rules governing capital requirements for Amex member organizations in view of the recent amendments to the Uniform Net Capital Rule (Rule 15c3-1 of the Act) which became effective on May 1, 1982,[1] and that the statutory basis of the proposed rule change is Section 6(b) of the Act in general, and Sections 6(b)(1) and 6(b)(5) of the Act, in particular.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change by June 29, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Amex-82-7.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communciations relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. §552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. Accelerated approval of the subject rule change is necessary to permit Amex

[1] Securities Exchange Act Release No. 18417, January 13, 1982, 47 FR 3512, January 25, 1982.

member organizations to avail themselves of the recent amendments to the Commission's Uniform Net Capital Rule which became effective on May 1, 1982.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-15476 Filed 6-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18778, SR-NYSE-82-7]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

May 28, 1982.

In the matter of New York Stock Exchange, Inc., Eleven Wall Street, New York, NY 10005 (SR-NYSE-82-7).

The New York Stock Exchange, Inc. ("NYSE") submitted on April 12, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend various NYSE rules relating to exchange members and statements of accounts to customers. The proposed rule changes would remove the provisions in Rule 314 related to guarantees of loss of sole exchange members and limited partners, and minimum salary/participation requirements for members and allied members; rescind the requirements specifically related to insurance sales activities (Rule 318); require written requests by member organization personnel to engage in outside financially related employment/activities (Rule 346); clarify a reference to "stockholder" (Rule 409); and amend Rule 411 to permit member organizations to record transactions as of settlement date, require settlement dates to appear on confirmations of transactions sent to customers, and reposition the Supplementary Material into other rules (Rules 36 and 409).

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18644, April 14, 1982) and by publication in the **Federal Register** (47 FR 17702, April 23, 1982). No comments were received with respect to the proposed rule filing.

With respect to that portion of the proposed rule change relating to rescission of requirements specifically related to insurance sales activities by member organizations (Rule 318.13), the NYSE has consented to an extension of thirty days from the date of this order for Commission action pursuant to Section 19(b)(2) of the Act. The Commission, therefore, takes no action in this order with respect to that portion of the proposed rule change relating to Rule 318.13.

The Commission finds that the proposed rule change, subject to the exception described above, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 15475 Filed 6-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18775; File No. SR-OCC-82-5]

Filing of Proposed Rule Change by the Options Clearing Corporation

May 28, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 24, 1982, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would permit OCC to release on the exercise settlement date margin deposited with OCC by its members in respect of assigned short positions or exercised long positions in equity options in cases where settlement will be effected through the facilities of a correspondent clearing corporation. At present, such margin is not released until the business day following the exercise settlement date. In addition, the proposed rule change would provide for the release of margin deposited in respect of debt securities options in cases where exercise settlement is effected through the netting of a clearing member's delivery and receipt obligation by OCC. In those circumstances, the proposed rule change would permit the release of margin on the date of which settlement is deemed to have been made.

OCC's present rules regarding the release of margin in respect of assigned short positions or exercised long positions were adopted at a time when OCC guaranteed the performance of its clearing members with respect to exercise settlement accounts with the various correspondent clearing corporations. To ensure that OCC could honor this guarantee to the correspondent clearing corporations without loss to OCC, and to protect itself against the risk that a clearing member might fail to meet its initial market-to-market obligations at the correspondent clearing corporation on the exercise settlement date, OCC retained participants' margin until the day after exercise settlement date. Subsequently, however, OCC entered into new Option Exercise Settlement Agreements with each correspondent clearing corporation. Those agreements altered OCC's obligation with respect to its guarantee of the performance of its clearing members. Under the present agreement, each correspondent clearing corporation is unconditionally obligated to effect settlement in respect of any exercise transaction reported to it by OCC unless the correspondent clearing corporation rejects the transaction prior to 8:00 a.m. CST on the business day before the exercise settlement date. The correspondent clearing corporation is also obligated to effect settlement in respect of any transaction rejected before that deadline if it fails to notify OCC of the rejection prior to noon CST on the business day before the exercise settlement date. As a result, when exercises are settled through a correspondent clearing corporation, OCC because its guarantee terminates at the opening of business on the business day prior to the exercise settlement date, has no need to retain margin beyond noon on the business day before the exercise settlement date. The proposed rule change would permit OCC to enter a margin release instruction into its system the evening before exercise settlement date, so that the release would be reflected in a clearing member's Daily Margin Report the morning of exercise settlement date rather than one day later, as is currently the case. OCC believes the proposed rule change would substantially mitigate, if not eliminate, the burden to clearing members of being required to leave margin on deposit with OCC in respect of positions that they must also mark-to-the-market at the correspondent clearing corporation.

In its filing, OCC stated that it believes that the proposed rule change is consistent with the requirements of Section 17A of the Securities Exchange Act of 1934 and the rules and regulations thereunder because it facilitates the efficient clearance and settlement of options exercise transactions by releasing margin at the earliest possible time, as well as removing impediments to a national clearance and settlement system by eliminating unnecessary duplication of payments to clearing agencies. Further, OCC stated that the proposed rule change would not adversely affect OCC's system of safeguards because no margin will be released until the obligations that it secures have been fully discharged.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission by June 29, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-OCC-82-5.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W. Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A Fitzsimmons,

Secretary.

[FR Doc. 82-15472 Filed 6-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18776; SR-PSE-82-7]

Pacific Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

May 28, 1982.

Release No. 18776, May 28, 1982.

In the matter of Pacific Stock Exchange, Inc., 618 South Spring Street, Los Angeles, CA 90014 (SR-PSE-82-7).

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 26, 1982, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The PSE proposes to extend for ninety days, until August 24, 1982, its pilot program relating to the appointment and evaluation of PSE specialists and the creation of new PSE specialist posts.[1] In connection with the Commission's initial approval of the one-year pilot program, the PSE agreed to consider the possibility of expanding the use made of specialists' performance evaluations in the context of cancellation of a specialist's registration in selected stocks where his performance has been found to be substandard and to continue to study existing methods and new methods of evaluating specialist performance. The PSE has indicated that its Joint Equity Allocation Committee has reviewed statistical information relating to the pilot program, and has recommended several amendments to the pilot which have been reviewed and approved by the PSE's Board of Governors. The purpose of the proposed rule change is to extend the pilot program to allow the PSE to file such amendments with the Commission. The PSE has stated that the statutory basis of the proposed rule change is Section 6(b) of the Act, in general, and Sections 6(b)(5) and 6(b)(7), in particular.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change by June 29, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-PSE-82-7.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the initial pilot program terminated on May 26, 1982 and an extension is necessary to allow the PSE an opportunity to file amendments to the pilot program under rule 19b-4. The Commission believes it is appropriate to extend the pilot program pending submission by the PSE of such amendments.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-15474 Filed 6-7-82; 8:45 am]

BILLING CODE 8010-01-M

[1] On May 27, 1981, the Commission approved a one-year PSE pilot program with respect to the appointment and evaluation of specialists and the creation of new specialist posts. (Securities Exchange Act Release No. 17818, May 27, 1981, 46 FR 30016, June 4, 1981.)

[Release No. 18774; File No. SR-PHILADEP-82-5]

Filing and Immediate Effectiveness of Proposed Rule Change by Philadelphia Depository Trust Company

May 28, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 4, 1982, the Philadelphia Depository Trust Company ("PHILADEP") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

The rule change allows PHILADEP, on the 15th of each month, to collect monthly service fees toghether with the daily setlement monies due PHILADEP. Previously, service fees and settlement monies were collected separately. Under the rule change, Stock Clearing Corporation of Philadelphia ("SCCP"), PHILADEP's sister clearing agency, will act as billing agent for PHILADEP in the collection of the monthly service fees in accordance with current SCCP and PHILADEP rules. SCCP will mail bills to participants during the first week of each month. PHILADEP believes that the rule change is consistent with Section 17A(b)(3)(D) of the Act in that it provides for the equitable allocation of dues, fees and other charges among its participants.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission by June 29, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-PHILADEP-82-5.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-15473 Filed 6-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18773; File No. SR-SCCP-82-5]

Filing and Immediate Effectiveness of Proposed Rule Change by Stock Clearing Corporation of Philadelphia

May 28, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 4, 1982, the Stock Clearing Corporation of Philadelphia ("SCCP") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The rule change allows SCCP, acting for itself and as billing agent for the Philadelphia Depository Trust Company ("PHILADEP"), SCCP's sister clearing agency, to collect from their respective participants, on the fifteenth day of each month, monthly service fees due SCCP and PHILADEP together with daily settlement monies sue SCCP/PHILADEP. SCCP will continue to act as PHILADEP's billing agent in accordance with current SCCP and PHILADEP rules and, in that capacity, will mail to participants bills for service fees on the first day of each month. Previously, service fees were collected separate from daily settlement obligations and were due upon presentation. SCCP believes that the rule change is consistent with Section 17A(b)(3)(D) of the act in that it provides for the equitable allocation of dues, fees and other charges among its participants.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in futherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission by June 29, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-SCCP-82-5.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to the delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-15479 Filed 6-7-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/05-0023]

First American Investment Corp.; Filing of Application for Transfer of Control and Ownership of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to Section 107.701 of the Regulations governing small business investment companies (13 CFR Section 107.701 (1982)) for the transfer of control and ownership of First American Investment Corporation, 300 Interstate North, Suite 400, Atlanta, Georgia 30339.

First American was licensed on February 21, 1961. Its present combined paid-in capital and paid-in surplus (private capital) is $3,710,132. The proposed transfer of control and ownership is subject to and contingent upon approval by SBA.

The licensee is a wholly-owned subsidiary of Cousins Properties Incorporated, which is located at the same address as First American. The name of the licensee will remain the same. First American will be moved to Florida and be located at 2701 South Bayshore Drive, Coconut Grove, Florida 33133.

The proposed officers, directors and stockholders are:

David V. Harkins, 75 Federal Street, Boston, MA 02110; President, Director

Maurice Wiener, 2701 S. Bayshore Drive, Coconut Grove, FL 33133; Treasurer, Secretary, Director

Lee Gray, One West Avenue, Larchmont, NY 10538; Vice President, Director

HMG Property Investors, Inc., 2701 S. Bayshore Drive, Coconut Grove, FL 33133; 90 percent

MICI Properties, Inc., 75 Federal Street, Boston, MA 02110; 10 percent

HGM and MICI are real estate holding companies. Mr. Harkins owns 95 percent of the voting stock of MICI. HMG owns all the nonvoting stock of MICI.

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owner and the probability of successful operation of First American under the new control and ownership arrangement (including adequate profitability and financial soundness) in accordance with the Act and Regulations.

Notice is hereby given that any interested persons may, not later than June 23, 1982, submit to SBA, in writing, any relevant comments on the transfer of control and ownership. Any such comments should be addressed to the Acting Deputy Associate Administrator for Investment, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published by the transferee in newspapers of general circulation in Atlanta, Georgia, Boston, Massachusetts, and Coconut Grove, Florida.

(Catalog of Federal Domestic Assistance Program No. Small Business Investment Companies.)

Dated: June 2, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-15412 Filed 6-7-82; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0184]

Grocers Capital Co., Inc.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company (Grocers) 2601 S. Eastern Avenue, Los Angeles, California 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to Section 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1981)) for approval of a conflict of interest transaction.

Grocers proposes to loan $200,000 to Preston's Market, 3525 Victory Boulevard, Burbank, California 91505. The proceeds of the loan will be used to purchase equipment or inventory from Grocers Equipment Company (G.E.C.) and/or Certified Grocers of California, Ltd. (Certified), Associates of the Licensee.

All of Grocers' stock is owned by subsidiaries of Certified, a retailer owned grocery cooperative. G.E.C., a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by Section 107.3 of the SBA Rules and Regulations.

As a result, Grocers' financing to Preston's Market fall within the purview of Sections 107.3 and 107.1004(b)(5) of the Regulations. Grocers' loan to Preston's Market requires prior written approval of SBA.

Notice is hereby given that any person may not later than 10 days from the date of publication of this Notice, submit written comments to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A similar Notice shall be published in a newspaper of general circulation in the Burbank, California area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 1, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-15414 Filed 6-7-82; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-5258]

Sun Capital Corporation

Notice is hereby given that Sun Capital Corporation (Sun), 1789 Monticello Road, San Mateo, California 94402, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Sun was licensed by the Small Business Administration on June 6, 1980.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on December 14, 1981, and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 1, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-15913 Filed 6-7-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Joint Working Party of the National Organizations of the International Radio Consultative Committee and the International Telegraph and Telephone Consultative Committee; Meeting

The Department of State announces that the Joint Working Party of the U.S. Organizations for the International Radio Consultative Committee (CCIR) and the International Telegraph and Telephone Consultative Committee (CCITT), in preparation for the Plenipotentiary Conference of the International Telecommunication Union, September 28–November 5, 1982, Nairobi, Kenya, will meet on June 23 at 9:30 a.m. in Room 2722A, Department of State, 21st and Virginia Avenue, N.W., Washington, D.C.

The main purposes of the meeting will be:

1. To assist the Government in analyzing proposals submitted to the Plenipotentiary Conference by foreign administrations;

2. To assist the Government in rationalizing the ITU's technical cooperation role and the nature and objectives of our interests in this area of the Union's activities;

3. To backstop, generally, the further development of U.S. positions for the Plenipotentiary Conference;

4. Any other business.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the building is controlled; all persons wishing to attend the meeting must inform their names to Mr. Arthur L. Freeman, Department of State; telephone 202 632-3405. Attendees must use the entrance at 21st and Virginia Avenue, N.W.

Dated: May 24, 1982.

Arthur L. Freeman,

Director, Office of International Communications Policy.

[FR Doc. 82-15453 Filed 6-7-82; 8:45 am]

BILLING CODE 4710-07-M

Shipping Coordinating Committee Subcommittee on Safety of Life at Sea; Meeting

The Working Group on Radiocommunications of the Subcommittee on Safety of Life at Sea will conduct an open meeting on July 14, 1982, at 9:30 a.m., in Room 8334–8336 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting is to prepare position documents for the Twenty-fifth Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London on December 13, 1982. In particular, the working group will discuss the following topics:

—Performance standards for shipboard radio equipment
—Maritime distress system
—Digital selective calling
—Matters related to the ITU WARC for Mobile Telecommunications
—Matters related to CCIR Study Group 8
—Satellite WPIRB's
—Narrow Band Direct Printing

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. R. L. Swanson, U.S. Coast Guard (G–TPP–3/63), Washington, D.C. 20593. Telephone (202) 426–1231.

Dated: May 21, 1982.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 82–15454 Filed 6–7–82; 8:45 am]

BILLING CODE 4701–07–M

Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on July 7, 1982 at the U.S. Naval Observatory, Room 300, Building 52, 34th and Massachusetts Avenue, N.W., Washington, D.C. The meeting will begin at 9:30 a.m.

Study Group 7 deals with time-signal services by means of radiocommunications. The purpose of the meeting is to establish a program of work for U.S. Study Group 7 in preparation for the international Study Group 7 meeting to be held in November 1983.

Members of the general public may attend the meeting and join in the discussions subject to the instruction of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520 (telephone (202) 632–2592).

Dated: May 28, 1982.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 82–15455 Filed 6–7–82; 8:45 am]

BILLING CODE 4710–07–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 110
Tuesday, June 8, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMISSION ON CIVIL RIGHTS

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, D.C.

DATE AND TIME: Tuesday, June 8, 1982, 11 a.m.-12 Noon; 1:30-4 p.m.

STATUS OF MEETING: Open to the public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Review of Draft Comments on the Civil Rights Act of 1982
IV. Review of a Proposed Consultation on the Media
V. Review of Proposed Project on the Rural South
VI. Review of the Report: *Unemployment and Underemployment Among Minorities and Women*
VII. Review of Project Design on *Discrimination Against Handicapped Persons*
VIII. Action re: Wyoming Advisory Committee Report Entitled *Workplace Conditions in Wyoming: Women and Minorities in the Mineral Extraction Industries*
IX. Office of Regional Programs Bigotry and Violence Project
  A. Michigan Advisory Committee Report Entitled *Hate Groups in Michigan: A Sham or a Shame*
  B. West Virginia Advisory Committee Report Entitled *Violence and Bigotry in West Virginia*
X. Civil Rights Developments in the Eastern Region
XI. Staff Director's Report
  A. Status of Funds
  B. Personnel Report
  C. Office Directors' Reports

PERSON TO CONTACT FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications Division (202) 254-6697.

[S-848-82 Filed 6-4-82; 1:01 p.m.]

BILLING CODE 6335-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, June 10, 1982, following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Two Applications for Review Board Decision[1] in the Birmingham, Alabama educational FM proceeding (BC Docket Nos. 78-61 and 78-62).

Hearing—2—Exceptions and related pleadings with respect to the Initial Decision of ALJ John C. Conlin, denying the applications of Friendly Broadcasting Company for renewal of its licenses for AM broadcast station WJMO and FM station WLYT, Cleveland Heights, Ohio (Docket No. 19412).

The folowing persons are expected to attend:

Commissioners and their Assistants.
General Counsel and members of his staff.
Managing Director and members of his staff.
Chief, Office of Public Affairs and members of his staff.

Action by the Commission:

Hearing Item 1, May 12, 1982.
Commissioners Fowler, Chairman; Quello, Washburn, Fogarty, Jones, Dawson and Rivera voting to consider this item in Closed Session.
Hearing Item 2, May 28, 1982.
Commissioners Fowler, Chairman; Quello, Washburn, Fogarty, Jones, Dawson and Rivera voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: June 3, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-349-82 6-4-82; 1:58 p.m.]

BILLING CODE 6712-01-M

[1] These items are closed to the public because they concern adjudicatory matters (See 47 CFR 0.603(j)).

3

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, June 10, 1982 which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Notice of Proposed Rulemaking to expand the frequencies available for use by Aural broadcast STL and Intercity relay stations. *Summary:* The Commission will consider the merits of RM-2697, filed by the National Association of Broadcasters (NAB), to reallocate the 942-947 MHz band back to the Broadcast Auxiliary Service and RM-3246, filed by Moseley Associates, Inc., to use unassigned UHF-TV channels for Broadcast Auxiliary Service. Additionally, the Commission will consider the merits of sharing the 2130-2150 MHz and 2180-2200 MHz bands, presently allocated to the Private Operational-Fixed Microwave Service, with the Broadcast Auxiliary Service.

Private Radio—2—*Title:* Amendment of the Amateur Radio Service Rules (Part 97) regarding effective radiated power (ERP) limitations on stations in repeater operation. *Summary:* The Commission will consider whether to adopt an Order amending Part 97 of the Rules to relax limitations on effective radiated power (ERP) for amateur radio stations in repeater operation on frequencies between 52 and 54 MHz. The limitations would also be extended to repeater operations between 29.5 and 29.7 MHz.

Private Radio—3—*Title:* Notice of Proposed Rule Making proposing to eliminate unnecessary reporting and record keeping requirements in the Aviation Services. *Summary:* The FCC will consider whether to propose amending Part 87 (Aviation Services) to remove certain reporting and record keeping requirements which appear to impose unnecessary burdens on the aviation public.

Common Carrier—1—*Title:* In the Matter of the American Telephone and Telegraph Company request for approval to capitalize a separate subsidiary to provide enhanced services pursuant to Section 64.702(d)(4) of the Commission's Rules. *Summary:* The Commission will consider AT&T's request to capitalize an enhanced service subsidiary. Issues include impact on ratepayers, outside equity, accounting of preoperational spending, and compliance with Second Computer Inquiry separation conditions.

Common Carrier—2—*Title:* Motion of the Southern New England Telephone Company for Declaratory Ruling to Remove

Uncertainty of its Status Under the Commission's Decisions in the Second Computer Inquiry (Docket 20828). *Summary:* Commission will consider whether to adopt the staff proposal concerning Southern New England Telephone Company's request for stay of (1) the Commission's Computer II structural separation requirements, (2) a Commission ruling on the pending reconsideration order in this proceeding, and (3) the filing of certain Computer II-related plans and reports.

Common Carrier—3—*Title:* Interconnection Arrangements Between and Among the Domestic and International Record Carriers, CC Docket No. 82-122. *Summary:* The Commission will consider proposed tariff provisions filed by record carriers pursuant to the *Interim Order* issued in this proceeding, FCC 82-158, released April 8, 1982, and petitions for rejection and suspension of the proposed revisions.

Common Carrier—4—*Title:* In the matter of the American Telephone and Telegraph Company. Request by AT&T for approval to provide certain services to a subsidiary it is forming to provide enhanced services. The Commission will consider the request by AT&T to provide certain services to the subsidiary. Issue include whether AT&T's accounting is adequate.

Renewal—1—*Title:* Competing applications of Faith Center, Inc. for renewal of its license for Station KVOF-TV, San Francisco, California, and of LDA Communications, Inc., West Coast United Broadcasting Company, and Together Media Ministries for construction permits on KVOF-TV's frequency. *Subject:* The Commission considers designating these applications for comparative hearing with appropriate issues.

Renewal—2—*Title:* Renewal application of United Broadcasting Company of New York, Inc. for AM Station WBNX, New York, New York, and mutually exclusive application by Osborne Communications Corporation for a construction permit. *Summary:* The Commission considers designating these applications for comparative hearing.

Renewal—3—*Title:* License renewal application of American Broadcasting Companies, Inc. for Station KGO-TV, San Francisco, California. *Summary:* Synanon Church and Synanon Committee for Responsible American Media filed a petition for reconsideration of a Commission Memorandum Opinion and Order, 86 FCC 2d 3 (1981), denying their petition to deny. The Commission considers petitioners' arguments.

Broadcast—1—*Title:* Amendment of Part 73 of the Commission's Rules with respect to daytime-only Class II AM stations on the U.S. Class I-A clear channels. *Summary:* The Commission considers whether to amend its Rules to provide for new and improved daytime-only stations on the 25 U.S. Class I-A clear channels.

Broadcast—2—*Title:* Notice of Proposed Rulemaking to eliminate the suburban community policy, the *Berwick* doctrine, and the *de facto* reallocation policy. *Summary:* The Commission will consider whether to adopt the proposal seeking comment on the elimination of three policies in all Commission proceedings.

Complaints and Compliance—1—Title: Application for Review of the Environmental Defense Fund (EDF). *Summary:* EDF seeks Commission review of an April 17, 1981, Broadcast Bureau ruling, in which the Bureau found that EDF had failed to furnish sufficient information to demonstrate that any of eight California television stations had violated the Fairness Doctrine.

Complaints and Compliance—2—*Title:* Petition for reconsideration of Commission action taken on November 26, 1981 (released December 17, 1981) denying a request of Vincent L. Hoffart. *Summary:* The Commission considers a petition for reconsideration of its November 26, 1981 action (released December 17, 1981) denying Mr. Hoffart's request for an order that operating and maintenance logs be available in a broadcast station's public inspection file.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: June 3, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-850-82 Filed 6-4-82; 1:58 pm]

BILLING CODE 6712-01

4

LEGAL SERVICES CORPORATION

Presidential Search Committee

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 23844, June 1, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m.-5 p.m., Tuesday, June 15, 1982. (Continuation of the meeting is planned for June 16, 1982, as time permits.)

CHANGE IN THE MEETING: Rescheduled for 9 a.m.-12 noon, Tuesday, June 15, 1982.

PLACE: Legal Services Corporation, 733 15th Street, N.W., Eighth Floor Conference Room 2, Washington, D.C.

STATUS OF MEETING: Open (portion of the meeting will be closed to discuss a personnel matter under 45 CFR 1622.5(a) and 1622.5(e)).

MATTERS TO BE CONSIDERED:

1. Status of Presidential Search.
2. Procedures for Final Selection.
3. Personnel Matters (Closed).

CONTACT PERSON FOR MORE INFORMATION: LeaAnne Bernstein, Office of the President, (202) 272-4040.

Dated: June 4, 1982.

Gerald M. Caplan,

Acting President.

[S-851-82 Filed 6-4-82; 2:27 pm]

BILLING CODE 6820-35-M

5

LEGAL SERVICES CORPORATION

Provision of Legal Services Committee

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 23844, June 1, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m.-12:30 p.m., Tuesday, June 15, 1982.

CHANGE IN THE MEETING: Cancelled. To be rescheduled for July.

CONTACT PERSON FOR MORE INFORMATION: LeaAnne Bernstein, Office of the President (202) 272-4040.

Dated: June 4, 1982.

Gerald M. Caplan,

Acting President.

[S-852-82 Filed 6-4-82; 2:27 pm]

BILLING CODE 6820-35-M

6

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

ACTION: Notice of Meeting.

SUMMARY: Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held on the date and at the time and place specified below by telephone conference call. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701 8712(f)(1)) and Section 4 of the Corporation's Statement of Policy on Public Access to Board Meetings. During the meeting, the Board of Directors may consider a resolution to close the meeting pursuant to Article II Section 4 of the Corporation's By-laws, Section 116(f) of the said Act and sections 4 and 5 of the said policy.

Meeting Agenda: Consideration of matters relating to the Tosco loan guarantee.

DATE AND TIME: 10:30 a.m., June 14, 1982.

PLACE: Room 403, 2121 K Street NW., Washington, D.C. 20586.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel, (202) 822-6336.

June 3, 1982.

United States Synthetic Fuels Corporation.

Edward E. Noble,

Chairman of the Board.

[S-847-82 Filed 6-4-82; 11:25am]

BILLING CODE 0000-00

federal register

Tuesday
June 8, 1982

Part II

Environmental Protection Agency

Modification of Secondary Treatment Requirements for Discharges Into Marine Waters

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 125

[WH FRL-2034-2(a)]

Modification of Secondary Treatment Requirements for Discharges into Marine Waters

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today promulgating immediately effective final amendments to regulations implementing section 301(h) of the Clean Water Act which relate to modifications of secondary treatment requirements for discharges into marine waters and to 40 CFR Part 122. These changes are necessary to respond to recent statutory amendments to section 301(h) and a U.S. Court of Appeals decision overturning certain provisions of the existing regulations. In a separate section of today's **Federal Register**, EPA is publishing proposed amendments to the section 301(h) regulations and to portions of 40 CFR Part 124 that deal with section 301(h).

EFFECTIVE DATE: June 8, 1982.

FOR FURTHER INFORMATION CONTACT: Robert W. Zeller, PhD, Policy Advisor, Office of Marine Discharge Evaluation, WH-546, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-9231.

SUPPLEMENTARY INFORMATION:

I. Background

In 1972, the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*) was amended to establish two phases of effluent limitations applicable to all publicly owned treatment works (POTWs). Under section 301(b)(1)(B), 33 U.S.C. 1311(b)(1)(B), POTWs were required to achieve secondary treatment by July 1, 1977. Section 301(b)(2)(B), 33 U.S.C. 1311(b)(2)(B), further required that POTWs achieve "best practicable waste treatment technology" by July 1, 1983.

Congress amended the Act in 1977 to add section 301(h) which provides that the Administrator, upon application of a POTW and with the concurrence of the State, may issue a National Pollutant Discharge Elimination System (NPDES) permit which modifies the secondary treatment requirements of section 301(b)(1)(B) if the applicant: (1) Discharges into certain ocean and estuarine waters, and (2) demonstrates compliance with the 301(h) criteria. Section 301(h) provided that applicants for a 301(h) modification had to have an existing discharge to marine waters as of the date of enactment of section 301(h) (December 27, 1977). Additionally, under section 301(j)(1)(A), applications for section 301(h) modifications had to be submitted by a specific date.

EPA promulgated final regulations implementing section 301(h) on June 15, 1979 (44 FR 34784, 40 CFR Part 125, Subpart G). The regulations were challenged in the United States Court of Appeals for the District of Columbia Circuit by the Natural Resources Defense Council, Inc. (NRDC), the Pacific Legal Foundation, Inc. (PLF), the municipalities of Skagway, Wrangell, and Anchorage, Alaska, and the Marina County Water District, California. On May 7, 1981, the court struck down the provisions of EPA's regulations which prohibited issuance of section 301(h) modified permits:

(1) For a discharge receiving less than primary treatment (40 CFR 125.59(b)(4));

(2) For the discharge of sewage sludge (40 CFR 125.59(b)(5)); and

(3) Where the applicant is currently meeting effluent limitations based on secondary treatment (40 CFR 125.59(b)(9)).

Natural Resources Defense Council, Inc. v. EPA, 656 F.2d 768 (D.C. Cir., 1981). The court upheld the regulations in all other respects.

Subsequently, in December 1981, Congress passed the Municipal Wastewater Treatment Construction Grant Amendments of 1981 (MWTCGA) which amended section 301(h) in several important respects. Pub. L. 97-117, 95 Stat. 1623. Section 22 of the MWTCGA resulted in the following changes:

(1) Any POTW which proposes to discharge into marine waters is eligible to apply for a section 301(h) modified permit. Previously, only POTWs actually discharging into such waters as of December 27, 1977, were eligible.

(2) The deadline for submission of applications in section 301(j)(1)(A) of the Act was extended until December 29, 1982.

(3) POTWs achieving secondary treatment can apply to discharge pollutants at less than secondary treatment levels.

(4) EPA is prohibited from granting section 301(h) modified permits for the discharge of sewage sludge.

(5) Section 301(h)(8), which stated that construction grant funds available to section 301(h) waiver recipients had to be used to carry out best practicable wastewater treatment technology or the requirements of section 301(h), was repealed.

(6) With the exception of Avalon, California, applicants applying after December 29, 1981, cannot receive a section 301(h) modified permit until after December 29, 1982.

Section 21 of the MWTCGA also repealed the requirement in section 301(b)(2)(B) of the Act that all POTWs achieve best practicable waste treatment technology (BPWTT) by July 1, 1983.

II. Response to the Statutory Amendments and Court Decision

EPA is today amending 40 CFR 125.57 to reflect the statutory language contained in section 22 of the MWTCGA. Pursuant to the MWTCGA and the court's decision, EPA is also repealing the provisions contained in 40 CFR 125.59(b)(3) (requirement for existing marine discharge) and 125.59(b)(9) (prohibition against section 301(h) modifications for communities achieving secondary treatment). Because the amendments to section 301(h) forbid waivers for the discharge of sewage sludge, EPA is retaining the prohibition against waivers for the discharge of sewage sludge in 40 CFR 125.59(b)(5). However, the MWTCGA do not forbid section 301(h) waivers authorizing the discharge of effluent receiving less-than-primary treatment. Accordingly, in response to the decision in NRDC v. EPA, EPA is deleting the prohibition in 40 CFR 125.59(b)(4).

Since Congress has amended section 301(j)(1)(A) to allow the submission of new applications until December 29, 1982, EPA is amending 40 CFR 125.59(d)(2) and 122.53(j)(1) to reflect this new deadline for submission of applications. EPA is also amending 40 CFR 125.58(d), 125.58(e), and 125.59(b)(6) in order to bring them into conformity with the new deadline for applications.

Because final regulations were not promulgated within the time frame for submitting applications under the original provisions of section 301(j)(1)(A), the Agency's 301(h) regulations had required both preliminary and final applications. *See*, 44 FR 34790-34791. Since the MWTCGA have reopened the application process, and regulations implementing section 301(h) already exist, there is no longer a need to require preliminary applications from POTWs now wishing to apply. Accordingly, EPA is deleting 40 CFR 125.58(l) and 125.59(b), and the reference to preliminary applications contained in 40 CFR 125.59(b)(8). EPA has amended the definition of final application in 40 CFR 125.58(e) to reflect the new statutory date for applications and to emphasize, as explained in Part III of this preamble, that preliminary applications are not final applications.

In response to the repeal of section 301(h)(8) of the Act regarding use of Title II funds, EPA is also deleting 40 CFR 125.66 which served to implement section 301(h)(8). The relationship of section 301(h) applications to Title II construction grant requirements will be addressed when additional proposed amendments to the construction grant regulations, 40 CFR Part 35, are published. Consistent with the deletion of 40 CFR 125.66, EPA is also amending 40 CFR 125.59(e)(1)(ii) and 125.67(b)(3) to eliminate cross-references to section 125.66.

Finally, because section 21 of the MWTCGA repealed the effluent limitation in section 301(b)(2)(B) of the Act which required POTWs to achieve BPWTT by July 1, 1983, EPA is amending 40 CFR 125.61(e)(2) to delete the reference to the July 1, 1983 date. However, POTWs seeking a section 301(h) modification and also applying for construction grant funds under Title II of the Act should be aware that they remain subject to the grant related provisions of BPWTT as set forth in section 201(g)(2)(A). Under proposed amendments to the construction grant regulations (40 CFR 35.2005(c), 46 FR 55222, November 6, 1981), section 301(h) proposals may qualify as BPWTT.

III. New Applications

As a result of the MWTCGA, POTWs which did not submit a final application under the June 15, 1979 section 301(h) regulations may now do so. POTWs which have already filed final applications under the section 301(h) regulations remain eligible for consideration for a section 301(h) modification. Under the June 15, 1979 section 301(h) regulations, POTWs filing preliminary applications, which were not required to contain supporting data, were not considered final applicants. Therefore, POTWs which have filed only a preliminary application under the regulations must now file a final application.

While POTWs may elect to file an application under the regulations as amended today, it will be beneficial for POTWs to defer filing applications until the proposed regulatory changes are promulgated. In light of the experience gained from review of the existing applications, EPA believes that application data requirements can be reduced substantially for small applicants and made more flexible for all applicants. EPA today is publishing elsewhere in the **Federal Register** a variety of proposed amendments to the section 301(h) regulations that reflect this experience and include proposed simplified requirements for applications.

If a POTW chooses to submit an application before the proposed regulations are finalized, it does not need to follow the existing application format. EPA believes the questionnaires proposed today in connection with the proposed amendments more accurately reflect EPA's minimum information needs. The Agency therefore encourages POTWs applying during this interim period to provide at least the information in the proposed questionnaires. That information will be used to enable EPA to make the statutory finding that the applicant has demonstrated to the satisfaction of the Administrator that it is entitled to a waiver. If the applicant's submission does not contain sufficient information to satisfy that need, EPA may require the submission of further information under 40 CFR 124.65 and proposed section 125.59(f).

Regardless of whether applications are filed before or after the proposed amendments become final, applicants must meet the December 29, 1982 statutory deadline.

In order to obtain a profile of potentially affected POTWs, the agency encourages interested POTWs to submit letters of intent to submit applications during the public comment period on the proposed amendments. Although EPA is not making such letters of intent mandatory, the agency is encouraging such submissions so that EPA can anticipate the probable number and geographic distribution of new applications and develop a cost-effective strategy for evaluating applications.

IV. Compliance With Executive Order 12291 and Paperwork Reduction Act

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirements of a Regulatory Impact Analysis. This final regulation does not constitute a "major" regulation since it does not have a major financial or adverse impact on POTWs. EPA has submitted this final regulation to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any response to these comments from EPA are available as part of the public record. In accordance with the Paperwork Reduction Act (Pub. L. 96-511), the reporting and recordkeeping provisions that are contained in the proposed section 301(h) regulations have been submitted for approval to OMB. Information collection requirements contained in the proposed section 301(h) regulations have been approved by OMB under the provisions of the Paperwork Reduction Act and have been assigned OMB control number 2000-0427.

V. Immediately Effective Final Amendments

EPA is making these final amendments effective immediately and without a comment period. EPA believes a public comment period is unnecessary since the changes are mandated by the court decision and statutory amendments. Further, since there is no need to evaluate public comments and no additional burden is placed on POTWs, EPA concludes that there is good cause to make these regulation amendments effective today.

List of Subjects

40 CFR Part 122

Administrative practice and procedure, Air pollution control, Hazardous materials, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Confidential business information.

40 CFR Part 125

Water pollution control, Waste treatment and disposal.

Dated: May 26, 1982.

John W. Hernandez, Jr.,

Acting Administrator.

For the reasons set out in the preamble, Part 125, Subpart G and Part 122, Subpart D of Title 40 of the Code of Federal Regulations is amended as follows:

PART 125—CRITERIA AND STANDARDS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

1. The authority citation for 40 CFR Part 125, Subpart G is revised to read as follows:

Authority: (Clean Water Act, Secs. 301, 304, 501, Pub. L. 92-500, 86 Stat. 816, *as amended by*, Pub. L. 95-217, 91 Stat. 1566, *as amended by*, Pub. L. 97-117, 95 Stat. 1623 (33 U.S.C. 1311, 1314, 1361).

2. 40 CFR 125.57 is revised to read as follows:

§ 125.57 Law governing issuance of a section 301(h) modified permit.

(a) Section 301(h) of the Clean Water Act provides that:

The Administrator, with the concurrence of the State, may issue a permit under section 402 which modifies the requirements of subsection (b)(1)(B) of this section with respect to the discharge of any pollutant from a publicly owned treatment works into

marine waters, if the applicant demonstrates to the satisfaction of the Administrator that—

(1) There is an applicable water quality standard specific to the pollutant for which the modification is requested, which has been identified under section 304(a)(6) of this Act;

(2) Such modified requirements will not interfere with the attainment or maintenance of that water quality which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, and allows recreational activities, in and on the water;

(3) The applicant has established a system for monitoring the impact of such discharge on a representative sample of aquatic biota, to the extent practicable;

(4) Such modified requirements will not result in any additional requirements on any other point or nonpoint source;

(5) All applicable pretreatment requirements for sources introducing waste into such treatment works will be enforced;

(6) To the extent practicable, the applicant has established a schedule of activities designed to eliminate the entrance of toxic pollutants from nonindustrial sources into such treatment works;

(7) There will be no new or substantially increased discharges from the point source of the pollutant to which the modification applies above that volume of discharge specified in the permit.

For the purposes of this subsection the phrase "the discharge of any pollutant into marine waters" refers to a discharge into deep waters of the territorial sea or the waters of the contiguous zone, or into saline estuarine waters where there is strong tidal movement and other hydrological and geological characteristics which the Administrator determines necessary to allow compliance with paragraph (2) of this subsection, and section 101(a)(2) of this Act. A municipality which applies secondary treatment shall be eligible to receive a permit pursuant to this subsection which modifies the requirements of subsection (b)(1)(B) of this section with respect to the discharge of any pollutant from any treatment works owned by such municipality into marine waters. No permit issued under this subsection shall authorize the discharge of sewage sludge into marine waters.

(b) Section 301(j)(1) of the Clean Water Act provides that:

Any application filed under this section for a modification of the provisions of—(A) Subsection (b)(1)(B) under subsection (h) of this section shall be filed not later than the 365th day which begins after the date of enactment of the Municipal Wastewater Treatment Construction Grant Amendments of 1981;

(c) Section 22(e) of the Municipal Wastewater Treatment Construction Grant Amendments of 1981, Pub. L. 97-117, provides that:

The amendments made by this section shall take effect on the date of enactment of this Act, except that no applicant, other than the city of Avalon, California, who applies after the date of enactment of this Act for a permit pursuant to subsection (h) of section 301 of the Federal Water Pollution Control Act which modifies the requirements of subsection (b)(1)(B) of section 301 of such Act shall receive such permit during the one-year period which begins on the date of enactment of this Act.

3. In 40 CFR 125.58, paragraph (d) and the introductory text of paragraph (e) are revised to read as follows, paragraph (l) is removed, and paragraphs (m)-(x) are redesignated as (l)-(w) respectively:

§ 125.58 Definitions.

* * * * *

(d) "Current discharge" means the volume, composition, and location of an applicant's discharge as of any time between December 27, 1977 and December 29, 1982, as designated by the applicant.

(e) "Final application" means a final application previously submitted in accordance with the June 15, 1979 section 301(h) regulations (44 FR 34784) or an application submitted between December 29, 1981 and December 29, 1982. It does not include preliminary applications submitted in accordance with the June 15, 1979 section 301(h) regulations. The final application shall contain:

* * * * *

4. In 40 CFR 125.59 paragraphs (b)(3), (b)(4), (b)(9) and (c) are removed and paragraphs (b)(5), (b)(6), (b)(7), (b)(8), (d), and (e) are redesignated as (b)(3), (b)(4), (b)(5), (b)(6), (c), and (d) respectively. Redesignated paragraphs (b)(4), (b)(6), the introductory text of (c)(2), and (d)(1)(ii) are revised to read as follows:

§ 125.59 General.

* * * * *

(b) * * *

(4) For any discharge for which there is an applicable State or local law, regulation, or ordinance requiring secondary treatment of municipal wastewater, unless it can be shown that such law, regulation or ordinance is less stringent than secondary treatment, as defined in 40 CFR 133.102.

* * * * *

(6) Where the applicant submits a final application which, on its face, does not demonstrate to the satisfaction of the Administrator that the applicant's modified discharge meets or will meet all the requirements of this Subpart.

* * * * *

(c) * * *

(2) *Deadline and distribution.* The original and two copies of the final application must be submitted to the following no later than December 29, 1982:

* * * * *

(d) * * *

(1) * * *

(ii) Based on the applicant's demonstration that it has met all the criteria set forth in sections 125.59-65.

* * * * *

5. In 40 CFR 125.61, paragraph (e)(2) is revised to read as follows:

§ 125.61 Attainment or maintenance of water quality which assures protection of public water supplies, the protection of a balanced indigenous population of shellfish, fish, and wildlife, and allows recreational activities.

* * * * *

(e) * * *

(2) Computer modeling or other detailed analyses projecting changes in flow rates, flow patterns, composition, volume or other parameters or characteristics of the applicant's current discharge which are expected to result from such improvements at several milestone dates reflecting conditions of severe waste loadings;

* * * * *

§ 125.66 [Removed and reserved]

6. 40 CFR 125.66 is removed and reserved.

§ 125.67 [Amended]

7. In 40 CFR 125.67, paragraph (b)(3) is removed and paragraph (b)(4) is redesignated as (b)(3).

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM; THE HAZARDOUS WASTE PERMIT PROGRAM; AND THE UNDERGROUND INJECTION CONTROL PROGRAM

8. The authority citation for Part 122 reads as follows:

Authority: Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.;* Safe Drinking Water Act, 42 U.S.C. 300f *et seq.;* and Clean Water Act, 33 U.S.C. 1251 *et seq.*

9. In 40 CFR 122.53, paragraph (j)(1) is revised to read as follows:

§ 122.53 Application for a permit.

* * * * *

(j) * * *

(1) *Discharges into marine waters.* A request for a modification under CWA section 301(h) of requirements of CWA section 301(b)(1)(B) for discharges into marine waters must be filed in accordance with the requirements of 40 CFR Part 125, Subpart G.

* * * * *

[FR Doc. 82-15433 Filed 6-7-82; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 124 and 125

[WH-FRL-2034-2(b)]

Modification of Secondary Treatment Requirements for Discharges Into Marine Waters

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing amendments to the regulations implementing section 301(h) of the Clean Water Act which relate to modifications of secondary treatment requirements for discharges into marine waters and to 40 CFR Part 124. These amendments are necessary to clarify and simplify the section 301(h) regulations. The proposed amendments also supplement immediately effective amendments promulgated by EPA today in a separate **Federal Register** notice. The Final Amendments respond to a May 7, 1981, U.S. Court of Appeals decision overturning certain portions of the existing section 301(h) regulations and to relevant provisions of the Municipal Wastewater Treatment Construction Grant Amendments (MWTCGA) of 1981 amending section 301(h). Public meetings on this proposal will be held in EPA Regional offices. Details of the public meetings will be published in a separate **Federal Register** notice.

DATES: Comments on these proposed amendments, the Application Questionnaires, and the draft Technical Suppport Document must be submitted on or before August 9, 1982.

ADDRESS: Comments and requests for the draft revised section 301(h) Technical Support Document, the Pacific Legal Foundation rulemaking petition, and EPA's proposed response thereto should be addressed to: Robert W. Zeller, PhD, Policy Advisor, Office of Marine Discharge Evaluation, WH-546, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755-9231. The official record for this rulemaking is available for viewing in Room 2417 at the address above from 9:00 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Robert W. Zeller, Ph. D., Policy Advisor, Office of Marine Discharge Evaluation, WH-546, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-9231.

SUPPLEMENTARY INFORMATION:

I. Background

On June 15, 1979, EPA promulgated regulations implementing section 301(h) of the Clean Water Act (33 U.S.C. 1311(h)). 40 CFR Part 125, Subpart G, 44 FR 34784. Following an appeal of these regulations, the U.S. Court of Appeals for the District of Columbia Circuit invalidated three provisions of the regulations. Natural Resources Defense Council, Inc. v. EPA, 656 F.2d 768 (D.C. Cir., 1981). Subsequently, the Municipal Wastewater Treatment Construction Grant Amendments of 1981 (MWTCGA) amended section 301(h). Pub. L. 97-117, 95 Stat. 1623.

Pursuant to the Court's decision and the MWTCGA, EPA today is promulgating in a separate **Federal Register** notice final amendments to the section 301(h) regulations. That notice explains the court decision and the effect of the MWTCGA in further detail.

This notice proposes further changes to the regulations. In keeping with the President's directive to reduce the burden of government regulations and as a result of EPA's experience in implementing the section 301(h) program, EPA has undertaken a comprehensive review of the section 301(h) regulations. As a result, EPA now believes the regulations can be made simpler, clearer, and more flexible.

Finally, on September 11, 1981, EPA received a petition for rulemaking from the Pacific Legal Foundation (PLF) to amend the section 301(h) regulations. The petition covered the following areas: (1) The need for and modifications to the regulations; (2) enforcement policy; (3) priority for construction grant funds; and (4) the role of the States in implementing section 301(h). EPA has fully considered PLF's petition and many of the changes proposed today are consistent with PLF's comments. A separate letter sent to PLF contains EPA's tentative response to all of the issues PLF raised. Both the petition and letter are part of the rulemaking record and comments on them may be submitted during the public comment period on this notice. Copies of both may be obtained by contacting EPA's Office of Marine Discharge Evaluation at the address given above.

EPA anticipates receiving several hundred applications just prior to the statutory deadline for new applications of December 29, 1982. It will not be possible for EPA to review all new and revised applications concurrently. EPA, therefore, will prioritize the review as was done with the 70 existing applications; the largest applications will be reviewed first. EPA also anticipates, however, that the proposed, simplified application requirements will facilitate quicker review of new and revised applications.

II. Major Changes and Issues

This proposal discusses the major changes and issues that currently pertain to section 301(h). The June 15, 1979, preamble (44 FR 34784) contains a full discussion of the existing regulations and should be referred to for background information to understand the context of the proposed changes. References in this proposed rulemaking package to 40 CFR Part 125 are to the June 15, 1979 regulations; not to the regulations as amended today.

(A) *Revisions to Applications.* As a result of the decision in NRDC v. EPA, EPA proposes to allow publicly owned treatment works (POTWs) which have submitted final applications for the discharge of primary effluent or effluent characteristics at the time of application to revise their applications to propose the discharge of less-than-primary treated effluent (proposed § 125.59(d)(1)). These revisions would have to be submitted within one year of EPA's tentative decisions on their original applications (proposed § 125.59(e)(2)(ii)). EPA does not intend to accept revisions until the tentative decision is made in order that applicants will have the benefit of that decision before determining whether or not to submit a revision. For example, applicants would not be expected to submit a revision for less-than-primary treatment if EPA's tentative decision is to reject the original application for primary treatment.

EPA will not accept revisions to discharge at lower treatment levels from applicants who proposed advanced primary treatment (i.e., enhanced removals of biochemical oxygen demand and/or suspended solids beyond primary treatment levels) unless the proposed treatment levels were characteristic of applicants' POTW discharges at the time of application. Such applicants could have proposed primary treatment in their original applications but chose not to do so for reasons not related to the then existing prohibition (40 CFR 125.59(b)(4)) against the discharge of less-than-primary effluent. EPA, therefore, sees no reason to allow them to change their minds now and propose lower treatment levels.

Under proposed § 125.59(d)(2), all applicants will be permitted one

opportunity to proposed upgrading their treatment levels and to improve their outfall/diffuser location or design if EPA's tentative decision is to deny their application.

POTWs revising their applications do not have to submit a completely new application. Rather, proposed § 125.59(d)(3) would require POTWs to revise their original application to the extent needed to assure that it remains complete and correct, to provide additional analyses necessary to support the revision, and to comply with proposed §§ 125.59(c)(3), 125.60(b)(2), and 125.63(b). Finally, proposed § 125.59(e)(2)(i) provides that applicants wishing to revise their applications must submit a letter of intent to do so within 45 days of the date of EPA's tentative decision on their original application. Those applicants who have already received a notice of a tentative decision must submit a letter of intent within 45 days after these proposed amendments are promulgated in final form. Following receipt of such letters, EPA will stay further administrative proceedings under 40 CFR Part 124. All revisions must be submitted within one year of the tentative decision, except for POTWs in the latter group who have one year from the date of final promulgation of these proposed regulations.

(B) *State determination requirements.* Section 301(h) requires the Administrator to obtain State concurrence prior to issuing a section 301(h) modified permit. As part of this process, the Agency proposes that the applicant provide EPA with a determination from the State on two issues before EPA will evaluate their section 301(h) application (proposed §§ 125.59(e)(3), 125.60(b)(2), 125.63(b)). The State must determine whether an applicant's modified discharge will violate State laws, including water quality standards, and/or lead to the imposition of additional treatment or control requirements on other pollutant sources. This requirement will assure earlier State involvement on matters within State expertise, expedite EPA's evaluation of the applications, and enable nonmeritorious applications to be screened out quickly.

Under the existing regulations, letters from State agencies on these issues were to be provided in the application (40 CFR 125.63(b); Application Format, Part A, Section 9, 44 FR 34824). In many instances, the States did not furnish such letters, in part because they did not perform an advance review of the final application. This deprived EPA of the States' viewpoint early in the process. The proposed amendments seek to eliminate this problem by requiring the applicants to obtain the State determinations prior to EPA's evaluation of the applications (proposed § 125.59(e)(3)). The State's determination must be provided within 90 days after an application or revision is submitted. EPA's review of the application or revision will not start until the State determination is received by EPA. Existing applicants who have not already obtained letters from the State called for under the existing regulations are encouraged to obtain the necessary letters as quickly as possible.

A favorable State determination at this early stage will not preclude later exercise by the State of concurrence rights under sections 301(h) and 401 of the Act and submittal of certification as required by 40 CFR 124.54. EPA understands that State review of an application for concurrence on a 301(h) variance will be easier to conduct after EPA issues its tentative decision. EPA does not intend to foreclose this additional review. However, the State should not alter its determination once EPA has relied on the State findings to grant or deny an application unless public comments or EPA's analysis disclose new facts not previously available to the State at the time it made its determination.

Where a State makes a negative determination under proposed § 125.60(b)(2) or 125.63(b), EPA will deny the variance request immediately and conduct no further review of the application or revision.

(C) *Burden on smaller dischargers.* When EPA promulgated the existing regulations, some commenters requested that EPA develop different data requirements for small dischargers. EPA stated that the statute did not authorize EPA to exempt dischargers categorically from any statutory requirements on the basis of size or volume. EPA also stated that the regulations inherently required less data from small dischargers. 44 FR 34791, June 15, 1979. EPA has now completed technical review of most of the existing applications from the largest POTWs plus some of the smaller applications. Based on the experience and knowledge gained from this review, EPA now concludes that application data requirements for small applicants can be simplified substantially both in the regulations and the application questionnaire.

The proposed amendments classify applicants as either large or small depending on the population contributing to their POTWs and the design flow of the discharge for which a variance is requested (proposed § 125.58(c)). Large applicants are defined as having contributing populations of 50,000 or more or total discharge design flows equal to or greater than 5.0 million gallons per day (mgd). Small applicants have contributing populations of less than 50,000 and total discharge design flows less than 5.0 mgd. This classification is consistent with categorizations in EPA's Construction Grant Costs Needs Survey (USEPA 1980 Needs Survey, FRD–19, p. 9), and the Regulatory Flexibility Act definition of small governmental entities (5 U.S.C. 601). Also, under EPA's pretreatment regulations (40 CFR Part 403), pretreatment programs are required for POTWs larger than 5.0 mgd if they have industrial inflows subject to EPA's pretreatment standards. POTWs of 5.0 mgd or less are exempt from the uniform requirement to have a POTW pretreatment program * * * "unless the Regional Administrator of the Director * * * determines that a program is necessary due to the significance of the character or volume of industrial wastes introduced into the POTW" (40 CFR 403.8).

Most small applicants will be able to respond to the proposed application data requirements with readily available information on their POTWs, oceanographic conditions, and water quality and biological conditions. Normally, only those small POTWs with low initial dilution discharging into waters with poor dispersion and transport characteristics, near distinctive and susceptible biological habitats, or with substantial quantities of toxics will need to provide additional field studies. A small discharger to a saline estuary, for example, may need to provide additional field data and analyses to demonstrate compliance with section 301(h) criteria because of potentially inadequate dilution, dispersion, and transport characteristics.

The Agency also proposes to relieve most small applicants from certain of

the toxic control program requirements and to provide more flexibility in the design of monitoring programs (see Part II, Sections D and E).

(D) *Monitoring.* EPA's experience in evaluating existing larger applications has verified the importance of carefully designed monitoring programs. However, EPA has concluded that the level of detail in the existing regulations is unnecessary and that general monitoring program requirements augmented by an advisory Technical Support Document would be more beneficial. Thus, while the monitoring program objectives remain the same, many of the detailed requirements in 40 CFR 125.62 have been deleted so that each applicant will have the flexibility to design a more cost-effective monitoring program to meet its individual circumstances. To assure the validity of monitoring data obtained, EPA will continue to specify the general objectives to be met (proposed § 125.62(a)(1)). All monitoring programs must be designed to assess the impact of less-than-secondary discharges on receiving water quality and biological habitats, to measure toxic substances in the POTW effluent, and to assess continued compliance with section 301(h) criteria. As before, EPA will review proposed monitoring programs for adequacy and may require any necessary changes (proposed § 125.62(a)(2)).

40 CFR 125.62 has also been changed to explicitly add the statutory criterion that monitoring programs be practicable (proposed § 125.62 (b)(1), (c), and (d)). For instance, it would not be practicable to do *in situ* bioassays under circumstances where human life could be endangered or to conduct quarterly seasonal surveys in areas that do not have four distinct seasons.

Most of the proposed amendments appear in the biological monitoring provisions. Although the benthos is a good indicator of discharge related effects, EPA has concluded that other biological populations most likely to be affected by the discharge should be surveyed rather than singling out the benthos (proposed § 125.62(b)(1)(i)). This will enable a more complete assessment of the impact of the modified discharge. Presumably, most monitoring programs will still include the benthos. Further, EPA does not believe it is necessary to uniformly require that *in situ* bioassays be performed within and immediately beyond the zone of initial dilution (ZID) (40 CFR 125.62(b)(1)(iv)(A), proposed § 125.62(b)(1)(ii)). Similarly, EPA plans to replace the uniform requirement in 40 CFR 125.62(b)(1)(iv)(B) that sampling of sediments take place immediately beyond the ZID with a requirement that sampling take place in areas of likely or suspected solids deposition in the vicinity of the ZID (proposed § 125.62(b)(1)(iii)). This change reflects the difficulties applicants have had in locating ZID boundaries during field surveys and the potential that solids in some cases may not settle within or immediately outside of the ZID.

Under proposed § 125.62(b)(2) small applicants would be relieved from certain biological monitoring provisions of proposed § 125.62(b)(1)(ii)–(1)(iv) if they discharge at depths greater than ten meters and can demonstrate through a suspended solids deposition analysis that there is or will be negligible sediment accumulation on the seabeds. Satisfying the first condition demonstrates that there is likely to be adequate initial dilution and that wastes would not be expected to appear in the vicinity of surf zones, swimming beaches, and the like. The absence of seabed accumulation demonstrates that there is good dispersion of the diluted wastefield and a much smaller risk of bioaccumulation in the benthos and demersal fish.

EPA proposes to delete 40 CFR 125.62(c)(1)(ii)(A)–(C) as redundant since water quality standards themselves include requirements about compliance in and around mixing zones. Proposed § 125.62(c)(2) has been added to emphasize that the water quality monitoring program is designed in large part to measure toxic pollutants in the receiving waters that are identified or reasonably expected to be present in the discharge.

Finally, the toxics control monitoring program in 40 CFR 125.62(d) is renamed the effluent monitoring program to emphasize not only the presence of toxic pollutants in the discharge but the effectiveness of toxics control programs.

(E) *Toxics Control Programs.* EPA is retaining the basic structure of the toxics control program but proposes to simplify the regulation and to reduce application requirements for small applicants.

EPA proposes to relieve small applicants from chemical analysis requirements if such applicants certify that there are no known or suspected sources of toxic pollutants or pesticides (proposed § 125.64(a)(2)). EPA has concluded that the risk of toxic pollutants and pesticides creating problems in such cases is small. Accordingly, EPA believes the current provision is not practicable.

EPA proposes to delete the 18-month deadlines for developing and implementing pretreatment programs in 40 CFR 125.64(c)(1)(i). This requirement is no longer meaningful in view of the pretreatment program regulation requirement (40 CFR 403.8(d)) that all pretreatment programs be approved by July 1, 1983. Instead, section 301(h) permittees will be required to develop a pretreatment program by July 1, 1983 or the date established in their NPDES permit, whichever is earlier.

EPA also proposes to relieve small applicants from the burden of developing and implementing substantial nonindustrial toxics source control programs if such applicants certify that there are no known or suspected water quality, sediment accumulation, or biological problems associated with toxic pollutants or pesticides (proposed § 125.64(d)(2)). The cost and time to develop nonindustrial toxic control programs can be substantial and these smaller POTWs with relatively small financial resources present a relatively low risk to the environment from nonindustrial toxic pollutant and pesticides. Thus, EPA concludes that it is impracticable to require small applicants that meet the proposed criteria to develop and implement substantial nonindustrial toxic control programs. However, both small and large applicants must implement a public education program for minimizing the entrance of nonindustrial toxic pollutants and pesticides into their POTWs (proposed § 125.64(d)(1)).

EPA proposes to delete the 18-month deadline in 40 CFR 125.649d)(1)(i) for implementing the schedule of activities to control nonindustrial sources. Instead, applicants subject to the requirements of proposed § 125.64(d)(2) and (3) must develop and implement such programs on the earliest possible schedule (proposed § 125.64(d)(2)). EPA feels that it is more practical to commit section 301(h) permittees to individual schedules for nonindustrial toxics source control program development and implementation than to impose a uniform schedule for all applicants. Finally, proposed § 125.64(d)(3) prescribes only general requirements for development and implementation of nonindustrial toxic source control programs since EPA believes POTWs should have more flexibility in this area. Additional guidance is provided in the revised section 301(h) Technical Support Document. As before, EPA will review toxics control programs for adequacy and may require any necessary changes (proposed §§ 125.64(c)(3) and (d)(4)).

III. Other Changes

In addition to the changes discussed below and in Part II of this preamble, EPA is proposing many editorial changes to the regulations to make them easier to understand and to eliminate verbose and redundant language. As part of this effort, EPA is planning to drop the present distinction between "criteria" and "application requirements." In general, the application requirements will now appear only in the Application Questionnaire itself. Because of the number and minor nature of other editorial changes, they generally are not discussed in this notice.

(A) *Section 125.58 Definitions.* Consistent with the changes discussed in Part II and the final amendments promulgated today, EPA is adding a definition of "application," deleting the definition of "final application," and revising the definition of "applicant." EPA also proposes to add a definition for "altered discharge" to categorize applicants that are proposing a treatment level less than that currently achieved (proposed § 125.58(b)). Thus, section 301(h) modified discharges may be based on current discharges, improved discharges, or altered discharges (see proposed § 125.59(a)). Additional regulations applicable to altered discharges appear in proposed § 125.61(e).

EPA is also proposing in § 125.58(w) to change 40 CFR 125.58(w) by deleting "State" from the term "State water quality standard". EPA explained in the June 15, 1979, section 301(h) regulations that "water quality standard" is a term of art in the Act referring only to a State water quality standard adopted or promulgated under section 303. 44 FR 34798–9. It is still EPA's position that the term "water quality standards" applies only to section 303 standards. However, since section 303 authorizes both the States and EPA to promulgate water quality standards, EPA believes it is appropriate to remove any ambiguity in the regulation by deleting the reference to "State". Consistent with these changes, EPA is proposing to amend other provisions in the regulations that refer to state water quality standards.

The definition of "zone of initial dilution" in 40 CFR 125.58(x) has been changed (proposed § 125.58(x)). The applicant is no longer required to calculate the zone of initial dilution by one prescribed EPA method. The Section 301(h) Technical Support Document describes several methods that may be used.

EPA is also deleting the definition of "traditional pollutant" (40 CFR 125.58(v) as no longer necessary. Finally, minor editorial changes have been made to other definitions.

(B) *Section 125.59 General Requirements.* 40 CFR 125.59(a)(2)(i) has been moved to proposed § 125.61(e)(1). 40 CFR 125.59(a)(2)(ii) and (iii) have been deleted since these provisions concern construction grants and general enforcement issues and do not properly belong in this subpart.

In addition to changes already made in today's final amendments, the Agency is proposing further changes to the prohibitions in 40 CFR 125.59(b) by combining 40 CFR 125.59(b)(1) and (2) into proposed section 125.59(b)(1). 40 CFR 125.59(b)(6) has also been combined with 40 CFR 125.59(b)(7) into proposed section 125.59(b)(3) since the concern is the same in both provisions, i.e., whether the discharge complies with applicable laws. In doing so, 40 CFR 125.59(b)(7) is streamlined. None of these changes are intended to be substantive.

Finally, EPA proposes to delete 40 CFR 125.59(b)(8) which provides that an application must demonstrate compliance with all requirements of this subpart "on its face." While EPA expects all applicants to respond diligently to the application questionnaire and to submit all available information, time may not permit all applicants to respond to the questionnaire fully and to satisfy the requirements of this subpart by the application deadline. In such cases, EPA may require or authorize the submission of additional information following receipt of an incomplete application (proposed § 125.59(f)(1)). EPA believes this approach is preferable to rejecting an application as deficient "on its face" where the applicant has made a diligent, good faith effort to complete the application.

Proposed § 125.59(f) further provides that where the missing information concerns discharge characteristics, water quality, biological conditions, or oceanographic characteristics, EPA will require the applicant to submit a plan of study for the collection and submission of the data with its application. EPA will then review the plan pursuant to proposed § 125.59(f)(2).

EPA believes that the plan of study approach will benefit applicants by assuring that available time and resources are used in the most cost-effective way. EPA therefore encourages applicants to submit plans of study or otherwise consult with EPA prior to data collection and submission of their application. Plans of study are required, however, only when the applicant seeks authorization to submit data after it has submitted its application.

(C) *Section 125.61 Attainment or Maintenance of Water Quality.* EPA is planning to make several changes to § 125.61(a). First, the requirement in 40 CFR 125.61(a)(1)(i) that the outfall be "well-designed" would be deleted. The requirement is vague and is irrelevant as long as adequate initial dilutions are actually achieved. Second, based on EPA's experience in evaluating larger section 301(h) applications, EPA proposes in § 125.61(a)(1) to change 40 CFR 125.61(a)(1)(ii) to require applicants to calculate critical initial dilutions only for the period(s) of maximum stratification unless available information indicates other situations may be more critical for the modified discharge. Of the several situations listed in Part B, section 1–3 of the existing application format, 44 FR 34825, the period(s) of maximum stratification has been selected consistently as the most critical for assessing compliance with applicable water quality standards.

EPA also proposes to delete the requirement of 40 CFR 125.61(a)(1)(iii) that applicants calculate wastewater flow times initial dilution for demonstrating adequacy of available dilution water. This calculation is not needed when there is unobstructed flow of dilution water to the zone of initial dilution which is the case for most marine discharges.

40 CFR 125.61(b)(1)(iii), (c)(1)(iv) and (d)(1)(ii) would be amended. Since proposed §§ 125.59(b)(3) and 125.60 already require compliance with state and local laws including water quality standards, EPA believes the above provisions in § 125.61 are redundant. Proposed § 125.61(b)(1), (c)(1), and (d)(1) have been added to provide that the modified discharge must allow for the attainment or maintenance of water quality which assures protection of public water supplies, a balanced indigenous population of shellfish, fish, and wildlife, and recreational activities.

40 CFR 125.61(e) has been amended to include altered discharges (proposed § 125.61(e)). In addition, EPA proposes to delete the requirement in 40 CFR 125.61(e)(1) that final plans for improving treatment systems be submitted. EPA does not need actual engineering plans for decision-making on the applications; accordingly, EPA proposes to require only that the applicant demonstrate that the improved or altered discharge has been thoroughly planned and studied and can be implemented expeditiously (proposed § 125.61(e)(1)). 40 CFR 125.61(e)(2) would also be amended to delete the

requirement for submission of analyses at "several milestone dates * * * including * * * July 1, 1983 * * *" since it would be redundant with proposed § 125.65(c) (proposed § 125.61(e)(2)). Finally, the first part of 40 CFR 125.61(e)(5) has been deleted; if the applicant demonstrates compliance with 40 CFR 125.61(a)–(d), he should have alleviated any adverse impacts identified under those provisions.

(D) *Section 125.63 Effect of Discharge on Other Sources.* EPA proposes to delete the requirement in 40 CFR 125.63(b) that applicants obtain letters regarding compliance with section 301(h)(4) from each State agency involved in wasteload allocations. EPA believes that one letter from the State or interstate agency having the actual responsibility for establishing wasteload allocations is satisfactory evidence that the State has considered whether a modified discharge would result in additional requirements on any other point or nonpoint source. In addition, because the State's opinion on impacts on other point and nonpoint sources is being required before a new application or revision to an application will be evaluated by EPA, elimination of the requirement for multiple letters will help to expedite the State's review process (proposed § 125.63(b)).

(E) *Section 125.65 Increase in Effluent Volume or Mass Emissions.* EPA believes that this section can be simplified by deleting 40 CFR 125.65(a)(1) and (2) which prohibit increases in effluent volume and mass emissions beyond the applicant's five year projections. The section 301(h) modified NPDES permit will specify effluent concentrations and mass emissions. Accordingly, the Agency believes that these provisions are unnecessary. However, to assure a clear understanding of the requested effluent limits in the context of planned or projected POTW discharge increases, EPA proposes to require applicants to submit data on projected effluent volumes and mass loadings in five year increments over the design life of the facility (proposed § 125.65(c)).

(F) *Section 125.67—Special permit conditions.* Section 125.67(a) has been modified to include "mass loadings" as well as effluent limitations. The failure to include "mass loadings" in the 1979 regulations was an oversight. The detailed pretreatment program reporting requirements of 40 CFR 125.67(d) have been deleted as redundant with 40 CFR Parts 122 and 403.

(G) *Application Questionnaires and Technical Support Document.* Proposed Small Applicant and Large Applicant Questionnaires for Modification of Secondary Treatment Requirements are published as Appendix A and B, respectively, to this proposed regulation and are also provided in the draft revised section 301(h) Technical Support Document. EPA has developed a separate, simplified questionnaire for small applicants consistent with proposed amendments pertaining to small applicants. However, the Large Applicant Questionnaire is also briefer and simpler than the existing application format. In both cases, most changes from the existing application format generally correlate with proposed regulatory amendments. The remaining changes reflect EPA's determination that the existing application format is too detailed. EPA believes the proposed questionnaires will still provide the necessary information. As before, completion of the questionnaires is necessary for EPA to determine whether the requirements of section 301(h) and this subpart have been met. However, while applicants must adhere to the Application Questionnaires, the guidance provided by the section 301(h) Technical Support Document is advisory only. Applicants are encouraged to use the Technical Support Document guidance in the preparation of their applications.

The draft revised section 301(h) Technical Support Document is available for review and comment by writing to the Office of Marine Discharge Evalution (address given above).

(H) *Amendments to 40 CFR Part 124 of the Consolidated Permit Regulations.* Agency regulations dealing with the procedural aspects of section 301(h) decision-making are located in both Part 124 and Part 125. In order to centralize relevant regulations as much as possible and to clarify the relationship of Part 124 to section 301(h) decisions, EPA proposes to remove 40 CFR 124.65 and relocate its contents in proposed § 125.59(f) and (g). EPA is not transferring 40 CFR 124.54; while it deals with section 301(h), it is more closely tied to 40 CFR 124.53.

As part of this change, EPA proposes to make 40 CFR 124.65(b) more flexible by extending the maximum time period for submitting supplemental information, as requested or authorized, from nine months to one year (proposed § 125.59(f)). The requirements of 40 CFR 124.65(b) would also be deleted. EPA believes that they are unnecessarily detailed. 40 CFR 124.65(a) would be deleted for the same reason given for deleting 40 CFR 125.59(b)(8). (See discussion of Plan of Study in Part III, Section B.)

EPA also proposes to amend 40 CFR 125.59(e)(4) to provide that appeals from section 301(h) decisions may be conducted under either evidentiary or non-adversary procedures (proposed § 125.59(g)(5)). This change is necessary to conform the regulation to 40 CFR 124.64(b) and 124.111(a).

Finally, EPA proposes to amend 40 CFR 124.65(c) which provides that for purposes of Part 124 the term "administrator or person designated by the Regional Administrator" shall be substituted for the term "Director". Because section 301(h) decisions are made by the Administrator or person designated by the Administrator, 40 CFR 124.65(c) has been changed to delete the reference to "a person designated by the Regional Administrator" (proposed § 125.59(g)(4)(i)). This change parallels 40 CFR 124.111(a)(1)(iii).

(I) *Delegation of Authority.* Consistent with these provisions the Administrator plans to delegate decision-making authority for all new applications and revised applications to the Regional Administrators; also, for the 40 existing smaller applications. Decision-making authority for the 30 existing larger applications will be retained in headquarters. Accordingly, a new definition of the term "Administrator" has been added to proposed § 125.58(a). Following is the list of existing larger applications with an asterisk marking those applications on which tentative decisions have already been made:

Boston, MA
Lynn, MA
New Bedford, MA
South Essex, MA
Mamaroneck, NY
Newtown Creek, NY
Arecibo, PR
Bayamon, PR
Carolina, PR
Guayama, PR
*Chesapeake-Elizabeth, VA
Lambert's Point, VA
*Los Angeles (Hyperion), CA
*Los Angeles County, CA
Monterey, CA
*Orange County, CA
*Oxnard (Venture), CA
*Goleta, CA
San Francisco, CA
*San Diego (Point Loma), CA
Santa Cruz, CA
*Honouliuli, HI
*Sand Island, HI
*Anchorage, AK
*Seattle (Duwamish), WA
*Seattle (West Point), WA
*Seattle (Richmond), WA
Tacoma (Central), WA
Tacoma (Western Slope), WA
Tacoma (North End), WA

IV. Compliance With Executive Order 12291, Regulatory Flexibility Act, and Paperwork Reduction Act

Under Executive Order 12291, EPA must judge whether a regulation is major and, therefore, subject to the requirements of a Regulatory Impact Analysis. EPA's proposed amendments do not constitute a "major" regulation since they do not have a major financial or adverse impact on POTWs.

The following discussion of regulatory costs and savings is based on EPA's Request for OMB Review (SF 83) and the Supporting Statement for that request. Application costs are estimated to be about $12,000 for a typical small applicant since no field studies will be required in most cases. This cost would increase to about $30,000 when a field study is required. Annual monitoring and nonindustrial toxic control program costs to typical small section 301(h) permittees will be about $25,000 initially. However, the proposed regulations provide flexibility so that, once a predictable relationship is established between discharge characteristics and receiving water quality, this cost should diminish to about $15,000 for most small permittees. In fact, after the first year or so of implementation, the ongoing costs to the smallest permittees (i.e., less than 1,000 population) should be very small.

Application costs for a typical large applicant are estimated to be $36,000 including the cost of limited field work, if necessary. The estimated cost could reach $100,000 if a substantial field survey is necessary (i.e., a combined water quality, biological, and oceanographic field survey). Application costs, however, should not exceed $100,000 to comply with the proposed simplified requirements except for very large applicants. Annual monitoring and nonindustrial toxic control program costs for a typical large permittee are estimated at $250,000 to $300,000 for the first year of program implementation. Subsequently, the costs will diminish to a level of about $150,000.

Although EPA does not have the data to quantify the reduction in costs from the increased flexibilty in application requirements, the proposed, simplified regulations have the potential for saving substantial funds annually for both small and large applicants. Such savings will accrue at little or no risk to the environment since the proposed regulations will assure continued compliance with section 301(h) criteria and objectives.

EPA has estimated annual savings to section 301(h) permittees (assumed here to be the difference in total annual costs between primary treatment and secondary treatment plants) of $5,400 for the smallest permittees with service area populations of 1,000 or less; $43,000. for permittees with service area populations of 10,000; $195,000 for service area populations of 50,000; $280,000 for service areas of 100,000 population; and $540,000 for service area populations of 200,000. These savings, of course, would be even larger for applicants receiving variances for less-than-primary discharges.

Based on the above estimated costs and savings for typical small and large applicants, the total estimated net savings for GAO's estimated 845 potential applicants (GAO Report to Congress, 5/22/81, CED-81-68, p. 10) would be at least $30 million annually.

EPA has submitted these amendments to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any response to those comments from EPA are available as part of the public record.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a regulatory flexibility analysis for all regulations that may have a significant impact on a substantial number of small entities. Small entities include "small governmental jurisdictions," which are generally defined as jurisdictions of less than 50,000 people. As discussed above, the proposed regulations have been drafted to simplify data requirements and reduce the cost burden for small applicants. Therefore, EPA concludes that this proposed rule will not have a significant economic impact on a substantial number of small entities. Consequently, EPA has not prepared a Regulatory Flexibility Act analysis.

In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, the reporting and recordkeeping provisions that are included in this proposed rule have been submitted for approval to OMB under section 3504(h) of the Act. Burden hour estimates in EPA's request to OMB are based on the Agency's experience in evaluating existing section 301(h) applications. Information collection requirements contained in the proposed 301(h) regulations have been approved by OMB under the provisions of the Paperwork Reduction Act and have been assigned OMB control number 2000-0427.

List of Subjects

40 CFR Part 124

Administrative practice and procedure, Air pollution control, Hazardous materials, Waste treatment and disposal, Water pollution control, Water supply, Indians-lands.

40 CFR Part 125

Water pollution control, Waste treatment and disposal.

Dated: May 26, 1982.

John W. Hernandez, Jr,

Acting Administrator.

For the reasons set out in the preamble, Parts 124 and 125 of Title 40 of the Code of Federal Regulations are proposed to be amended as set forth below.

PART 125—CRITERIA AND STANDARDS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

40 CFR Part 125 is amended as follows:

1. The authority citation for Part 125 reads as follows:

Authority: Clean Water Act, sections 301, 304, 501, Pub. L. 92-500, 86 Stat. 816, *as amended by* Pub. L. 95-217, 91 Stat. 1566, *as amended by* Pub. L. 97-117, 95 Stat. 1623 (33 U.S.C. 1311, 1314, 1316).

2. 40 CFR Part 125, Subpart G is revised to read as follows:

Subpart G—Criteria for Modifying the Secondary Treatment Requirements Under Section 301(h) of the Clean Water Act

Sec.

125.56 Scope and purpose.
125.57 Law governing issuance of a section 301(h) modified permit.
125.58 Definitions.
125.59 General.
125.60 Existence and compliance with applicable water quality standards.
125.61 Attainment or maintenance of water quality which assures protection of public water supplies, the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities.
125.62 Establishment of a monitoring system.
125.63 Effect of discharge on other point and nonpoint sources.
125.64 Toxics control program.
125.65 Increase in effluent volume or amount of pollutants discharged.
125.66 [Reserved]
125.67 Special permit conditions.
Appendix A—Small Applicant Questionnaire for Modification of Secondary Treatment Requirements
Appendix B—Large Applicant Questionnaire for Modification of secondary Treatment Requirements

Subpart G—Criteria for Modifying the Secondary Treatment Requirements Under Section 301(h) of the Clean Water Act

§ 125.56 Scope and purpose.

This subpart establishes the criteria to be applied by EPA in acting on section 301(h) requests for modifications to the secondary treatment requirements. It also establishes special permit conditions which must be included in any permit incorporating a section 301(h) modification of the secondary treatment requirements. ("Section 301(h) modified permit").

§ 125.57 Law governing issuance of a section 301(h) modified permit.

(a) Section 301(h) of the Clean Water Act provides that:

The Administrator, with the concurrence of the State, may issue a permit under section 402 which modifies the requirements of subsection (b)(1)(B) of this section with respect to the discharge of any pollutant from a publicly owned treatment works into marine waters, if the applicant demonstrates to the satisfaction of the Administrator that—

(1) There is an applicable water quality standard specific to the pollutant for which the modification is requested, which has been identified under section 304(a)(6) of this Act;

(2) Such modified requirements will not interfere with the attainment or maintenance of that water quality which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, and allows recreational activities, in and on the water;

(3) The applicant has established a system for monitoring the impact of such discharge on a representative sample of aquatic biota, to the extent practicable;

(4) Such modified requirements will not result in any additional requirements on any other point or nonpoint source;

(5) All applicable pretreatment requirements for sources introducing waste into such treatment works will be enforced;

(6) To the extent practicable, the applicant has established a schedule of activities designed to eliminate the entrance of toxic pollutants from nonindustrial sources into such treatment works;

(7) There will be no new or substantially increased discharges from the point source of the pollutant to which the modification applies above that volume of discharge specified in the permit.

For the purposes of this subsection the phrase "the discharge of any pollutant into marine waters" refers to a discharge into deep waters of the territorial sea or the waters of the contiguous zone, or into saline estuarine waters where there is strong tidal movement and other hydrological and geological characteristics which the Administrator determines necessary to allow compliance with paragraph (2) of this subsection, and section 101(a)(2) of this Act. A municipality which applies secondary treatment shall be eligible to receive a permit pursuant to this subsection which modifies the requirements of subsection (b)(1)(B) of this section with respect to the discharge of any pollutant from any treatment works owned by such municipality into marine waters. No permit issued under this subsection shall authorize the discharge of sewage sludge into marine waters.

(b) Section 301(j)(1) of the Clean Water Act provides that:

Any application filed under this section for a modification of the provisions of—(A) Subsection (b)(1)(B) under subsection (h) of this section shall be filed not later than the 365th day which begins after the date of enactment of the Municipal Wastewater Treatment Construction Grant Amendments of 1981;

(c) Section 22(e) of the Municipal Wastewater Treatment Construction Grant Amendments of 1981 Pub. L. 97-117, provides that:

The amendments made by this section shall take effect on the date of enactment of this Act, except that no applicant, other than the city of Avalon, California, who applies after the date of enactment of this Act for a permit pursuant to subsection (h) of section 301 of the Federal Water Pollution Control Act which modifies the requirements of subsection (b)(1)(B) of section 301 of such Act shall receive such permit during the one-year period which begins on the date of enactment of this Act.

§ 125.58 Definitions.

For the purpose of this subpart:

(a) "Administrator" means the EPA Administrator or a person designated by the EPA Administrator.

(b) "Altered discharage" means any discharge other than a current discharge or improved discharge, as defined in this regulation.

(c) "Applicant" means an applicant for a section 301(h) modified permit. Large applicants have populations contributing to their POTWs equal to or ore than 50,000 or total discharge design flows of 5.0 mgd or more; small applicants have contributing populations of less than 50,000 and total discharge design flows of less than 5.0 mgd.

(d) "Application" means a final application previously submitted in accordance with the June 15, 1979, section 301(h) regulations (44 FR 34784) or an application submitted between December 29, 1981 and December 29, 1982. It does not include a preliminary application submitted in accordance with the June 15, 1979, section 301(h) regulations.

(e) "Application questionnaire" means EPA's "Application Questionnaire for Modification of the Requirements of Secondary Treatment". Individual questionnaires for small applicants and for large applicants are published as Appendix A and Appendix B to this subpart, respectively.

(f) "Balanced, indigenous populations" means an ecological community which:

(1) Exhibits characteristics similar to those of nearby, healthy communities existing under comparable but unpolluted environmental conditions; or

(2) May reasonably be expected to become re-established in the polluted water body segment from adjacent waters if sources of pollution were removed.

(g) "Current discharge" means the volume, composition, and location of an applicant's discharge as of anytime between December 27, 1977, and December 29, 1982, as designated by the applicant.

(h) "Improved discharge" means the volume, composition and location of an applicant's discharge following:

(1) Construction of planned outfall improvements, including, without limitation, outfall relocation, outfall repair, or diffuser modification; or

(2) Construction of planned treatment system improvements to treatment levels or discharge characteristics; or

(3) Implementation of a planned program to improve operation and maintenance of an existing treatment system or to eliminate or control the introduction of pollutants into the applicant's treatment works.

(i) "Industrial source" means any source of nondomestic pollutants regulated under section 307 (b) or (c) of the Clean Water Act which discharges into a POTW.

(j) "Modified discharge" means the volume, composition and location of the discharge proposed by the applicant for which a modification under section 301(h) of the Act is requested. A modified discharge may be a current discharge, improved discharge, or altered discharge.

(k) "Nonindustrial source" means any source of pollutants which is not an industrial source.

(l) "Ocean waters" means those coastal waters landward of the baseline of the territorial seas, the deep waters of the territorial seas, or the waters of the contiguous zone.

(m) "Pesticides" means demeton, guthion, malathion, mirex, methoxychlor and parathion.

(n) "Primary treatment" means the first stage in wastewater treatment where substantially all floating and settleable solids are removed.

(o) "Public water supplies" means water distributed from a public water system.

(p) "Public water system" means a system for the provision to the public of

piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five (25) individuals. This term includes (1) any collection, treatment, storage and distribution facilities under the control of the operator of the system and used primarily in connection with the system, and (2) any collection or pretreatment storage facilities not under the control of the operator of the system which are used primarily in connection with the system.

(q) "Publicly owned treatment works" (POTW) means a treatment works, as defined in section 212(2) of the Act, which is owned by a State, municipality or intermunicipal or interstate agency.

(r) "Saline estuarine waters" means those semi-enclosed coastal waters which have a free connection to the territorial sea, undergo net seaward exchange with ocean waters, and have salinities comparable to those of the ocean. Generally, these waters are near the mouth of estuaries and have cross-sectional annual mean salinities greater than twenty-five (25) parts per thousand.

(s) "Secondary treatment" means the term as defined in 40 CFR Part 133.

(t) "Shellfish, fish and wildlife" means any biological population or community that might be adversely affected by the applicant's modified discharge.

(u) "Stressed waters" means those receiving environments in which an applicant can demonstrate to the satisfaction of the Administrator, that the absence of a balanced, indigenous population is caused solely by human perturbations other than the applicant's modified discharge.

(v) "Toxic pollutants" means those substances listed in 40 CFR 401.15.

(w) "Water quality standards" means applicable water quality standards which have been approved, left in effect, or promulgated under section 303 of the Clean Water Act.

(x) "Zone of initial dilution" (ZID) means the region of initial mixing surrounding or adjacent to the end of the outfall pipe or diffuser ports provided that the ZID may not be larger than allowed by mixing zone restrictions in applicable water quality standards.

§ 125.59 General.

(a) *Basis for application.* An application under this Subpart shall be based on a current, improved, or altered discharge into ocean waters or saline estuarine waters. (b) *Prohibitions:* No section 301(h) modified permit shall be issued:

(1) Where such issuance would not assure compliance with all applicable requirements of this Subpart and Part 122;

(2) For the discharge of sewage sludge; and

(3) Where such issuance would coflict with applicable provisions of State, local, or other Federal laws or Executive Orders. This includes compliance with the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 *et seq.;* the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.;* and Title III of the Marine Protection, Research and Sanctuaries Act, as amended, 16 U.S.C. 1431 *et seq.*

(c) *Applications.* Each applicant for a modified permit under this subpart shall submit an application to EPA signed in compliance with § 122.6(a)(3) which shall contain:

(1) A signed, completed NPDES Application Standard Form A, Parts I, II, III:

(2) A completed Application Questionnaire;

(3) The following certification:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in the attached document(s) and, based on my inquiry of those individuals immediately responsible for obtaining the information, I am convinced that the information is true, accurate and correct. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(d) *Revisions to applications.* (1) POTWs which submitted applications in accordance with the June 15, 1979 regulations (44 FR 34784) and whose applications were based on primary treatment levels or discharge characteristics at the time of application may revise their applications once to propose less-than-primary treatment levels.

(2) Applicants whose section 301(h) applications have been tentatively denied may revise their applications once to propose upgrading their proposed treatment levels and/or improving their outfall and diffuser location and design.

(3) POTWs which revise their applications must:

(i) Modify their NPDES form and Application Questionnaire as needed to assure that the information filed with their application is correct and complete;

(ii) Provide additional analysis and data as needed to demonstrate compliance with this subpart;

(iii) Obtain the State determinations required by §§ 125.60(b)(2) and 125.63(b); and

(iv) Provide the certification described in paragraph (c)(3) of this section.

(e) *Deadlines and distribution.* (1) Applications. (i) The original and one copy of an application must be submitted to the Office of Marine Discharge Evaluation, WH-546, U.S. Environmental Protection Agency, 401 M St. S.W., Washington, D.C., 20460 and to the appropriate EPA Regional Administrator no later than December 29, 1982.

(ii) A copy of the application must be provided to the State and interstate agency(s) authorized to provide certification/concurrence under §§ 124.53–124.55 on or before the date the application is submitted to EPA.

(2) Revisions to applications. Applicants desiring to revise their proposed treatment levels under paragraph (d) of this section must:

(i) Submit to the Office of Marine Discharge Evaluation a letter of intent to revise their application: (A) Within 45 days of the date of EPA's tentative decision on their original applications, or (B) within 45 days of promulgation of this provision if the comment period on a tentative decision has already closed. Following receipt by EPA of a letter of intent, further EPA proceedings on the tentative decision under 40 CFR 124 will be stayed.

(ii) Submit the revised application as described for new applications in paragraph (e)(1) of this section within one year of the date of EPA's tentative decision on their application.

(3) State determination deadline. State determinations, as required by § 125.60(b)(2) and § 125.63(b) shall be filed by the applicant with the Office of Marine Discharge Evaluation, WH-546, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, no later than 90 days after submission of the application or revision to EPA. Extensions to this deadline may be provided by EPA upon request. However, EPA will not begin review of the application or revision until a favorable State determination is received by EPA.

(f)(1) The Administrator may authorize or request an applicant to submit additional information by a specified date not to exceed one year from the date of authorization or request.

(2) Applicants seeking authorization to submit additional information on current/modified discharge characteristics, water quality, biological conditions or oceanographic characteristics must:

(i) Demonstrate that they made a diligent effort to provide such information with their application and were unable to do so, and

(ii) Submit a plan of study, including a schedule, for data collection and submittal of the additional information. EPA will review the plan of study and may require revisions prior to authorizing submission of the additional information under paragraph (f)(1) of this section.

(g) *Decisions on section 301(h) modifications.* (1) The decision to grant or deny a section 301(h) modification shall be made by the Administrator and shall be based on the applicant's demonstration that it has met all the requirements of §§ 125.59 through 125.65.

(2) No section 301(h) modified permit shall be issued until the appropriate State certification/concurrence is granted or waived pursuant to § 124.54 or, if the State denies certification/concurrence, pursuant to § 124.54.

(3) In the case of a modification issued to an applicant in a State administering an approved permit program under Part 123, the State Director may:

(i) Revoke an existing permit as of the effective date of the EPA issued section 301(h) modified permit; and

(ii) Cosign the section 301(h) modified permit, if the Director has indicated an intent to do so in the written concurrence.

(4) Any section 301(h) modified permit shall:

(i) Be issued in accordance with the procedures set forth in Part 124, except that, because section 301(h) permits may only be issued by EPA, the terms "Administrator or a person designated by the Administrator" shall be substituted for the term "Director" as appropriate; and

(ii) Contain all applicable terms and conditions set forth in Part 122 and § 125.67.

(5) Appeals of section 301(h) determinations shall be governed by the procedures in 40 CFR Part 124.

(6) At the expiration of the section 301(h) modified permit, the POTW should be prepared to support the continuation of the modification based on studies and monitoring performed during the life of the permit. Upon a demonstration meeting the statutory criteria and requirements of this subpart, the permit may be renewed under the applicable procedures of 40 CFR Part 124.

§ 125.60 Existence of and compliance with applicable water quality standards.

(a) There must exist a water quality standard of standards applicable to the pollutant(s) for which a section 301(h) modified permit is requested, including:

(1) Water quality standards for biochemical oxygen demand or dissolved oxygen;

(2) Water quality standards for suspended solids, turbidity, light transmission, light scattering or maintenance of the euphotic-zone; and

(3) Water quality standards for pH.

(b) The applicant must:

(1) Demonstrate that the modified discharge will comply with the above water quality standard(s); and

(2) Provide a determination signed by the State or interstate agency(s) authorized to provide certification under §§ 124.53 and 124.54 that the proposed modified discharge will comply with applicable provisions of State law including applicable water quality standards. This determination shall include a discussion of the basis for the conclusion reached.

§ 125.61 Attainment or maintenance of water quality which assures protection of public water supplies, the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities.

(a) *Physical characteristics of discharge.* (1) The applicant's outfall and diffuser must be located and designed to provide adequate initial dilution, dispersion and transport of wastewater to meet all applicable water quality standards at and beyond the boundary of the zone of initial dilution:

(i) During periods of maximum stratification and

(ii) During other periods when discharge characteristics, water quality, biological seasons, or oceanographic conditions indicate more critical situations may exist.

(2) Following initial dilution, the partially diluted wastewater and particulates must be transported and dispersed so as not to affect water use areas adversely (including recreational and fishing areas) and areas of biological sensitivity.

(b) *Impact of discharge on public water supplies.* (1) The applicant's modified discharge must allow for the attainment or maintenance of water quality which assures protection of public water supplies.

(2) The applicant's modified discharge must not:

(i) Prevent a planned or existing public water supply from being used, or from continuing to be used, as a public water supply; or

(ii) Have the effect of requiring treatment over and above that which would be necessary in the absence of such discharge in order to comply with local, State, and EPA drinking water standards.

(c) *Biological impact of discharge.* (1) The applicant's modified discharge must allow for the attainment or maintenance of water quality which assures protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife.

(2) A balanced, indigenous population of shellfish, fish and wildlife must exist:

(i) Immediately beyond the zone of initial dilution of the applicant's modified discharge and;

(ii) In all other areas beyond the zone of initial dilution where marine life is actually or potentially affected by the applicant's modified discharge.

(3) Conditions within the zone of initial dilution must not contribute to extreme adverse biological impacts, including, but not limited to, the destruction of distinctive habitats of limited distribution, the presence of disease epicenters, or the stimulation of phytoplankton blooms which have adverse effects beyond the zone of initial dilution.

(4) In addition, for modified discharges into saline estuarine waters:

(i) Benthic populations within the zone of initial dilution must not differ substantially from the balanced, indigenous populations which exist immediately beyond the boundary of the zone of initial dilution;

(ii) The discharge must not interfere with estuarine migratory pathways within the zone of initial dilution; and

(iii) The discharge must not result in the accumulation of toxic pollutants or pesticides at levels which exert adverse effects on the biota within the zone of initial dilution.

(d) *Impact of discharge on recreational activities.* (1) The applicant's modified discharge must allow for the attainment or maintenance of water quality which allows for recreational activities beyond the zone of initial dilution, including, without limitation, swimming, diving, boating, fishing, and picnicking and sports activities along shorelines and beaches.

(2) There must be no Federal, State, or local restrictions on recreational activities within the vicinity of the applicant's modified outfall unless such restrictions are routinely imposed around sewage outfalls. This exception shall not apply where the restriction would be lifted or modified, in whole or in part, if the applicant were discharging a secondary treatment effluent.

(e) *Additional requirements for applications based on improved or altered discharges.* An application for a section 301(h) modified permit on the basis of an improved or altered discharge must include:

(1) A demonstration that such improvements or alterations have been thoroughly planned and studied and can be completed or implemented expeditiously;

(2) Detailed analyses projecting changes in average and maximum monthly flow rates and composition of the applicant's discharge which are expected to result from proposed improvements or alterations.

(3) The assessments required by paragraphs (a) through (d) of this section based on its current discharge;

(4) A detailed analysis of how the applicant's planned improvements or alterations will comply with the requirements of paragraphs (a) through (d) of this section.

(f) *Stressed waters.* If an applicant believes that its failure to meet the requirements of paragraphs (a) through (e) of this section is attributable to conditions resulting from human perturbations other than its modified discharge (including, without limitation, other municipal or industrial discharges, nonpoint source runoff and the applicant's previous discharges), the applicant must demonstrate, to the satisfaction of the Administrator, that its modified discharge does not or will not:

(1) Contribute to, increase, or perpetuate such stressed conditions;

(2) Contribute to further degradation of the biota or water quality if the level of human perturbation from other sources increases; and

(3) Retard the recovery of the biota or water quality if the level of human perturbation form other sources decreases.

§ 125.62 Establishment of a monitoring program.

(a) *General requirements.* (1) The applicant must:

(i) Have a monitoring program designed to provide data to evaluate the impact of the modified discharge on the marine biota, demonstrate compliance with applicable water quality standards, and measure toxic substances in the discharge;

(ii) Describe the sampling techniques, schedules and locations (including appropriate control sites), analytical techniques, quality control and verification procedures to be used in the monitoring program;

(iii) Demonstrate that it has the resources necessary to implement the program upon issuance of the modified permit and to carry it out for the life of the modified permit, and

(iv) Determine the frequency and extent of the monitoring program taking into consideration the applicant's rate of discharge, quantities of toxic pollutants discharged, and potentially significant impacts on receiving water quality, marine biota, and designated water uses.

(2) The Administrator may require revision of the proposed monitoring program before issuing a modified permit and during the term of any modified permit.

(b) *Biological monitoring program.* The biological monitoring program for both small and large applicants shall provide data adequate to evaluate the impact of the modified discharge on the marine biota.

(1) Biological monitoring shall include to the extent practicable:

(i) Periodic surveys of the biological communities and populations which are most likely affected by the discharge to enable comparisons with baseline conditions described in the application;

(ii) Periodic determinations of the accumulation of toxic pollutants and pesticides in organisms and examination of adverse effects, such as disease, growth abnormalities, physiological stress, or death;

(iii) Sampling of sediments in areas of solids deposition in the vicinity of the ZID, in other areas of expected impact, and at appropriate reference sites to support the water quality and biological surveys and to measure the accumulation of toxic pollutants and pesticides; and

(iv) Where the discharge would affect commercial or recreational fisheries, periodic assessments of the conditions and productivity of fisheries.

(2) Small applicants are not subject to the requirements of paragraphs (1)(ii) through (1)(iv) of this section if they discharge at depths greater than 10 meters and can demonstrate through a suspended solids deposition analysis that there will be negligible seabed accumulation in the vicinity of the modified discharge.

(3) For applicants seeking a section 301(h) modified permit based on:

(i) A current discharge, biological monitoring shall be designed to demonstrate ongoing compliance with the requirements of § 125.61(c);

(ii) An improved discharge or altered discharge other than outfall relocation, biological monitoring shall provide baseline data on the current impact of the discharge and data which demonstrate, upon completion of improvements or alterations, that the requirements of § 125.61(c), are met; or

(iii) An improved or altered discharge involving outfall relocation, the biological monitoring shall:

(A) Include the current discharge site until such discharge ceases; and

(B) Provide baseline data at the relocation site to demonstrate the impact of the discharge and to provide the basis for demonstrating that requirements of § 125.61(c)(1) will be met.

(c) *Water quality monitoring program.* The water quality monitoring program shall to the extent practicable:

(1) Provide adequate data for evaluating compliance with applicable water quality standards;

(2) Measure the presence of toxic pollutants which have been identified or reasonably may be expected to be present in the discharge.

(d) *Effluent monitoring program.* In addition to the requirements of 40 CFR, Part 122, to the extent practicable, monitoring of the POTW effluent shall provide quantitative and qualitative data which will measure toxic substances and pesticides in the effluent and the effectiveness of the toxics control program.

§ 125.63 Effect of discharge on other point and nonpoint sources.

(a) No modified discharge may result in any additional pollution control requirements on any other point or nonpoint source.

(b) The applicant shall obtain a determination from the State or interstate agency(s) having authority to establish wasteload allocations indicating whether the applicant's discharge will result in an additional treatment, pollution control, or other requirement on any other point or nonpoint sources. The State determination shall include a discussion of the basis for its conclusion.

§ 125.64 Toxics control program.

(a) *Chemical analysis.* (1) The applicant shall submit at the time of application a chemical analysis of its current discharge for all toxic pollutants and pesticides as defined in § 125.58 (v) and (m). The analysis shall be performed on two 24 hour composite samples (one dry weather and one wet weather). Applicants may supplement or substitute chemical analyses if composition of the supplemental or substitute samples typifies that which occurs during dry and wet weather conditions.

(2) Unless required by the State, this requirement shall not apply to any small section 301(h) applicant which certifies that there are no known or suspected sources of toxic pollutants or pesticides.

(b) *Identification of sources.* The applicant shall submit at the time of application an analysis of the known or suspected sources of toxic pollutants or

pesticides identified in § 125.64(a). The applicant shall to the extent practicable categorize the sources according to industrial and nonindustrial types.

(c) *Industrial pretreatment requirements.* (1) An applicant which has known or suspected industrial sources of toxic pollutants shall have an approved pretreatment program, or shall develop a pretreatment program by July 1, 1983 or the date established in their NPDES permit, whichever is earlier.

(2) This requirement shall not apply to any applicant which has no known or suspected industrial sources of toxic pollutants or pesticides and so certifies to the Administrator.

(3) The pretreatment program or proposed compliance schedule submitted by the applicant under this section shall be subject to revision as required by the Administrator prior to issuing any section 301(h) modified permit and during the term of any such permit.

(4) Implementation of all existing pretreatment requirements and authorities must be maintained through the period of development of any additional pretreatment requirements that may be necessary to comply with the requirements of this subpart.

(d) *Nonindustrial source control program.* (1) The applicant shall submit a proposed public education program designed to minimize the entrance of nonindustrial toxic pollutants and pesticides into their POTW(s).

(2) In addition, the applicant shall also develop and implement a nonindustrial source control program on the earliest possible schedule. This requirement shall not apply to a small applicant which certifies that there are no known or suspected water quality, sediment accumulation, or biological problems related to toxic pollutants or pesticides in its discharge.

(3) The applicant's nonindustrial source control program under paragraph (d)(2) of this section shall include the following:

(i) A schedule of activities for identifying nonindustrial sources of toxic pollutants and pesticides; and

(ii) A schedule for the development and implementation of control programs, to the extent practicable, for nonindustrial sources of toxic pollutants and pesticides.

(4) Each proposed nonindustrial source control program submitted by the applicant under this section shall be subject to revision as determined by the Administrator prior to issuing any section 301(h) modified permit and during the term of any such permit.

§ 125.65 Increase in effluent volume or amount of pollutants discharged.

(a) No modified discharge may result in any new or substantially increased discharges of the pollutant to which the modification applies above the discharge specified in the section 301(h) modified permit.

(b) Where pollutant discharges are attributable in part to combined sewer overflows, the applicant shall minimize existing overflows and prevent increases in the amount of pollutants discharged;

(c) The applicant shall provide projections of effluent volume and mass loadings for any pollutants to which the modification applies in 5 year increments for the design life of its facility.

§ 125.66 [Reserved]

§ 125.67 Special conditions for section 301(h) modified permits.

Each section 301(h) modified permit issued shall contain, in addition to all applicable terms and conditions required by 40 CFR Part 122, the following:

(a) Effluent limitations and mass loadings which will assure compliance with the requirements of this Subpart;

(b) A schedule or schedules of compliance for:

(1) Pretreatment program development required by § 125.64(c);

(2) Nonindustrial toxics control program required by § 125.64(d); and

(3) Control of combined sewer overflows required by § 125.65.

(c) Monitoring program requirements that include:

(1) Biomonitoring requirements of § 125.62(b);

(2) Water quality requirements of § 125.62(c);

(3) Effluent monitoring requirements of § 125.62(d).

(d) Reporting requirements that include the results of the monitoring programs required by paragraph (c) at such frequency as prescribed in the approved monitoring program.

Appendix A—Small Applicant Questionnaire for Modification of Secondary Treatment Requirements

I. Introduction

This questionnaire is to be used by small applicants for modification of secondary treatment requirements under section 301(h) of the Clean Water Act (CWA). A small applicant has a contributing population to its wastewater treatment facility of less than 50,000 and a total discharge design flow of less than 5.0 million gallons per day (MGD, 0.22 m3/sec). The questionnaire is in two sections, a general information and basic requirements section and a technical evaluation section. Satisfactory completion of this questionnaire is necessary to enable EPA to determine whether the applicant's modified discharge meets the criteria of section 301(h) and EPA regulations (40 CFR, Part 125, Subpart G).

Guidance for responding to this questionnaire is provided by the Revised section 301(h) Technical Support Document. Where available information is incomplete and the applicant needs to collect additional data during the period it is preparing the application, EPA encourages the applicant to consult with EPA prior to data collection and submission of its application. Such consultation, particularly if the applicant provides a plan of study, will help assure that the proper data are gathered in the most efficient manner.

Where applicants diligently try but are unable to collect and submit all the information at the time of application, EPA requires that a plan of study for gathering and submitting the data be provided with the application. 40 CFR 125.59(f) states the procedures governing such post-application data collection activities.

Most small applicants should be able to complete the questionnaire using available information. However, small POTWs with low initial dilution that discharge to shallow waters or waters with poor, dispersion and transport characteristics; near distinctive and susceptible biological habitats; or with substantial quantities of toxics should anticipate the need to collect additional information and/or conduct additional analyses to demonstrate compliance with section 301(h) criteria.

II. General Information and Basic Data Requirements

Where your response to a question is "yes" or "no", explain the basis for the response. Where your answer indicates that you cannot meet a regulatory or statutory criteria, discuss why you believe you qualify for a section 301(h) variance.

A. Treatment System Description

1. Are you applying for a modification based on a current discharge, improved discharge, or altered discharge as defined in 40 CFR 125.58? (40 CFR 125.59(a))

2. Description of the Treatment/Outfall System (40 CFR 125.61(a) and 125.61(e))

a. Provide detailed descriptions and diagrams of the treatment system and outfall configuration which you propose to satisfy the requirements of section 301(h) and 40 CFR Part 125, Subpart G; What is the total discharge design flow upon which this application is based?

b. Provide a map showing the geographic location of the proposed outfall(s) (i.e., discharge). What is the latitude and longitude of the proposed outfall(s)?

c. For a modification based on an improved or altered discharge, provide a description and diagram of your current treatment system and outfall configuration; also, the outfall latitude and longitude, if different from the proposed outfall.

3. Effluent Limitations and Characteristics (40 CFR 125.60(b) and 125.61(e)(2))

a. Identify the final effluent limitations for five-day biochemical oxygen demand (BOD_5)

suspended solids, and pH upon which your application for a modification is based:

BOD_5 —— mg/1
Suspended solids —— mg/1
pH —— (range)

b. Provide available data on the following effluent characteristics for your current discharge; also, for the modified discharge if different from the current discharge:

—Flow (m3/sec) * * * minimum average dry weather, average wet weather, annual average, maximum;

—BOD_5 (mg/1): For minimum, average dry weather, average wet weather, maximum, and annual average plant flows;

—Suspended solids (mg/1): For minimum, average dry weather, average wet weather, maximum, and annual average plant flows;

—Toxic pollutants and pesticides (ug/1): List each identified toxic pollutant and pesticide;

—pH: minimum and maximum;

—Dissolved oxygen (mg/1, prior to chlorination): For minimum, average dry weather, average wet weather, maximum and annual average plant flows; and

—Immediate dissolved oxygen demand (mg/1).

4. Effluent Volume and Mass Emissions (40 CFR 125.61(e)(2) and 125.65(b))

Provide analyses showing projections of effluent volume (annual average, m3/sec) and mass loadings (mt/year) of BOD_5 and suspended solids for the design life of your treatment facility in five-year increments. If the application is based upon an improved or altered discharge, the projections must be provided with and without the proposed improvements or alterations.

5. Average Daily Industrial Flow (m3/sec) (40 CFR 125.64(a))

Provide or estimate the average daily industrial inflow to your treatment facility for the same time increments as in question II. A. 4 above.

6. Combined Sewer Overflows (40 CFR 125.65)

a. Does (will) your collection and treatment system include combined sewer overflows?

b. If yes, provide a description of your plan for minimizing combined sewer overflows to the receiving water.

7. Outfall/Diffuser Design. Provide available data on the following for your current discharge and for the modified discharge, if different: (40 CFR 125.61(a)(1))

—Diameter and length of the outfall(s), meters

—Diameter and length of the diffuser(s), meters

—Angle(s) of port orientations from horizontal, in degrees

—Port diameter(s) in meters and the orifice contraction coefficient(s), if known

—Vertical distance in meters between mean lower low water (or mean low water) surface and outfall port(s) centerline, meters

—Number of ports,

—Port spacing, meters

—Design flow rate for each port, if multiple ports are used (m3/sec)

B. Receiving Water Description

1. Are you applying for a modification based on a discharge to the ocean or to a saline estuary (40 CFR 125.58(r))? (40 CFR 125.59(a))

2. Is your current discharge or modified discharge to stressed waters? If yes, what are the pollution sources contributing to the stress? (40 CFR 125.61(f))

3. Provide a description and available data on the seasonal circulation patterns in the vicinity of your current and modified discharge(s). (40 CFR 125.61(a)(1) and (a)(2))

4. Ambient Water Quality Conditions During the Period(s) of Maximum Stratification.

a. Provide available data on the following in the vicinity of the current discharge and for the modified discharge if different: (40 CFR 125.60(b)(1))

—Dissolved oxygen (mg/l)

—Suspended solids (mg/l)

—pH

—Temperature (oC)

—Salinity (o/oo)

—Transparency (turbidity, percent light transmittance)

—Other significant variables (eg, nutrients, toxic pollutants and pesticides)

b. Are there other periods when receiving water quality conditions may be more critical than the period(s) of maximum stratification? If so, describe these other critical periods and provide the data requested in 4.a. for the other critical periods. (40 CFR 125.61(a)(1))

C. Biological Conditions

1. a. Are distinctive habitats of limited distribution (such as kelp beds or coral reefs) located in areas potentially affected by the modified discharge? (40 CFR 125.61(c)(1) and (c)(3))

b. If yes, provide available information on types, extent, and location of habitats.

2. a. Are commercial or recreational fisheries located in areas potentially affected by the modified discharge? (40 CFR 125.61(c)(1) and (c)(4))

b. If yes, provide available information on types, location and value of fisheries.

D. State and Federal Laws (40 CFR 125.60)

1. Are there water quality standards applicable to the following pollutants for which a modification is requested:

—Biochemical oxygen demand or dissolved oxygen?

—Suspended solids, turbidity, light transmission, light scattering, or maintenance of the euphotic zone?

—pH of the receiving water?

2. If yes, what is the water use classification for your discharge area? What are the applicable, numerical standards for your discharge area for each of the parameters for which a modification is requested? Provide a copy of the applicable standards or a cite where they can be found.

3. Will your modified discharge comply with applicable provisions of the Coastal Zone Management Act, Marine Protection, Research and Sanctuaries Act, and the Endangered Species Act? If yes, provide the required certifications of compliance. (40 CFR 125.59(b)(3))

4. Are you aware of any State or Federal Law or regulations (other than the Clean Water Act or the three statutes identified in item 3 above) or an Executive Order which is applicable to your discharge? If yes, provide sufficient information to demonstrate that your modified discharge will comply with such law(s) or order(s). (40 CFR 125.50(b)(3))

III. Technical Evaluation

Answers to the following questions will be used to assess the effects of the modified discharge. The responses will be used by the State agency(s) in their determination (as required by 40 CFR 125.60(b)(2) and 125.63(b)) and by EPA in preparing its decision on the applicant's request for a section 301(h) variance.

Your answers to the following questions must be supported by data and responses from Section II of this questionnaire and the analyses and calculations required below show the input data for all calculations. Where your answer to a question is "yes" or "no", explain the basis for your response. Where your answer indicates that you cannot meet a regulatory or statutory criteria, discuss why you believe you qualify for a variance.

If EPA decides to check calculations in an application, the formulas and methods provided in the Technical Support Document may be used for that purpose. If applicants use methods other than those provided in the Technical Support Document, such methods must be described by the applicant.

A. Physical Characteristics of Discharge (40 CFR 125.61(a))

1. What is the lowest initial dilution for your current and modified discharge(s) during the period(s) of maximum stratification? (and any other critical period(s) of discharge volume/composition, water quality, biological seasons, or oceanographic conditions?)

2. What are the dimensions of the zone of initial dilution for your modified discharge?

3. Will there be significant sedimentation of suspended solids in the vicinity of the modified discharge?

B. Compliance With Applicable Water Quality Standards (40 CFR 125.60(b))

1. What is the concentration of dissolved oxygen immediately following initial dilution for the period(s) of maximum stratification and any other critical period(s) of discharge volume/composition, water quality, biological seasons, or oceanographic conditions?

2. What is the farfield dissolved oxygen depression and resulting concentration due to BOD exertion of the wastefield during the period(s) of maximum stratification and any other critical period(s)?

3. What is the increase in receiving water suspended solids concentration immediately following initial dilution of the modified discharge(s)?

4. Does (will) the modified discharge comply with applicable water quality standards for:

—Dissolved oxygen?

—Suspended solids or surrogate standards?

—pH?

5. Provide the determination required by 40 CFR 125.60(b)(2) or a copy of a letter to the appropriate agency(s) requesting the required determination.

C. Impact on Public Water Supplies (40 CFR 125.61(b))

1. Is there a planned or existing public water supply (desalinization facility) intake in the vicinity of the current or modified discharge?

2. If yes,

a. what is the location of the intake(s) (latitude and longitude)?

b. will the modified discharge(s) prevent use of the intake(s) for public water supply?

c. will the modified discharge cause increased treatment requirements for the public water supply(s) to meet local, State, and EPA drinking water standards?

D. Biological Impact of Discharge (40 CFR 125.61(c))

1. Does (will) a balanced indigenous population of shellfish, fish, and wildlife exist:

(a) Immediately beyond the ZID of the current and modified discharge(s)?

(b) In all other areas beyond the ZID where marine life is actually or potentially affected by the current and modified discharge(s)?

2. Have distinctive habitats of limited distribution been impacted adversely by the current discharge and will such habitats be impacted adversely by the modified discharge?

3. Have commercial or recreational fisheries been impacted adversely (e.g., warnings, restrictions, closures, or mass mortalities) by the current discharge and will they be impacted adversely by the modified discharge?

4. For discharges into saline estuarine waters: (40 CFR 125.61(c)(4))

(a) Does or will the current or modified discharge cause substantial differences in the benthic population within the ZID and beyond the ZID?

(b) Does or will the current or modified discharge interfere with migratory pathways within the ZID?

(c) Does or will the current or modified discharge result in bioaccumulation of toxic pollutants or pesticides at levels which exert adverse effects on the biota within the ZID?

5. For improved discharges, will the proposed improvements alleviate adverse ecological impacts attributable to applicant's current discharge(s)? (40 CFR 125.61(f))

6. For altered discharge(s), will the altered discharge(s) comply with the 40 CFR 125.61(a) through 125.61(d)? (40 CFR 125.61(f))

7. If your current discharge is to stressed waters, does or will your current or modified discharge: (40 CFR 125.61(f))

(a) Contribute to, increase, or perpetuate such stressed condition?

(b) Contribute to further degradation of the biota or water quality if the level of human perturbation from other sources increases?

(c) Retard the recovery of the biota or water quality if human perturbation from other sources decreases?

E. Impacts of Discharge on Recreational Activities (40 CFR 125.61(d))

1. Describe the existing or potential recreational activities likely to be affected by the modified discharge(s) beyond the zone of initial dilution?

2. What are the existing and potential impacts of the modified dishcarge(s) on recreational activities?

3. Are there any Federal, State or local restrictions on recreational activities in the vicinity of the modified discharge(s)? If yes, describe the restrictions and cite available references.

4. If recreational restrictions exist, would such restrictions be lifted or modified if you were discharging a secondary treatment effluent?

F. Establishment of a Monitoring Program (40 CFR 125.62)

(1) Describe the biological, water quality, and effluent monitoring programs, which you propose to meet the criteria of 40 CFR 125.62?

(2) Describe the sampling techniques, schedules, and locations, analytical techniques, quality control and verification procedures to be used.

(3) Describe the personnel and financial resources available to implement the monitoring programs upon issuance of a modified permit and to carry it out for the life of the modified permit.

G. Effect of Discharge on Other Point and Non-point Sources (40 CFR 125.63)

1. Does (will) your modified discharge(s) cause additional treatment or control requirements for any other point or non-point pollution source(s)?

2. Provide the determination required by 40 CFR 125.63(b) or a copy of a letter to the appropriate agency(s) requesting the required determination.

H. Toxics Control Program (40 CFR 125.64)

1. a. Do you have any known or suspected industrial sources of toxic pollutants and pesticides?

b. If no, provide the certification required by (40 CFR 125.64(a)(2))

c. If yes, provide the results of wet and dry weather effluent analyses for toxic pollutants and pesticides.

d. Provide an analysis of known or suspected industrial sources of toxic pollutants and pesticides identified in (1)(c) above.

2. Do you have an approved industrial pretreatment program?

a. If yes, provide the date of EPA approval.

b. If no, and if required by 40 CFR Part 403 to have an industrial pretreatment program, provide a proposed schedule for development and implementation of your industrial pretreatment program to meet the requirements of 40 CFR Part 403.

3. Describe the public education program you propose to minimize the entrance of nonindustrial toxic pollutants and pesticides into your treatment system?

4. a. Are there any known or suspected water quality or biological problems related to toxic pollutants or pesticides from your modified discharge(s)?

b. If no, provide the certification required by 40 CFR 125.64(c)(2)?

c. If yes, provide a schedule for development and implementation of a nonindustrial toxics control program to meet the requirements of 40 CFR 125.64(d)(3).

Appendix B—Large Applicant Questionnaire for Modification of Secondary Treatment Requirements

I. Introduction

This questionnaire is to be used by large applicants for modification of secondary treatment requirements under section 301(h) of the Clean Water Act (CWA). A large applicant has a population contributing to its wastewater treatment facility of at least 50,000 or a total design flow of its discharge of at least 5.0 million gallons per day (MGD, 0.22 m3/sec). The questionnaire is in two sections, a general information and basic requirements section and a technical evaluation section. Satisfactory completion of this questionnaire is intended to enable EPA to determine whether the applicant's modified discharge meets the criteria of section 301(h) and EPA regulations (40 CFR, Part 125, Subpart G).

Guidance for responding to the questions is provided by the Revised section 301(h) Technical Support Document. Where available information is incomplete and the applicant needs to collect additional data during the period it is preparing the application, EPA encourages the applicant to consult with EPA prior to data collection and submission of its application. Such consultation, particularly if the applicant provides a plan of study, will help assure that the proper data are gathered in the most efficient manner.

Where applicants diligently try but are unable to collect and submit all the information at the time of application, EPA requires that a plan of study for gathering and submitting the data be provided with the application. 40 CFR 125.59(f) states the procedures governing such post-application data collection activities.

II. General Information and Basic Data Requirements

Where the response to a question is "yes" or "no", explain the basis for your conclusion. Where your answer indicates that you cannot meet a regulatory or statutory criteria, discuss why you believe you qualify for a section 301(h) variance.

A. Treatment System Description

1. Are you applying for a modification based on a current discharge, improved discharge, or altered discharge as defined in 40 CFR 125.58? (40 CFR 125.59(a))

2. Description of the Treatment/Outfall System (40 CFR 125.61(a) and 125.61(e))

a. Provide detailed descriptions and diagrams of the treatment system and outfall configuration which you propose to satisfy the requirements of section 301(h) and 40 CFR Part 125, Subpart G. What is the total discharge design flow upon which this application is based?

b. Provide a map showing the geographic location of the proposed outfall(s) (i.e., discharge). What is the latitude and longitude of the proposed outfall(s)?

c. For a modification based on an improved or altered discharge, provide a description and diagram of your current treatment system and outfall configuration; also, the outfall

latitude and longitude, if different from the proposed outfall.

3. Effluent Limitations and Characteristics (40 CFR 125.60(b) and 125.61(e)(2)))

a. Identify the final effluent limitations for Five-day biochemical oxygen demand (BOD_5), suspended solids, and pH upon which your application for a modification is based:

—BOD_5——mg/1
—Suspended solids——mg/1
—pH——(range)

b. Provide data on the following effluent characteristics for your current discharge; also, for the modified discharge if different from the current discharge:

—Flow (m3/sec): Minimum, average dry weather, average wet weather, annual average, maximum;

—BOD_5 (mg;1): For minimum, average dry weather, average wet weather, maximum, and annual average plant flows;

—Suspended solids (mg/1): For minimum, average dry weather, average wet weather, maximum, and annual average plant flows;

—Toxic pollutants and pesticides (ug/1): List each identified pollutant and pesticide;

—pH: Minimum and maximum;

—Dissolved oxygen (mg/1, prior to chlorination): For minimum, average dry weather, average wet weather, maximum, and annual average plant flows; and

—Immediate dissolved oxygen demand (mg/1)

4. Effluent Volume and Mass Emissions (40 CFR 125.61(e)(2) and 125.65(b))

Provide detailed analyses showing projections of effluent volume (annual average, m3/sec) and mass loadings (mt/year) of BOD_5 and suspended solids for the design life of your treatment facility in five-year increments. If the application is based upon an improved or altered discharge, the projections must be provided with and without the proposed improvements or alterations.

5. Average Daily Industrial Flow (m3/sec) (40 CFR 125.64(a))

Provide or estimate the average daily industrial inflow to your treatment facility for the same time increments as in question II. A. 4 above.

6. Combined Sewer Overflows (40 CFR 125.65)

a. Does (will) your collection and treatment system include combined sewer overflow?

b. If yes, provide a description of your plan for minimizing combined sewer overflows to the receiving water.

7. Outfall/Diffuser Design. Provide the following data for your current discharge; also, for the modified discharge, if different: (40 CFR 125.61(a)(1))

—Diameter and length of the outfall(s), meters

—Diameter and length of the diffuser(s), meters

—Angle(s) of port orientations from horizontal, in degrees

—Port diameter(s) in meters and the orifice contraction coefficient(s), if known

—Vertical distance in meters between mean lower low water (or mean low water) surface and outfall port(s) centerline, meters

—Number of ports,

—Port spacing, meters

—Design flow rate for each port, if multiple ports are used (m3/sec)

B. Receiving Water Description

1. Are you applying for a modification based on a discharge to the ocean or to a saline estuary (40 CFR 125.58(r))? (40 CFR 125.59(a))

2. Is your current discharge or modified discharge to stressed waters? If yes, what are the pollution sources contributing to the stress? (40 CFR 125.61(f))

3. Provide a description and data on the seasonal circulation pattern in the vicinity of your current and modified discharge(s). (40 CFR 125.61a))

4. Oceanographic Conditions in the Vicinity of the Current and Proposed Modified Discharge(s). Provide data on the following: (40 CFR 125.61(a)(3))

—Lowest ten percentile current speed (m/sec)

—Predominant current speed (m/sec) and direction (compass) during the four seasons

—Period(s) of maximum stratification (months)

—Period(s) of natural upwelling events (duration and frequency, months)

—Density profiles during period(s) of maximum stratification

5. Ambient Water Quality Conditions During the Period(s) of Maximum Stratification: At the zone of initial dilution (ZID) boundary, at other areas of potential impact, and at control stations: (40 CFR 125.61(a)(2)

a. Provide profiles (with depth) on the following for the current discharge and for the modified discharge, if different:

—BOD_5 (mg/1)
—Dissolved oxygen (mg/1)
—Suspended solids (mg/1)
—ph
—Temperature (oC)
—Salinity (o/oo)
—Transparency (turbidity, percent light transmittance)
—Other significant parameters (eg, nutrients, toxic pollutants and pesticides)

b. Are there other periods when receiving water quality conditions may be more critical than the period(s) of maximum stratification? If so, describe these other critical periods and provide the data requested in 5.a. for the other critical period(s). (40 CFR 125.61(a)(1))

6. Provide data on steady state sediment dissolved oxygen demand and dissolved oxygen demand due to resuspension of sediments in the vicinity of your current and modified discharge(s) (mg/1/day).

C. Biological Conditions

1. Provide a detailed description of representative biological communities (eg, plankton, macrobenthos, demersal fish, etc.) in the vicinity of your current and modified discharge(s) * * * within the ZID, at the ZID boundary, at other areas of potential, discharge-related impact, and at reference (control) sites. Community characteristics to be described shall include (but not be limited to) species composition; abundance; dominance and diversity; spatial/temporal distribution; growth and reproduction; disease frequency; trophic structure and productivity patterns; presence of opportunistics species; bioaccumulation of toxic materials; and the occurrence of mass mortalities.

2. a. Are distinctive habitats of limited distribution (such as kelp beds or coral reefs) located in areas potentially affected by the modified discharge? (40 CFR 125.61(c)(1) and (c)(J))

b. If yes, provide information on type, extent, and location of habitats.

3. a. Are commercial or recreational fisheries located in areas potentially affected by the discharge? (40 CFR 125.61(c)(1) and (c)(4))

b. If yes, provide information on types, location, and value of fisheries.

D. State and Federal Laws (40 CFR 125.60)

1. Are there water quality standards applicable to the following pollutants for which a modification is requested:

—Biochemical oxygen demand or dissolved oxygen?

—Suspended solids, turbidity, light transmission, light scattering, or maintenance of the euphotic zone?

—pH of the receiving water?

2. If yes, what is the water use classification for your discharge area? What are the applicable, numerical standards for your discharge area for each of the parameters for which a modification is requested? Provide a copy of the applicable standards or a cite where they can be found.

3. Will the modified discharge comply with applicable provisions of the Coastal Zone Management Act, Marine protection, Research and Sanctuaries Act, and the Endangered Species Act? If yes, provide the required certifications of compliance. (40 CFR 125.59(b)(3))

4. Are you aware of any State or Federal Laws or regulations (other than the Clean Water Act or the three statutes identified in item 3 above) or an Executive Order which is applicable to your discharge? If yes, provide sufficient information to demonstrate that your modified discharge will comply with such law(s) or order(s). (40 CFR 125.60(b)(3))

III. Technical Evaluation

Answers to the following questions will be used to assess the effects of the modified discharge. The responses will be used by the State agency(s) in their determination (as required by 40 CFR 125.60(b)(2) and 125.63(b)), and by EPA in preparing its decision on the applicant's request for a section 301(h) variance.

Your answers to the following questions must be supported by data and responses from Section II of this questionnaire and the analyses and calculations required below. Show the input data for all calculations. Where your answer to a question is "yes" or "no", explain the basis for your response. Where your answer indicates that you cannot meet a regulatory or statutory criteria, discuss why you believe you qualify for a variance.

If EPA decides to check calculations in an application, the formulas and methods provided in the Technical Support Document may be used for that purpose. If applicants use methods other than those provided in the

Technical Support Document, such methods must be described by the applicant.

A. Physical Characteristics of Discharge (40 CFR 125.61(a))

1. What is the critical initial dilution for your current and modified discharge(s) during the period(s) of maximum stratification? (and any other critical period(s) of discharge volume/composition, water quality, biological seasons, or oceanographic conditions?)

2. Is there sufficient dilution water available to provide the calculated initial dilutions?

3. What are the dimensions of the zone of initial dilution for your modified discharge(s)?

4. What are the effects of ambient currents and stratification on dispersion and transport of the discharge plume/wastefield?

5. Sedimentation of suspended solids

a. What fraction of the modified discharge suspended solids will accumulate within the vicinity of the modified discharge?

b. What are the calculated area(s) and rate(s) of sediment accumulation within the vicinity of the modified discharge(s) (g/m2/yr)?

c. What is the fate of settleable solids transported beyond the calculated sediment accumulation area?

B. Compliance with Applicable Water Quality Standards (40 CFR 125.60(b))

1. What is the concentration of dissolved oxygen immediately following initial dilution for the period(s) of maximum stratification and any other critical period(s) of discharge volume/composition, water quality, biological seasons, or oceanographic conditions?

2. What is the farfield dissolved oxygen depression and resulting concentration due to BOD exertion of the wastefield during the period(s) of maximum stratification and any other critical period(s)?

3. What are the dissolved oxygen depressions and concentrations due to steady state sediment demand and resuspension of sediments?

4. What is the increase in receiving water suspended solids concentration immediately following initial dilution of the modified discharge(s)?

5. What is the change in receiving water pH immediately following initial dilution of the modified discharge(s)?

6. Does (will) the modified discharge comply with applicable water quality standards for:

—Dissolved oxygen?

—Suspended solids or surrogate standards?

—pH?

7. Provide the determination required by 40 CFR 125.60(b)(2) or a copy of a letter to the appropriate agency(s) requesting the required determination.

C. Impact on Public Water Supplies (40 CFR 125.61(b))

1. Is there a planned or existing public water supply (desalinization facility) intake in the vicinity of the current or modified discharge?

2. If yes,

a. What are the latitude and longitude of the intake(s)?

b. Will the modified discharge(s) prevent use of the intake(s) for public water supply?

c. Will the modified discharge cause increased treatment requirements for the public water supply(s) to meet local, State, and EPA drinking water standards?

D. Biological Impact of Discharge (40 CFR 125.61(c))

1. Does (will) a balanced indigenous population of shellfish, fish, and wildlife exist:

a. Immediately beyond the ZID of the current and modified discharge(s)?

b. In all other areas beyond the ZID where marine life is actually or potentially affected by the current and modified discharge(s)?

2. Have distinctive habitats of limited distribution been impacted adversely by the current discharge and will such habitats be impacted adversely by the modified discharge?

3. Have commercial or recreational fisheries been impacted adversely by the current discharge (e.g., warnings, restrictions, closures, or mass mortalities) or will they be impacted adversely by the modified discharge?

4. Does the current or modified discharge cause the following within or beyond the ZID: (40 CFR 125.61(c)(3))

a. Mass mortality of fishes or invertebrates due to oxygen depletion, high concentrations of toxics or other conditions?

b. An increased incidence of disease in marine organisms?

c. An abnormal body buden of any toxic material in marine organisms?

d. Any other extreme, adverse biological impact?

5. For discharges into saline estuarine waters: (40 CFR 125.61(c)(4))

a. Does or will the current or modified discharge cause substantial differences in the benthic population within the ZID and beyond the ZID?

b. Does or will the current or modified discharge interfere with migratory pathways within the ZID?

c. Does or will the current or modified discharge result in bioaccumulation of toxic pollutants or pesticides at levels which exert adverse effects on the biota within the ZID?

6. For improved discharges, will the proposed improvements alleviate adverse ecological impacts attributable to your current discharge(s)? (40 CFR 125.61(e)).

7. For altered discharge(s), will the altered discharge(s) comply with the 40 CFR 125.61(a) through 125.61(d)?

8. If your current discharge is to stressed waters, does or will your current or modified discharges:

a. Contribute to, increase, or perpetuate such stressed condition?

b. Contribute to further degradation of the biota or water quality if the level of human perturbation from other sources increases?

c. Retard the recovery of the biota or water quality if human perturbation from other sources decreases?

E. Impacts of Discharge on Recreational Activities (40 CFR 125.61(d))

1. Describe the existing or potential recreational activities likely to be affected by the modified discharge(s) beyond the zone of initial dilution.

2. What are the existing and potential impacts of the modified discharge(s) on recreational activities?

3. Are there any Federal, State or local restrictions on recreational activities in the vicinity of the modified discharge(s)? If yes, describe the restrictions and cite available references.

4. If recreational restrictions exist, would such restrictions be lifted or modified if you were discharging a secondary treatment effluent?

F. Establishment of a Monitoring Program (40 CFR 125.62)

1. Describe the biological, water quality, and effluent monitoring programs which you propose to meet the criteria of 40 CFR 125.62.

2. Describe the sampling techniques, schedules, and locations, analytical techniques, quality control and verification procedures to be used.

3. Describe the personnel and financial resources available to implement the monitoring programs upon issuance of a modified permit and to carry it out for the life of the modified permit.

G. Effect of Discharge on Other Point and Non-point Sources (40 CFR 125.63)

1. Does (will) your modified discharge(s) cause additional treatment or control requirements for any other point or non-point pollution source(s)?

2. Provide the determination required by 40 CFR 125.63(b) or a copy of a letter to the appropriate agency(s) requesting the required determination.

H. Toxics Control Program (40 CFR 125.64)

1. a. Do you have any known or suspected industrial sources of toxic pollutants or pesticides? b. If no, provide the certification required by 40 CFR 125.64(c)(2).

2. Provide the results of wet and dry weather effluent analyses for toxic pollutants and pesticides as required by 40 CFR 125.64(a)(1).

3. Provide an analysis of known or suspected industrial sources of toxic pollutants and pesticides identified in 2. above.

4. Do you have an approved industrial pretreatment program?

a. If yes, provide the date of EPA approval.

b. If no, and if required by 40 CFR Part 403 to have an industrial pretreatment program, (40 CFR 125.64(c)(2)) provide a proposed schedule for development and implementation of your industrial pretreatment program to meet the requirements of 40 CFR Part 403.

5. Describe the public education program you propose to minimize the entrance of nonindustrial toxic pollutants and pesticides into your treatment system.

6. Provide a schedule for development and implementation of a nonindustrial toxics

control program to meet the requirements of 40 CFR 125.64(d)(3).

PART 124—PROCEDURES FOR DECISIONMAKING

3. The authority citation for Part 124 reads as follows:

Authority: Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*; Safe Drinking Water Act, 42 U.S.C. 300f *et seq.*; and Clean Water Act, 42 U.S.C. 300f *et seq.*; and

§ 124.65 [Removed and reserved]

4. 40 CFR Part 124 is amended by removing and reserving section 124.65.

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Tuesday
June 8, 1982

Part III

Department of Education

Special Programs for Students From Disadvantaged Backgrounds; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 642, 643, 644, 645, and 646

Special Programs for Students From Disadvantaged Backgrounds

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary is issuing final regulations for the consideration of the prior experience of applicants applying for new awards under the Special Programs for Students from Disadvantaged Backgrounds (Upward Bound, Talent Search, Special Services for Disadvantaged Students, Educational Opportunity Centers, and Training) if the applicant previously received a grant under the same program for which it is currently applying. The regulations are necessary to implement a provision added to the Special Programs legislation by the Education Amendments of 1980.

EFFECTIVE DATE: Unless Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register.** If you want to know the effective date of these regulations, call or write the Department of Education contact person. At a future date the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Mary Kathleen Smith, (Room 3514, ROB-3) Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245-2511.

SUPPLEMENTARY INFORMATION: The Education Amendments of 1980 changed the Special Programs for Students from Disadvantaged Backgrounds in many respects. Final regulations that reflected most of these changes have been published in the **Federal Register.**

One of the changes requires the Secretary to consider the prior experience of an applicant for a grant under the Special Programs if the applicant is applying for a new grant under the same program. For example, if an applicant for a new Upward Bound grant has previously been awarded a grant to carry out an Upward Bound project, the Secretary must take into account, when evaluating the applicant for a new grant, the applicant's experience under the grant.

Summary of Comments, Responses, and Changes

In the notice of proposed rulemaking published in the **Federal Register** on December 14, 1981 (45 FR 61060-61064), the Secretary invited comments on the proposed regulations for the evaluation of past performance of Special Programs applicants.

The following includes a summary of the substantive public comments received and the Secretary's response to those comments, including any changes. The comments and responses are organized in the same order as the referenced sections are organized in these final regulations. Section headings in parentheses are the headings that appeared in the notice of proposed rulemaking but that have been retitled in these final regulations. In addition, some technical and editorial revisions have been made in the language of the regulations.

General Comments, Responses, and Changes Applicable to All Special Programs.

Comment. Several commenters took exception to the substitution of "evaluation of past performance" in place of "consideration of prior experience." The commenters noted that the authorizing legislation stated that the Secretary should "consider the prior experience of service delivery under the particular programs for which funds are sought by each applicant." The commenters interpreted this to mean that the Congress intended that a priority ranking be given to established projects being considered for funding, and that the Congress was primarily concerned with the continuity of delivery of services to project participants at existing project sites. The commenters noted further that the proposed regulations rather than providing a presumption of continuity for those projects which deliver effective services are given the added burden of establishing why they should not be discontinued.

Response. A change has been made. The Secretary has deleted the phrase "past performance" and has substituted "prior experience." However, the Secretary intends to evaluate each project's "prior experience of service delivery" to determine if the project has been effective. While the Secretary concurs that continuity of services to project participants is an important consideration, consideration must also be given to the quality and effectiveness of those services. It would be unlikely that Congress intended for ineffective projects to receive the same "consideration" as effective projects. Therefore, the Secretary will consider the prior experience on the basis of the criteria in paragraph (c) of each section.

The Secretary does not believe that those criteria place an added burden on projects. It should be noted that these regulations will not increase the costs of recordkeeping, project evaluation, and reporting for grantees. The Secretary, using information and reports otherwise required, determines the applicant's success in meeting previously agreed upon administrative requirements and programmatic objectives.

Comment. Several commenters expressed concern over the lack of reference in the proposed regulations to the procedure for evaluation. The commenters questioned who would be responsible for evaluating the prior experience of the applicant—proposal readers or Department of Education personnel.

Response. No change has been made. The Secretary intends for proposal readers to evaluate the application on the basis of the selection criteria and for personnel in the Department to review and evaluate the prior experience of service delivery for those applicants that have been previously funded on the basis of criteria in paragraph (c) of these sections. The procedure is consistent with 34 CFR 75.217 of EDGAR which details how the Department selects applications for new grants. Paragraphs (d) and (e) of § 75.217 detail the procedures to be used for priority considerations in ranking applications.

At the time the rank order listing is signed by the responsible official a notification will be mailed immediately to all current projects that have not ranked high enough for continued funding. This notification will inform the applicant of the reasons for the score (see § 75.218).

If a project believes that the application was not selected for funding because it was mishandled by the Department, action may be initiated in accordance with § 75.222.

Comment. Several commenters requested that the Secretary include in the final regulations an appeals process. The commenters were concerned that a process is needed for those instances in which a report that had been submitted cannot be located by the Department, where negotiated changes in the program plan were not recorded or attached to the original application, and for any other reasons in which the Department is liable for the lack of information. The commenters recommended that a section be added under each part that gives reference to EDGAR §§ 75.218, 75.219, and 75.222 since these sections specify the conditions under which an application may be reviewed for mishandling on the part of the Department.

Response. No change has been made. The Secretary has decided that to

specifically reference those parts of EDGAR in each regulation would be repetitive since Parts 75 and 77 of EDGAR are incorporated by reference into each program regulations (§ 642.4; § 643.5; § 644.5; § 645.5; and § 646.5).

Comment. One commenter suggested that if a project is to be penalized for failure to meet administrative or programmatic objectives, it should be notified in advance by the Department. The commenter suggested that the regulations include provisions for a project to receive written notification of areas in which it is failing so that corrective action can be taken.

Response. No change has been made. The Secretary believes the regulation is unnecessary. The Department routinely informs grantees if their reports have not been received—first by letter then followed up by telephone. The Department sends all grantees that have had a site visit a report of the Department's findings. Also, for any audits that are conducted, audit reports are shared with the grantee. Finally, the grantee can determine for itself at any point in its grant whether it is meeting its programmatic objectives since these objectives have been previously agreed upon as a condition of the grant award. No applicants will be "penalized for failure to meet objectives" but rather they will fail to earn as great a priority advantage as a result of their established prior experience. This distinction is important to make in an application process that is to be equitable to all applicants.

Comment. Two commenters expressed concern over the fact that no allowance was made for a start up period. The commenters stated that it takes a while for a project to show results. The commenters suggested that some consideration should be given to the length of time the project has been in operation and the progress the project is making toward accomplishing its objectives.

Response. No change has been made. The Secretary has provided all applicants with prior experience the opportunity to furnish information in their application which supplements data previously furnished. The Secretary, however, does recognize that project results in the initial months of a new project are minimal and will take that into account when evaluating prior experience.

Comment. One commenter expressed concern that asking for three years prior experience would penalize applicants that might have lost funding after many years of successful experience (Paragraph (a) of the proposed regulations). The commenter recommended that there be some way for evaluators to take into account the depth of experience beyond the arbitrary three-year cut off.

Response. No change has been made. The Secretary has determined that a three-year period is most feasible: project records are available on location, and grant records are readily available in the Department.

Comment. Numerous commenters took exception to deducting points from the score obtained on the application (§§ 642.32(b)(1); 643.32(b)(1); 644.32(b)(1); 645.32(b)(1); and 646.32(b)(1) of the proposed regulations). The commenters noted that the legislation did not require deducting points nor did the committee report imply the use of negative weighting. In addition, the commenters pointed out that the use of a negative points system in the evaluation of applications for funding of discretionary programs in the Department of Education is unprecedented.

Response. A change has been made. The Secretary has revised the regulations and has deleted the use of negative points. The Secretary agrees with the commenters that consideration of prior experience was intended to provide a degree of advantage to those applicants that had successfully fulfilled their obligations under previous grants. The Secretary believes that those applicants that had no prior experience and those whose experience has been less than successful should compete on an equal footing. That is, their applications would be scored solely on the basis of the selection criteria for the program. To penalize some applicants based on their poor prior experience would have the effect of automatically negating the evaluation of the application based on the selection criteria.

Comment. Numerous commenters expressed concern over the Secretary's decision to award a maximum of 20 points to previously funded applicants (§§ 642.32(b) (2) and (3); 643.32(b) (2) and (3); 644.32(b) (2) and (3); 645.32(b) (2) and (3); and 646.32(b) (2) and (3)).

These commenters pointed out that the Senate report stated that the committee expected that the Secretary would provide sufficient weight to the past experience criteria and as a guideline urged the Secretary to provide at least a 30 percent weighting factor for past experience. The commenters went on to urge the Secretary to provide 30 points for prior experience.

Response. A change has been made in Parts 643, 644, 645, and 646. The Secretary, in analyzing the effect of a 30 point weighting factor on the FY 1980 funding slates (the most recent year in which funds were awarded in their entirety on the basis of a new competition), discovered that an applicant could have ranked in the lowest decile and, had it been awarded 30 points for prior experience, would have jumped over a substantial number of higher ranking applications to be funded. The Senate report suggested 30 percent as a guideline not as an absolute requirement. Given the quality of applications that fall in the bottom quartile, much less those in the bottom decile, the Secretary believes that a weighting factor of up to 30 points is too great. Instead, a weighting factor of up to 15 points for successful prior experience will assure high quality projects and still recognize the importance of continuity of services to participants.

A change has been made to § 642.32. The Secretary has decided to award up to 8 priority points when considering the prior experience of applicants for the Training Program. The Training Program does not provide services directly to disadvantaged participants in specific locations. Rather the Training Program provides training for project staff and the kinds of training (internships, workshops, conferences, seminars), the training content, and the participants may vary from year-to-year. Since continuity of services to participants over an extended period of time is not a major consideration of this program, the number of priority points has been reduced.

Comment. Several commenters noted that paragraphs (b)(1) to (b)(3) of the proposed regulations were cumbersome and did not provide for those circumstances in which some program objectives and administrative requirements were not met, some were met, and some were exceeded. They pointed out that failure to meet one objective or administrative requirement would preclude the possibility of receiving any positive points, regardless of the extent to which all other objectives were met or exceeded.

Response. A change has been made. Paragraph (b) of each prior experience section has been revised. The Secretary has assigned a maximum number of points for each criterion. Therefore, it is possible for an applicant to fail to meet one of the criteria and still score points for the remaining criteria.

The Secretary uses the following as a guideline to determine the points to award for each criterion:

- Failed to meet the criterion—zero points awarded

• Marginally met the criterion—one-half of the maximum possible points for the criterion awarded

• Fully met the criterion—maximum possible points for the criterion awarded.

Comment. Several commenters expressed concern over the informational sources that would be used to assess prior experience (§§ 642.32(c); 643.32(c); 644.32(c); 645.32(c); and 646.32(c) of the proposed regulations). They pointed out that referring only to the funded application does not acknowledge the possibility of changes in project scope made from the original application at the time of award or throughout the project's grant period. The commenters suggested that "negotiated program plan(s)" and "project evaluation reports" become part of the possible sources of information upon which determinations are made.

Response. A change has been made. The Secretary has added "negotiated program plan(s)" and "project evaluation reports" to paragraph (c) of these final regulations as additional information sources that will be used in considering the prior experience of service delivery of each applicant.

Comment. One commenter expressed concern over the variety of sources from which the Secretary will obtain information regarding projects. Some projects may not have had site visits; some projects provide more information than others in the narrative section of their performance reports. The commenter suggested that specific criteria for the evaluation of project experience be stated so that the information required to document the criteria can be gathered in a timely, uniform, and accurate manner.

Response. No change has been made. The Secretary will use all available information to determine the point score to be awarded. All projects cannot be audited or visited. These processes, however, are used to validate information already submitted. These regulations state the specific criteria that will be used to evaluate prior experience of service delivery and if a project wishes to submit more information than has already been submitted, the project may include this documentation with their new application.

Comment. Several commenters urged the Secretary to not use the criteria in paragraph (c) of each section because the projects did not know at the outset of their current grants the basis upon which the Secretary would assess the applicant's prior experience.

Response. No change has been made. The criteria in paragraph (c) for determining the prior experience of service delivery relate to the legislated goals of the programs, to project management, to common Department requirements, and to commitments made by applicants at the time of their previous grant award. Care was taken when developing these regulations, not to base experience factors on new requirements; all requirements are provisions that funded projects are currently required to meet as conditions of their grant awards.

Comment. One commenter urged the Secretary to make some provisions for extenuating circumstances when evaluating the extent to which a project has served the number of participants it was funded to serve (paragraph (c)(1) of the regulations). The commenter noted that it would be unfair to lose points because of a problem over which it had no control.

Response. No change has been made. The Secretary believes no change is needed. A project may, at any time throughout their grant, negotiate changes in their program plan. These changes would then become a source document for evaluating the number served; not the originally funded application.

Comment. One commenter noted that the proposed regulations read: "The extent to which the applicant has met all administrative requirements * * *" (§§ 642.32(c)(4); 643.32(c)(5); 644.32(c)(5); 645.32(c)(5); and 646.32(c)(6) of the proposed regulations). The commenter pointed out that the phrase "extent to which" implies a continuum of accomplishment. The commenter recommended that, for clarity, "all" be deleted.

Response. A change has been made. The Secretary has adopted the suggestion and has deleted the word "all" from these final regulations.

Comment. Several commenters urged the Secretary to provide credit for applicant support of the program. One commenter requested that credit be given for efforts of an organization to sustain a program after losing funding. Another commenter requested that credit be given for efforts of an institution to provide additional support mechanisms for the project.

Response. No change has been made. The applicant is given credit for institutional support and commitment under the selection criteria for each program.

Program Specific Comments

Part 642—Training Program for Special Programs Staff and Leadership Personnel

§ 642.32 Prior experience. (Past performance.)

Comment. Several commenters expressed their concern regarding § 642.32(c)(2) of the proposed regulations. They stated that the proposed rule would be difficult to evaluate because no definition exists as to what skills are required to meet the needs of disadvantaged students. The commenters stated that such a short training time is inadequate to develop these skills and knowledge. The commenters suggested that the paragraph be revised to read: "The extent to which the institution or organization provided training * * * which was designed to improve the operation of Special Programs projects in accordance with its negotiated program plan." The commenters noted that this revision is in accordance with the legislative language and would compare the completed program against its previously approved program plan.

Response. No change has been made. All training projects contain desired participant outcomes. Training projects are required to utilize evaluation procedures that enable them to determine the effectiveness of the training provided (see 34 CFR 75.205 and 75.590.) The criterion, as written, requires—for maximum priority advantage to be awarded—that evidence exists documenting benefits received from the previously conducted training.

Part 643—Talent Search Program

§ 643.32 Prior experience. (Past performance.)

Comment. Numerous commenters expressed confusion over the requirements of § 643.32(c)(2) of the proposed regulations concerning the extent to which the high school graduation rate of project participants is higher than the graduation rates in the target schools before the Talent Search Program began. Several commenters pointed out that it would seem more logical and appropriate for evaluation to focus on dropouts and others served and the extent to which those served returned to high school or completed the GED.

Other commenters noted that Talent Search projects often recruit participants from the community as well as from the high schools. Some of these participants, they stated, may not return

to high school, but may elect to complete the GED. The commenters questioned how these participants would figure into the graduation rate.

Other commenters questioned whether the comparison was between the graduation rates of the participants and the rates of those at the target school of like socio-economic backgrounds or the rates of the student body as a whole at the target schools. Comparisons with the student body as a whole, the commenters noted, would be unreasonable because many projects serve students from target schools that have the majority of the student body from higher socio-economic backgrounds and, therefore, the target schools' graduation rates are high.

Still other commenters objected to the proposed regulation because the regulation required a comparison of project accomplishments of the prior three years with the status quo prior to the beginning of the project. They noted that if the project has been in operation for only three years, there may not be a problem; if, however, the project has been funded for more than three years, there is a problem. Those problems, they stated, include lack of available data and irrelevant data in the case of shifts in demographic distribution and general economic change.

Other commenters expressed concern over the lack of a common definition of "graduation rate." They questioned whether the rate is computed by comparing the number of ninth graders in the Fall of 1976 with the number of students receiving diplomas in 1980 or whether the rate is computed by comparing the number of seniors in the Fall of 1979 with the number receiving diplomas in the Spring of 1980.

Finally, other commenters noted that the regulation limits project achievement to the work done with high school seniors and does not take into account that many projects focus on working with high school dropouts or students below the twelfth grade.

Response. A change has been made. The Secretary has revised § 643.32(c)(2) to read as follows: "The extent to which the project was successful in encouraging project participants to complete high school." This revision should answer all of the concerns expressed by the commenters since projects may address how they have served dropouts, twelfth graders, and those below the twelfth grade. Projects may provide supporting documentation that shows the impact of the project on the target area and in the target schools. The Secretary has decided to allow this flexibility in responding to this criterion.

Comment. Numerous commenters expressed concerns about the requirements of § 643.32(c)(3) of the proposed regulations concerning the extent to which postsecondary placement of project participants is higher than the placement rates of the target schools before the Talent Search project began. The commenters stated the same arguments supporting those concerns as they expressed in their comments on § 643.32(c)(2) in this preamble.

Other commenters suggested it would be appropriate to focus on the actual number of participants who enrolled in postsecondary institutions.

In addition, other commenters indicated that valid data about postsecondary placement rates for the target high schools are not available in many areas.

Response. A change has been made. The Secretary has revised § 643.32(c)(3) to read as follows: "The extent to which the project was successful in encouraging project participants to undertake a program of postsecondary education." This revision answers the concerns of the readers and follows the language of the authorizing legislation: "to encourage such youth * * * to undertake a program of postsecondary education."

Part 644—Educational Opportunity Centers Program

§ 644.32 Prior experience. (Past performance.)

(No program specific comments were received on this program.)

Part 645—Upward Bound Program

§ 645.32 Prior experience. (Past performance.)

Comment. Numerous commenters expressed concerns regarding the requirements of § 645.32(c)(2)(i) of the proposed regulations regarding the extent to which the high school graduation rate of the participants is greater than the high school graduation rates of the target schools. Many of the commenters stated the same arguments supporting those concerns as were expressed in the comments on § 643.32(c)(2) in this preamble.

In addition to those comments, other commenters questioned what a project should do if it is working with several target schools: should the target schools' graduation rates be considered individually; should the rate of the Upward Bound students from a particular high school be compared with their particular high school's graduation rate, or, should the various target schools' rates be averaged?

Response. A change has been made. The Secretary has revised § 645.32(c)(2) to read as follows: "The extent to which the project has generated the skills and motivation in project participants that are necessary for admission to an educational program beyond high school." This would allow Upward Bound projects to use available documentation and evidence of improved academic performance, increased high school retention, completion of requirements for GED or high school diploma and so forth.

Comment. Several commenters noted that § 645.32(c)(2)(ii) of the proposed regulations was unclear. The commenters questioned whether a project must provide all of the services listed for Veterans.

Response. A change has been made. The Secretary has deleted § 645.34(c)(2)(ii) from these final regulations. Projects that serve veterans will be evaluated using the same criteria as is used for Upward Bound projects that serve high school youth. Therefore, the Secretary has also deleted paragraph (c)(3)(ii) of the proposed regulations from these final regulations.

Comment. Numerous commenters expressed concerns about the requirements of § 645.32(c)(3)(i) of the proposed regulations regarding the extent to which the postsecondary enrollment rate of the project participants is greater than the postsecondary enrollment rates of the target schools. Many of the commenters stated the same arguments supporting those concerns as were expressed in the comments on § 643.32(c)(2) and § 645.32(c)(2)(i) in this preamble.

Other commenters noted that a substantial number of rural or small high schools do not maintain records relating to postsecondary placement.

Some commenters pointed out that many high schools have data only on the intentions of seniors to pursue a postsecondary program, not follow-up data on those who actually enrolled.

Several commenters suggested that the paragraph be revised to read as follows: "The extent to which the postsecondary enrollment rate of project participants meets the rate proposed in the negotiated program plan."

Response. A change has been made. The Secretary has revised the paragraph to read: "The extent to which project participants, upon completion of project services, undertake a program of postsecondary education." The suggested wording of the commenters was not taken because many funded Upward Bound projects do not have as part of their negotiated program plan a

proposed placement rate. This criterion as now written provides an opportunity for an applicant to report its success in aiding its participants to continue their education in postsecondary schools.

Part 646—Special Services for Disadvantaged Students Program

§ 646.32 Prior experience. (Past performance.)

Comment. Many commenters expressed concern over the provisions of § 646.32(c)(2) of the proposed regulations regarding the extent to which project participants received sufficient financial assistance.

Several commenters questioned whether there was a standard definition for "sufficient financial assistance."

Other commenters noted that the project has no control over this criterion. The commenters stated that the level of financial assistance awarded to participants depends on the personal circumstances of the applicant, the diligence of the applicant in submitting the necessary documents, and the availability of funds in the various student aid programs. These commenters also stated that although students can be encouraged to apply for aid, the Special Services project has no influence on the decision to award funds and on the amount given.

Other commenters pointed out that since Special Services projects are prohibited from recruiting participants, this prevents early identification of potential participants and any efforts to assist them in the timely completion and submission of financial aid applications in the Spring before the Fall session.

Another commenter noted that sometimes students will refuse financial assistance because of the composition of the financial aid package. Therefore, the commenter recommended, the requirement should be revised to read: "financial aid awarded" instead of "financial aid received."

Response. A change has been made. The Secretary has revised paragraph (c)(2) of this section to read: "The extent to which project participants were awarded sufficient financial assistance—grants-in-aid, tuition waivers, and other forms of financial assistance—to meet the participant's full financial need for attendance at the grantee institution."

Although the project does not decide on the awarding of funds and the amount of the awards, every institution of higher education receiving a Special Services grant had to assure that each participant enrolled in the project will receive sufficient financial assistance to meet that participant's full financial need. It is incumbent upon the project to work with the participants and the institution to see that this assurance is met. The project should see that the financial aids office develops for each participant an individualized financial aid package indicating the funds, from all sources, available to meet the full cost-of-attendance at the institution. These sources may include grants, tuition waivers, work-study, parental contribution and so forth.

While it is true that Special Services projects may not recruit students to the institution, once an individual has been accepted for enrollment at the institution the project may select the individual as a participant. In this way, the project may assist individuals in obtaining financial aid prior to their actual enrollment at the institution.

Comment. Several commenters questioned the requirements of § 646.32(c)(3) of the proposed regulations regarding the extent to which the retention rate of project participants met the rate proposed in the previously funded application. Some of the commenters noted that further clarification was needed to distinguish between retention within the program and retention within the institution. In addition, the commenters pointed out that this criterion would be hard to evaluate if the originally funded application did not specify a retention rate.

Other commenters suggested that the regulation be revised to read: "The extent to which the retention rate of project participants is greater than the retention rate for other Special Services-type students at the host institution."

Response. A change has been made. The Secretary has revised the paragraph to read: "The extent to which project participants persisted toward completion of the academic programs in which they are enrolled." The Secretary did not use the language recommended by commenters because many institutions do not have the capability of gathering information on a control group (Special Services-type students) in order to make the comparison.

This criterion takes into account those students whose postsecondary education program may not lead to an associate's or a bachelor's degree. Projects may use a variety of data as documentation for this criterion, including retention in the institution, retention in the Special Services project, and degrees and certificates conferred.

Comment. Several commenters questioned the requirements of § 646.32(c)(4) of the proposed regulations regarding the extent to which the graduation rate of project participants meets the rate proposed in the previoulsy funded application. Some of the commenters noted that further clarification was needed concerning a definition of graduation rate. Specifically, the commenters asked if the "graduation rate" applied to those participants who entered as freshmen but who are not longer with the program.

Other commenters pointed out that this criterion would be hard to evaluate if the originally funded application did not specify a graduation rate.

Another commenter noted that accurate information concerning graduation of participants and former participants may be difficult to obtain. The commenter supported this statement by pointing out that since project funds cannot be used for research, projects have had to rely on the cooperation and limited resources of their sponsoring institution to conduct attrition studies.

Several other commenters recommended that paragraphs (c)(3) and (c)(4) of the proposed regulations concerning retention and graduation rates be combined into one criterion. Commenters noted that since most Special Services projects primarily serve students enrolled in the first two years of college, there is some concern that by requesting information regarding graduation, the Department has an expectation of long-term followup of former participants, an activity that generally is not funded.

These same commenters also expressed concern for those projects at community colleges that offer a vocational as well as an academic program in which students seek skills development rather than a two or four-year degree. In those cases, the commenters noted, the retention of students to the point of completion of their training goals would be more relevant than the actual graduation rate of students.

Other commenters suggested that the regulation be revised to read: "The extent to which the graduation rate of participants is greater than the graduation rate for other Special Services-type students at the host institution."

Response. A change has been made. The Secretary has revised this paragraph to read: "The extent to which project participants met institutional academic performance levels required to stay in good standing at the grantee institution." Again, the suggested wording of the commenters was not taken because many institutions do not have the capability of gathering

information on a control group (Special Services-type students) in order to make the comparison.

This revised criterion allows projects to use a variety of data as documentation including improved academic performance and credit hours completed. The graduation rate has been combined with the criterion in paragraph (c)(3) and is no longer a separate criterion.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are classified as non-major because they do not meet the criteria for major regulations established in the order.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is already being gathered by or is available from any other agency or authority of the United States.

Federal Register Thesaurus Subjects

List of Subjects in 34 CFR Parts 642, 643, 644, 645, and 646

Bilingual education, Education, Education of disadvantaged, Education of handicapped, Government contracts, Grant programs—education, Student aid.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

Dated: June 1, 1982.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance Numbers: 84.103, Training Program for Special Programs Staff and Leadership Personnel; 84.044, Talent Search Program; 84.066, Educational Opportunity Centers Program; 84.047, Upward Bound Program; 84.042, Special Services for Disadvantaged Students Program)

PART 642—TRAINING PROGRAM FOR SPECIAL PROGRAMS STAFF AND LEADERSHIP PERSONNEL

The Secretary amends Part 642 of Title 34 of the Code of Federal Regulations by adding a new § 642.32 to read as follows:

§ 642.32 Prior experience.

(a)(1) The Secretary gives priority to each applicant that has conducted a Training Program project under Title IV-A-4 of the Higher Education Act within the three fiscal years prior to the fiscal year for which the applicant is applying.

(2) To determine the number of priority points to be awarded each eligible applicant, the Secretary considers the applicant's prior experience of service delivery in accordance with paragraphs (b) and (c) of this section.

(b)(1) The Secretary may add from one to eight points to the point score obtained on the basis of the selection criteria in § 642.31, based on the applicant's success in meeting the administrative requirements and programmatic objectives of paragraph (c) of this section.

(2) The maximum possible score for each criterion is indicated in the parentheses preceding the criterion.

(c) The Secretary—based on information contained in one or more of the following: Performance reports, audit reports, training site visit reports, evaluations by participants, project evaluation reports, the previously funded application, the negotiated program plan(s), and the application under consideration—looks for information that shows—

(1) (2 points) The extent to which the project has served the number and kinds of training participants it was funded to serve;

(2) (2 points) The extent to which participants benefited from training in areas such as—

(i) Increased qualifications and skills in meeting the needs of disadvantaged students; and

(ii) Increased knowledge and understanding of the Special Programs;

(3) (2 points) The extent to which the applicant has achieved other goals and objectives as stated in the previously funded application or negotiated program plan; and

(4) (2 points) The extent to which the applicant has met the administrative requirements—including recordkeeping, reporting, and financial accountability—under the terms of the previously funded award.

(20 U.S.C. 1070d, 1070d-1d; Senate Report 96-733, 96 Cong. 1st Sess. p. 28)

PART 643—TALENT SEARCH PROGRAM

The Secretary amends Part 643 of Title 34 of the Code of Federal Regulations by adding a new § 643.32 to read as follows:

§ 643.32 Prior experience.

(a)(1) The Secretary gives priority to each applicant that has conducted a Talent Search project within the three fiscal years prior to the fiscal year for which the applicant is applying.

(2) To determine the number of priority points to be awarded each eligible applicant, the Secretary considers the applicant's prior experience of service delivery in accordance with paragraphs (b) and (c) of this section.

(b)(1) The Secretary may add from one to fifteen points to the point score obtained on the basis of the selection criteria in § 643.31, based on the applicant's success in meeting the administrative requirements and programmatic objectives of paragraph (c) of this section.

(2) The maximum possible score for each criterion is indictated in the parentheses preceding the criterion.

(c) The Secretary—based on information contained in one or more of the following: Performance reports, audit reports, site visit reports, project evaluation reports, the previously funded application, the negotiated program plan(s), and the application under consideration—looks for information that shows—

(1) (3 points) The extent to which the project has served the number of participants it was funded to serve;

(2) (3 points) The extent to which the project was successful in encouraging project participants to complete high school;

(3) (3 points) The extent to which the project was successful in encouraging project participants to undertake a program of postsecondary education;

(4) (3 points) The extent to which the applicant has achieved other goals and objectives as stated in the previously funded application or negotiated program plan; and

(5) (3 points) The extent to which the applicant has met administrative requirements—including recordkeeping, reporting, and financial accountability—under the terms of the previously funded award.

(20 U.S.C. 1070d, 1070d-1; Senate Report 96-733, 96 Cong. 1st Sess. p. 28)

PART 644—EDUCATIONAL OPPORTUNITY CENTERS PROGRAM

The Secretary amends Part 644 of Title 34 of the Code of Federal Regulations by adding a new § 644.32 to read as follows:

§ 644.32 Prior experience.

(a)(1) The Secretary gives priority to each applicant that has conducted an Educational Opportunity Centers project within the three fiscal years prior to the fiscal year for which the applicant is applying.

(2) To determine the number of priority points to be awarded each eligible applicant, the Secretary considers the applicant's prior experience of service delivery in accordance with paragraphs (b) and (c) of this section.

(b)(1) The Secretary may add from one to fifteen points to the point score obtained on the basis of the selection criteria in § 644.31, based on the applicant's success in meeting the administrative requirements and programmatic objectives of paragraph (c) of this section.

(2) The maximum possible score for each criterion is indicated in the parentheses preceding the criterion.

(c) The Secretary, based on information contained in one or more of the following: Performance reports, audit reports, site visit reports, project evaluation reports, the previously funded application, the negotiated program plan(s), and the application under consideration—looks for information that shows—

(1) (3 points) The extent to which the project has served the number of participants it was funded to serve;

(2) (3 points) The extent to which the center has disseminated, in accordance with its negotiated program plan, information concerning financial and academic assistance available for individuals desiring to pursue a program of postsecondary education;

(3) (3 points) The extent to which the center has specifically assisted participants in applying for admission to postsecondary educational programs, including assisting participants in preparing necessary applications for use by admissions and financial aid officers;

(4) (3 points) The extent to which the applicant has achieved other goals and objectives as stated in the previously funded application or negotiated program plan; and

(5) (3 points) The extent to which the applicant has met the administrative requirements—including recordkeeping, reporting, matching funds, and financial accountability—under the terms of the previously funded award.

(20 U.S.C. 1070d, 1070d-1c; Senate Report 96-733, 96 Cong. 1st Sess. p. 28)

PART 645—UPWARD BOUND PROGRAM

The Secretary amends Part 645 of Title 34 of the Code of Federal Regulations by adding a new § 645.32 to read as follows:

§ 645.32 Prior experience.

(a)(1) The Secretary gives priority to each applicant that has conducted an Upward Bound project within the three fiscal years prior to the fiscal year for which the applicant is applying.

(2) To determine the number of priority points to be awarded each eligible applicant, the Secretary considers the applicant's prior experience of service delivery in accordance with paragraphs (b) and (c) of this section.

(b)(1) The Secretary may add from one to fifteen points to the point score obtained on the basis of the selection criteria in § 645.31, based on the applicant's success in meeting the administrative requirements and programmatic objectives of paragraph (c) of this section.

(2) The maximum possible score for each criterion is indicated in the parentheses preceding the criterion.

(c) The Secretary—based on information contained in one or more of the following: Performance reports, audit reports, site visit reports, project evaluation reports, the previously funded application, the negotiated program plan(s), and the application under consideration—looks for information that shows—

(1) (3 points) The extent to which the project has served the number of participants it was funded to serve;

(2) (3 points) The extent to which the project has generated the skills and motivation in project participants that are necessary for admission to an educational program beyond high school;

(3) (3 points) The extent to which the project participants, upon completion of project services, undertake a program of postsecondary education;

(4) (3 points) The extent to which the applicant has achieved other goals and objectives as stated in the previously funded application or negotiated program plan; and

(5) (3 points) The extent to which the applicant has met the administrative requirements—including recordkeeping, reporting, and financial accountability—under the terms of the previously funded award.

(20 U.S.C. 1070d, 1070d-1a; Senate Report 96-733, 96 Cong. 1st Sess. p. 28)

PART 646—SPECIAL SERVICES FOR DISADVANTAGED STUDENTS PROGRAM

The Secretary amends Part 646 of Title 34 of the Code of Federal Regulations by adding a new § 646.32 to read as follows:

§ 646.32 Prior experience.

(a)(1) The Secretary gives priority to each applicant that has conducted a Special Services project within the three fiscal years prior to the fiscal year for which the applicant is applying.

(2) To determine the number of priority points to be awarded each eligible applicant, the Secretary considers the applicant's prior experience of service delivery in accordance with paragraphs (b) and (c) of this section.

(b)(1) The Secretary may add from one to fifteen points to the point score obtained on the basis of the selection criteria in § 646.31, based on the applicant's success in meeting the administrative requirements and programmatic objectives of paragraph (c) of this section.

(2) The maximum possible score for each criterion is indicated in the parentheses preceding the criterion.

(c) The Secretary—based on information contained in one or more of the following: Performance reports, audit reports, site visit reports, project evaluation reports, the previously funded application, the negotiated program plan(s), and the application under consideration—looks for information that shows—

(1) (2 points) The extent to which the project has served the number of participants it was funded to serve;

(2) (1 point) The extent to which project participants were awarded sufficient financial assistance—grants-in-aid, tuition waivers, and other forms of financial assistance—to meet the participants' full financial need for attendance requirements at the grantee institution;

(3) (3 points) The extent to which project participants persisted toward completion of the academic programs in which they are enrolled;

(4) (3 points) The extent to which project participants met institutional academic performance levels required to stay in good standing at the grantee institution;

(5) (3 points) The extent to which the applicant has achieved other goals and objectives as stated in the previously funded application or negotiated program plan;

(6) (3 points) The extent to which the applicant has met the administrative requirements—including recordkeeping, reporting, and financial accountability—under the terms of the previously funded award.

(20 U.S.C. 1070d, 1070d-1b; Senate Report 96-733, 96 Cong. 1st Sess. p. 28)

[FR Doc. 82-15374 Filed 6-7-82; 8:45 am]

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Tuesday
June 8, 1982

Part IV

Department of Commerce

National Oceanic and Atmospheric Administration

Deep Seabed Mining Regulations for Exploration Licenses; Procedures for Pre-Enactment Explorer Applications and New Entrant Applications; Final Rules

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 970

Deep Seabed Mining Regulations for Exploration Licenses; Procedures for Pre-Enactment Explorer Applications and New Entrant Applications

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rules.

SUMMARY: Following consultations between the United States and other seabed mining countries, the National Oceanic and Atmospheric Administration (NOAA) has decided to initiate the formal processing of U.S. deep seabed mining exploration license applications. To do so, NOAA revokes the existing suspension of various sections of 15 CFR Part 970, which contain procedures for per-enactment explorer applications and new entrant applications. Pursuant to these procedures, NOAA will open the coordinates of proposed exploration license areas covered by pre-enactment explorer applications on June 21, 1982, and then will begin the formal processing of all applications for exploration licenses based on pre-enactment exploration (exploration prior to the enactment of the Deep Seabed Hard Mineral Resources Act (Pub. L. 96-283, "the Act")). Subsequently, NOAA will start to accept license applications from new entrants on January 3, 1983. Consistent with these actions, NOAA is changing many of the dates found in Subpart C of 15 CFR Part 970, in order to reflect the 17-week suspension of the date for the opening of coordinates and the concurrent delay which occurred in the processing of pre-enactment explorer and new entrant applications. The Subpart C regulations are designed to comport with the schedules and procedures negotiated in a proposed agreement with prospective reciprocating states.

DATE: This action is effective on June 21, 1982.

FOR FURTHER INFORMATION CONTACT: Inquiries should be directed to: James P. Lawless, Acting Director, Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Page Building 1, Suite 410, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, Telephone: (202) 653-7695.

SUPPLEMENTARY INFORMATION: 15 CFR Part 970, Subpart C, issued by NOAA on February 9, 1982 (47 FR 5966), set forth the dates on which applications for deep seabed mining exploration licenses would be accepted and established certain procedures unique to applications filed by U.S. citizens who were pre-enactment explorers and procedures for resolving conflicts resulting from multiple applications for the same area of the deep seabed. However, because of the incomplete status of the negotiations between the United States and prospective reciprocating states, NOAA, on March 17, 1982, at 47 FR 11512, temporarily suspended, until further notice, the date for the opening of coordinates of areas contained in pre-enactment explorer applications and processing of new entrant applications. Since the U.S. now anticipates that a number of seabed mining countries are in a position to initiate their domestic licensing processes, NOAA has decided to revoke the suspension mentioned above and to begin formal processing of its domestic license applications upon the opening of the exploration license area coordinates on June 21, 1982.

NOAA processing will follow the procedures established in 15 CFR Part 970. However, in order that the processing dates for exploration license applications comport with the new date for the opening of coordinates, each date relating to an application-processing event appearing in the previous publication of 15 CFR 970.300(b)(5), 970.302(b)-(m) and 970.303, has been delayed by seventeen weeks, except as reflected below.

NOAA statements with respect to the following regulatory and environmental matters appear at 47 FR 5967 (February 9, 1982) and are hereby incorporated and made a part of the preamble:

1. Classification under Executive Order 12291 (including discussion of the Regulatory Flexibility Act);
2. Paperwork Reduction Act; and
3. National Environmental Policy Act.

Effective Date. In view of the fact that the deep seabed mining exploration license applications already have been filed with NOAA, and because this rulemaking makes no substantive changes in the February 9, 1982, text of the 15 CFR Part 970, and for other foreign policy reasons, NOAA finds, under 5 U.S.C. 553(b), that notice and public procedures on this revocation of suspension and amendment action are inpracticable and unnecessary. For the same reasons, NOAA finds, under 5 U.S.C. 553(d), that good cause exists to make the action effective on June 21, 1982.

Accordingly, the prior suspension of several sections of Title 15, Part 970, Subpart C, of the Code of Federal Regulations, is revoked and several sections of Subpart C are amended to include new dates. For the sake of clarity, Title 15, Part 970, Subpart C is reprinted in its entirety below, incorporating all of the changes which have been made herein.

List of Subjects in 15 CFR Part 970

Research, Marine research, Seabed mining.

(Pub. L. 96-283; 94 Stat. 553; 30 U.S.C. 1401, *et seq.*)

Dated: June 2, 1982.

John V. Byrne,

Administrator.

PART 970—DEEP SEABED MINING REGULATIONS FOR EXPLORATION LICENSES

§§ 970.300; 970.302; 970.303 [Revocation of suspension].

1. The suspension of the following paragraph and sections of 15 CFR Part 970, Subpart C, which was published in the **Federal Register** on March 17, 1982 (47 FR 11513), is hereby revoked: §§ 970.300(b)(5); 970.302 and 970.303.

§§ 970.300, 970.301, 970.302, and 970.303 [Amended]

2. Each processing date in Subpart C is amended by revising the previous publication of 15 CFR 970.300-970.304 so that each date, except as reflected below, is delayed by seventeen weeks. As revised Subpart C reads as follows:

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

Sec.
970.300 Purposes and definitions.
970.301 Requirements for applications based on pre-enactment exploration.
970.302 Procedures and criteria for resolving conflicts.
970.303 Procedures for new entrants.
970.304 Action on portions of applications or amendments not in conflict.

§ 970.300 Purposes and definitions.

(a) This subpart sets forth the procedures which the Administrator will apply to applications filed with NOAA covering areas of the deep seabed where the applicants have engaged in exploration prior to June 28, 1980, and to the resolution of conflicts arising out of such applications. This subpart also establishes the date on which NOAA will begin to accept applications or amendments filed by new entrants, and certain other procedures for new entrants.

(b) For the purposes of this subpart the term:

(1) "Amendment" means an amendment to an application which changes the area applied for;

(2) "Application" means an application for an exploration license which is filed pursuant to the Act and this subpart;

(3) "Conflict" means the existence of more than one application or amendment with the same priority of right;

(i) Which are filed with the Administrator or with the Administrator and a reciprocating state; and

(ii) In which the deep seabed areas applied for overlap in whole or part, to the extent of the overlap;

(4) "Original conflict" means a conflict solely between or among applications;

(5) "New conflict" means a conflict between or among amendments filed after July 22, 1982, and on or before October 15, 1982;

(6) "Domestic conflict" means a conflict solely between or among applications or amendments which have been filed with the Administrator.

(7) "International conflict" means a conflict arising between or among applications or amendments filed with the Administrator and a reciprocating state.

§ 970.301 Requirements for applications based on pre-enactment exploration.

(a) Pursuant to section 101(b) of the Act, any United States citizen who was engaged in exploration before the effective date of the Act (June 28, 1980) qualifies as a pre-enactment explorer and may continue to engage in such exploration without a license:

(1) If such citizen applies under this part for a license with respect to such exploration within the time period specified in paragraph (b) of this section; and

(2) Until such license is issued to such citizen or a final administrative or judicial determination is made affirming the denial of certification of the application for, or issuance of, such license.

(b) Any application for a license based upon pre-enactment exploration must be filed, at the address specified in § 970.200(b), no later than 5:00 p.m. EST on March 12, 1982 (or such later date and time as the Administrator may announce by regulation). All such applications filed at or before that time will be deemed to be filed on such closing date.

(c) Applications not filed in accordance with this section will not be considered to be based on pre-enactment exploration, and may be filed only as new entrant applications under § 970.303.

(d) To receive a pre-enactment explore priority of right for issuance of a license, and application must be, when filed, in substantial compliance with requirements described in § 970.209(b). An application which is in substantial but not full compliance will not lose its priority of right if it is brought into full compliance according to § 970.210.

(e) Any application based on pre-enactment exploration must be for a reasonably compact area with respect to which the applicant is a pre-enactment explorer, and, notwithstanding any part of § 970.601 which indicates otherwise, such area must be bounded by a single continuous boundary.

(f) The coordinates and any chart of the logical mining unit applied for in an application based on a pre-enactment exploration must be submitted in a separate, sealed envelope.

(g) On or before March 12, 1982, the applicants must indicate to the Administrator, other than in the sealed portion of the application: (1) The size of the area applied for; (2) Whether the applicant or any person on the applicant's behalf has applied, or intends to apply, for the same area or substantially the same area to one or more nations, and the number of such other applications; and (3) Whether the other applicant is pursuing the "banking" option under § 970.601(d), and the number of applications filed, or to be filed, in pursuit of the "banking" option.

§ 970.302 Procedures and criteria for resolving conflicts.

(a) *General.* This section governs the resolution of all conflicts between or among applications or amendments having pre-enactment explorer priority of right.

(b) *Identification of applicants.* On June 21, 1982, the Administrator will meet with representatives of reciprocating states to identify their respective pre-enactment explorer applicants, and will identify the coordinates of the application areas applied for by such applicants.

(c) *Initial processing.* On or before July 13, 1982, the Administrator will determine whether each domestic application is entitled to a priority of right based on pre-enactment exploration in accordance with § 970.301.

(d) *Identification of conflicts.* On July 14, 1982, the Administrator will meet with representatives of reciprocating states to exchange lists of applications accorded pre-enactment explorer priorities of right, and will identify any conflicts existing among such applications.

(e) *Notification to applicants of conflicts.* If the Administrator identifies a conflict, he will send, no later than July 22, 1982, written notice of the conflict to each domestic applicant involved in the conflict. The notive will:

(1) Identify each applicant involved in the conflict in question:

(2) Identify the coordinates of the portions of the application areas which are in conflict;

(3) Indicate that the applicant may request from the Administrator the coordinates of the application areas from any other applications filed with the Administrator or with a reciprocating state (such coordinates will be provided subject to appropriate confidentiality arrangements);

(4) State whether;

(i) Each domestic application involved in the conflict is in substantial or, if known, full compliance with the requirements described in § 970.209(b); and

(ii) Each foreign application involved in the conflict meets, if known, the legal requirements of the reciprocating state in which it is filed;

(5) Notify each domestic applicant involved in a conflict that he may, after July 22, 1982, and on or before November 16, 1982, resolve the conflict voluntarily according to paragraph (f) of this section, and that on or after November 17, 1982, any unresolved conflict shall be resolved in accordance with paragraph (j) or (k) of this section, as applicable; and

(6) In the case of an international conflict, include a copy of any applicable conflict resolution procedures in force between the United States and its reciprocating states pursuant to section 118 of the Act.

(f) *Voluntary resolution of conflicts.* Each U.S. applicant involved in a conflict may resolve the conflict after July 22, 1982, and on or before November 16, 1982, by:

(1) Unilaterally, or by agreement with each other applicant involved in the conflict, filing an amendment to the application eliminating the conflict; or

(2) Agreeing in writing with the other applicant(s) involved in the conflict to submit it to an agreed binding conflict resolution procedure.

(g) *Amendments*—(1) Amendments must be filed in accordance with the requirements for applications described in § 970.200.

(2) The Administrator will:

(i) Accept no amendment prior to July 23, 1982;

(ii) Accord pre-enactment explorer priority of right only to amendments which:

(A) Pertain to areas with respect to which the applicant has engaged in pre-enactment exploration;

(B) Resolve an existing conflict with respect to that application;

(C) Do not apply for an area included in an application filed pursuant to § 970.301 which is accorded pre-enactment explorer priority of right or an application identified pursuant to § 970.302(b) which has been filed with a reciprocating state; and

(D) Are filed on or before October 15, 1982; and

(iii) Accord amendments which meet the requirements of this paragraph (g) the same priority of right as the applications to which they pertain.

(3) The area applied for in an amendment need not be adjacent to the area applied for in the original application.

(4) Amendments not accorded pre-enactment explorer priority of right may be filed as new entrant amendments under § 970.303.

(h) *Notification of amendments and new conflicts.* The Administrator will:

(1) No later than October 25, 1982, notify each reciprocating state of any amendment accorded pre-enactment explorer priority of right pursuant to paragraph (g) of this section and, in cooperation with such states, identify any new conflicts;

(2) No later than October 27, 1982, notify each domestic applicant who is involved in a new conflict. The notice will:

(i) Identify each applicant with whom each new conflict has arisen;

(ii) Identify the coordinates of each area in which the applicant is involved in a new conflict;

(iii) Indicate that the applicant may request from the Administrator the coordinates of each area included in an amendment accorded pre-enactment explorer priority of right pursuant to paragraph (g) of this section, or for which notice has been received from a reciprocating state (such coordinates will be provided subject to appropriate confidentiality arrangements);

(iv) Notify the applicant that he may, on or before November 16, 1982, resolve the conflict voluntarily according to paragraph (f) of this section, and that on or after November 17, 1982, any unresolved conflict shall be resolved in accordance with paragraph (j) or (k) of this section, as applicable; and

(v) In the case of an international conflict, include a copy of any applicable conflict resolution procedures in force between the United States and its reciprocating states pursuant to section 118 of the Act.

(i) *Government assistance in resolving international conflicts.* If, by October 26 1982, the applicants have not resolved, or agreed in writing to a specified binding procedure to resolve, an original international conflict, or new international conflict, the Administrator, the Secretary of State of the United States, and appropriate officials of the government of the reciprocating state to which the other applicant involved in the conflict applied will use their good offices to assist the applicants to resolve the conflict. After November 16, 1982, any unresolved international conflicts will be resolved in accordance with paragraph (k) of this section.

(j) *Unresolved domestic conflict*—(1) *Procedure.* (i) In the case of an original domestic conflict or a new domestic conflict, the applicants will be allowed until April 15, 1983, to resolve the conflict or agree in writing to submit the conflict to a specified binding conflict resolution procedure. If, by April 15, 1983, all applicants involved in an original or new domestic conflict have not resolved that conflict, or agreed in writing to submit the conflict to a specified binding conflict resolution procedure, the conflict will be resolved in a formal hearing held in accordance with Subpart J of this part, except that:

(A) The General Counsel of NOAA will not, as a matter of right, be a party to the hearing; however, the General Counsel may be admitted to the hearing by the administrative law judge as a party or as an interested person pursuant to § 970.1001(f)(2) or (f)((3); and

(B) The administrative law judge will take such actions as he deems necessary and appropriate to conclude the hearing and transmit a recommended decision to the Administrator in an expeditious manner.

(ii) Notwithstanding the above, at any time on or after November 17, 1982, and on or before April 14, 1983, the applicants involved in the conflict may, by agreement, request the Administrator to resolve the conflict in a formal hearing as described above.

(2) *Decision principles for NOAA formal conflict resolution.*

(i) The Administrator shall determine which applicant involved in a conflict between or among pre-enactment explorer applications or amendments shall be awarded all or part of each area in conflict.

(ii) The determination of the Administrator shall be based on the application of principles of equity which take into consideration, with respect to each applicant involved in the conflict, the following factors:

(A) The continuity and extent of activities relevant to each area in conflict and the application area of which it is a part;

(B) The date on which each applicant involved in the conflict, or predecessor in interest or component organization thereof, commenced activities at sea in the application area;

(C) The financial cost of activities relevant to each area in conflict and to the application area of which it is a part, measured in constant dollars;

(D) The time when the activities were carried out, and the quality of the activities; and

(E) Such additional factors as the Administrator determines to be relevant, but excluding consideration of the future work plans of the applicants involved in any conflict.

(iii) For the purposes of this paragraph (j), the word "activities" means the undertakings, commitments of resources investigations, findings, research, engineering development and other activities relevant to the identification, discovery, and systematic analysis and evaluation of hard mineral resources and to the determination of the technical and economic feasibility of commercial recovery.

(iv) When considering the factors specified in paragraph (j)(2)(ii), the Administrator shall hear, and shall (except for purposes of apportionment pursuant to paragraph (j)(2)(v) of this section) limit his consideration to, all evidence based on the activities specified in paragraph (j)(2)(ii) which were conducted on or before January 1, 1982, provided however that an applicant must prove at-sea activities in the area in conflict prior to June 28, 1980, as a pre-condition to presentation of further evidence to the Administrator regarding activities in the area in conflict.

(v) In making his determination, the Administrator may award the entire area in conflict to one applicant involved in the conflict, or he may apportion the area among any or all of the applicants involved in the conflict. If, after applying the principles of equity, the Administrator determines that the area in conflict should be apportioned, the Administrator shall (to the maximum extent practicable consistent with the Administrator's application of the principles of equity) apportion the area in a manner designed to satisfy the plan of work set forth in the application of each applicant which is awarded part of the area.

(vi) Each applicant involved in the conflict must file an amendment to its application if necessary to implement

the determination made by the Administrator.

(k) *Unresolved international conflicts*—(1) If, by November 17, 1982, all applicants involved in an original or new international conflict have not resolved that conflict, or agreed in writing to submit the conflict to a specified binding conflict resolution procedure, the applicants shall proceed in accordance with the conflict resolution procedures agreed to between the United States and its reciprocating states pursuant to section 118 of the Act.

(2) Each applicant whose application is involved in an international conflict shall be responsible for actions required in the conduct of the conflict resolution procedures, including bearing a proportional cost of implementing the procedures, representing himself in any proceedings, and assisting in the selection of arbitrators if necessary.

(l) *Continued opportunity for voluntary resolutions.* Each applicant may resolve any conflict by voluntary procedures at any time while that conflict persists.

(m) *Effect on priorities of new entrants*—(1) A pre-enactment explorer is entitled to a priority of right over a new entrant for any area in which the pre-enactment explorer has engaged in exploration prior to June 28, 1980 if, with respect to that area, the pre-enactment explorer files an application in accordance with this part on or after January 25, 1982 and on or before the closing date for pre-enactment explorer applications established under § 970.301(b).

(2) Any amendment which is filed by a pre-enactment explorer on or before October 15, 1982, relates back to the date of filing of the original application and shall give the pre-enactment explorer priority of right over all new entrants if the amendment is accorded a pre-enactment explorer priority of right under paragraph (g) of this section.

§ 970.303 Procedures for new entrants.

(a) *Filing of new entrant applications or amendments; priority of right.* New entrant applications or amendments must be filed in accordance with § 970.200. A new entrant may file an application or amendment only at or after 1500 hours G.m.t. (11:00 a.m. EDT) January 3, 1983. All applications or amendments filed at that time shall be deemed to be filed simultaneously, and, if in accordance with § 970.209, shall have priority of right over any application or amendment filed subsequently. Priority of right for any application or amendment filed after that time will be established as described in § 970.209.

(b) *Conflicts*—(1) If a domestic conflict exists between or among new entrant applications or amendments, the applicants involved in the conflict shall resolve it.

(2) If an international conflict exists between or among new entrant applications or amendments, the conflict shall be resolved in accordance with applicable conflict resolution procedures agreed to between the United States and its reciprocating States pursuant to section 118 of the Act. The Administrator will provide each domestic applicant involved in an international conflict a copy of any such procedures in force when the Administrator issues notice to the applicant that an international conflict exists. Each applicant whose application is involved in an international conflict shall be responsible for actions required in the conduct of the conflict resolution procedures, including bearing a proportional cost of implementing the procedures, representing himself in any proceedings, and assisting in the selection of arbitrators if necessary.

§ 970.304 Action on portion of applications or amendments not in conflict.

If an applicant so requests, the Administrator will proceed in accordance with this part to review that portion of an area included in an application or amendment that is not involved in a conflict. However, the Administrator will proceed with such review only if the applicant advises the Administrator in writing that the applicant will continue to seek a license for the proposed exploration activities in the portion of the application area that is not in conflict. To the extent practicable, the deadlines for certification of an application or amendment and issuance of a license provided in § 970.400 and § 970.500, respectively, will run from the date of filing of the original application."

[FR Doc. 82-15410 Filed 6-7-82; 8:45 am]

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Tuesday
June 8, 1982

Part V

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Excess Spoil Fills; Proposed Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 701, 816, and 817

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Excess Spoil Fills

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is proposing a revision to the rules dealing with the requirements for disposal of excess spoil from surface and underground mining activities. The proposed rules would combine the requirements for head-of-hollow, valley and durable rock fills into one section and eliminate the information that is presently duplicated in each section. Also, the proposed rules include the provisions for gravity transport of excess spoil and the procedure for disposal of excess spoil on preexisting benches. The changes would make the rules easier to follow by removing certain design criteria and by deleting information that is repeated in the various sections. OSM believes these changes would allow more flexibility in the design of excess spoil fills and would remove those provisions that are excessive, unnecessary and burdensome.

DATES: *Written comments:* Accepted until further notice.

Public hearings: Held on request only, on July 14, 1982, at 9:00 a.m. (local).

Public meetings: Scheduled on request only.

ADDRESSES: *Written comments: Hand-deliver* to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (TSR 14.08), Room 5315, 1100 L Street, NW., Washington, D.C.; or *mail* to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (TSR 14.08), Room 5315L, 1951 Constitution Avenue, NW., Washington, DC 20240.

Public hearings Washington, D.C.—Department of the Interior Auditorium, 18th and C Streets NW.; Pittsburgh, Pa.—William S. Moorehead Federal Building, Room 2212, 1000 Liberty Avenue; and Denver, Colo.—Brooks Tower, 2d Floor Conference Room, 1020 15th Street.

Public meetings: OSM offices in Washington, D.C.; Charleston, W. Va.; Knoxville, Tenn.; Indianapolis, Ind.; Pittsburgh, Pa.; and Denver, Colo.

FOR FURTHER INFORMATION CONTACT:

Public hearings and information: Robert A. Wiles, Division of Engineering Analysis, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240; 202-343-7881.

Public meetings: Jose del Rio, 202-343-4022.

SUPPLEMENTARY INFORMATION:

I. Public Commenting Procedures.
II. Background.
III. Discussion of Proposed Rules.
IV. Procedural Matters.

I. Public Commenting Procedures

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Commenters are requested to submit five copies of their comments (see "Addresses"). Comments received at locations other than Washington, D.C., will not necessarily be considered or be included in the Administrative Record for the final rulemaking. The comment period will remain open until the close of the comment period on the draft environmental impact statement that will consider this proposed rule.

Public Hearings

Persons wishing to comment at the public hearings should contact the person listed under "For Further Information Contact" by the close of business *three working days* before the date of the hearing. If no one requests to comment at a public hearing at a particular location by that date, the hearing will not be held. If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

Public hearing will continue on the specified date until all persons scehduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment, and persons present in the audience who wish to comment, have been heard.

Public Meetings

Persons wishing to meet with OSM representatives to discuss these proposed rules may request a meeting at any of the OSM offices listed in "Addresses" by contacting the person listed under "For Further Information Contact."

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record room (1100 L St.). A written summary of each public meeting will be made a part of the Administrative Record.

II. Background

Spoil disposal practices in surface mining over the years have had a major impact on the environment and represented a significant hazard to life and property. Prior to the passage of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act), mine operators in steep slope areas often disposed of overburden material by pushing it downslope of the bench. The practice destroyed vegetation and caused erosion, slides and increased sedimentation of streams. To rectify this problem, Section 515(b)(22) of the Act required the controlled placement of all excess spoil material from surface coal mining operations utilizing sound engineering practices to ensure the long term stability of the fill.

Rules concerning the disposal of excess spoil were proposed on September 13, 1978 (43 FR 41890-41892 and 41910-41912) and promulgated as final on March 13, 1979 (44 FR 15406-15408 and 15432-15434). These existing rules include general requirements on the disposal of excess spoil in 30 CFR 816.71 and 817.71, and more specific requirements for valley fills, head-of-hollow fills and durable rock fills, respectively, in §§ 816.72 and 817.72, 816.73 and 817.73, and 816.74 and 817.74.

Since the publication of the permanent program rules on excess spoil material in 1979, there have been two additions to the rules. First, §§ 816.71(o) and 817.71(o) were added as a final rule on July 17, 1981 (46 FR 37231-37235) to allow the controlled gravity transport of excess sopil from an actively mind upper bench to an existing lower bench. Second, §§ 816.75 and 817.75, which allow the disposal of excess spoil on preexisting benches, were proposed on July 20, 1981, (46 FR 37286) and promulgated as final on April 29, 1982 (47 FR 18553-18555).

Existing §§ 816.71-816.75 and §§ 817.71-817.71-817.75 read essentially

the same except that the sections from Part 816 refer to surface mining and the sections from Part 817 refer to underground mining. Under this proposal the sections of Part 816 and 817 would continue to read essentially the same.

To simplify this preamble OSM will discuss changes to §§ 816.71–816.75 with the understanding that the discussion will also apply to proposed §§ 817.71–817.75. Where proposed changes to sections of Part 816 are not the same as those proposed for sections of Part 817, differences will be noted.

All existing rules on excess spoil have now been reviewed and proposed for revision in accordance with the guidance of the Secretary of the Interior to remove burdensome and excessive requirements. Material that is duplicated in the different sections is proposed to be combined into one section and clarified. In this proposal OSM would eliminate most of the specific design criteria in the present rules to allow greater flexibility and more innovative designs by the professional engineering community. All engineering designs, however, would still have to meet the requirements of the Act, these rules and be approved by the appropriate regulatory authority.

This preamble will also discuss OSM's interpretation of the terms overburden and spoil and add a definition of excess spoil. The definitions of head-of-hollow fill, valley fill and underground development waste would also be revised.

In addition, the preamble includes a discussion of controlled dumping of excess spoil. This discussion is not a proposed rule, but is included merely to gather preliminary information on this activity.

Existing §§ 816.71–816.75, along with the definitions of head-of-hollow fill and valley fill in § 701.5 of 30 CFR Chapter VII, regulate the disposal of excess spoil. Section 816.71 lists general requirements that apply to all fills. These requirements are basically safety and environmental protection standards which the engineer designing the fill must satisfy. Under the existing rules, if the spoil disposal fill falls within the definition of valley fill, then, in addition to the general requirements of existing § 816.71, the valley fill must also meet the requirements of existing § 816.72. If the fill falls within the definition of head-of-hollow fill, then, in addition to the more general requirements of existing §§ 816.71 and 816.72, the fill must also comply with existing § 816.73. Existing § 816.74 provides an alternate method for disposal of durable rock spoil. Existing § 816.75 governs disposal of excess spoil on preexisting benches.

Definitions

Before beginning a dicussion of the proposed rules, a clarification of the definitions for the terms overburden, spoil, excess spoil, head-of-hollow fill, valley fill and underground development waste needs to be made.

OSM interprets the definition of overburden in § 701.5 to be that material, other than topsoil, overlying a coal deposit prior to any disturbance by coal mining activities as distinguished from spoil which is material displaced from its original location. Overburden becomes spoil when it is disturbed or displaced by either past or current surface or underground mining activities.

In existing § 701.5 the term spoil is defined as "overburden that has been removed during surface coal mining operations." OSM believes this definition includes not only overburden removed during surface mining activities but also that removed during surface preparation for underground mining, including face-up material and construction of support facilities. The phrase "surface coal mining operations," defined in existing § 700.5, includes both surface mining and surface impacts of underground mining.

The term "excess spoil" is proposed to be added to the definitions in § 701.5 and would mean "spoil material disposed of in a location other than the mined out area, except that material used to blend spoil from the mined out area with the surrounding terrain after achieving the approximate original contour in nonsteep slope areas." Before spoil can be moved from the mined out area to an excess spoil fill, the operator must meet the approximate original contour (AOC) and highwall elimination requirements, or variances thereto, in Sections 515 and 516 of the Act. This excess spoil would be subject to the requirements of Section 515(b)(22) of the Act and the provisions of proposed § 816.71.

Spoil from box cuts or first cuts in nonsteep slope areas would not be excess spoil when it is used to achieve approximate original contour; i.e., to blend the mined out area into the surrounding terrain according to § 816.102—Backfilling and grading. Even though the spoil in these cases is disposed of in a location other than the mined out area, specifically around the box cut or first cut to blend it into the terrain, and technically could be considered excess spoil, the rules for excess spoil would not be applicable. Rather, under the proposed rule the spoil material could be blended into the surrounding terrain, provided it is used to achieve the approximate original contour and is disposed of in accordance with the standards for backfilling and grading. If, however, the spoil from a box cut or a first cut is deposited on slopes with angles as steep as those in the definitions for head-of-hollow and valley fills, the box cut or first cut spoil must be handled as excess spoil in accordance with proposed § 816.71.

Comments are specifically requested as to whether it would be preferable to define excess spoil as spoil not required to return the mined-out area to AOC, except where a variance is applicable, *e.g.* mountain top removal. Such a definition would not reflect "where" the spoil is to be deposited as would the proposed definition.

The existing definitions in § 701.5 for head-of-hollow and valley fills would be revised in this rulemaking to remove the restrictions on placing coal processing waste and underground development waste in these type of fills. The wastes in the fill would, however, still have to meet the standards in §§ 816.81–816.88. Additional discussions on this issue follow later in the preamble.

The existing definitions for head-of-hollow and valley fills explain the location of the fill and its general configuration. OSM is proposing to delete the exception for fills less than 250,000 cubic yards which allows the operator to make the top of the fill reach only the elevation of the coal seam rather than the adjacent ridge line. OSM believes this exception is not necessary since, wherever the location, all fills must meet the performance standards in proposed § 816.71.

The definition for underground development waste in § 701.5 would be revised to include only rock mixtures that come from the underground excavations for underground mining activities. The existing definition refers to "underground mining activities" which includes the surface excavations. By deleting this reference, the definition would refer to waste from "underground operations," so that the definition includes only waste coming from actual underground operations, such as shaft, adit, and entry construction.

This change in definition for underground development waste reflects the addition of the new term "coal mine waste" which refers to underground development waste and coal processing waste. The "coal mine waste" definition will be discussed and added in a separate rulemaking.

III. Discussion of Proposed Rules

OSM is proposing to revise and redesignate all existing rules for disposal of excess spoil from both surface and underground mining. Provisions on the gravity transport of excess spoil to preexisting benches in existing § 816.71(o), and those governing placement of excess spoil on preexisting benches in existing § 817.75, both of which were recently published, would be redesignated and revised.

Aside from the consolidation of existing §§ 816.71–816.74 (44 FR 15406–15408) into a new § 816.71, the most significant feature of the proposed rules is the greater latitude afforded State regulatory authorities for approving excess spoil fill construction designs which meet the goals and performance standards of the Act. Rather than mandating design criteria for all fills, the proposed rules would allow competent professional engineers to design fills based on the requirements and topography of specific sites. OSM believes that such added flexibility will spur design innovation and creativity on the part of the mining community so that more efficient, cost-effective and environmentally sound construction designs are developed.

The design criteria that would be removed are, however, thought to be useful for consideration in a majority of excess spoil situations. Accordingly, OSM is in the process of developing a technical handbook on excess spoil disposal. The handbook will contain much of the detail necessary for consideration when designing and constructing an excess spoil fill. It will provide state-of-the-art knowledge on the subject of excess spoil and will be updated as new information becomes available through research, experience and experimental practices. The handbook will be placed in the technical reference file of the Administrative Record.

The proposed excess spoil disposal rules would group the existing rules into four major paragraphs under proposed § 816.71. The performance standards applicable to all types of fills that are included in existing rules for valley fills (§ 816.72), head-of-hollow fills (§ 816.73), durable rock fills (§ 816.74) and fills on preexisting benches (§ 816.75), would be removed from those sections and listed together with those already contained in existing § 816.71, as one set in proposed § 816.71(a)—*General Requirements.*

Those portions of the existing rules that refer only to valley fills and head-of-hollow fills would be combined in proposed § 816.71(b) along with specific rules on durable rock fills. The recently finalized rule on gravity transport (existing § 816.71(o)) would be redesignated proposed § 816.71(c) and existing § 816.75 would be included in proposed § 816.71 as Paragraph (d).

To assist the reader in understanding the changes in the proposed rules, the following Derivation Table shows the relationship between the paragraphs in the existing sections and the proposed section. The same changes apply for Part 817—Underground mining.

Derivation Table

Proposed Section 816.71—Existing Sections

(a)(1) 816.71(a), (a)(1), (a)(3) and part of (f); 816.72(a) and 816.74(a)
(a)(2) 816.71(f), 816.71(b), and (m)
(a)(3) 816.71(f), 816.72(c), and 816.74(a)(1)
(a)(4) 816.71(j)
(a)(5) 816.71(c)
(a)(6) 816.71(d), 816.72(d), 816.73(c), and 816.74(d)
(a)(7) 816.71(l)
(a)(8) 816.71(h)
(a)(9) 816.71(k)
(a)(10) 816.74(intro) and (a)(2)
(a)(11) 816.71(n)
(b)(1) 816.71(l) and 816.74(c)(1)
(b)(2) 816.72(f) and 816.74(e)
(b)(3) 816.71(e)
(b)(4) 816.71(i)
(b)(5) 816.71(g)
(b)(6) 816.74(g)
(c) 816.71(o)
(d) 816.75

In this proposal all of the requirements of existing § 816.71 have been incorporated into proposed § 816.71 (a) or (b). Those portions of existing §§ 816.72, 816.73, and 816.74 that have not been included in proposed § 816.71 (a) or (b) would be deleted. These deleted portions are site specific design requirements which OSM feels are better set by the engineer in accordance with the performance standards. These design requirements which would be deleted are in existing §§ 816.72(b) (1) and (3), 816.73 (a) and (b) and part of the introduction to § 816.74.

A. General Requirements

The beginning of the proposed rule contains the only difference between proposed § 816.71 and proposed § 817.71.

The proposed § 817.71(a)(1) for underground mining would provide special provisions for placement of spoil from a face-up operation at drift entries. This material may be placed at a drift entry as part of a cut and fill structure if the structure is to be less than 400 feet in horizontal length and designed according to the rest of the standards of proposed § 817.71(a). By using some of the spoil at the drift entry, a smaller excavation in the hillside is needed to prepare the working area for the mine.

This portion of proposed § 817.71(a)(1) would be the only difference from proposed § 816.71(a)(1). The rest of proposed § 817.71 would read the same as proposed § 816.71.

Proposed § 816.71(a)(1) would include revisions of existing paragraphs (a), (a)(1), (a)(3), and a provision of existing paragraph (f) of § 816.71, and existing paragraph (a) of both §§ 816.72 and 816.74. This is more specifically explained below.

The requirement of existing § 816.71(a) that excess spoil be placed only in permitted excess disposal areas would be retained in proposed paragraph (a)(1). The language "hauled or conveyed" in existing paragraph (a) would be deleted, and all reference to spoil placement procedures would be discussed later in proposed paragraph (a)(3).

The language, "will not degrade surface or ground waters," in existing § 816.71(a)(1) would be replaced with the words "are minimized," which refers to the effect of the fill on surface and ground water. This would make the rule consistent with the language in Section 515(b)(10) of the Act. With this change existing paragraph (a)(1) would be redesignated (a)(1)(i).

In addition, rather than merely stating the condition that the fill must be stable as in existing §§ 816.71(a)(2) and 816.74(a), the 1.5 long-term static safety factor in existing § 816.71(f) would be substituted and redesignated (a)(1)(ii).

Existing (a)(3) would be redesignated (a)(1)(iii) and require that the reclamation of the disposal area be compatible with both the natural surroundings and the approved postmining land use.

Proposed § 816.71(a)(2) would retain the requirements of existing § 816.71 (b) and (m). Sufficient foundation investigation and laboratory testing for design data would be required with special attention to underground mine workings.

Proposed paragraph (a)(2) would emphasize the importance of professional certification, use of professional standards, and design approval by the regulatory authority in order to insure proper design and construction procedures. The foundation and abutments would be required to be stable under all conditions of construction and operation. In addition, a requirement that the responsible registered professional engineer be experienced in the construction of earth and rockfill embankments would be added. Some practicing engineers may

not have the experience necessary to properly design, build and certify all phases of excess spoil disposal (Tipton, 1981). (Complete citations to reference materials are provided later in this preamble.) Since the regulatory authority has no other way of determining the experience of a particular engineer or other qualified specialist, proposed paragraph (a)(2) would require that the engineer and other specialists submit their experience in writing to the regulatory authority.

The language covering the placement of the excess spoil would be condensed in proposed § 816.71(a)(3) from existing §§ 816.71(f), 816.72(c) and 816.74(a)(1). Also, the requirement to place excess spoil material in lifts not exceeding 4 feet in thickness from existing § 816.72(c) would be retained. The regulatory authority would have the right to accept a design which incorporates lift thickness in excess of the 4 foot maximum when it is demonstrated by the operator and certified by a qualified registered professional engineer that the design will ensure long-term stability and the other related environmental performance standards. This change would provide greater flexibility and latitude to the mining community to design fills based on specific site requirements. Requirements for lift thickness in earth fill construction (see 44 FR 15205) vary with the method of placement and the type of embankment, construction equipment used and gradation of the fill material. The boundary conditions, such as phreatic surfaces within the fill and adjacent areas, will vary from site-to-site and must be determined from onsite investigations. OSM believes that larger lift thicknesses can be consistent with stable fills in some areas (Loy and others 1978, pp. 148).

Proposed § 816.71(a)(4) would retain the inspection procedure in existing § 816.71(j) with only minor revisions for clarity. As in the design of the fill, those engineers or specialists inspecting the fill must document their qualifications in writing to the regulatory authority. A new provision requiring photographs of the drain and filter system before it is covered with excess spoil would be added to ensure proper certification of the underdrain system and protective filters. Photographs would provide a valuable visual record of the construction history, since the drain system, once covered, can never be visually examined again. Photographic documentation is currently used on most large construction projects and should not present special problems in the mining industry.

The vegetation and topsoil requirements of proposed § 816.71(a)(5) would be the same as existing § 816.71(c) except for using the word "redistributed" instead of "replaced." This change would be made because the word "replaced" conveyed the mistaken idea that the topsoil could not be used at another location on the coal mining operation. This change would still be consistent with the requirements in § 816.24.

Proposed § 816.71(a)(6) would include the slope protection requirements of existing § 816.71(d) plus the performance requirements for the diversion channels carrying runoff from the fill and adjacent area which are rewritten from existing §§ 816.72(d), 816.73(c) and 816.74(d). The channel capacities would have to contain the runoff from a 100-year, 6-hour precipitation event. This would represent a slight change from the 100-year, 24-hour precipitation event requirement in the existing rules.

This change in storm design criteria would follow the recommendation of the Mine Safety and Health Administration (MSHA) in the publication "Design Guidelines for Coal Refuse Piles and Water, Sediment, or Slurry Impoundments and Impounding Structures" (IR1109). OSM recognizes the 24-hour duration storm generally results in a runoff volume and peak somewhat higher than the 6-hour storm for the same area (See 44 FR 15207). However, OSM believes structures built to accommodate the 100-year, 6-hour design storm provides adequate protection for the excess spoil fills following the guidelines of MSHA.

Proposed § 816.71(a)(7) would be a general requirement for controlling runoff or underground water in the area of all fills. This paragraph would retain the requirement of existing § 816.71(1) for underdrain systems if the disposal area contains springs, etc. and add the option of diverting the water-course around the fill. Another addition requires that the underdrain system be designed according to proposed § 816.71(b)(1). The drainage plan for the disposal area would also have to be approved by the regulatory authority.

Proposed § 816.71(a)(8) would include the same provisions for terraces as the existing § 816.71(h). However, instead of referring to § 816.102(b) as in the existing rule, the phrase "if compatible with approved postmining land use" would be substituted.

OSM would allow the disposal of coal mine waste in head-of-hollow and valley fills in proposed § 816.71(a)(9) instead of the present restrictions in existing § 816.71(k). OSM believes that even with the many variable physical characteristics found in coal mine waste, it would still be possible, with proper engineering design and construction control, to place coal mine waste in head-of-hollow and valley fills without endangering the long-term integrity of the fill. Fills that meet the definition of head-of-hollow or valley fills generally do pose more stability problems than fills in flatter areas. However, many of these fills are very large and remain under construction for long periods of time. Careful stability analysis and construction control by a qualified registered professional engineer would allow coal mine waste to be placed in head-of-hollow or valley fills. For certain Appalachian areas, in fact, because of topographic restrictions, it is frequently impracticable to place coal mine waste in other than head-of-hollow and valley fills. The proposed rule would allow such disposal only if approved by the regulatory authority, and if the material is placed in accordance with § 816.85, is non-toxic and non-acid forming and is consistent with the design stability of the fill. Existing § 816.71(k) would be redesignated § 816.71(a)(9) and revised to reflect the statements above.

Proposed § 816.71(a)(10) would retain the provisions from existing § 816.74 that allow the regulatory authority to approve alternate methods for disposal of durable rock. The approved alternate method would have to meet four conditions. The fill structure would have to be designed and constructed according to the general requirements for disposal of excess spoil. It would have to be demonstrated by the operator and certified by a qualified registered professional engineer that the fill placement would meet the design, long-term stability, and other environmental performance standards in proposed § 816.71. The durable rock would have to consist of at least 80 percent durable and nondegradable rock. And lastly, when the remaining volume of spoil consists of noncemented clay shale, clay spoil or other material it must be evenly distributed throughout the fill to retain design stability and maintain the function of the underdrain. The language for the final two conditions would be rewritten from the introductory paragraph of existing § 816.74 and paragraph (a)(2) of that section.

Existing § 816.71(n) would be unchanged and redesignated as proposed § 816.71(a)(11) requiring that excess spoil be returned to underground

mine workings only in accordance with an approved disposal plan.

B. Valley fill/head-of-hollow fill: Special requirements

The requirements for valley and head-of-hollow fills would be combined into one paragraph because the design and construction requirements are similar and it would be less confusing to have one set of criteria rather than the two sets that are contained in existing §§ 816.71 and 816.72.

The procedure for handling springs, natural or manmade water courses or wet-weather seeps in the existing requirements in §§ 816.71(1) and 816.74(c)(1) would be revised and included in proposed § 816.71(b)(1). The type of rock used in the underdrain system would be taken from existing §§ 816.72(b)(4) and 816.74(c)(2) and added to proposed Paragraph (b)(1). The specific design considerations concerning the dimensions and rock sizes in the underdrain system would be deleted to allow site specific design by the engineer. With this approach, industry should be able to take advantage of specific or unique site conditions to produce an operating plan and design that may reduce the cost of construction on many excess spoil fills. OSM recognizes that many of the necessary details and specific design criteria would be site specific and best left to the responsible professional engineer in charge of design and construction.

Proposed Paragraph (b)(1) would also allow pipe to be used in the underdrain system instead of durable rock. The type of pipe and its size would be selected by the engineer during the design phase of the project. The installation of drain pipe or perforated pipe to control seepage water in an embankment or to intercept ground water underneath an embankment is a technique common to the construction of dams (U.S. Bureau of Reclamation, 1973, pp. 235–237) and waste embankments (Canada Department of Energy, Mines, and Resources, 1977, pp. 51–58). The use of pipe may be cost effective in certain situations as determined by the design engineer, although more care would be required in the installation of the pipe and filter system. The use of pipe for drainage control in excess spoil fills is not a common occurrence; however, perforated pipe has been discussed as an acceptable alternative for some site specific conditions (Loy and others, 1978, pp. 26–27).

In propsed § 816.71(b)(2) the grading procedure for the top of the fill and the ban on surface runoff flowing over the outslope would be similar to existing §§ 816.74(e) and 816.72(f). The specific grades for the slopes, however, would be removed because such requirements are believed to be site specific and best left to the judgement of the qualified registered professional engineer.

Existing § 816.71(e), which refers to the stability of the disposal area, would be redesignated as § 816.71(b)(3) and remain essentially unchanged.

Existing § 816.71(i), which covers keyway cuts or rock toe buttresses when the downslope is in excess of 36 percent, would be redesignated as proposed § 816.71(b)(4). The provision requiring stability analyses would be covered in proposed § 816.71(a)(2).

Proposed § 816.71(b)(5) would be taken from existing § 816.71(g) and would require the final configuration of the fill to be suitable for postmining land use.

The terrace requirements for proposed § 816.71(b)(6) would be taken from existing § 816.74(g) and are unchanged except for removing the specific slope requirements of the terrace benches. This change would be made because OSM believes that such determinations are best made on a site specific basis by a qualified registered professional engineer. The specified grade of the outslope between the terrace benches would still be retained at 50 percent. In place of the specific 5 percent grade of the terrace ditch, this proposal would require the bottom of each terrace ditch to be sloped to control the erosive velocities of the runoff.

C. Gravity transport of spoil to preexisting benches

The proposed rules would include the provisions allowing the controlled gravity transport of excess spoil from an actively mined upper bench to an existing lower bench. Proposed § 816.71(c) would repeat the final rules published July 17, 1981, (46 FR 37231–37235) as § 816.71(o). There would also be some minor editorial changes made to improve the clarity of the requirements.

The rules would require the operator to receive prior written approval of the regulatory authority to move spoil by this method. All the excess spoil would be placed on the solid portion of the lower bench and the highwall from the lower bench would have to intersect the actively mined upper bench. The gravity transported excess spoil would be rehandled on the lower bench to meet performance standards specified in the proposed rule.

The proposed rule would not require the current mining operator to rehandle the existing spoil on the bench except where necessary to ensure the stability of the fill. OSM made this clarification for the July 17, 1981, rule in response to a commenter who wanted to know if the operator would be required to rehandle existing spoil on the lower bench. OSM agreed that existing spoil on the lower bench does not have to be rehandled in all instances. The proposed rule follows the existing rule which requires the rehandling of the existing spoil only to ensure stability of the fill.

Other spoil from a previous mining operation may be in the vicinity (*e.g.* on the downslope) of the preexisting bench and available for use by the operator. The physical characteristics of the existing spoil vary from site-to-site and may range from meeting the performance standards of the Act to causing environmental harm. Since it would be difficult for a rule to cover all possibilities on the use of this spoil, OSM believes that each individual situation should be decided on a case-by-case basis during review and approval of the permit and reclamation plan.

D. Disposal of excess spoil: Preexisting benches

OSM proposed § 816.75 on July 20, 1981, (46 FR 37286) and issued it as a final rule on April 29, 1982 (47 FR 18553–18555) allowing the disposal of excess spoil by placement on preexisting benches. The preexisting benches are from previous mining operations and do not meet the environmental protection performance standards of section 515 of the Act. They are suitable for the disposal of excess spoil in certain situations and the operator would have the option to use them instead of other excess spoil fill structures.

The rules relating to disposal of excess spoil on preexisting benches in existing § 816.75 would be revised and redesignated to reflect the new format for proposed § 816.71. Existing § 816.75 would be redesignated as proposed § 816.71(d).

Proposed § 816.71(d)(1) would allow the regulatory authority to approve the disposal of excess spoil on preexisting benches provided the standards of §§ 816.71(a)(1)(i), (a)(1)(iii)(a)(2) and (a)(4) through (a)(9) are met. The reference to these standards of proposed § 816.71(a) differ from those initially specified in existing § 817.75 (46 FR 37286) which called for adherence to existing § 816.71(a)–(e) and (g)–(n).

In proposed § 816.71(d)(1) reference to the requirements of existing § 816.71(e), (g), (i) and (n) would be deleted. Reference to the requirements of existing § 816.71(a), (b), (c), (d), (h), (j), (k), and (m) would be retained but

redesignated as (a)(1)(i), (a)(1)(ii), (a)(2) and (a)(4) through (a)(9) to reflect the new format of the proposed rule.

In proposed § 816.71(d)(1), the reference to the requirements of existing Paragraph (e) would not be included because the provision to place the fill in the most moderately sloping and naturally stable area available is not appropriate when considering preexisting benches.

The reference in existing § 816.75 to the requirements of existing § 816.71(g), that the final configuration of the fill be suitable for postmining land use, would be incorporated in proposed § 816.71(a)(1)(iii). Proposed Paragraph (a)(1)(iii) would require that excess spoil be placed in such a manner to ensure that the disposal area would be suitable for reclamation compatible with the approved postmining land use. In addition, the instability problems normally associated with depressions and impoundments on excess spoil fills would not exist when the excess spoil is placed on a preexisting bench. For this reason, the restriction in existing Paragraph (g) relating to depressions and impoundments would be removed as a standard in proposed § 816.71(d)(1).

The reference to existing Paragraph (i) would be deleted from proposed § 817.71(d)(1) because this requirement for toe support is not needed since the fill is on a preexisting bench.

The reference to existing paragraph (n) would be deleted because it refers to disposal of excess spoil in underground mine workings.

The reiminder of proposed § 816.71(d) would require that excess spoil be placed only on the solid portion of the preexisting bench, that the fill attain a long-term static safety factor of 1.3, and that the bench be backfilled and graded to achieve the most moderate slope possible and to eliminate the highwall to the extent practicable.

The proposed rule provides that the existing highwall need not be completely eliminated when excess spoil is placed on a preexisting bench. The provision which would allow the operator to dispose of excess spoil on preexisting benches without completely eliminating the highwall has two justifications: (1) In developing the highwall elimination requirement of the Act, Congress was considering newly mined areas and not abandoned areas,[1] and (2) the disposal of spoil on preexisting benches will not result in an "adverse physical impact"[2] on the preexisting highwall, which would require the imposition of the highwall elimination requirement even if the disposal area were not on abandoned mine lands.

OSM prefers the phrase, "eliminating the highwall to the extent practicable" instead of the phrase "to the maximum extent possible." OSM believes that a phrase such as "to the maximum extent possible" in the rule might be interpreted to require complete highwall elimination on preexisting benches when it is technologically feasible, notwithstanding extraordinarily high costs. Also, it would tend to discourage the disposal of excess spoil on preexisting benches. It is OSM's intent to require the operator to eliminate only that portion of the highwall that is both technologically and economically feasible to eliminate using available excess spoil.

There are physical site conditions in the field that are different for each preexisting bench. Because each site condition is different, it is difficult to propose a rule that would precisely define the limits of the phrase "eliminate the highwall to the extent practicable." Since the primary purpose of the rule is to provide an option to constructing new excess spoil fills in undisturbed areas, OSM believes that flexibility is needed in determining the amount of highwall to be eliminated. The result of the rule would be a reduction in the number of excess spoil fills which would benefit the area in two ways: (1) No new excess spoil fills would be constructed in undisturbed areas, and (2) the condition of the preexisting bench would be improved. Therefore, there is an environmental gain with partial elimination of the highwall on the preexisting bench.

Because of the unique situation with each preexisting bench, OSM believes the regulatory authority should determine compliance with § 816.71(d) based on the reclamation plan submitted in accordance with Part 780. With a given amount of excess spoil, the operator may choose, for technological, economic or other reasons, to eliminate a higher portion of the highwall over a shorter horizontal distance rather than a longer section of the highwall at a lower height. It will be left to the judgment of the regulatory authority in the determination of practicability whether to approve or disapprove the plan.

If there is other spoil on the preexisting bench, it would not be necessary to rehandle the spoil in all instances. Such spoil would be treated in the same manner as discussed previously under gravity transport.

E. Additional Discussions on Dumped Placement

OSM is considering controlled dumping as a future option for the placement of excess spoil material. The discussions on controlled dumping are not a part of this rulemaking procedure, and any subsequent requirements would be proposed as a new rulemaking document. OSM, based upon field observations and professional opinions, believes that fills placed by controlled dumping could achieve and maintain long-term stability requirements through proper site selection, drainage, design and construction control. The following criteria are thought to include many of the factors necessary for properly selecting a site and constructing a dumped fill.

Criteria for dumped placement. A fill could be placed by controlled dumping procedures if the material to be dumped and the site are determined to be suitable by a qualified registered professional engineer, a site specific design is followed and if the following criteria are met for the end dumped fill:

(1) The toe of the fill rests on a natural slope that is not to be steeper than 10 degrees.

(2) Excess spoil is not to be placed in lifts greater than 50 vertical feet after final consolidation.

(3) The top of each lift is to be graded to insure positive drainage to the outside perimeter of the fill and to the surface water diversion channels that are to be constructed for all excess spoil fills.

(4) The subsurface drainage system and protective filters are to be completely constructed for each completed lift and certified by a qualified registered professional engineer prior to the placement of the next lift of excess spoil.

(5) Sufficient testing is to be conducted during construction to assure that strength parameters used during design (density, angle of internal friction and cohesion) are actually attained in the full such that a minimum 1.5 safety factor is maintained. Results of these tests are to be sent to the regulatory

[1] The legislative history indicates that Congress did not consider the application of the highwall-elimination requirement to previously mined areas. Thus, the general standard was based on Congress' understanding the "[i]n virtually all cases of contour mountain mining, sufficient spoil by volume is created to return the minesite to approximate original contour * * *. The swell property of the materials removed (overburden) assures this condition with present stripping ratios." House Report 95-218, 95th Congress, 1st Session, at pp. 96-97 (1977).

[2] In order for OSM to require an operator to eliminate all or part of a preexisting highwall, the operator's activities must in some way have had an adverse physical impact on that portion of the highwall. *Cedar Coal Co.*, v. *Office of Surface Mining*, 1 IBSMA 145 (April 20, 1979); *Miami Springs Properties* v. *Office of Surface Mining*, 2 IBSMA 399 (December 23, 1980).

authority and a copy maintained at the minesite.

(6) Terraces are to be constructed on the outslope of the fill to control runoff and erosion.

OSM is soliciting specific comments and information on the merits of the method and the criteria for controlled dumping of excess spoil. Those comments which are supported by technical documentation will be of much greater value to the OSM in its analysis.

Since these thoughts on controlled dumping are included only to gather technical information, responses to the comments from earlier drafts were not prepared for publication but will be considered with the responses gathered if a proposed rule is published in the future on this subject.

F. Public Comments

OSM has sought to provide early and meaningful public participation during its regulatory review and has solicited comments on the earlier drafts of these rules. The responses to these comments by OSM are keyed to the four paragraph divisions of the proposed rules and not to the earlier draft. Comments accepted by OSM have been incorporated into the proposed rules which follow. Editorial changes suggested by commenters have also been incorporated and the former are specifically addressed herein.

One commenter would prefer that the words of limitation in proposed § 816.71(a)(1)(i) be * * * "*adversely affect the hydrologic balance*," in order to be consistent with the Act. Section 515(b)(10) of the Act requires the operation to "minimize the disturbance to the prevailing hydrologic balance" and therefore the language "are minimized" would be used.

One commenter believes photographs are unnecessary when the drainage and filter structure are constructed and installed according to the plans and specifications required by proposed § 816.71(a)(4). The importance of photographs is discussed earlier in the preamble and is not restated here. Based on this discussion OSM has retained this language in the proposed rules.

Another commenter requested clarification on very thin or nonexisting topsoil that may be encountered when following the requirements of proposed § 816.71(a)(5). The measures to be taken under these conditions are stated in §§ 816.21–816.25 covering topsoil removal and redistribution.

One commenter requested that pipe underdrain systems be allowed under certain conditions when they are the best engineering alternative available. OSM accepts this suggestion and the draft rules have been changed to reflect this alternative in proposed § 816.71(b)(1). For further information, see the preceding discussion for this paragraph.

A commenter was concerned that the draft rules preclude shale from the underdrain system. OSM takes the position that since shale disintegrates when exposed to air and water, its use as a construction material for underdrain systems might jeopardize the long-term stability of the fill. Therefore, to ensure the integrity of the fill, the proposed rules would preclude the use of shale as a construction material.

One commenter was concerned with the 100-year, 24-hour precipitation event used in the design of the capacity for the diversion channels. This comment is accepted and in § 816.71(a)(6) OSM proposes to use the 100-year, 6-hour design storm following the guidelines of MSHA. For further discussions on this subject, the reader is referred to the preamble discussion for proposed § 816.71(a)(6).

One commenter was concerned that the proposed rules in proposed § 816.71(b)(3) specified the location of the disposal area instead of leaving the selection to the design engineer. OSM's response is that the rules would not specify the area but rather would provide requirements for the design engineer to follow in the selection process for the most suitable location for the disposal site.

One commenter requested clarification of the word "downslope" with respect to keyway cuts and rock buttresses in proposed § 816.71(b)(4). The requirement for keyway cuts or rock toe buttresses has been rewritten to clarify when these construction techniques would be required to stabilize the fill with respect to "downslope."

One commenter requested that proposed § 816.71(b)(5) allow depressions or impoundments on completed valley/head-of-hollow fills under certain conditions specified by the engineer. OSM believes, however, that depressions or impoundments should not be allowed on these type of fills in order to ensure their long-term stability. See 44 FR 15203 (March 13, 1979) for further discussions on this topic.

One commenter believed the requirements for placing coal processing waste in fills according to proposed § 816.71(a)(9) is too restrictive and they should allow the placement of some toxic and acid forming coal waste. The rational for the proposed rules on coal processing waste is discussed earlier in the preamble for proposed § 816.71(a)(9) and no changes are needed.

Another commenter stated that coal processing wastes should not be disposed of in excess spoil fills because of stability problems and the inability to reprocess the waste. OSM's response is that the stability of the site would be achieved through proper design and that the reprocessing problem should not be used to ban coal processing wastes from excess spoil fills. See discussions on proposed § 816.71(a)(9) for further information.

Reference Materials

Reference materials used to develop these proposed rules are as follows:

Canada Department of Energy, Mines, and Resources, 1977. Waste embankments, Chapter 9 in the pit slope manual. Mining Research Laboratories. CANMET Report 77–1. 137pp.

Loy, L.D., Jr; Ettinger, C.E.; Frakes, M.R.; and Kremer, D.J., 1978. Development of new design concepts for construction of valley fills, (Prepared by Skelly and Loy, Harrisburg, Pa., for U.S. Bureau of Mines) Contract No. J0177063 final report; 182 pp.

U.S. Bureau of Reclamation, 1973, Design of small dams, A water resources technical publication. 2d edition. U.S. Government Printing Office, Washington, D.C. 816 pp.

U.S. Mine Safety and Health Administration, 1979. Design Guidelines for Coal Refuse Piles and Water, Sediment or Slurry Impoundments and Impounding Structures, IR1109, pp. 29.

Tipton, 1981, Comments before the Kentucky Society of Professional Engineers, Louisville, Kentucky.

IV. Procedural Matters

Executive Order 12291

The Department of the Interior (DOI) has examined these proposed rules according to the criteria of Executive Order 12291 (February 17, 1981). OSM has determined that these are not major rules and do not require a regulatory impact analysis because they will impose only minor costs on the coal industry and coal consumers. In addition, the proposed rules emphasize the use of performance standards instead of design criteria, which will allow operators to utilize the most cost-effective means of achieving the performance standards.

Paperwork Reduction Act

The information collection requirements in existing 30 CFR Parts 816 and 817 were approved by the Office of Management and Budget (OMB)

under 44 U.S.C. 3507 and assigned new clearance numbers 1029-0047 and 1029-0048 on April 1, 1981. This approval was identified in notes at the introduction to 30 CFR Parts 816 and 817 under the old number RO 618 and RO 619 (all under No. 8-190462). OSM would delete those notes and codify the OMB approvals under the new §§ 816.10 and 817.10. The information required by 30 CFR Parts 816 and 817 would be used by the regulatory authoriy in monitoring and inspecting surface and underground mining activities to ensure that they are conducted in a manner which preserves and enhances environmental and other values of the Act. This information required by 30 CFR Parts 816 and 817 is mandatory. In addition, OSM will be filing for OMB approval of several new information gathering requirements specified in proposed §§ 816.71(a)(2 and 4) and 817.71(a)(2 and 4). OSM is requesting specific comments on the necessity of those requirements.

Regulatory Flexibility Act

The DOI has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that these rules will not have a significant economic impact on a substantial number of small entities. The proposed rules will allow small coal operators increased flexibility in meeting performance standards and should especially ease the regulatory burden on small coal operators in Appalachia.

National Environmental Policy Act

OSM has prepared an Environmental Assessment (EA) of the cumulative impacts on the human environment of this rulemaking and related rulemakings under the Act. This cumulative EA is on file in the OSM Administrative Record office at the address listed in the "Addresses" section of this preamble. OSM is also preparing a Supplemental Environmental Impact Statement that will consider this proposed rule. (See 47 FR 18920, May 3, 1982.)

List of Subjects

Part 701

Coal mining, Law enforcement, Surface mining, and Underground mining.

Part 816

Coal mining, Environmental protection, Reporting requirements, and Surface mining.

Part 817

Coal mining, Environmental protection, Reporting requirements and Underground mining.

Accordingly, 30 CFR Parts 701, 816 and 817 are proposed to be amended as set forth herein.

Dated: May 17, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

PART 701—PERMANENT REGULATORY PROGRAM

1. In § 701.5 the definition of *Excess spoil* is added and the definitions of *Head-of-hollow fill, Underground development waste,* and *Valley fill* are revised to read as follows:

§ 701.5 Definitions.

* * * * *

Excess spoil means spoil material disposed of in a location other than the mined out area, except material used to blend spoil from the mined out area with the surrounding terrain after achieving the approximate original contour in nonsteep slope areas.

* * * * *

Head-of-hollow fill means a fill structure consisting of any material, other than organic material, placed in the uppermost reaches of a hollow where side slopes of the existing hollow measured at the steepest point are greater than 20 degrees or the average slope of the profile of the hollow from the toe of the fill to the top of the fill is greater than 10 degrees. In head-of-hollow fills the top surface of the fill, when completed, is at approximately the same elevation as the adjacent ridge line, and no significant area of natural drainage occurs above the fill draining into the fill area.

* * * * *

Underground development waste means waste rock mixtures of coal, shale, claystone, siltstone, limestone, or related materials that are excavated, moved and disposed of in connection with underground operations.

* * * * *

Valley fill means a fill structure consisting of any material, other then organic material, that is placed in a valley where side slopes of the existing valley measured at the steepest point are greater than 20 degrees or the average slope of the profile of the valley from the toe of the fill to the top of the fill is greater than 10 degrees.

* * * * *

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

2. Section 816.71 is revised to read as follows:

§ 816.71 Disposal of excess spoil.

(a) *General requirements.* (1) Excess spoil shall be placed only in permitted excess spoil disposal areas, in a controlled manner to ensure—

(i) That the effects of leachate and surface water runoff from the fill on surface and ground waters are minimized;

(ii) That a minimum long-term static safety factor of 1.5 is attained;

(iii) That the land mass designated as the disposal area is suitable for reclamation and revegetation compatible with the natural surroundings and approved postmining land use.

(2) The fill and appurtenant structures shall be designed using recognized professional standards and must meet any design criteria established by the regulatory authority. Sufficient foundation investigations and laboratory testing of foundation material shall be performed in order to determine the design requirements for foundation stability. The analyses of foundation conditions shall take into consideration the effect of underground mine workings, if any, upon the stability of the structure. A qualified registered professional engineer experienced in the design of earth and rockfill embankments, which is documented in writing to the regulatory authority, shall certify the design of the fill and appurtenant structures in the disposal area. The regulatory authority shall approve the design prior to construction. The foundation and abutments of the fill must be stable under all conditions of construction and operation.

(3) The excess spoil shall be transported and placed in horizontal lifts not exceeding 4 feet in thickness in a controlled manner, currently compacted as necessary to ensure mass stability and to prevent mass movement, covered with topsoil or equivalent material, and graded so that surface and subsurface drainage is compatible with the natural surroundings. The regulatory authority may accept a design which incorporates horizontal lifts in excess of 4 feet when it is demonstrated by the operator and certified by a qualified registered professional engineer that the design will ensure long-term stability and the other related environmental performance standards in this section.

(4) A qualified registered professional engineer or other qualified professional specialist shall inspect the fill for stability during construction. Both shall be experienced in the construction of earth and rockfill embankments, and this experience must be documented in writing to the regulatory authority.

Inspections must be made at least quarterly throughout construction and during the following critical construction periods: (i) Removal of all organic material and topsoil, (ii) placement of underdrains and protective filter systems, (iii) installation of surface drainage systems, (iv) placement and compaction of fill materials, and (v) revegetation. The qualified registered professional engineer shall provide to the regulatory authority a certified report within two weeks after each inspection that the fill has been constructed as specified in the design approved by the regulatory authority. The certified report on the drainage system and protective filters shall include color photographs taken during and after construction, but before the drain system is covered with spoil. If the underdrain system is constructed in phases, each phase is to be certified separately. The photographs accompanying each certified report are to be taken in adequate size and number with enough terrain or other physical features of the site shown to provide a relative scale to the photographs and to specifically identify the site. A copy of each inspection report is to be retained at the minesite.

(5) All vegetative and organic materials shall be removed from the disposal area and the topsoil shall be removed, segregated and stored or redistributed under §§ 816.21–816.25. If approved by the regulatory authority, organic material may be used as mulch or may be included in the topsoil to control erosion, promote growth of vegetation or increase the moisture retention of the soil.

(6) Slope protection shall be provided to minimize surface erosion from the disposal site. If required by the regulatory authority to ensure stability and in all head-of-hollow and valley fills, runoff from areas adjacent to and above the fill and runoff from the surface of the fill shall be diverted into stabilized channels designed to safely pass the runoff from a 100-year, 6-hour precipitation event. The requirements of § 816.43 apply to the design of diversion ditches. All disturbed areas, including diversion ditches that are not riprapped or otherwise protected, are to be vegetated upon completion of construction.

(7) If the disposal area contains springs, natural or manmade water courses, or wet weather seeps, the engineer shall design a system to divert the water course around the fill or design an underdrain system. The regulatory authority shall approve the drainage plan for the disposal area. The underdrain system, if used, shall be designed according to the requirements of § 816.71(b)(1).

(8) Terraces may be utilized to control erosion and enhance stability if compatible with the approved postmining land use.

(9) Coal mine wastes may be disposed of in excess spoil fills if approved by the regulatory authority and, if such waste is—

(i) Placed in accordance with § 816.85;

(ii) Non-toxic and non-acid forming; and

(iii) Consistent with the design stability of the fill.

(10) The regulatory authority may approve alternate methods for disposal of durable rock spoil, such as placing the excess spoil on a slop in single or multiple lifts rather than the horizontal lifts required in § 816.71(a)(3), on a site specific basis under the following conditions:

(i) The fill structure is to be designed and constructed according to the general requirements for disposal of excess spoil and, if applicable, the special requirements for valley/head-of-hollow fills;

(ii) It must be demonstrated by the operator and certified by a qualified registered professional engineer that fill placements would meet the design, long-term stability, and other environmental performance standards in § 816.71;

(iii) The durable rock spoil consists of at least 80 percent by volume durable and nondegradable rock such as sandstone, limestone or other rocks that do not slake in water; and

(iv) When noncemented clay shale, clay spoil or other materials comprise the remaining volume of the fill, it shall be adequately mixed with the excess durable rock spoil to retain the design stability of the structure and the proper functioning of the underdrain system.

(11) Excess spoil may be returned to underground mine workings, but only in accordance with a disposal program approved by the regulatory authority and MSHA upon the basis of a plan submitted under § 784.25 of this chapter.

(b) *Valley fill/head-of-hollow fill: Special requirements.* In addition to all of the requirements of § 816.71(a), the following special requirements apply to valley fills and head-of-hollow fills.

(1) If the disposal area contains springs, natural or manmade water courses, or wet weather seeps, an underdrain system consisting of durable rock of pipe shall be constructed for the wet areas in a manner that prevents infiltration of the water into the excess spoil. The underdrain system shall be protected from piping and contamination by an adequate filter that is designed and constructed using standard geotechnical engineering methods meeting any design requirements established by the regulatory authority. Durable rock underdrains and protective filters shall be constructed of nondegradable, non-acid or non-toxic forming rock (i.e., natural sand and gravel, sandstone, limestone, or other durable rock) that will not slake in water and will be free of coal, clay and shale. The underdrain system shall be designed according to standard engineering procedures to carry the anticipated flow from infiltration into the spoil pile and from seepage and springs in the foundation area.

(2) The top surface of the completed fill shall be graded such that the final slope after settlement will be toward properly designed drainage channels. Surface runoff from the fill may not flow uncontrolled over the outslope of the fill.

(3) The disposal area shall be located on the most moderately sloping and naturally stable areas available as approved by the regulatory authority and shall be placed, where possible, upon, or above, a natural terrace, bench, or berm, if such placement provides additional stability and prevents mass movement.

(4) Where the toe of the spoil rests on a downslope in excess of 2.8h:1v (36 percent) or such lesser slope as may be designated by the regulatory authority based on local conditions, keyway cuts (excavations to stable bedrock) or rock toe buttresses are to be constructed to insure stability of the fill.

(5) The final configuration of the fill must be suitable for postmining land uses approved in accordance with § 816.133, except that no depressions or impoundments are allowed on the completed fill.

(6) Terraces may be constructed on the outslope if required for stability, control of erosion, or for roads included in the approved postmining land use plan. The terraces shall be designed to meet the following requirements:

(i) The grade of the outslope between terrace benches shall not be steeper than 2h:1v (50 percent).

(ii) Each terrace bench shall be graded to slope toward the embankment to control surface runoff. Runoff shall be collected by a ditch along the intersection of each terrace bench and the outslope.

(iii) Each terrace ditch shall be graded to slope toward the channels specified in paragraph (a)(6) of this section. The bottom of each terrace ditch shall be

sloped to control erosive velocities of the runoff water in the ditch.

(c) *Gravity transport of spoil to preexisting benches.* Disposal of excess spoil from an upper actively mined bench to a lower preexisting bench by means of gravity transport is permitted provided that—

(1) The operator receives the prior written approval of the regulatory authority upon demonstration by the operator that the excess spoil to be disposed of by gravity transport is not necessary for elimination of the active mine highwall and return of the upper bench to approximate original contour.

(2) The following conditions and performance standards in addition to the environmental performance standards of this part are met:

(i) The highwall of the lower bench intersects (meets) the upper actively mined bench with no natural slope between them;

(ii) The gravity transport points are determined on a site specific basis by the operator and approved by the regulatory authority to minimize hazards to health and safety and to ensure that damage will be minimized should excess spoil accidentally move downslope of the lower bench;

(iii) The excess spoil is placed only on solid portions of the lower preexisting bench;

(iv) All excess spoil on the lower solid bench, including that excess spoil immediately below the gravity transport points, is rehandled and placed in a controlled manner to eliminate as much of the lower highwall as practicable. Rehandling and placing the excess spoil in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and to prevent mass movement, and graded to allow surface and subsurface drainage to be compatible with the natural surroundings to ensure a minimum long-term static safety factor of 1.3. Spoil on the bench prior to the current mining operation need not be rehandled except where necessary to ensure stability of the fill;

(v) A safety berm is constructed on the solid portion of the lower bench prior to gravity transport of the excess spoil. Where there is insufficient material on the lower bench to construct a safety berm, only that amount of excess spoil necessary for the construction of the berm may be gravity transported to the lower bench prior to construction of the berm. The operator shall remove the safety berm during final grading operations; and

(vi) The area of the lower bench used for the disposal of excess spoil in considered an affected area within the permit area.

3. Section 816.75 is redesignated as § 816.71(d) and is revised to read as follows:

§ 816.71 Disposal of excess spoil: General requirements.

* * * * *

(d) *Disposal of excess spoil: Preexisting benches.* (1) The regulatory authority may approve the disposal of excess spoil through placement on preexisting benches, provided that all the standards set forth in §§ 816.71(a)(1)(i), (1)(iii), (a)(2) and (a)(4) through (a)(9) and the requirements of this paragraph are met.

(2) Excess spoil shall be placed only on the solid portion of the preexisting bench.

(3) The fill shall be designed, using standard geotechnical analysis, to attain a long-term static safety factor of 1.3 for all portions of the fill.

(4) The preexisting bench shall be backfilled and graded to—

(i) Achieve the most moderate slope possible which does not exceed the angle of repose, and

(ii) Eliminate the highwall to the extent practicable.

§§ 816.72, 816.73, and 816.74 [Removed]

4. Sections 816.72, 816.73 and 816.74 are removed.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

5. Section 817.71 is revised to read as follows:

§ 817.71 Disposal of excess spoil.

(a) *General requirements.* (1) Spoil resulting from face-up operations for underground coal mine development may be placed at drift entries as part of a cut and fill structure if the structure is less than 400 feet in horizontal length and if it is designed in accordance with § 817.71(a). Excess spoil shall be placed only in permitted excess spoil disposal areas, in a controlled manner to ensure—

(i) That the effects of leachate and surface water runoff from the fill on surface and ground waters are minimized;

(ii) That a minimum long-term static safety factor of 1.5 is attained;

(iii) That the land mass designated as the disposal area is suitable for reclamation and revegetation compatible with the natural surroundings and approved postmining land use.

(2) The fill and appurtenant structures shall be designed using recognized professional standards and must meet any design criteria established by the regulatory authority. Sufficient foundation investigations and laboratory testing of foundation material shall be performed in order to determine the design requirements for foundation stability. The analyses of foundation conditions shall take into consideration the effect of underground mine workings, if any, upon the stability of the structure. A qualified registered professional engineer experienced in the design of earth and rockfill embankments, which is documented in writing to the regulatory authority, shall certify the design of the fill and appurtenant structures in the disposal area. The regulatory authority shall approve the design prior to construction. The foundation and abutments of the fill must be stable under all conditions of construction and operation.

(3) The excess spoil shall be transported and placed in horizontal lifts not exceeding 4 feet in thickness in a controlled manner, currently compacted as necessary to ensure mass stability and to prevent mass movement, covered with topsoil or equivalent material, and graded so that surface and subsurface drainage is compatible with the natural surroundings. The regulatory authority may accept a design which incorporates horizontal lifts in excess of 4 feet when it is demonstrated by the operator and certified by a qualified registered professional engineer that the design will ensure long-term stability and the other related environmental performance standards in this section.

(4) A qualified registered professional engineer or other qualified professional specialist shall inspect the fill for stability during construction. Both shall be experienced in the construction of earth and rockfill embankments, and this experience must be documented in writing to the regulatory authority. Inspections must be made at least quarterly throughout construction and during the following critical construction periods: (i) Removal of all organic material and topsoil, (ii) placement of underdrains and protective filter systems, (iii) installation of surface drainage systems, (iv) placement and compaction of fill materials, and (v) revegetation. The qualified registered professional engineer shall provide to the regulatory authority a certified report within two weeks after each inspection that the fill has been constructed as specified in the design approved by the regulatory authority. The certified report on the drainage system and protective filters shall include color photographs taken during

and after construction, but before the drain system is covered with spoil. If the underdrain system is constructed in phases, each phase is to be certified separately. The photographs accompanying each certified report are to be taken in adequate size and number with enough terrain or other physical features of the site shown to provide a relative scale to the photographs and to specifically identify the site. A copy of each inspection report is to be retained at the minesite.

(5) All vegetative and organic materials shall be removed from the disposal area and the topsoil shall be removed, segregated and stored or redistributed under §§ 817.21–817.25. If approved by the regulatory authority, organic material may be used as mulch or may be included in the topsoil to control erosion, promote growth of vegetation or increase the moisture retention of the soil.

(6) Slope protection shall be provided to minimize surface erosion from the disposal site. If required by the regulatory authority to ensure stability and in all head-of-hollow and valley fills, runoff from areas adjacent to and above the fill and runoff from the surface of the fill shall be diverted into stabilized channels designed to safely pass the runoff from a 100-year, 6-hour precipitation event. The requirements of § 817.43 apply to the design of diversion ditches. All disturbed areas, including diversion ditches that are not riprapped or otherwise protected, are to be vegetated upon completion of construction.

(7) If the disposal area contains springs, natural or manmade water courses, or wet weather seeps, the engineer shall design a system to divert the water course around the fill or design an underdrain system. The regulatory authority shall approve the drainage plan for the disposal area. The underdrain system, if used, shall be designed according to the requirements of § 817.71(b)(1).

(8) Terraces may be utilized to control erosion and enhance stability if compatible with the approved postmining land use.

(9) Coal mine wastes may be disposed of in excess spoil fills if approved by the regulatory authority and, if such waste is—

(i) Placed in accordance with § 817.85;

(ii) Non-toxic and non-acid forming; and

(iii) Consistent with the design stability of the fill.

(10) The regulatory authority may approve alternate methods for disposal of durable rock spoil, such as placing the excess spoil on a slope in single or multiple lifts rather than the horizontal lifts required in § 817.71(a)(3), on a site specific basis under the following conditions:

(i) The fill structure is to be designed and constructed according to the general requirements for disposal of excess spoil and, if applicable, the special requirements for valley/head-of-hollow fills;

(ii) It must be demonstrated by the operator and certified by a qualified registered professional engineer that fill placements would meet the design, long-term stability, and other environmental performance standards in § 817.71;

(iii) The durable rock spoil consists of at least 80 percent by volume durable and nondegradable rock such as sandstone, limestone or other rocks that do not slake in water; and

(iv) When noncemented clay shale, clay spoil or other materials comprise the remaining volume of the fill, it shall be adequately mixed with the excess durable rock spoil to retain the design stability of the structure and the proper functioning of the underdrain system.

(11) Excess spoil may be returned to underground mine workings, but only in accordance with a disposal program approved by the regulatory authority and MSHA upon the basis of a plan submitted under § 784.25 of this chapter.

(b) *Valley fill/head-of-hollow fill: Special requirements.* In addition to all of the requirements of § 817.71(a), the following special requirements apply to valley fills and head-of-hollow fills.

(1) If the disposal area contains springs, natural or manmade water courses or wet weather seeps, an underdrain system consisting of durable rock or pipe shall be constructed for the wet areas in a manner that prevents infiltration of the water into the excess spoil. The underdrain system shall be protected from piping and contamination by an adequate filter that is designed and constructed using standard geotechnical engineering methods meeting any design requirements established by the regulatory authority. Durable rock underdrains and protective filters shall be constructed of nondegradable, non-acid or non-toxic forming rock (i.e., natural sand and gravel, sandstone, limestone, or other durable rock) that will not slake in water and will be free of coal, clay and shale. The underdrain system shall be designed according to standard engineering procedures to carry the anticipated flow from infiltration into the spoil pile and from seepage and springs in the foundation area.

(2) The top surface of the completed fill shall be graded such that the final slope after settlement will be toward properly designed drainage channels. Surface runoff from the fill may not flow uncontrolled over the outslope of the fill.

(3) The disposal area shall be located on the most moderately sloping and naturally stable areas available as approved by the regulatory authority and shall be placed, where possible, upon, or above, a natural terrace, bench, or berm, if such placement provides additional stability and prevents mass movement.

(4) Where the toe of the spoil rests on a downslope in excess of 2.8h:1v (36 percent) or such lesser slope as may be designated by the regulatory authority based on local conditions, keyway cuts (excavations to stable bedrock) or rock toe buttresses are to be constructed to insure stability of the fill.

(5) The final configuration of the fill must be suitable for postmining land uses approved in accordance with § 816.133, except that no depressions or impoundments are allowed on the completed fill.

(6) Terraces may be constructed on the outslope if required for stability, control of erosion, or for roads included in the approved postmining land use plan. The terraces shall be designed to meet the following requirements:

(i) The grade of the outslope between terrace benches shall not be steeper than 2h:1v (50 percent).

(ii) Each terrace bench shall be graded to slope toward the embankment to control surface runoff. Runoff shall be collected by a ditch along the intersection of each terrace bench and the outslope.

(iii) Each terrace ditch shall be graded to slope toward the channels specified in Paragraph (a)(6). The bottom of each terrace ditch shall be sloped to control erosive velocities of the runoff water in the ditch.

(c) *Gravity transport of spoil to preexisting benches.* Disposal of excess spoil from an upper actively mined bench to a lower preexisting bench by means of gravity transport is permitted provided that—

(1) The operator receives the prior written approval of the regulatory authority upon demonstration by the operator that the excess spoil to be disposed of by gravity transport is not necessary for elimination of the active mine highwall and return of the upper bench to approximate original contour.

(2) The following conditions and performance standards in addition to the environmental performance standards of this part are met:

(i) The highwall of the lower bench intersects (meets) the upper actively

mined bench with no natural slope between them;

(ii) The gravity transport points are determined on a site specific basis by the operator and approved by the regulatory authority to minimize hazards to health and safety and to ensure that damage will be minimized should excess spoil accidentally move downslope of the lower bench;

(iii) The excess spoil is placed only on solid portions of the lower prexisting bench;

(iv) All excess spoil on the lower solid bench, including that excess spoil immediately below the gravity transport points, is rehandled and placed in a controlled manner to eliminate as much of the lower highwall as practicable. Rehandling and placing the excess spoil on the lower solid bench consists of placing the excess spoil in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and to prevent mass movement, and graded to allow surface and subsurface drainage to be compatible with the natural surroundings to ensure a minimum long-term static safety factor of 1.3. Spoil on the bench prior to the current mining operation need not be rehandled except where necessary to ensure stability of the fill;

(v) A safety berm is constructed on the solid portion of the lower bench prior to gravity transport of the excess spoil. Where there is insufficient material on the lower bench to construct a safety berm, only that amount of excess spoil necessary for the construction of the berm may be gravity transported to the lower bench prior to construction of the berm. The operator shall remove the safety berm during final grading operations; and

(vi) The area of the lower bench used for the disposal of excess spoil is considered an affected area within the permit area.

6. Section 817.75 is redesignated as § 817.71(d) and is revised to read as follows:

§ 817.71 Disposal of underground development waste and excess spoil: General requirements.

* * * * *

(d) *Disposal of excess spoil: Preexisting benches.* (1) The regulatory authority may approve the disposal of excess spoil through placement on preexisting benches, provided that all the standards set forth in § 816.71(a)(1)(i), (1)(iii), (a)(2) and (a)(4) through (a)(9) and the requirements of this paragraph are met.

(2) Excess spoil shall be placed only on the solid portion of the preexisting bench.

(3) The fill shall be designed, using standard geotechnical analysis, to attain a long-term static safety factor of 1.3 for all portions of the fill.

(4) The preexisting bench shall be backfilled and graded to—

(i) Achieve the most moderate slope possible which does not exceed the angle of repose, and

(ii) Eliminate the highwall to the extent practicable.

§§ 817.72, 817.73, and 817.74 [Removed]

7. Sections 817.72, 817.73 and 817.74 are removed.

(Pub. L. 95–87, 30 U.S.C. 1201 et seq.)

[FR Doc. 82–15532 Filed 6–7–82; 8:45 am]

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federal register

Tuesday
June 8, 1982

Part VI

Department of Agriculture

Food and Nutrition Service

Optional Workfare Program

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 273

[Amdt. No. 217]

Optional Workfare Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Stamp and Commodity Distribution Amendments of 1981 (Pub. L. 97–98), enacted on December 22, 1981, provide the option for any political subdivision, in any State, to establish a workfare program as a component of the Food Stamp Program. The objective of this proposed rule is to permit those State agencies or political subdivisions choosing to establish a workfare program to institute a workfare requirement for eligible food stamp recipients. Workfare-eligible recipients would be assigned to public service work in return for the household's food stamp allotment. The work would be valued at a rate equivalent to the greater of the Federal or State minimum wage.

DATES: Comments must be received on or before July 23, 1982, to be assured of consideration.

ADDRESS: Comments should be submitted to Thomas O'Connor, Supervisor, Policy and Regulations Section, Programs Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday), at 3101 Park Center Drive, Alexandria, Virginia, Room 708.

FOR FURTHER INFORMATION CONTACT: Questions regarding this proposed rulemaking should be directed to Mr. O'Connor at the above address or by telephone at (703) 756–3429.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting and recordkeeping provisions that are included in this proposed rule will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

Classification

Executive Order

This proposed rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been classified "not major." The proposed rule would not have an annual effect on the economy of $100 million or more, nor would it likely result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. Because this proposed rule would not affect the business community, it would not result in 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.

Regulatory Flexibility Act

This proposed rule has also been reviewed with regard to the requirements of Pub. L. 96–354. The Administrator of the Food and Nutrition Service has certified that the proposal would not have a significant economic impact on a substantial number of small entities. The rule would implement those provisions of Section 1333 of Pub. L. 97–98, the Food Stamp and Commodity Distribution Amendments of 1981, which require the establishment of an optional workfare program. State and local welfare agencies would be affected to the extent that they are involved in administering the workfare program. Political subdivisions would also be affected if they choose to administer a workfare program. Those most affected would be individuals participating in the Food Stamp Program who live in an area operating a workfare program and meet the eligibility requirements for participating in such a program.

Comment Period

Since legislative history indicates Congress' desire for the Secretary of Agriculture to issue regulations as soon as possible (S. Rep. 97–290, 97th Cong., 1st Sess., p. 228 (1981)), the Department has decided to provide a 45-day comment period.

Background

Program/Legislative History

The Food Stamp and Commodity Distribution Amendments of 1981 (Pub. L. 97–98, section 1333, 95 Stat. 1291), enacted December 22, 1981, provide for the establishment of workfare programs at the option of political subdivisions. For the most part, the legislation is similar to that governing the Food Stamp Program Workfare Demonstration Projects which have been in operation since July 1979. There are, however, changes in eligibility requirements, sanctions, and other areas. In developing this rule, the Department has drawn on its experience with the demonstration projects. The workfare concept has also been adopted into law for the Aid to Families with Dependent Children Program (AFDC) (Pub. L. 97–35). The Department of Health and Human Services issued regulations for the Community Work Experience Program (CWEP) on February 5, 1982 (45 CFR Part 238). This program is optional for State agencies and permits the establishment of a workfare requirement for eligible AFDC recipients.

State Agencies, Political Subdivisions, and the Operating Agency

Under this proposed rule, any State agency or other political subdivision may sponsor a workfare program by submitting and obtaining approval from FNS of a workfare plan. "State agency" refers to the agency of State government, including its local offices or the counterpart local agency when a decentrailzed administration is in effect, which is responsible for administering the Food Stamp Program. "Political subdivision" refers to any local government which includes, but is not limited to, any county, city, town or parish.

As used in these proposed rules, the term "operating agency" refers to any public or private, nonprofit organization designated by the State agency or political subdivision submitting a workfare plan to be responsible for administering the workfare program. The operating agency may be the entity submitting the workfare plan itself, an unrelated agency co-located with the State agency, or an unrelated agency located apart from the State agency. The entity submitting the workfare plan to FNS is responsible for assuring that the operating agency complies with the plan.

The State agency, through its local offices, would be responsible for referring all workfare-eligible recipients to the operating agency, determining cause for noncompliance, and processing sanctions for households found to be noncompliant without good cause. The State agency, acting on behalf of the Department, would also be responsible for disbursing Federal funds used for the workfare program through their Letter of Credit and for monitoring and enforcing by fund withdrawal compliance by all parties involved with this rule. The operating agency's

responsibilities, as the arm of the State agency or political subdivision which submitted the plan, include establishing and monitoring job sites, interviewing and assessing eligible food stamp recipients for placement, and assigning those eligible recipients to the appropriate job sites. The Department could withdraw approval and funding for a workfare program from the State agency or political subdivision which submitted the workfare plan if it determines that the operating agency has failed to comply with the provisions of this rule or of the plan.

Eligibility

All food stamp recipients not exempted by the statute would be eligible for workfare. The workfare exemptions would be the same as those provided by statute for the work registration/job search requirements except that AFDC work registrants not involved at least 20 hours a week in a work training program under Title IV of the Social Security Act, such as the Work Incentive Program (WIN) or CWEP, and unemployment compensation recipients are eligible for workfare. The statutory exemptions include certain caretakers of children or incapacitated people, certain students, and those who work a minimum of 30 hours per week.

The workfare obligation for a household would be determined by dividing the household's food stamp allotment by the higher of the Federal or State minimum wage. Every workfare-eligible household member may be required to contribute toward working off the household's monthly food stamp allotment. However, the value of the hours worked in the aggregate may not exceed that months's allotment. In addition, since the workfare obligation is a household obligation, the household could avoid or terminate a sanction by having any workfare-eligible recipient in the household complete the outstanding hours of obligation of another household member.

Conditions of Employment

Workfare participants could be required to work up to 20 hours a week in workfare. If the participant has part-time employment, including involvement in other workfare-type programs, the employment plus the food stamp workfare assignment may not exceed 30 hours per week. This provision leaves sufficient time for job search activities, either done with State Employment Security Agencies or done independently. Therefore, these rules would require that any job search activities otherwise required would continue to apply to workfare participants. The Department realizes the restriction on the number of hours a household may be required to work in a week could create scheduling difficulties for both the operating agency and the participant. Consequently, the Department proposes that, with the participant's concurrence, scheduling may be made in such a manner that the required weekly average for hours worked by any participant in any given month may not exceed 20 hours a week (30 hours for part-time employees). The Department has also stipulated that no participant shall be required to work more than eight hours in any given day unless the participant concurs with such scheduling.

The proposed rule would establish conditions of employment which workfare job offers must meet. Examples of these conditions include a stipulation that participants shall not be required to join, refrain from joining, or resign from a labor organization; a requirement that the job site not be unreasonably distant from the participant's home; and a provision probibiting the imposition of work requirements that conflict with the participant's religion. In addition, the regulations require that minimum health and safety conditions be met and that workfare positions not displace regular employees.

These conditions reflect the principles and conditions of public sector employment and are consistent with current work registration/job search rules (7 CFR 273.7). The conditions are designed to protect existing jobs and to protect participants from unreasonable demands, and at the same time to ensure compliance by those who are able to work.

The benefits required for participants under the Act are those which are normally offered to employees similarly employed by the particular employer. The operating agency should identify the class or group of employees described in the employer's current personnel regulations or policy guidelines which is most similar to workfare participants and then assure that all persons employed in workfare jobs receive the same job related benefits received by those in that similar group. Elective benefits, requiring a cash contribution by the participant, shall be at the participant's option.

While workers' compensation is not required by these regulations, it is suggested that State agencies or political subdivisions investigate the need for this coverage or some comparable protection. Since it is not the employer, the Federal government will not be liable for injury incurred in workfare.

Working conditions for workfare participants should also be the same as for those similarly employed. This includes but is not limited to personal equipment such as gloves or hard hats which are required to perform a particular job and are supplied by the employer, access to facilities at the worksite, and time provided for breaks.

Under the Act, participants are to be reimbursed for transportation and other costs reasonably necessary for participation in workfare up to $25 for each participant per month. These other costs may include any personal equipment necessary to meet the required working conditions if this equipment is also purchased by regular employees. This is a Federally matchable administrative cost.

Priority Placements

The Department recognizes that there may be times when an approved operating agency would have more eligible participants than workfare positions at job sites. This may occur for a number of reasons, such as a funding curtailment or an unexpected increase in the number of participants. In these situations, the operating agency would have to determine which eligible participants would be placed and which would not be placed in workfare positions. The proposed rule would allow the operating agency to establish its own system for addressing such situations. However, operating agencies should be aware that an impartial system for placements, such as random selection, would prove more satisfactory than one which might be subject to criticism for being biased. The proposed rule would require that operating agencies describe in their plans how they will determine the priority for placement in these situations.

Job Search Period

Under the Act, the operating agency may establish a job search period for potential workfare participants of up to 30 days following certification, prior to making a workfare assignment. This interval of time is to be used by the potential participant to find a job. The recipient would, if eligible, be subject to regular work registration/job search requirements during this time.

Types of Jobs

Workfare jobs may be with any public agency or private, nonprofit organization. Private, for-profit organizations may not be used as job sites. Under this proposal, contractual

agreements must be made between the operating agency and the organizations providing positions, stating the positions available, their requirements, and who will be responsible for providing required job-related benefits such as workers' compensation.

Sanctions and Hearings

Under the Act, should a person with a workfare obligation fail without good cause to complete the obligation and should that obligation not be completed by another workfare-eligible household member, the household would be removed from the Food Stamp Program for two months. This disqualification is required by the statute and is consistent with the penalty for failure to comply with the work registration/job search requirements. Until the disqualification is actually invoked, the household, if otherwise eligible, will continue to have a workfare obligation. The household may be reinstated prior to the end of the two-month period by completing all outstanding workfare obligations which led to the sanction. Completing the outstanding workfare obligation would only entitle a household to be reinstated earlier, not to receive any back benefits lost due to the sanction. Regular food stamp hearing procedures shall be used.

Coordination with Job Search Requirements

By setting a maximum of 20 hours per week for workfare obligations (30 hours when combined with other part time employment), the Act leaves time available for job search activities. Consequently, the Department proposes that involvement in workfare not exempt an individual from job search requirements of the Act.

Administration and Funding

The Act permits any political subdivision to establish a workfare program. It is clear that Congress' intention is that State agencies may not deny or impede local jurisdictions from establishing these programs (H.R. Rep. No. 97-106, 97th Cong., 1st Sess., 168 (1981)). However, FNS has not previously had a direct relationship with local jurisdictions in administering the Food Stamp Program. While the Department is concerned about preserving the Federal-State-local relationship, it also must preserve the intent of the legislation.

The alternative of establishing and maintaining direct relationships between FNS and the local jurisdictions is undesirable because bypassing the State government is unprecedented in the Food Stamp Program and because such a relationship could place a large administrative burden on FNS. Furthermore, the State agency is necessarily involved in the workfare program because of its responsibility to identify and refer workfare-eligible recipients, and process sanctions for those determined to be non-compliant. Consequently, the Department proposed that State agencies act as the authorized agents to the Department and assume the responsibility for facilitating administration of local programs, including the dispensing of Federal funds and monitoring and enforcing compliance by political subdivisions and operating agencies. The Department would be interested in any comments on this issue, especially from State and local governments.

Under the proposed rules, State agencies would submit their workfare plans to FNS and, upon obtaining approval, make them parts of their State Plans of Operations. Political subdivisions would be asked to submit their workfare plans through State food stamp agencies, though this would not be a requirement. It would be a requirement, however, that political subdivisions submit copies of the workfare plans to the State agencies concurrent with their submission to FNS. Upon approval of a plan by FNS, the workfare plan would become a part of the State Plan of Operations. All funding would go through the State agency Letter of Credit. Consequently, State agencies must establish a funding mechanism with political subdivisions which will operate workfare programs, if a mechanism does not already exist. In order to monitor workfare programs and ensure compliance with these rules and the approved workfare plan, the State agency would act as an authorized agent for FNS. As such an agent, the State agency could withhold funding in instances where it establishes noncompliance by the operating agency or the political subdivision which submitted the plan. Under this proposal, FNS would be notified by the State agency, prior to the withholding of funds, of the circumstances leading to that action.

Federal Funding.

Under the Act, FNS will provide 50% funding for costs incurred in administering a workfare program. These costs may not include the cost of the equipment and materials used at job sites nor may they include the cost of supervision for workfare participants at the job sites. The cost of participant transportation and personal equipment not provided by the employer yet necessary to meet the required working conditions, such as gloves and hard hats, will be reimbursed to the participant up to a total of $25 per month and is a matchable administrative cost. State agencies and political subdivisions submitting plans shall indicate in the plan the method and source by which their portion of the funding will be provided.

Coordination With Other Workfare-Type Programs

The Department and Congress realize that State agencies or political subdivisions may wish to operate workfare programs jointly with other workfare-type programs such as AFDC's, CWEP or other local general assistance (GA) workfare programs (S. REP. No. 97-290, p. 220). Toward this end, the regulations have been designed to be as flexible as possible within the framework of the statute. Waivers of regulatory provisions may be requested from FNS to help conform this workfare program with either CWEP programs of GA workfare programs. However, statutory waivers cannot be granted.

If the State or political subdivision decides to establish food stamp workfare along with CWEP or general assistance workfare, the Department encourages the programs to be alike whenever possible. Such similarity will reduce administrative costs and simplify the program for recipients.

Implementation

Any State agency or political subdivision which wishes to operate a workfare program should submit a plan to its FNS regional office for approval. Under this proposal, at a minimum, the plan should describe how the provisions of these regulations will be met, the proposed schedule for implementation, workload projections, and staffing plans. Approved plans would be incorporated into the respective State Plan of Operations. Changes to workfare plans would be submitted to FNS for approval.

A proposed operating budget covering the period from the initiation of the implementation schedule to the close of the Federal fiscal year would accompany the submitted plan. For subsequent fiscal years, workfare program budgets would be worked into the State agency budget submission. In addition to the submitted budget, and estimate of the cost of full operations for a period of one year would also be submitted with the workfare plan.

It is possible that in some instances a political subdivision will submit a workfare plan for an area where another political subdivision has already been approved to operate a workfare

program. For example, a city within a county may wish to operate a workfare program even though the county has already been approved to operate a workfare program. In such cases, the political subdivision which submits its workfare plan later must establish in its plan how it will ensure that food stamp recipients will not be subject to more than one food stamp workfare program. The purpose of this provision is to ensure that food stamp recipients would be subject to only one food stamp workfare program. The Department hopes that such instances of conflicting programs would be resolved at the local level.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant program—social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Food stamps, Fraud, Grant programs—social programs, Penalties, Reporting and recordkeeping requirements, Social security, Students.

Accordingly, it is proposed that 7 CFR Parts 272 and 273 be amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. A new paragraph (g)(42) is added to § 272.1 as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(42) *Amendment 217.* The regulations concerning the optional workfare program contained in Amendment 217 shall be in effect July 8, 1982.

2. In § 272.2, a new sentence is added to the end of paragraph (a)(2) to read as follows:

§ 272.2 Plan of operation.

(a) *General Purpose and Content.* * * *

(2) *Content.* * * * The Workfare Plan is also considered part of the State Plan of Operation, but is submitted separately as prescribed under § 272.22.

* * * * *

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

3. A new § 273.22 is added to read as follows:

§ 273.22 Optional Workfare Program.

(a) *General.* This section contains rules which are to be followed in operating a Food Stamp Workfare Program. Under this program, nonexempt food stamp recipients would be required to perform work in a public service capacity as a condition of eligibility to receive the coupon allotment to which their household is normally entitled.

(b) *Program administration.* (1) Any State food stamp agency or other political subdivision in any State choosing to establish and operate a workfare program must submit for FNS approval a workfare plan in accordance with the requirements of this section. For the purpose of this section, a political subdivision is any local government, which includes, but is not limited to, any county, city, town or parish. A State agency may implement a workfare program statewide or in only some areas of the State. The areas of operation must be identified in the State workfare plan.

(2) Political subdivisions are asked to submit their plans to FNS through their respective State agencies. Otherwise, plans shall be submitted to the State agencies concurrent with their submission to FNS. Workfare plans and subsequent amendments shall not be implemented prior to their approval by FNS.

(3) When a State agency chooses to sponsor a workfare program by submitting a plan to FNS, it shall incorporate the approved plan into its State Plan of Operations. When a political subdivision chooses to sponsor a workfare program by submitting a plan to FNS, the State agency shall be responsible as a facilitator in the administration of the program by disbursing Federal funding and meeting the requirements identified in paragraph (d) below. Upon notification that FNS has approved a workfare plan submitted by a political subdivision in its State, the State agency shall incorporate that political subdivision's workfare plan into its own State Plan of Operations.

(4) The operating agency is that administrative organization which has been identified in the workfare plan as being responsible for establishing job sites, assigning eligible recipients to the job sites, and meeting the requirements of this section. The operating agency may be any public or private, nonprofit organization. The State agency or political subdivision which submitted the workfare plan shall be responsible for monitoring the operating agency's compliance with the requirements of this section or of the workfare plan. The Secretary may suspend or terminate some or all workfare program funding, or withdraw approval of the workfare program from the State agency or political subdivision which submitted the workfare plan upon finding that that State agency or political subdivision, or their respective operating agency has failed to comply with the requirements of this section or of the workfare plan.

(5) State agencies or other political subdivisions shall describe in detail in the plan how the political subdivision, working with the State agency and any other cooperating agencies that may be involved in the program, shall fulfill the provisions of this section. The plan shall include workload projections, staffing plans, inter-agency communication plans, and specific operational agreements developed by the agencies involved. The plan shall be a one-time submittal, with amendments submitted as needed to cover any changes in the workfare program as they occur.

(6) State agencies or political subdivisions submitting a workfare plan shall submit with the plan an operating budget covering the period from the initiation of the workfare program's implementation schedule to the close of the Federal fiscal year. In addition, an estimate of the cost for one full year of operations shall be submitted together with the workfare plan. For subsequent fiscal years, the workfare program budget shall be included in the State agency's budget.

(7) If workfare plans are submitted by more than one political subdivision, each representing the same population (such as a city within a county), the Department shall determine which political subdivision will have its plan approved. Under no circumstances shall a food stamp recipient be subject to more than one food stamp workfare program. If a political subdivision chooses to operate a workfare program and represents a population which is already, at least in part, subject to a food stamp workfare program administered by another political subdivision, it must establish in its workfare plan how food stamp recipients will not be subject to more than one food stamp workfare program.

(c) *Operating agency responsibilities.* (1) The operating agency, as designated by the State agency or other political subdivision which submits a plan, shall be responsible for establishing and monitoring job sites, interviewing and assessing eligible recipients, assigning eligible recipients to the appropriate job sites, making initial determinations of good cause for household noncompliance, and otherwise meeting the requirements of this section.

(2) *Establishment of job sites.* Workfare job slots may only be located in public or private, nonprofit agencies. Contractual agreements must be established between the operating agency and organizations providing jobs which include but are not limited to designation of the slots available and designation of responsibility for provision of benefits, if any are required, to the workfare participant.

(3) *Notifying State agency of noncompliance.* The operating agency shall notify the State agency of noncompliance by a household with a workfare obligation when it has determined that the household did not have good cause for the noncompliance. This notification shall occur within five days of such determination so that the State agency may make a final determination as provided in paragraph (d)(4) of this section.

(4) *Notifications.* Notices shall be established to be used as follows:

(i) For the State agency to notify the operating agency or workfare-eligible households. Included in this notice shall be the case name, case number, workfare-eligible household members, certification period, and monthly allotment.

(ii) For operating agencies to notify the workfare participant of where and when the participant is to report, to whom the participant is to report, a brief description of duties for the particular placement, and the number of hours to be worked.

(iii) For operating agencies to notify the State agency of failure by a household to meet its workfare obligation.

(5) *Recordkeeping requirements.* (i) Files must be maintained which record activity by workfare participants. At a minimum, these records must contain job sites and hours assigned, hours completed, and communications with the State agency and job sites.

(ii) Program records shall be maintained in an orderly fasion, for audit and review purposes, for a period of 3 years from the month of origin of each record. Fiscal records and accountable documents shall be retained for 3 years from the date of fiscal or administrative closure of the workfare program. Fiscal closure, as used in this paragraph, means that workfare program obligations for or against the Federal government have been liquidated. Administrative closure, as used in this paragraph, means that the operating agency or Federal government has determined and documented that no further action to liquidate the workfare program obligation is appropriate. Fiscal records and accountable records shall be kept in a manner which will permit verification of direct monthly reimbursements to recipients, in accordance with paragraph (f)(4) of this section.

(6) *Reporting requirements.* The operating agency shall be responsible for providing information needed by the State agency to fulfill the reporting requirements stated in paragraph (d)(6) of this section.

(d) *State agency responsibilities.* (1) If a political subdivision chooses to operate a workfare program, the State agency shall cooperate with the political subdivision in development a plan. This includes providing caseload and cost estiamtes, as well as being available for consultation on the design of the administrative structure and interagency communications for the program.

(2) The State agency shall determine at certification or recertification which household members are eligible for the workfare program and inform the household representative of the nature of the program. If the State agency is not the operating agency, each member of a household who is subject to workfare under paragraph (e)(1) of this section shall be referred to the organization which is the operating agency. The information identified in paragraph (c)(4)(i) of this section shall be forwarded to the operating agency within 5 days after the date of household certification. Computation of hours to be worked may be delegated to the operating agency.

(3) The State agency shall inform the household and the operating agency of the effect of any changes in a household's circumstances on the household's workfare obligation. This includes changes in benefit levels or workfare eligibility.

(4) Upon notification by the operating agency that a participant has filed to comply with the workfare requirement without good cause, the State agency shall make a final determination as to whether or not such failure occurred and whether there was good cause for any such failure. If the State agency determines that the participant did not have good cause for noncompliance, a sanction shall be processed as provided in paragraph (f)(6) of this section. The State agency shall immediately inform the operating agency of the months during which the saction shall apply.

(5) *Recordkeeping requirements.* The State agency shall maintain in each household's casefile all workfare-related forms used by the State agency in meeting the requirements of this section.

(6) *Reporting requirements.* The State agency shall submit quarterly reports to FNS within 45 days of the end of each quarter identifying for that quarter for that State:

(i) The number of households referred to the operating agency as containing workfare-eligible recipients. A household shall be counted as referred each time it it referred to the operating agency.

(ii) The number of households assigned to jobs each month by the operating agency.

(iii) The number of individuals assigned to jobs each month by the operating agency.

(iv) The total number of hours worked by participants.

(v) The number of households against with a sanction was applied. A household being sanctioned over two quarters should only be reported as sanctioned for the earlier quarter.

(7) *State agency monitoring.* The State agency shall be responsible for monitoring all workfare programs in its State to assure that there is compliance with this section and with the plan submitted and approved by FNS. The State agency shall also assure that records are being maintained which support the financial claims being made to FNS. For purposes of monitoring and ensuring compliance, the State agency shall act as agent for FNS which is ultimately responsible for ensuring such compliance. Should the State agency determine that noncompliance exists, it may withhold funding until compliance is achieved or FNS directs otherwise. FNS shall be notified prior to the withholding of funds of the circumstances leading to that action. At a minimum, the State agency shall perform onsite reviews of each workfare program once within six months of the program's implementation and then in accordance with the Management Evaluation review schedule for that program area.

(e) *Household responsibilities.* (1) *Persons subject to workfare.* Household members subject to the work registration requirements as provided in §273.7(a) shall also be subject to the workfare requirements. In addition:

(i) Those recipients subject to and currently involved less than 20 hours a week in a work training program under a work registration requirement pursuant to Title IV of the Social Security Act, such as the Work Incentive Program (WIN) and Community Work Experience Program (CWEP), shall be subject to workfare; and

(ii) Those recipients exempt from work registration requirements due to the receipt of unemployment

compensation shall be subject to workfare requirements.

(2) *Household obligation.* The maximum total number of hours of work required of a household each month shall be determined by dividing the household's coupon allotment by the Federal or State minimum wage, whichever is higher. The household's hours of obligation for any given month may not be carried over into another month except when the household wishes to end a disqualification due to noncompliance with workfare in accordance with paragrph (f)(8) of this section.

(f) *Other program requirements.* (1) *Priority placements.* The State agency or political subdivision submitting the plan shall indicate in the plan how it will determine priority for placement at job sites when the number of eligible participants is greater than the number of available positions at job sites or when funding limitations require curtailment of operations.

(2) *Conditioins of employment.* (i) Recipients may be required to work up to, but not to exceed, 20 hours per week. However, the total number of hours worked by a recipient under workfare together with any other hours worked in any other compensated capacity by such recipient on a regular or predictable part-time basis, shall not exceed thirty hours a week. With the recipient's consent, the hours to be worked may be scheduled in such a manner that more than twenty hours (thirty hours for part-time workers) are worked in one week, as long as the total for that month does not exceed the weekly average of twenty hours a week (thirty hours for part-time workers).

(ii) No participant shall be required to work more than eight hours on any given day, except that with the recipient's consent, more than eight hours may be scheduled.

(iii) No participant shall be required to accept an offer of workfare employment if such employment fails to meet the criteria established in § 273.7 (i)(1) (iii) and (iv); and § 273.7(i)(2), (i), (ii), (iv), and (v).

(iv) If the workfare participant is unable to report for job scheduling to appear for scheduled workfare employment, or to complete the entire workfare obligation due to compliance with the additional work requirements established in § 273.7(e), (1), (2), (3), or (4), or the job search requirements established in § 273.7(f), such inability shall not be considered a refusal to accept workfare employment. If the workfare participant informs the operating agency of the time conflict, the operating agency shall, if possible, reschedule the missed activity. If such rescheduling cannot be completed before the end of the month, this shall not be cause for disqualification.

(v) The operating agency shall assure that all persons employed in workfare jobs receive job-related benefits at the same levels and to the same extent as similar non-workfare employees. Any elective benefit which requires a cash contribution by the participant shall be optional at the discretion of the participant.

(vi) All persons employed in workfare jobs shall be assured by the operating agency of working conditions provided other employees similarly employed.

(vii) The provisions of section 2(a)(3) of the Service Contract Act of 1965 (Pub. L. 89–286), relating to health and safety conditions, shall apply to the workfare program.

(viii) Operating agencies shall not provide work to a workfare participant which has the effect of replacing or preventing the employment of an individual not participating in the workfare program. Vacancies, due to hiring freezes, terminations, or lay-offs, shall not be filled by a workfare participant unless it can be demonstrated that such vacancies are a result of insufficient funds to sustain former staff levels.

(ix) The workfare jobs shall in no way infringe upon the promotional opportunities which would otherwise be available to regular employees.

(x) Workfare jobs shall not be related in any way to political or partisan activities.

(xi) Workfare assignments should to the extent possible take into consideration previous training, experience, and skills of a participant.

(xii) The cost of workers' compensation or comparable protection provided to workfare participants by the State agency, political subdivision, or operating agency is a matchable cost under paragraph (g) of this section. Whether or not this coverage is provided, in no case is the Federal government the employer in these workfare programs, and therefore, USDA does not assume liability for any injury to or death of a workfare participant while on the job.

(3) *Job search period.* The operating agency may establish a job search period of up to 30 days following certification prior to making a workfare assignment during which the potential participant is expected to look for a job. This period may only be established at household certification, not at recertification. The potential participant would not be subject to any job search requirements beyond those required under § 273.7 during this time.

(4) *Participant reimbursement.* Participants shall be reimbursed by the operating agency for transportation and other costs that are reasonably necessary and directly related to participation in the program. These other costs may include personal safety items or equipment required for performance of work if these items are also purchased by regular employees. These other costs shall not include the cost of meals away from home. No participant cost which has been reimbursed under a workfare program operated under Title IV of the Social Security Act or any other workfare program shall be reimbursed under the food stamp workfare program. Reimbursement of participant costs may be up to but not exceed $25 per month for any participant.

(5) *Good cause.* For the purpose of this section, good cause shall include:

(i) Circumstances beyond a household member's control, such as, but not limited to: illness; the illness or incapacitation of another household member requiring the presence of the workfare participant; a household emergency; or the lack of transportation when transportation is not provided by the operating agency;

(ii) Necessity for a parent or other responsible household member to care for a child between the age of six and 12 because child care is not otherwise available;

(iii) Becoming exempt from the workfare eligibility requirements under the terms established in paragraph (e)(1) of this section.

(iv) Moving out of the area of the workfare project.

(6) *Failure to comply.* Where a workfare participant has been determined by the State agency to have failed or refused without good cause to comply with the requirements of this section, the entire household shall be ineligible to participate. Such ineligibility shall continue until either the household meets the provisions of paragraph (f)(8) of this section or for 2 consecutive months, whichever occurs earlier. Within 10 days after receiving notification of the household's failure to comply with the requirements of this section, the State agency shall, if it determines that there is not good cause for the noncompliance, provide the household with a notice of adverse action, as specified in § 273.13. Such notification shall contain the proposed period of disqualification and shall specify the terms and conditions on which disqualification can be ended.

Information shall also be included with the notification on the procedures and requirements contained in paragraph (f)(8) of this section. The disqualification period shall begin with the first month following the expiration of the adverse notice period, or following a fair hearing decision if a fair hearing is requested. A household member shall not be required to perform work at a job site when the household is no longer receiving benefits unless the household has chosen to meet the conditions for ending disqualification specified in paragraph (f)(8) of this section. Until the disqualification is actually invoked, the household, if otherwise eligible, will continue to have a workfare obligation.

(7) *Fair hearing.* Each household has a right to a fair hearing to appeal a denial or termination of benefits due to a State agency determination of failure to comply with the requirements of this section. The fair hearing requirements provided in §273.15 shall apply. If a fair hearing is scheduled, the operating agency shall be available to participate in the hearing. The State agency shall provide the operating agency sufficient advance notice to permit the attendance of an operating agency representative.

(8) *Ending disqualification.* Following the end of the 2-month disqualification period for noncompliance with the workfare provisions of this section, a household may resume participation in the program if it applies again and is determined eligible. Eligibility may be re-established during a disqualification period and the household shall (if it makes application and is determined otherwise eligible) be permitted to resume participation if the member who failed to comply or any other workfare-eligible member of the household satisfies all outstanding workfare obligations.

(g) *Federal financial participation.* (1) Fifty percent of all administrative costs incurred by State agencies or political subdivisions in operating a workfare program shall be funded by the Federal government. Such costs include those related to recipient participation in workfare as indicated in paragraph (f)(4) of this section. Such costs shall not include the costs of equipment, capital expenditures, tools or materials used in connection with the work performed by workfare participants, the costs of supervising workfare participants, or the costs of reimbursing participants for meals away from home.

(2) *Funding mechanism.* The State agencies shall have responsibility for disbursing Federal funds used for the workfare program through the State agencies' Letters of Credit. This will be for all programs, regardless of who submits the plan. Mechanisms for funding local political subdivisions which have submitted plans must be established by the State agencies.

(3) *Fiscal recordkeeping and reporting requirements.* Workfare-related costs shall be identified by the State agency on the Financial Status Report (Form SF-269) as a separate column. All financial records, supporting documents, statistical records, negotiated contracts, and all other records pertinent to workfare program funds shall be maintained in accordance with §277.12.

(h) *Coordination with other workfare-type programs.* State agencies and political subdivisions may operate workfare programs as provided in this section jointly with a workfare program operated under Title IV of the Social Security Act or other workfare programs operated by the subdivision to the extent that the provisions and protections of this section are maintained. When a household receives benefits from more than one program with a workfare requirement and the household is determined to have a food stamp workfare obligation, the food stamp obligation may be combined with the obligation from the other program to the extent that eligible food stamp workfare participants are not required to work more than 30 hours a week (no more than 20 hours of which may be food stamp workfare) in accordance with paragraph (f)(2)(i) of this section. Waivers of provisions in this section, for the purpose of operating joint programs referred to in this paragraph, may be requested and provided in accordance with §272.3(c). Statutory provisions, including paragraphs (e)(1) and (f)(2)(i), shall not be waived. Any intent to coordinate programs should be described in the plan.

Authority: 91 Stat. 958 (7 U.S.C. 2100–2127), and Sec. 1, Pub. L. 97–98; 95 Stat. 1282 (7 U.S.C. 2012).

(Catalog of Federal Domestic Assistance Program No. 10.551, Food Stamps)

Dated: June 4, 1982.

Mary C. Jarratt,

Assistant Secretary for Food and Consumer Services.

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Part VII

Environmental Protection Agency

Polychlorinated Biphenyls (PCBs); Manufacture, Processing, Distribution, and Use in Closed and Controlled Waste Manufacturing Processes; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 761]

[OPTS 62017A; TSH FRL 2103-7]

Polychlorinated Biphenyls (PCBs); Manufacture, Processing, Distribution, and Use in Closed and Controlled Waste Manufacturing Processes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On April 13, 1981, the U.S. Court of Appeals for the District of Columbia Circuit issued an order requiring the Environmental Protection Agency (EPA) to undertake a rulemaking for certain chemical manufacturing processes that generate PCBs in low concentrations. In response to the court's order, EPA is proposing to exclude the production of PCBs in closed and controlled waste manufacturing processes from the provisions of section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2605(e). Section 6(e) prohibits the manufacture, processing, distribution in commerce, and use of polychlorinated biphenyls (PCBs).

DATES: An informal hearing, if requested, will be held on August 6, 1982, in Washington, D.C. The exact time and location of the hearing will be available through the Industry Assistance Office; which can be reached by calling toll free 800-424-9065 or, in Washington, D.C., by calling 554-1404. Comments on this proposed rule and requests to participate in the informal hearing must be submitted by July 23, 1982.

ADDRESSES: Comments should be submitted to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm E-509, 401 M St., SW., Washington, D.C. 20460; Toll Free: (800-424-9056); In Washington, D.C.: (554-1404); Outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Recodification of 40 CFR Part 761

Notice of the recodification of 40 CFR Part 761 appears in the **Federal Register** of May 6, 1982 (47 FR 19527). This proposed rule contains the new designations:

New designation	Former designation
Subpart B	Subpart D.
Section 761.185	Section 761.45.
Section 761.3	Section 761.2.
Section 761.65	Section 761.42.
Section 761.70	Section 761.40.
Section 761.75	Section 761.41.

II. Background

Section 6(e) of the Toxic Substances Control Act (TSCA) prohibits the manufacture, processing, distribution in commerce, and use of polychlorinated biphenyls (PCBs). However, the statute enables EPA to promulgate regulations to reduce the impact of the ban. EPA promulgated regulations, published in the **Federal Register** of May 31, 1979 (44 FR 31514), to implement section 6(e) of TSCA. The regulations, among other things, generally excluded from the ban materials containing PCBs in concentrations less than 50 parts per million.

The Environmental Defense Fund (EDF) obtained judicial review of the regulations in the U.S. Court of Appeals for the District of Columbia Circuit. EDF challenged the provisions described above, among others. On October 30, 1980, the court invalidated the regulatory exclusion for concentrations below 50 ppm *Environmental Defense Fund v. EPA*, 636 F. 2d 1267. The court remanded the rule to EPA for further action consistent with the opinion. The court's decision placed industries that had relied upon the PCB Ban Regulations in a difficult position. Issuance of the court's mandate would have activated section 6(e)'s broad prohibitions on the manufacture, processing, distribution in commerce, and use of PCBs. The result would be that many activities in industries throughout the United States would be banned.

Accordingly, the parties to the lawsuit filed a joint motion (on February 20, 1981) to seek a stay of the court's mandate. The joint motion proposed that during the period encompassed by the stay: (1) EPA would conduct new rulemaking with respect to PCBs; and (2) industry groups would initiate studies to provide information for the new rulemaking.

During discussions which led up to this joint motion, representatives of some affected industries stated that some of the processes which produce PCBs are designed and operated so that no releases of PCBs occur or that the PCBs formed in the processes are disposed of appropriately. Consequently, virtually no risk to humans or the environment is associated with such processes because the likelihood of exposure is so low. Therefore, the joint motion proposed that EPA would publish an Advance Notice of Proposed Rulemaking (ANPR) requesting comments on the possible exclusion of the production of PCBs in these processes from the provisions of section 6(e).

EPA attempted to identify and define specifically these processes where there are negligible public health and environmental benefits to be derived from regulation because the processes present such low risks. Two process categories were identified. These are "closed manufacturing processes" and "controlled waste manufacturing processes."

"Closed manufacturing processes" were defined as those in which PCBs are generated but from which no PCBs are released. These processes generate PCBs within closed reaction equipment and the chemical reactions within the processes continuously destroy the PCBs as they are produced.

"Controlled waste manufacturing processes" were defined as processes in which PCBs are generated but from which PCBs are released only as constituents of wastes that are either incinerated, disposed of in EPA-approved landfills, or stored for later incineration or landfilling.

In addition to dealing with closed and controlled waste processes, the February 20 joint motion also proposed to publish an ANPR requesting information on all other manufacture, processing, distribution in commerce, and use of PCBs in low concentrations. PCBs generated in and released from other than closed or controlled waste processes are referred to as "uncontrolled PCBs."

On April 13, 1981, the court entered an order in *EDF v EPA*, in response to the February 20 joint motion. The text of the court's order is set forth in the **Federal Register** of May 20, 1981 (46 FR 27615). The April 13 order stayed issuance of the court's mandate with respect to activities relating to PCBs in concentrations below 50 ppm. Thus, the 50 ppm regulatory cutoff remains in effect for the duration of the stay, and persons who manufacture, process, distribute in commerce, and use PCBs in concentrations less than 50 ppm may continue these activities during the stay. The order also adopted a plan for further actions by EPA and industry groups leading toward new EPA rulemaking on the regulation of PCBs in concentrations below 50 ppm. The April 13 order required EPA: (1) To publish two ANPRs on developing rules to cover PCBs in concentrations below 50 ppm;

(2) to promulgate a final rule, within eighteen months from the date of the order (i.e., October 13, 1982), with respect to exclusion of the generation of PCBs in closed and controlled waste manufacturing processes from the prohibitions of section 6(e)(3), or to explain the reasons for not proceeding with such a rule; and (3) to advise the court, within eleven months after the date of the order (i.e., March 13, 1982), of EPA's plans and schedule for further action on PCBs in concentrations below 50 ppm generated as uncontrolled PCBs.

On May 20, 1981, EPA published two ANPRs on the 50 ppm regulatory cutoff (46 FR 27617 and 46 FR 27619). The ANPRs established bifurcated rulemaking proceedings with respect to PCBs in concentrations below 50 ppm. The first ANPR announced activities that EPA believed may lead to rulemaking on PCBs generated in closed and controlled waste manufacturing processes. The second ANPR announced the framework for the Agency's exploration of the scope of the problem presented by PCBs in concentrations below 50 ppm in other than closed or controlled waste processes. In the ANPRs, EPA stated that it needed to develop a substantial factual basis to support rulemaking on these PCBs.

The comment period for both ANPRs expired on November 16 1981. Approximately 50 public comments were submitted. The most significant submission was filed by the Chemical Manufacturers Association ("CMA"), a trade association whose membership includes many of the nation's principal manufacturers of primary chemicals. As explained further below, EPA has relied on CMA's submission to a significant extent because CMA has collected the most comprehensive set of data on the generation of PCBs in concentrations below 50 ppm.

On March 11, 1982, EPA submitted, in accordance with the April 13, 1981 court order, a report to the court that contained its plans for further regulatory action on uncontrolled PCBs. In its report to the court, EPA stated that it could not adequately define its plans for regulatory action for uncontrolled PCBs until it had a reasonable estimate of the number of processes that would be subject to the rulemaking. That number cannot be determined until EPA has defined closed and controlled waste processes and determined the number of processes excluded from the provisions of section 6(e) by the closed and controlled waste process rulemaking. Therefore, EPA requested that the court allow EPA to report on its further plans for regulatory action on uncontrolled PCBs following the completion of the rulemaking on closed and controlled waste processes. EPA also requested that the court extend its stay of mandate until December 1, 1982, to allow EPA time to develop sufficiently detailed plans for regulatory action on uncontrolled PCBs after issues in this rulemaking on closed systems and controlled waste processes are resolved. On April 9, 1982, the court granted EPA's request.

III. Summary of the Available Data on Manufacture of PCBs in Low Concentrations

A. Information Provided by CMA

EPA received about 50 submissions and comments in response to the ANPR. The Chemical Manufacturers Association (CMA) submitted the most comprehensive information to EPA regarding closed and controlled waste manufacturing processes. CMA is a trade association whose membership consists of nearly 200 companies, including some of the nation's largest chemical manufacturers. CMA distributed detailed questionnaires to its membership which were designed to elicit information on the nature and extent of PCBs produced in chemical manufacturing processes in concentrations under 50 ppm. After analyzing the data supplied by its members, CMA submitted its final report, "A Report of a Survey on the Incidental Manufacturing, Processing, Distribution, and Use of Polychlorinated Biphenyls at Concentrations Below 50 PPM" to EPA. This survey represents a major portion of the data base for this rulemaking; therefore, EPA requests comments concerning the data contained in the survey.

Copies of the CMA survey are available for review in the public rulemaking record from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, in Room E-109, EPA, 401 M St. S.W., Washington, D.C. Copies of the CMA survey, are also available for a fee, by contacting the Industry Assistance Office at (800-424-9065), in Washington, D.C. (544-1404).

CMA found that PCBs are formed in a wide variety of industrial chemical processes. The CMA survey suggests that PCBs can be generated from virtually any starting hydrocarbon structure. Indeed, PCB formation appears to be possible whenever chlorine and carbon are present in a reaction vessel at elevated temperatures. These PCBs are formed as impurities and byproducts in manufacturing processes and constitute only a very small percentage of process components.

Of 85 respondents to the CMA survey, 26 chemical firms believe that they produce 13,768 pounds of PCBs per year. These PCBs appear as impurities or byproducts in 135 chemical manufacturing processes at concentrations under 50 ppm. The respondents to the CMA survey reported that 9,086 pounds of these PCBs are incinerated, 1,789 pounds are disposed of in surface waters, 1,376 pounds are disposed of in landfills, 550 pounds are disposed of by ground injection and 275 pounds are disposed of in EPA-approved landfills. The respondents also reported that approximately 700 pounds of PCBs are contained in the products of the manufacturing processes.

CMA believes that in this country a large number of processes, perhaps as many as several thousand, may generate PCBs in concentrations under 50 ppm as impurities and byproducts in industrial chemical manufacturing processes. However, they believe that most of the pounds of PCBs produced in these low concentrations in all chemical manufacturing processes throughout the United States have been accounted for by respondents to the CMA survey. This is because CMA believes that respondents to the survey represents a very high percentage of principle chemical producers.

The respondents identified four processes in which they believe PCBs are generated and continuously destroyed in closed reaction equipment. They indicated that about 0.7 pound of PCBs are found at any one time in these four processes. The respondents also identified forty processes in which PCBs are produced and are released only as constituents of wastes which are incinerated or disposed of in an EPA-approved landfill. Approximately 6,900 pounds of PBCs are reportedly generated in these forty processes. Incineration was defined in the survey questionnaires as incineration in compliance with "applicable" regulations. This definition includes municipal incineration in compliance with local and regional regulations but not necessarily incineration in accordance with EPA's rules for disposal of materials containing PCBs at concentrations greater than 50 ppm (43 FR 7150).

B. EPA Estimates of PCB Generation in Low Concentrations

Since the 85 chemical firms who responded to the survey represents 37.6 percent of industrial chemical sales, EPA has multiplied the amount of PCBs

reported in the CMA survey (13,768 pounds) by 2.6 to obtain an estimate of the total amount of PCBs produced in concentrations under 50 ppm in all processes in the United States (i.e., 35,800 pounds). This figure is considered an upper limit because, as CMA commented, not all chemical firms manufacture chemicals from reactions; many firms conduct formulation only.

Assuming the CMA data are accurate and, as reported by CMA, 50 percent of PCBs produced in concentrations under 50 ppm are produced in processes which meet EPA's initial definitions of closed and controlled waste processes (as they appeared in the May 20, 1981 ANPR), then up to 18,000 pounds of PCBs per year could be produced in the United States in these processes.

C. Additional Data

While section 6(e) of TSCA generally bans the manufacture of PCBs, it also establishes a mechanism for permitting continued manufacture of PCBs in certain situations. This mechanism is the exemption process, whereby persons may petition the Agency for relief from the PCB ban. Approximately forty petitions for exemption from the section 6(e) ban on the manufacture of PCBs were received by EPA following the publication of the May 31, 1979 rule. Data provided in these petitions indicate that about 75,000 pounds of PCBs per year currently are generated in processes in which PCB concentrations at the point of manufacture exceed 50 ppm. In the same way that CMA classified the processes from respondents to its survey, some of these processes can be classified as processes which do not release PCBs or as processes which release PCBs only as constituents of wastes which are either incinerated or disposed of in EPA-approved landfills. By extrapolating from the CMA data covering processes with PCBs below 50 ppm to these cases (i.e. above 50 ppm), EPA estimates that as much as an additional 38,000 pounds of PCBs per year could be generated in processes where the process in considered a closed process or a controlled waste process. EPA does not believe that the percentage of closed and controlled waste processes producing over 50 ppm PCBs will be significantly different from the percentage producing below 50 ppm.

IV. Discussion of the Proposed Rule

A. Overview of the Rule

Federal courts have recognized the "de minimis" exception to legislative mandates. Although the court in *EDF v EPA* overturned portions of the Agency's PCB regulations, it nevertheless noted that administrative agencies have the power "inherent in most statutory schemes, to overlook circumstances that in context may fairly be considered de minimis." 636 F.2d 1283. Courts and agencies should be reluctant to apply a statute literally in pointless expenditure of effort, where regulation would yield a gain of trivial or no value.

In this rule, EPA is proposing to exclude from the requirements of section 6(e) the manufacture, processing, distribution in commerce, and use of PCBs created in closed manufacturing processes and controlled waste manufacturing processes, as they are defined by EPA in this proposed rule. The basis of this proposed action is that EPA has determined that these processes present de minimis risk to humans and the environment. The proposed rule also requires that the persons who qualify for this exclusion and wish to take advantage of it certify that they qualify and maintain records of the basis for their determination.

This proposal does not mean that the Agency believes that closed and controlled waste processes are necessarily the only situations which present de minimis risks. In future rulemakings, EPA will consider other types of processes which may also present de minimis risks. As discussed in "Background", EPA is developing a plan for rulemaking activities on other than closed and controlled waste processes. EPA intends to consider these other process situations and make a determination on the most appropriate regulatory approach. Regulatory options for other than closed or controlled waste processes will include excluding other de minimis risk situations identified at that time. EPA intends to submit the plan for dealing with other than closed and controlled waste processes to the court on November 1, 1982.

During the course of discussions among EPA, EDF, and industry immediately after the court's decision, closed manufacturing processes and controlled waste manufacturing processes were identified as probably presenting negligible risks. From the definitions of these process types, it logically follows that if no PCBs are released from a process or if PCBs are released only to wastes that are destroyed or otherwise properly disposed of, then the exposure and risk to humans and the environment from these processes must be extremely small and unmeasurable. There would be no benefit from regulating the processes under section 6(e) since there could be no means of determining whether any regulatory actions could actually reduce human or environmental exposure.

The practical application of this concept requires an understanding of the way chemical processes work. Chemical manufacturing processes are generally made up of a series of unit operations. Each unit operation causes chemical and/or physical changes in the material passing through the process. These changes are brought about by the chemical reactions or various types of physical manipulations that are never one hundred percent effective or complete.

In some processes which manufacture PCBs in low concentrations, virtually all the PCBs are destroyed in the process or are drawn off in a waste stream. However, there inevitably will be at least a few molecules of PCBs in every product or effluent that exits the process. Therefore, PCBs will be present in very low concentrations in products of these manufacturing processes. Since PCBs will be present in products (at very low concentrations), EPA must also address the processing, distribution in commerce, and use of these PCBs in this rulemaking.

To establish a workable definition of processes subject to this exclusion, it is necessary for EPA to define, in a practical sense, the absence of PCBs in releases to the environment from these processes. Specifically, EPA has to establish how the absence of PCBs will be defined in air emissions, water effluents, products, and wastes from closed processes; and how the absence of PCBs will be defined in air emissions, water effluents, and products from controlled waste processes. Further, it is necessary for EPA to determine appropriate methods for disposal of process wastes from controlled waste processes to insure that PCBs will not be released to the environment from disposal operations.

Therefore, after evaluating ways for determining the absence of PCBs in various releases, EPA proposes to apply this exclusion to: (1) PCBs generated in processes which have no quantifiable releases of PCBs (if EPA's specified analytical technique were used) to products, air emissions, water effluents, or process wastes (closed processes); and, (2) PCBs generated in processes which have no quantifiable releases of PCBs (if EPA's specified analytical technique were used) to products, air emissions, or water effluents, and all other PCBs are disposed of in an EPA-approved incinerator, or in an EPA-approved landfill or stored for such disposal in accordance with certain

specified criteria (controlled waste processes).

Based on the CMA data, EPA estimates that up to 56,000 pounds of PCBs per year could be exempted from the provisions and prohibitions of section 6(e) by this exclusion, and that on the order of several thousand individual processes could be permitted to operate unregulated by section 6(e). These estimates are derived from the available data on proceses which meet the definitions of closed and controlled waste processes as they appeared in the May 20, 1981 ANPR. The estimates are expected to be upper limits, because this proposed rule defines closed manufacturing processes and controlled waste manufacturing processes in a more precise manner than they were defined in the May 20, 1981 ANPR (these definitions are discussed under IV.B. of this preamble). EPA is proposing to revise its definitions from those used in the ANPR because comments indicate that the previous definitions of closed and controlled waste processes were too vague and open to differing interpretations. Thus, some processes categorized by CMA as closed and controlled waste processes may not meet the definition of a closed or controlled waste process as proposed in this rule.

This exclusion would permit the future generation of larger quantities of PCBs as impurities and byproducts in closed and controlled waste processes than are currently produced. However, EPA does not believe that the promulgation of this rule will result in a dramatic increase in the production of PCBs in closed and controlled waste processes because there is no known incentive for such an increase, as PCBs are formed as impurities and byproducts in very low concentrations and are not produced as commercial products.

EPA is developing an enforcement strategy and compliance monitoring program to help to insure that only processes which qualify for this exclusion actually operate unregulated under section 6(e). In addition, EPA intends to conduct periodic audits to monitor the effectiveness of this rule. The purpose of conducting a regulatory evaluation (or audit) is to determine if the rule is accomplishing its objectives. EPA invites comments on the need for such a program.

Operators of PCB-generating processes who have determined that their processes are closed or controlled waste processes, as defined by EPA in this proposed rule, and who want to take advantage of this exclusion are also required to certify that they meet the exclusion, keep a record of the basis for the determination, and make records and data available for review by EPA upon request. EPA is not proposing in this rule to specifically require monitoring of PCB levels in releases from these processes or the submittal to EPA of data on PCB levels in releases as conditions for qualifying for the exclusion (see discussion under IV.G. of this preamble). Manufacturers have the option of conducting theoretical assessments or of actually monitoring PCB levels in releases to determine if processes qualify for exclusion. In order to qualify, manufacturers must demonstrate that PCBs would not be quantifiable in releases to other than controlled wastes if the analytical technique specified in § 761.82 were used. This technique is capillary gas chromatography coupled to an electron impact mass spectrometer (CGC/EIMS).

EPA is developing guidelines to assist manufacturers in making their determinations of whether processes are closed or controlled waste processes. The guidelines developed by EPA will address how to conduct a theoretical analysis and the needed sampling frequency and the need for representative sampling of process streams if actual monitoring of PCB levels is undertaken. In addition, these guidelines will identify the type of quality assurance and quality control procedures which should be developed as an integral part of any program which involves actual monitoring of PCB levels. EPA will follow the guidelines when enforcing this rule. EPA expects that these guidelines will be available during the public comment period for this rule, and their availability will be announced in a separate **Federal Register** notice.

In judging whether the proposed definitions of closed manufacturing processes and controlled waste manufacturing processes qualified as de minimis situations, EPA considered three factors: (1) The quantity of PCBs that is likely to be released to the environment from these processes; (2) the potential magnitude of exposure and the frequency of exposure to PCBs from these processes; and (3) the benefits from regulating these processes, i.e., the likely reductions in exposure to PCBs that might result if these processes were regulated under section 6(e). EPA also considered whether the exclusion of these processes presented an unreasonable risk.

The evaluation of the issues and factors described above, the basis for EPA's findings, discussions of other options considered by EPA, and EPA's formal conclusion that these processes, as defined by EPA, pose de minimis risks to public health and the environment follow.

B. Closed and Controlled Waste Processes—Definitional Issues

1. *Defining the absence of PCBs in products, wastes, emissions and effluents.* There are two general approaches the Agency could take to specify how the absence of PCBs is to be determined in air emissions, water effluents, products, and wastes.

First, EPA could select a regulatory cutoff for air emissions, water effluents, products, and wastes at a level where it believes PCBs cannot be practically detected at any lower concentrations. Under this approach, industry would be responsible for selecting analytical methods capable of detecting PCBs at the Agency's selected cutoffs. EPA might give some guidance to industry regarding analytical procedures.

Second, EPA could specify the analytical methods and procedures to be used to determine the absence of PCBs. If PCBs were absent from all releases to air, water, and products (and wastes for closed processes), using EPA's methods and procedures, the process would be eligible for exclusion. Under this approach, EPA could give some general guidance concerning the PCB concentrations it expects its procedures to be capable of detecting.

EPA is proposing the second approach, that of establishing an analytical technique. EPA chose this approach for several reasons. The Agency believes that the choice of analytical methods is one of the major sources of variability when attempting to detect PCBs. During the fall of 1981, CMA conducted a round robin experiment in which five different samples of material from processes which manufacture PCBs as a byproduct were analyzed by eight different laboratories using a total of ten different analytical methods. The round robin experiment shows considerable variability in the results obtained by the ten different methods. EPA believes that specifying the analytical technique will eliminate one of the sources of this variability.

EPA also believes that specifying a method is preferable to specifying a cutoff because the difficulty of analyzing products and wastes will vary considerably among processes. If EPA specified a numerical cutoff, some companies would be able to easily detect PCBs in their process streams below the cutoff, and other companies might have extreme difficulty detecting PCBs at the cutoff. In this regard, a numerical cutoff could be considered

arbitrary. Specifying an analytical procedure mitigates this problem.

The analytical system most often used to monitor PCBs includes a gas chromatograph with a suitable detector. The detector response is converted to an electrical signal which is recorded on a strip chart, and the quantity of material present can be determined by measuring the area under the curve on the strip chart. When only the carrier gas is passing the detector, the detector generates a small, slightly variable, electrical signal, referred to as "background" or "noise." Detecting and confirming the presence of PCBs depends on the analyst's ability to measure an increase in the recorded electrical signal above this noise.

The lowest concentration of a substance that an analytical process can detect is referred to as the limit of detection (LOD). A commonly used standard is that an LOD should be based on a ratio of at least three between the average magnitude of the electrical signal from the sample and the standard deviation of the electrical signal from the background. This is called the signal-to-noise ratio.

The lowest concentration of a substance that an analytical process can reproducibly quantify with a calculated level of precision is referred to as the limit of quantification (LOQ). A commonly used standard is that an LOQ should be based on a signal-to-noise ratio of at least ten.

At concentrations near the LOD, it is possible to detect that some chemical compound that might be a PCB is present, but it may be impossible to confirm its identity. False negatives and false positives are common. A PCB concentration at or near the LOQ may be needed to confirm the identity of the chlorinated biphenyl. For this reason, EPA proposes that the absence of PCBs be defined as a concentration of PCBs less than the LOQ for the proposed analytical methods. This establishes an easily enforceable condition for judging eligibility as a closed or controlled waste process.

EPA is faced with the problem of deciding the level of sophistication that should be used an analytical techniques. As more sophistication is required for measuring PCBs in very low concentrations, the cost of analysis increases and the availability of facilities and equipment to conduct analyses decreases. Because determining the absence of PCBs in products, air releases, and water releases is critical under this exclusion, the analytical methods selected and referenced by EPA for quantifying PCBs in these media need to be readily available, have a cost that is reasonable relative to the environmental risks of PCB exposures, result in sufficiently reproducible data, and have adequate sensitivity.

EPA considered a number of techniques for extraction, cleanup, and determination of PCBs in samples. The analysis is extensive and is therefore not reproduced here. It is contained in the support document, "Methods of Analysis for Incidentally Generated PCBs-Literature Review and Preliminary Recommendations," which is available for review and comment.

The proposed method, outlined in § 761.82 and described in "Methods of Analysis for Incidentally Generated PCBs-Literature Review and Preliminary Recommendations," does not use specific extraction protocols or cleanup techniques, but rather, allows the individual laboratory to develop the necessary procedures. This is because these procedures are media dependent. EPA is, however, specifying the method of analysis it will use in enforcing this exclusion. The method specified by EPA is capillary gas chromatography coupled to an electron impact mass spectrometer (CGC/EIMS). CGC/EIMS systems are readily available. CGC/EIMS is cost-effective for multimedia analysis since separation and cleanup procedures for each media will ultimately provide an extract compatible with CGC/EIMS systems. While the reproducibility of the specified method remains to be documented for PCBs, available data from the analysis of other compounds suggests that this method does provide reproducible data. Further, CGC/EIMS does provide confirmatory evidence for PCBs, if present, at a moderate cost, and at an acceptable level of sensitivity (see below). EPA expects the method to supply reliable data of known quality if users implement an appropriate and documented quality assurance program.

The sensitivity of the EPA specified method has been estimated by EPA and is discussed below. The class of PCBs is made up of 209 individual chemical compounds, individually referred to as chlorinated biphenyls. Using EPA's referenced method, each separate resolvable peak or a gas chromatograph may represent a single chlorinated biphenyl, or it may represent all of a group of chlorinated biphenyls.

CGC/EIMS is capable of quantifying PCBs at the level of ten nanograms per resolvable gas chromatographic peak (see support document, "Rationale for Estimate of Level of Quantitation for GC/MS" for discussion). Per peak, this level roughly corresponds to an average of 1–10 micrograms per cubic meter for ten cubic meters of stack gas, 10–100 micrograms per liter for one liter of waste water, and 10–100 micrograms per 100 grams (0.1–1 ppm) in a 100 gram organic process or product stream.

The total amount of unquantified PCBs which could be released from a process will vary, depending on the number of specific isomers present in a particular sample. For example, if a product contains ten different isomers, present at concentrations slightly below 1 ppm, up to 10 ppm PCBs could be released in this product, and yet be unquantifiable by EPA's specified method. Similarly, if a product contains 70 isomers at concentrations slightly below 1 ppm, up to 70 ppm PCBs could be released in this product. EPA does not anticipate that samples will frequently contain greater than 70 isomers. Rather, EPA expects that in most cases samples will contain considerably less than 70 isomers.

EPA has considered other detection systems such as electron capture detectors (ECD) and negative ion chemical ionization mass spectrometry (NICIMS). ECD was found to be very sensitive, readily available and of moderate cost. It is, however, inappropriate because it does not provide confirmatory evidence that the residues detected are PCBs, and not other halogenated organics that are likely to be present in many samples. NICIMS was found to provide confirmatory evidence, but it is inappropriate due to high cost and limited availability.

EPA believes that its approach to analyzing for PCBs satisfies all the requirements of an acceptable method. EPA requests comments on this proposed approach, especially in the areas of confirmability, sensitivity, cost, and availability.

2. *Other options considered by EPA for defining the absence of PCBs in emissions, effluents, products and wastes.* (i) "No quantifiable" PCBs. EPA also considered defining the absence of PCBs as no quantifiable PCBs in air releases, water releases, products, or wastes using any available analytical technique. This option was not selected principally because of the uncertainty it would cause in the regulated community and problems in assuring compliance. In the absence of specified analytical procedures or specific numerical limits, a requirement for "no quantifiable PCBs" in air releases, water releases, products, and wastes would result in the use of many different procedures with vastly different quantification limits. This is particularly true for products and waste streams where the difficulty of analysis varies more than in the case for

air or water. In addition, state-of-the-art limits of quantification for PCBs will change over time with technological innovation; thus, a floating limit would occur. All of these factors would hinder uniform implementation and enforcement of the rule.

(ii) Not specifically excluding closed manufacturing processes. EPA considered excluding closed processes only if all process wastes were incinerated, disposed of in an EPA-approved landfill, or stored for later incineration or landfilling. The reason EPA considered this alternative is that it has been suggested that it may be particularly difficult to identify universally applicable analytical methods for waste streams.

The CMA survey indicates that only about 3 percent of the processes identified by its members were closed processes. Consequently, EPA believes that if this approach were taken, no more than a few hundred individual processes would be affected nationwide.

This option was not selected because EPA concluded that reasonable analytical procedures for detecting PCBs in waste streams could be established and that manufacturers utilizing closed processes should be able to benefit from the exclusion without having to incinerate or landfill wastes possibly containing no PCBs.

EPA requests comments on the alternatives presented in this section and any other alternatives that may be appropriate. EPA specifically invites comments and data on the extent to which this proposal will affect persons involved in the manufacture, processing, distribution in commerce, and use of PCBs. EPA is particularly interested in receiving comments on the approach selected, i.e., to specify analytical techniques for quantifying PCBs in process streams.

3. *Determining appropriate methods for disposal.* The May 20, 1981 ANPR defines acceptable methods of handling wastes from controlled waste processes as incineration, disposal in EPA-approved chemical waste landfills, and storage for such incineration or landfilling. An EPA-approved chemical waste landfill is a facility approved under § 761.75. However, EPA did not specifically define "incineration" or "storage for incineration or landfilling." After further consideration, EPA believes that additional clarification of the acceptable methods of disposal is needed under the definition of a controlled waste manufacturing process.

Certain methods that may meet the general definitions of "incineration" and "storage for incineration or landfilling" could result in releases of PCBs to the environment. Since EPA is proposing to exclude controlled waste manufacturing processes from the provisions of section 6(e) based on the de minimis risk principle, EPA must be reasonably confident that the wastes from controlled waste processes are disposed of in a manner which will result in negligible environmental contamination. Therefore, EPA is proposing to specify acceptable methods of disposal for wastes from controlled waste processes.

EPA is proposing that eligibility for exclusion as a controlled waste process requires incineration by a facility approved under § 761.70, landfilling in a landfill approved under § 761.75, or storage for incineration or landfilling in compliance with the criteria specified in § 761.65(b)(1).

The criteria specified in § 761.70 require that the incinerator used for destruction of PCBs be approved by the EPA Regional Administrator and that it meet certain standards related to efficient combustion. Incineration in compliance with these standards has been shown by extremely sensitive tests to result in essentially no release of PCBs to the atmosphere.

The criteria specified in § 761.65(b)(1) for the storage of PCBs require that storage facilities meet standards including adequate flooring with continuous curbing, no drain valves or floor openings, and construction of floors and curbing with impervious materials.

EPA already has in effect a Disposal and Marking Rule (43 FR 7150), which requires PCBs in concentrations over 50 ppm to be disposed of in accordance with the criteria prescribed under §§ 761.70, 761.75, and 761.65. These are the same disposal criteria being proposed for controlled waste processes. Consequently, this proposal of requiring stricter criteria for disposal of wastes than was implied in the definition of controlled waste process in the ANPR will effect only persons using processes which release PCBs to waste streams at concentrations between the limit of quantification and 50 ppm.

EPA invites comments and data on the extent to which this proposal or alternate requirements for incineration, landfilling, and storage will affect persons involved in the manufacture, processing, distribution in commerce and use of PCBs.

C. The Likely Magnitude of Releases of PCBS and Exposure To PCBs From Closed and Controlled Waste Processes

1. *Routine operations.* As discussed earlier, CMA speculates that many processes may meet the definitions of closed and controlled waste processes as they appeared in the May 20, 1981 ANPR. An upper estimate from CMA data and CMA and EPA assumptions about the data (see unit III) suggests that up to 56,000 pounds of PCBs per year could be generated in these processes.

In this rule, EPA is proposing to define closed and controlled waste processes by specifying the absence of PCBs in releases and specifying appropriate methods of disposal. Therefore, EPA anticipates that fewer processes may actually qualify for exclusion than was suggested by EPA calculations based on the CMA data and extrapolations from those data to the entire chemical industry. EPA anticipates that, based on current production, less than 56,000 pounds of PCBs per year would actually be excluded from the provisions of section 6(e) under this proposed exclusion.

It is theoretically impossible to preclude the release of some PCBs from manufacturing processes in which PCBs are generated. Therefore, extremely small quanitites of PCBs will be released from closed and controlled waste processes to the environment, as free PCBs, contained in air emissions, water effluents, wastes, and products. Actual environmental releases from products are expected to be even less, since the PCBs in many products are bound in solid matrices (i.e., paints and polymers). Although wastes from controlled waste processes will contain higher levels of PCBs, the proposed requirements for handling these wastes will prevent significant releases to the environment.

Workers may be exposed to PCBs that are produced in closed and controlled waste manufacturing processes through a variety of activities involving manufacture, processing, distribution in commerce, and use. Exposures may occur through: (1) Direct handling of products, wastes, or other materials containing low level PCBs, (2) handling of containers for these materials, (3) maintenance of equipment, and (4) handling of laboratory samples containing PCBs.

EPA evaluated occupational exposure to PCBs by first identifying six generic activities which are likely to occur during routine operations in chemical manufacturing plants, and then calculating the anticipated exposure to PCBs from these activities. These activities are: (1) The sampling of process streams, (2) the cleaning of reactors, (3) removing spent filters, (4) repairing equipment, (5) removing still bottoms, and (6) handling, storage and loading of products. EPA anticipates that the handling, storage and loading of

products in a continuous operation will result in the lowest levels of exposure, while cleaning reactors in a batch operation will result in the highest levels of exposure (see support document entitled "Occupational Exposure to Inadvertently Produced PCBs" for more details).

Industry representatives have commented that the chemical industry employs proper protective clothing and good management practices to protect workers from exposure to process components. Safety glasses, gloves, and long-sleeved shirts were reported as being generally used when contact with a toxic or corrosive chemical may occur. In addition, comments were received that indicated that additional protection, including splash goggles, shields, gloves, and protective outer clothing is usually required during waste handling operations. EPA has concluded that exposure levels during routine operations are not expected to result in significant exposure because of measures already instituted in the industry to reduce exposures.

EPA specifically requests additional comments on exposure to PCBs, particularly the degree of absorption of PCBs that might occur during routine operations in chemical manufacturing plants.

2. *Accidental and unplanned releases.* Accidental releases may occur when pipes, lines, or hoses rupture. Unintentional spills can occur during the transfer and transport of products and wastes. These unplanned events may expose unprotected workers, the general public, and fish and wildlife to higher PCB levels than routinely occur during normal plant operations. EPA has little information from industry indicating the frequency of unplanned events, and the likely releases during these events. However, industry representatives have contended that scheduled maintenance activities and process engineering and design considerations minimize the potential for accidental releases. Comments indicated that it is in the best interest of companies to work to minimize the loss of process components from accidental releases, because large or frequent accidental releases would seriously harm production and profitability. EPA's independent exposure assessment confirms this, as major accidents (resulting in large releases or process componets) are expected to be rare (on the order of once every sixty years per facility).

EPA requests comments and data on: (1) The types of accidental releases that might occur and their frequency, (2) the likelihood of releases of PCBs to the environment from such accidents, and (3) measures being taken by industry to prevent accidents or to control releases and exposures when accidents do occur.

D. Conclusion: Processes Covered by This Rule Present de Minimis Risks

TSCA section 6(e) specifically bans the manufacture, processing, distribution in commerce, and use of PCBs in other than a totally enclosed manner. The adverse effects of PCBs were described in considerable detail in various documents which were part of the rulemaking record for the May 31, 1979 rule. While substantial comments have been submitted to EPA rebutting the conclusions made with respect to the toxicity of PCBs, the Agency does not agree that this information proves that PCBs do not pose any serious risks to human health or the environment. EPA believes however, that the risks posed from exposure to PCBs are reduced as exposure to PCBs is reduced; and, that an unmeasurable level of exposure to PCBs can be considered to pose de minimis risks to public health and the environment.

To be eligible for exclusion from the provisions of section 6(e), processes must meet EPA's definitions of closed or controlled waste manufacturing processes. This means that releases of PCBs in products, air emissions, and water emissions are not quantifiable if EPA's specified analytical technique were used. For closed manufacturing processes, releases of PCBs in wastes also must not be quantifiable by EPA's specified analytical technique. EPA also is proposing to require wastes from controlled waste processes to be disposed of by incineration in a facility approved under § 761.70; landfilling in a landfill approved under § 761.75; or stored for incineration or landfilling in compliance with the standards and requirements prescribed in § 761.65(b)(1).

Precluding releases of PCBs above the limits of quantification will insure that only negligible releases of PCBs occur. Further, disposal of wastes in compliance with the above standards will prevent the release of PCBs in anything but negligible quantities. EPA does not believe that any significant harm will result from releases of PCBs to the environment or exposure to humans at unmeasurable levels. Since the releases are not measurable by reasonably available methods, it would be impossible to determine whether regulation had any effect on reducing the releases. Also, EPA does not know of any reasonable way to regulate releases of PCBs below measurable levels in order to reduce the releases further. Consequently, there would be no gain in protecting the environment or public health by attempting to regulate unmeasurable levels. Finally, EPA's upper estimate of the amount of PCBs which currently would be excluded from the prohibitions and requirements of section 6(e) by this exclusion is 56,000 pounds of PCBs per year. Of the tiny fraction of these PCBs that are not destroyed in the process or handled as a controlled waste, some will be bound in products, further limiting the actual quantity of free PCBS that are likely to enter the environment. Although this proposed rule would not prevent these amounts from increasing, EPA is not aware of any reason why these quantities should increase significantly. It is possible that some companies may institute engineering modifications to their processes to qualify for the exclusion. This would, however, benefit public health by reducing overall releases of PCBs to the environment. The amount of PCBs expected to be released annually from these excluded processes is only a tiny fraction of the extimated 150,000,000 pounds of PCBs that currently exist in the environment as free PCBs.

Therefore, EPA finds that if releases of PCBs from closed and controlled wastes processes (excluding controlled wastes) are unquantifiable by EPA's specified analytical techniques, and controlled wastes are disposed of as specified by EPA, then these processes represent de minimis risk situations and should not be subject to the prohibitions and other provisions of section 6(e).

E. Determination of No Unreasonable Risk

EPA has concluded that there would be no measurable benefits to public health or the environment by regulating closed and controlled waste processes (as defined in this rule) under section 6(e) of TSCA. Therefore, as previously noted, these processes are eligible for exclusion under the de minimis principle. Nonetheless, the Agency has also considered whether closed and controlled waste processes present an unreasonable risk to human health or the environment. To determine whether a risk is unreasonable, EPA balances the probability that harm will occur from the activity against the adverse effect on society from regulation. In making a determination of whether an unreasonable risk is present from these processes, EPA considered the following factors:

1. The effects of PCBs on human health and the environment.

2. The magnitude of PCB exposure to humans and the environment.

3. The benefits from products containing PCBs, the availability of substitutes, and the ability to prevent the formation of PCBs.

4. The economic impact resulting from the rule upon the national economy, small business, technological innovation, the environment, and public health.

After considering all available information, within the context of the factors listed above, EPA finds that excluding closed and controlled waste processes presents no unreasonable risk to human health or the environment. This finding is based on the reasons discussed below.

1. *Health and environmental effects and exposure to PCBs.* EPA has determined that exposure to PCBs from closed and controlled waste processes is so low as to be reasonably unquantifiable. Since the risks posed from exposure to PCBs decrease as levels of exposure decrease, EPA believes that exposure to PCBs at nonquantifiable levels from closed and controlled waste processes poses de minimis risks to public health and the environment.

2. *Benefits of products generated in closed and controlled waste processes, the availability of substitutes, and economic impacts.* If the ban on all manufacturing, processing, distribution in commerce, and use of PCBs was made effective for all closed and controlled waste processes, there could be a major disruption of the chemical industry and several other industries in the United States. Since there could be a large number of controlled waste processes, an immediate ban could cost billions of dollars. An immediate ban could disrupt the manufacture of a wide variety of products including paints, varnishes, enamels, agricultural chemicals, adhesives and sealants, printing ink, plastic materials, drugs, and soaps and cosmetics. Such products have great societal value, and a ban of this nature would create great hardship for the public and industry due to the unavailability of these products and would have a severe economic impact. Should such processes by subject to the section 6(e) ban, all manufacturers utilizing closed and controlled waste manufacturing processes which generate PCBs as byproducts would be required to conform with the prohibitions and requirements of section 6(e). Industry has commented that, in general, substitutes are not available for products contaminated with low level PCBs at the same or equivalent costs as PCB contaminated products, and that processes cannot be modified to prevent the formation of any PCBs. CMA has commented that research programs to study ways to reduce incidental PCB formation are very costly and have met with limited success. CMA provided an example of a process adjusted to reduce formation of PCBs to below 50 ppm, and estimated that the cost of this project was on the order of $800,000.

Although TSCA does provide a mechanism for obtaining relief from the total ban of PCBs, industry has commented that the statutory process for obtaining an exemption is unworkable for the many operations that manufacture, process, or distribute in commerce PCBs in low concentrations. Since TSCA requires a company to obtain an annual exemption, industry representatives indicated that the uncertainty associated with knowing whether they would be able to continue operations and the large cost of submitting petitions each year would be a burden. A quick survey of companies which filed exemptions with EPA in the past showed that the annual costs of developing the information required by an exemption petition plus the cost of filing the petition may cost between $16,000 and $126,000 per process. Although EPA does not know precisely how many processes meet the definition of closed and controlled waste processes, if 500 processes were eligible, the avoided cost of submitting petitions for exemption could range from $8 million to $63 million per year. These estimates will vary depending upon the actual number of processes eligible for the exclusion. Administering exemption petitions for closed and controlled waste processes could require extensive EPA resources.

This rule has no significant negative economic impact since it imposes no additional burdens but rather, avoids some of the burdens imposed on industry by the prohibitions of section 6(e). As discussed earlier, EPA is proposing in this rule to require manufacturers who operate closed and controlled waste manufacturing processes and who desire exclusion to certify that their processes are closed or controlled waste processes. EPA is proposing to give manufacturers the option of conducting a theoretical analysis to demonstrate that PCBs would not be quantifiable by EPA's specified technique in releases other than to controlled wastes, or of actually monitoring releases for PCB levels. EPA estimates the cost of certification without actual monitoring of PCB levels in releases to be on the order of $84.00 per process per year. EPA estimates the cost of conducting a theoretical analysis to be on the order of $800 per process. If actual monitoring of PCB levels is undertaken, using the EPA-specified method, EPA estimates the costs of monitoring to range between $200 and $2,000 per sample. Total costs per process range from $1,200 to $72,000, depending on the frequency of sampling and the actual costs of testing (see support document entitled "Cost Analysis for the Proposal to Exclude Closed and Controlled Waste Processes from the PCB Ban" for details). This exclusion substantially reduces the cost to industry associated with the expense and problems of annually developing, analyzing, and preparing petitions for exemption from the section 6(c) ban and the cost of EPA of processing these petitions.

F. Relationship of the Proposed Rule To Other PCB Rules

1. *Disposal and marking rule.* The Disposal and Marking Rule, published in the **Federal Register** of February 17, 1978 (43 FR 7150), as Part 761 of Title 40 of the Code of Federal Regulations, requires that when PCBs and PCB Items are removed from service, disposal be in accordance with specific criteria. Briefly, PCBs in concentrations below 50 ppm are not required to be disposed of in any special manner; liquid PCBs in concentrations between 50 ppm and 500 ppm are required to be disposed of in an incinerator which complies with certain standards, or in a chemical waste landfill or in a high efficiency boiler; non-liquid PCBs are required to be disposed of in an incinerator which complies with certain standards or in a chemical waste landfill; and liquid PCBs in concentrations at or above 500 ppm are required to be disposed of in an incinerator which complies with certain standards.

This proposed rule has no effect on the existing marking and disposal regulations. It simply excludes PCBs generated in controlled waste manufacturing processes from the section 6(e) ban when all PCBs generated are handled in ways prescribed under the existing disposal rule.

2. *Regulatory exclusion at 50 ppm.* The PCB Manufacturing, Processing, Distribution in Commerce, and Use Prohibition rule, published in the **Federal Register** of May 31, 1979, (44 FR 31514), as Part 761 of Title 40 of the Code of Federal Regulations basically prohibited the manufacture, processing, distribution in commerce and use of PCBs in concentrations above 50 ppm in other than a totally enclosed manner. As discussed under the Background unit in this preamble, this exclusion of PCBs in

concentrations below 50 ppm was successfully challenged by the Environmental Defense Fund. The court granted a stay of mandate with respect to the 50 ppm cutoff, and persons manufacturing, processing, distributing in commerce and using PCBs in concentrations below 50 ppm were permitted to continue these activities. The initial stay of mandate was scheduled to expire on October 13, 1982. However, in its report to the court on uncontrolled PCBs, EPA requested an extension of this stay of mandate until December 1, 1982. Prior to that time, EPA intends to submit a plan to the court for rulemaking on uncontrolled PCBs. EPA anticipates that its plan will include a schedule for rulemaking for uncontrolled PCBs and a request for an additional extension of the stay of mandate until the rulmaking is completed.

G. Determining Eligibility for Exclusion

Persons producing PCBs as impurities or byproducts in manufacturing processes need a means of determining whether they are eligible for this exclusion. Further, EPA is naturally concerned that only processes which meet the proposed definitions of closed or controlled waste processes are permitted to operate unregulated under section 6(e).

To accomplish these objectives EPA is proposing an amendment to Subpart J which would require that persons who produce PCBs and who consider themselves eligible for the exclusion certify that their processes meet EPA's definition of a closed or controlled waste process, i.e., PCBs are not quantifiable in releases from these processes (in other than controlled wastes) by the EPA-specified analytical technique. They would be required to develop and maintain records on the basis for their certification. Manufacturers are given the option of developing a theoretical assessment which demonstrates this, or of actually monitoring PCB levels to support certification. If actual monitoring is undertaken, those persons are required to maintain a record of any analytical data that they obtain on PCB levels in the processes or in releases from their processes. If monitoring is elected, this proposed rule does not require that the EPA-specified method be used. Any technique can be used, but the standard that must be met is still that PCBs are not quantifiable in releases (except in controlled wastes) if the EPA-specified technique were used. This section specifies the format for such a self-certification and the recordkeeping necessary to support this certification. The primary purposes of this self-certification program are (1) for persons to determine if the rule is applicable to them and (2) to aid EPA in monitoring compliance. This approach would provide reasonable assurance that only processes which actually meet the definitions for exclusion operate unregulated under section 6(e). By being able to self-certify, industry avoids the costs of petitioning for exemptions under section 6(e).

The self-certification process begins with compiling data to show that a process meets EPA's definition for exclusion. This may include actual monitoring of PCB levels in releases, or it may consist solely of preparing information for use in a theoretical assessment. EPA considered establishing rigid requirements for the type of data needed to support a manufacturer's determination that a process is closed or controlled waste manufacturing process. EPA considered requiring monitoring of releases from processes to air, water, products, and wastes (of closed processes). EPA evaluated the feasibility of specifying the frequency of sampling and places for sampling in manufacturing facilities.

EPA determined that it was not feasible to develop and propose a detailed monitoring program of broad applicability because of the extreme variability among processes and manufacturing facilities. Rather, EPA is proposing to allow manufacturers to select either theoretical assessments or actual monitoring of PCB levels to support certification. EPA intends to develop guidelines to assist persons in the evaluation of manufacturing processes for eligibility under the closed and controlled waste process exclusion. These guidelines will identify processes likely to produce PCBs and specify the types and nature of data that would be considered acceptable to support a determination that a process is closed or controlled waste process. These guidelines will address how to prepare a theoretical assessment, as well as how to conduct actual monitoring of PCB levels in releases. In addition, these guidelines will describe the type of quality assurance and quality control procedures which should be developed as an integral part of any program which involves actual monitoring of PCB levels.

A determination that PCBs are absent by actual monitoring of PCB levels must take into account that statistical variability in analytical results which will always occur. Recognizing that there will be variation results of a series of samples taken from a particular stream, EPA will attempt to develop a sampling procedure that uses a sequential sampling scheme.

This approach should result in a considerable savings over standard statistical sampling methods without adding to the risks of making incorrect decisions. Sequential sampling is a procedure where, unlike other statistical methods, the sample size is not fixed in advance. The sequential sampling procedure indicates, after every sample or group of samples is analyzed, whether sufficient samples have been gathered to make a decision or whether additional samples are needed. On the average, fewer samples are required for this procedure than with other methods. The sequential sampling scheme used by EPA will insure that the decision that the level of PCB concentration exceeds a quantifiable level will be incorrect for approximately 5 percent of the streams sampled (95 percent confidence level). EPA believes that a high level of confidence is desirable to insure that incorrect decisions that a process should be excluded from the ban will occur infrequently. EPA specifically requests comments on the appropriateness of a 95 percent confidence level for this decision.

The guidelines developed by EPA can be used as reference tools by manufacturers when they evaluate their processes to determine if they are eligible for exclusion. They will be used by EPA in monitoring compliance with this rule. EPA expects that the guidelines will be available during the public comment period to this rule. EPA intends to announce their availability through a **Federal Register** notice.

EPA considered requiring reporting data to the Agency on a semi-annual or an annual basis. EPA also considered requiring reporting one time with re-certification being required upon significant process changes. EPA is proposing that no reporting be required. With no requirement to report to EPA that certain processes qualify for exclusion, some processes may be mislabeled as qualifying for the exclusion when in reality the manufacturer should be petitioning for an exemption. To help reduce the likelihood of this occuring, EPA is developing an enforcement strategy. EPA's enforcement strategy will include identifying processes which are likely to generate PCBs as impurities and byproducts. EPA intends to use the petitions for exemption, among other sources of information, to identify generic processes which are likely to generate PCBs. This information would accompany the analytical guidance to

be distributed for this rule. After developing the enforcement strategy, EPA will then determine if companies manufacturing similar products have petitioned for exemptions. If petitions have not been submitted by particular manufacturers, EPA will examine company records of persons who claim their processes are closed or controlled waste processes. Through these means, EPA believes it can effectively assure that the exclusion is not being abused.

With the proposed approach, manufacturers would identify processes which they believe generate PCBs as impurities or byproducts, determine if the processes are closed processes or controlled waste processes, and place data and records of their determinations in records at the facility. Should manufacturers periodically undertake monitoring of PCB levels in processes or in releases from the processes, these data would also be retained. EPA is proposing to require that such records be maintained for seven years, or for at least three years after the particular process being used at the facility ceases operations, whichever is shorter. Further, EPA is proposing to require that processes be reevaluated and that a new certification be filed upon significant process changes that invalidate the previous certification. A significant process change is one which is likely to change the concentration of PCBs in releases from the processes (except in controlled wastes).

In addition, EPA intends to develop and conduct an audit program to monitor the effectiveness of this rule. The purpose of this program is to determine if the rule has accomplished its objectives, and to identify potential areas where revisions or modifications are needed.

Other alternatives that EPA considered but rejected are discussed below.

1. *Certification by EPA.* Under this alternative, every company desiring to classify a process as a closed or controlled waste process would be required to submit theoretical or analytical data to EPA with a request for certification as a closed or controlled waste process. After EPA reviewed the submitted data and the request, it would send the company a determination of eligibility for exclusion from the requirements of section 6(e) under the closed and controlled waste process exclusion. This approach would be very costly and burdensome to industry and EPA. It would require the development of data and submittal of data to EPA from everyone in the chemical industry and other industries who generate PCBs to prove that they are closed or controlled waste processes (or petition for exemption). It would require EPA to expend substantial resources reviewing the applications for exclusion. By setting up such an annual certification procedure, in effect industry and EPA would be subject to monitoring, reporting, and reviewing requirements similar to those incurred under the regular exemption process. One of the main reasons for this rule is to relieve manufacturers and processors of the burdens imposed by an exemption process when the potential exposure to PCBs from their processes is very low. However, this approach would probably provide the greatest assurance that only companies that are truly eligible for the exclusion operate unregulated under section 6(e).

2. *No documentation.* EPA also considered not requiring recordkeeping by manufacturers utilizing what they consider to be closed or controlled waste manufacturing processes. Under this alternative, manufacturers would not be required to maintain any records of their determinations that processes operating at their facilities were closed or controlled waste manufacturing processes. This alternative eliminates the costs and burdens associated with documenting determinations that processes are closed or controlled waste processes.

Clearly, with no requirement to document determinations that certain processes qualify for exclusion, many processes may be automatically labeled as closed or controlled waste processes and operate unregulated under section 6(e). Further, a large amount of resources would have to be expended by EPA to verify manufacturers claims that processes generating PCBs without specific exemptions are closed or controlled waste processes. This is because in many cases EPA would have to develop a verification strategy tailored to individual processes, and there would be no records for EPA to review to determine how the company concluded that it was eligible for the exclusion. It would be extremely difficult for EPA to identify anyone but the most flagrant violators. It is very likely that companies would not spend much effort to ensure that they actually met the criteria for exclusion since the likelihood of being identified as not complying with the rule would be very small.

H. Discussion of Analytical Method For Detecting PCBs

Section 761.82 designates capillary gas chromatography coupled to an electron impact mass spectrometer (CGC/EIMS) as the EPA specified analytical technique for quantifying PCBs in air emissions, water effluents and product/process streams. CGC/EIMS is the analytical technique specified under the definitions of closed manufacturing process and controlled waste manufacturing process. To qualify for the closed and controlled waste process exclusion, PCBs must not be quantifiable by this technique in releases to air, water, and products (and wastes from closed processes). Although actual monitoring of releases is not required as a condition for exclusion (theoretical analyses are acceptable), and this method is not required if monitoring is elected, if actual monitoring is undertaken, manufacturers may wish to use the method specified in § 761.82 to insure that they are in compliance with the rule. EPA will use this technique in conjunction with the yet to be published guidelines to determine whether processes are closed or controlled waste processes.

1. *Chemical analytical methodology.* True confirmation of chlorinated biphenyls (PCBs) in specimens which may contain other chlorinated aromatic compounds can reliably be accomplished by capillary gas chromatography (CGC) coupled to mass spectrometry (MS). In order to obtain the selectivity to use this analytical technique, specific separation, extraction, and cleanup steps are a necessary part of the chemical analysis process. There are many analytical procedures for separation, extraction, cleanup, and detection which can successfully be used to indicate the presence of PCBs. These methods are useful in identifying the presence of materials which may require the confirmatory analysis outlined in § 761.82. For enforcement purposes EPA will use the analytical approach described in § 761.82.

2. *Quality assurance plan for measurement of incidentally generated chlorinated biphenyls (PCBs).* An integral part of CGC/EIMS analysis is the quality assurance program (QAP). QAPs insure the integrity of the data produced.

A QAP includes the following: (1) History and disposition of samples, (2) sampling and sample collection procedures and (3) extraction and instrumental analysis procedures. A QAP documents how a laboratory intends to demonstrate its capability to produce data of acceptable quality. A QAP is essential for establishing the validity of the analytical data generated. For enforcement purposes EPA will use CGC/EIMS in conjunction with a QAP

to verify the accuracy of the data generated.

3. *Guidelines.* The guidelines EPA is developing will include guidance on: (1) Sample collection and homogenization of the sample, (2) addition of surrogate compounds to the sample, (3) extraction and cleanup, (4) concentration or dilution of the extract, (5) analysis of the final extract, (6) reporting the results of the chemical analysis as specific PCB isomers or total PCBs, and (7) developing a QAP. Sample collection should be representative of the process to be characterized. Increased variation in the components of the process will increase the necessity to sample more frequently or to composite samples taken concurrently from several locations. The samples will then pass through a decision tree where pertinent procedures in the analytical method will be selected, based on the nature of a specific sample. As an example, for the homogenization step, aqueous samples free of suspended or settled solids would pass on to the extraction step. Aqueous samples with suspended matter would be stirred during subsampling and extraction. Aqueous samples with settled material, which could not be stirred into a suspension, would require pulverization of the solids and then could be treated as the aqueous sample which contained suspended matter. In the guidelines, other portions of the decision tree will be described for non-aqueous samples and for the other steps in analyzing for PCBs.

V. Summary of Issues

EPA specifically requests comments, data, and information relevant to:

1. The data presented in the CMA survey.

2. The appropriateness of excluding closed and controlled waste processes from the section 6(e) ban including EPA's rationale that closed and controlled waste processes pose de minimis risks to public health and the environment; and that the benefits of allowing these processes to be excluded outweigh the de minimis risks posed.

3. The need to specify criteria for determining the absence of PCBs in products, air emissions, water discharges, and wastes to define adequately processes subject to the exclusion; the desirability of one criterion for all releases or separate criteria for air, water releases, products, and wastes of closed processes; the suitability of the proposed analytical method for purposes of judging whether a process should be eligible for the exclusion. In particular, EPA seeks information relating to the effect that the proposed method would have on persons involved in the manufacture, processing, distribution in commerce and use of PCBs.

4. The appropriateness of using limits of quantification versus limits of detection for defining the absence of PCBs in releases from processes.

5. The appropriateness of requiring controlled wastes to be sent to facilities in compliance with standards in §§ 761.70, 761.75, and 761.65. In particular, EPA seeks information relating to the effect that this requirement would have on persons disposing of waste from controlled waste processes, and on the environmental/health risks of not disposing of PCBs in this manner.

6. The need for a program whereby manufacturers demonstrate that their processes do qualify for exclusion; the desirability of a self-certification program versus one where the manufacturers report to EPA and the Agency determines whether they qualify. In particular, EPA seeks information relating to the effect that self-certification or other programs would have on persons who inadvertently manufacture PCBs, and on the problems or risks associated with not requiring certification and recordkeeping.

7. The suitability of allowing manufacturers to use best theoretical analyses in lieu of actual monitoring of PCB levels. In particular, EPA seeks information relating to the effect that requiring monitoring data or theoretical analyses would have on persons inadvertently manufacturing PCBs.

8. The retention time for records (7 years or 3 years after a process ceases operation, whichever is shorter).

9. The cost and economic impact of this exclusion policy. Specifically:

a. The costs of EPA's recommended analytical technique for determining the absence of PCBs, including sampling and storage costs.

b. The costs of recordkeeping and reporting which might be required for eligibility for the exclusion.

c. The availability of testing equipment to perform testing in-house and/or the availability of outside laboratories to perform tests.

d. The costs to manufacturers of performing "best theoretical analyses" in lieu of actual monitoring of PCB levels.

e. The costs of incinerating wastes in EPA-approved incinerators, landfilling in EPA-approved landfills, and storage for incineration or landfilling under this exclusion.

f. The costs of filling for an exemption petition, including the costs of making and documenting a "good faith effort to develop substitutes for PCBs" and the cost of determining and documenting that "no unreasonable risk" exists.

VI. Authority

Section 6(e) of TSCA [15 U.S.C. 2805]. The Administrator of EPA has delegated authority to amend or modify the PCB Manufacturing, Processing, Distribution in Commerce and Use Prohibition Rule (40 CFR Part 761), published in the **Federal Register** (44 FR 31514, May 31, 1979), to the Assistant Administrator for Pesticides and Toxic Substances.

VII. Executive Order 12291

Under Executive Order 12291, issued February 17, 1981, EPA must judge whether a rule is a "major rule" and, therefore, subject to the requirement that a Regulatory Impact Analysis be prepared. EPA has determined that this proposed rule is not a major rule as the term is defined in section 1(b) of the Executive Order. Therefore, EPA has not prepared a Regulatory Impact Analysis for this proposed rule.

EPA has concluded that this proposed rule is not "major" under the criteria of section 1(b) because the annual effect of the rule on the economy will be less than $100 million; it will not cause a major increase in costs or prices for any sector of the economy or for any geographic region; and it will not result in any significant adverse effects on competition, employment, investment, productivity, or innovation or on the ability of United States enterprises to compete with foreign enterprises in domestic or foreign markets. In fact, this proposed rule excludes certain uses of PCBs that would otherwise be prohibited by section 6(e) of TSCA and, therefore, reduces the overall costs and economic effect of section 6(e).

The proposed rule was submitted to the Office of Management and Budget (OMB) prior to publication, as required by the Executive Order. Any comments from OMB to EPA and any response by EPA to those comments are available for public inspection as part of the public record of this rulemaking.

VIII. Regulatory Flexibility Act

Under section 605(b) of the Regulatory Flexibility Act, the Administrator may certity that a rule will not, if promulgated, have a significant impact on a substantial number of small entities, and therefore does not require a regulatory flexibility analysis.

The proposed amendment to the PCB rule excludes persons who manufacture PCBs in closed and controlled waste manufacturing processes from the ban

on manufacture of PCBs. For those persons who qualify for the exclusion, the effect of this rule is to avoid the economic impact associated with the ban. Since no negative economic effect is expected upon any business entity from the promulgation of this proposed rule, I certify that this rule will not, if promulgated, have a significant economic impact on small entities.

IX. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq* (the Act), authorized the Director of the OMB to review certain information collection requests by Federal agencies. EPA has determined that the recordkeeping and reporting requirements of this proposed rule constitute a "collection of information," as defined in 44 U.S.C. 3502(4). In accordance with the Act, the recordkeeping and reporting requirements of this proposed rule (if adopted in the final rule) will be submitted to OMB under section 3504(b) of the Act.

X. Official Rulemaking Record

Proposed PCB Regulations for Closed and Controlled Waste Manufacturing Processes

In accordance with the requirements of section 19(a)(3)(E) of TSCA, EPA is publishing the following list of documents constituting the record of this proposed rulemaking. A supplementary list or lists may be published at any time on or before the data the final rule is issued. However, no such list will include public comments, the transcript of the rulemaking hearing, or submissions made at the rulemaking hearing or in connection with it. These documents are exempt from **Federal Register** listing under section 19(a)(3). A full list of these materials will be available on request from the Document Control Officer listed under **"ADDRESSES."**

A. *Previous Rulemaking Records*

1. Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions Rule" 44 FR 31514, May 31, 1979.
2. Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs) Disposal and Marking Final Regulation" 43 FR 7150, February 17, 1978.

B. **Federal Register** *Notices*

1. 46 FR 27617, May 20, 1981, USEPA "Polychlorinated Biphenyls (PCBs); Manufacture of PCBs in Concentrations Below 50 Parts Per Million; Possible Exclusion From Manufacturing Prohibition; Advance notice of proposed rulemaking".
2. 46 FR 27615, May 20, 1981, USEPA "Polychlorinated Biphenyls (PCBs); Court Order Regarding PCBs in Concentrations Below 50 Parts Per Million."

C. *Support Documents*

1. USEPA, OTS, "Summary of ANPR Comments."
2. USEPA, OTS, "Occupational Exposure to Inadvertently Produced PCBs."
3. USEPA, OTS, "Methods of Analysis for Incidentally Generated PCBs Literature Review and Preliminary Recommendations."
4. USEPA, OTS, "Cost Analysis for the Proposal to Exclude Closed and Controlled Waste Processes from the PCB Ban."
5. USEPA, OTS, "Internal Memorandum of EPA Review of CMA Submitted Toxicity Data."
6. USEPA, OTS, "Quality Assurance Guidelines."
7. USEPA, OTS, "Rationale for Estimating Level of Quantification for CGC/EMIS."
8. USEPA, OTS, "Estimation of Releases from Spills of Inadvertently Produced PCBs."

D. *Reports*

1. Chemical Manufacturers Association, "A Report of a Survey on the Incidental Manufacture, Processing, Distribution, and Use of Polychlorinated Biphenyls at Concentrations Below 50 ppm."
2. Chemical Manufacturers Association, "The Analysis of Chlorinated Biphenyls."
3. Ecology and Environment, Incorporated, "Summary of the Health Effects of PCBs."

EPA will identify the complete rulemaking record on or before the data of promulgation of the final rule, as prescribed by section 19(3) of TSCA. EPA will consider for inclusion in the record additional material submitted at any time between the publication of this notice and the date the Agency identifies the final record. The final rule will also permit persons to point out any omissions or errors in the record.

XI. Additional Information

The comment period for this rule is limited to thirty days because EPA is under court order to promulgate a final rule by October 13, 1982.

EPA requests that comments be submitted in triplicate. Comments should include the docket number, OPTS 62017A. Comments on this proposed rule will be available for review from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, in Rm. E-107 Environmental Protection Agency, 401 M St., SW., Washington, D.C.

Requests to participate in the informal hearing should be made in writing to the Industry Assistance Office at the address given above. All requests for participation must include, at least, a detailed outline of the topics to be addressed in the opening statement, the amount of time requested for the statement, and the names of the participants. Statements should not repeat information already presented in written comments but should address additional information or issues. All hearings will be conducted in accordance with EPA's "Procedures for Rulemaking Under Section 6 of the Toxic Substances Control Act" (40 CFR, Part 750).

List of Subjects in 40 CFR Part 761

Hazardous materials, Labeling, Polychlorinated biphenyls, Recordkeeping and reporting requirements, Environmental protection.

Dated: June 2, 1982.

Anne M. Gorsuch,

Administrator.

Therefore, it is proposed that 40 CFR Part 761 be amended to read as follows:

PART 761—POLYCHLORINATED BIPHENYLS (PCBs) MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS

1. Paragraph (f) is added to § 761.1, to read as follows:

§ 761.1 Applicability

* * * * *

(f) Persons who manufacture, process, distribute in commerce, or use PCBs generated as byproducts, impurities or intermediates in closed and controlled waste manufacturing processes (as defined in § 761.3 (jj) and § 761.3 (kk)) are exempt from the requirements of Subpart B. To qualify for this exclusion, such processes must also fully comply with § 761.185.

* * * * *

2. Paragraphs (jj) and (kk) are added to § 761.3, to read as follows:

§ 761.3 Definitions.

* * * * *

(jj) "Closed manufacturing process" means a chemical manufacturing process in which PCBs are generated but from which no quantifiable PCBs are released to air, water, products, or in process wastes if the analytical method specified in § 761.82 were used.

(kk) "Controlled waste manufacturing process" means a chemical manufacturing process in which PCBs are generated but from which no quantifiable PCBs are released to air, water, or products if the analytical methods specified in § 761.82 were used, and the remainder of PCBs generated are incinerated in an incinerator approved under the provisions of § 761.70, landfilled in a landfill approved under the provisions of § 761.75, or stored for such incineration or landfilling in accordance with the requirements of § 761.65(b)(1).

3. A new Subpart E, consisting at this time of § 761.82, is added to read as follows:

SUBPART E—METHOD OF ANALYSIS

§ 761.82 Analytical method and quality assurance plan for quantifying PCBs in air, water, products, and closed process waste streams.

(a) *Analytical approach.* This section is the Agency's designated analytical approach for non-Aroclor PCB analysis. This technique is the method specified under the definitions of closed manufacturing process and controlled waste manufacturing process. The approach includes a description of the analytical technique and a description of the necessary quality assurance program (QAP). This is the analytical technique and QAP which EPA will use in determining whether a process falls within the closed and controlled waste manufacturing process exclusion (see § 761.1(f)).

(b) *Analytical technique.* (1) A specified number of samples is taken according to a suggested procedure. Each sample, if too large to go directly to extraction, would be thoroughly homogenized and a representative subsample would be removed.

(2) Each sample (or subsample from paragraph (b)(1) of this section) then has surrogate compounds, e.g., several ^{13}C PCB isomers, incorporated into it. These surrogates are used in quantitation and to document recovery rates.

(3) Each sample is then subjected to an extraction and/or cleanup procedure. Through this procedure, the original sample would have any contaminants and interfering compounds removed from it, and ideally an extract with only PCBs would remain. The extraction procedure would vary for different media (air, water, solid) and matrix (chlorinated, non-chlorinated, etc.).

(4) Each sample extract would be concentrated or diluted to a known volume. This known volume is used in the quantitation procedure.

(5) A known amount of the prepared extract is then removed and introduced into a capillary gas chromatograph (CGC) coupled to an electron impact mass spectrometer (EMIS).

(6) The instrumental response is then integrated so that the levels are described by PCB homolog (mono-, di-, and trichlorobiphenyls, etc.) and each PCB homolog is quantitated based on the known responses of the ^{13}C surrogates (see paragraph (b)(2) of this section).

(7) All 10 homolog concentrations are then summed to obtain a "total PCB" value.

(c) *Quality assurance program.* A quality assurance program includes:

(1) An accurate trace or history of the life of a sample (to be chemically analyzed for PCBs) including a description of the scheme for sample collection including a written description of what happens to the sample, schedules and timetables, disposition and handling.

(2) Details of the sample collection procedure including:

(i) Reasons for using a particular sample selection process and reasons for not using other processes.

(ii) Estimates of how well the selected samples represent the medium to be characterized.

(3) A full, detailed description of the extraction and chemical analysis procedures.

(4) The results of laboratory participation in round robin analytical programs, the results of performance audits, the results of systems audits, and analytical results of performance audit specimens.

4. Section 761.185 is added to read as follows:

§ 761.185 Self-certification program and retention of special records by persons incidentally generating PCBs in closed manufacturing processes and controlled waste manufacturing processes.

(a) In addition to meeting the basic requirements of § 761.1(f), PCB-generating chemical manufacturing processes shall be considered "closed manufacturing processess" or "controlled waste manufacturing processes" (and thus, be excluded from the TSCA section 6(e) ban on manufacture), only if the owner/operator of the facility: (1) Collects data on the process and performs either a theoretical analysis of PCB levels in releases or conducts actual sampling of PCB levels in releases.

(2) Maintains (for a period of 7 years or for 3 years after a process ceases operations, whichever is shorter) the following information on the processes:

(i) *Theoretical analysis.* (A) The reaction or reactions believed to be producing the PCBs and levels of PCBs generated.

(B) The basis for all estimations of PCB concentrations,

(C) The name and qualifications of the person or persons performing the theoretical analysis.

(D) Any additional information relevant to the analysis of the process for PCBs.

(ii) *Actual monitoring.* (A) The method of analysis.

(B) The results of the analysis, including data from the QAP.

(C) The name of the analyst or analysts.

(D) The date and time of the analysis.

(E) Any additional information relevant to the analysis of the process for PCBs.

(b) The data collected, and the analysis performed under paragraph (a) of this section must support the following certification if the processes are to be excluded under the closed manufacturing process and controlled waste manufacturing process exclusion. Persons desiring exclusion of a PCB-generating process under the closed and controlled waste process exclusion shall certify that:

(1) An analysis of the manufacturing process for PCB levels and releases (either theoretical or through actual monitoring for PCBs) has been completed.

(2) The analysis of the manufacturing process is on record at the facility.

(3) If the analytical method specified in § 761.82 were used, PCBs could not be quantified in air releases and water releases from the manufacturing process, or in products of the manufacturing process.

(4)(i) If the analytical method specified in § 761.82 were used, PCBs would be below the limits of quantification in process wastes.

(ii) All process wastes are either incinerated in accordance with § 761.70, landfilled in a landfill approved under § 761.75, or stored for such incineration or landfilling in accordance with the requirements of § 761.65(b)(1).

(c) The certification must include the name and location of the disposal facilities (if the process is a controlled waste process). The certification must be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.

(ii) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. This certification process must be repeated whenever process conditions are significantly modified to make the previous certification no longer valid. This certification must be filed at each facility in which a closed or controlled

waste process is operating for a period of seven years or for three years after a process ceases operation, whichever is shorter, and must be made available to EPA upon request.

(d) Any person signing a document under paragraph (b) (1) through (4) of this section shall also make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate information. Based on my inquiry of the person or persons who manage the system, or those person directly responsible for gathering information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for falsifying information, including the possibility of fines and imprisonment for knowing violations.

Dated:_____

Signature _____

[FR Doc. 82-15599 Filed 6-7-82; 8:45 am]

BILLING CODE 6560-50-M

federal register

Tuesday
June 8, 1982

Part VIII

Office of Management and Budget

Budget Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals

To the Congress of the United States:

In accordance with the Inpoundment Control Act of 1974, I herewith report seven new deferrals totaling $14.5 million and revisions to two deferrals previously reported increasing the amount deferred by $140.5 million.

The deferrals affect programs in the Departments of Agriculture, Commerce, Interior and Labor as well as the Board for International Broadcasting, the International Communication Agency, the Railroad Retirement Board and the Small Business Administration.

The details of each deferral are contained in the attached reports.

THE WHITE HOUSE, June 2, 1982.

Ronald Reagan

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Department of Agriculture	
	Soil Conservation Service	
D82-244	Watershed and flood prevention operations....	8,822
	Department of Commerce	
	Economic Development Administration	
D82-245	Economic development assistance programs.....	2,800
	Department of the Interior	
	United States Fish and Wildlife Service	
D82-246	Construction and anadromous fish.....	600
D82-247	Land acquisition.....	400
	Department of Labor	
	Employment and Training Administration	
D82-229A	Employment and training assistance.....	229,087
	Other Independent Agencies	
	Board for International Broadcasting	
D82-248	Grants and expenses.....	915
	International Communication Agency	
	Salaries and expenses (special foreign	
D82-249	currency program).....	700
	Railroad Retirement Board	
	Milwaukee railroad restructuring,	
D82-250	administration.....	240
	Small Business Administration	
D82-234A	Surety bond guarantees revolving fund.....	3,000
	Total Deferrals.....	246,564

SUMMARY OF SPECIAL MESSAGES
FOR FY 1982
(in thousands of dollars)

	Rescissions	Deferrals
Thirteenth special message		
New items.....	---	14,477
Change to amounts previously submitted.....	---	140,544
Effect of thirteenth special message.....	---	155,021
Previous special messages.....	7,576,998	7,980,270
Total amount proposed in special messages.....	7,576,998	8,135,291 1/

1/ This amount represents budget authority except for $20,922 thousand in one general revenue sharing deferral of outlays only (D82-23A).

Deferral No: D82-244

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 97-103): $192,035,000
Bureau: Soil Conservation Service	Other budgetary resources: 48,418,200
Appropriation title & symbol: Watershed and Flood Prevention Operations 12X1072 1/	Total budgetary resources: 240,463,200
	Amount to be deferred: Part of year: 8,822,000
	Entire year:
CMB identification code: 12-1072-0-1-301	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification These funds were appropriated in a $20,000,000 supplemental in P.L. 96-304, dated July 8, 1980, for emergency measures related to the Mount St. Helen's volcano eruptions. The nature and magnitude of damages from the initial eruptions and the uncertainty concerning further volcanic activity did not permit precise estimates of funding needs to be developed at that time. It has been determined that $8,822,000 in unobligated balances is excess of current needs. These amounts are, therefore, deferred pending enactment of supplemental appropriation language transferring them to other accounts of the agency to be used to meet increased pay costs.

Estimated Effects: Since the Mount St. Helen's situation is unique in that the volcano is subject to eruption at any time, the emergency situation continues to exist, and unlike one-time storms, funds may be needed in the future. However, considering the nature of the volcanic activity during the past eighteen months, the $3.1 million of the supplemental that remains available will be sufficient for contingencies. The deferral will have no programmatic effect since there were no plans to obligate these funds.

Outlay Effect: This deferral will have no effect on outlays.

1/ This account was the subject of a FY 1981 deferral (D81-108) and a FY 1982 deferral (D82-89).

Deferral No: D82-245

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. 97-161): $198,500,000
Bureau: Economic Development Administration	Other budgetary resources: -0-
Appropriation title & symbol: Economic Development Assistance Programs 1322050 1/	Total budgetary resources: 198,500,000
	Amount to be deferred: Part of year: 2,900,000
	Entire year:
CMB identification code: 13-2050-0-1-452	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The economic development assistance programs provide grants and loans to develop and/or improve public works facilities and to construct new or to improve existing industrial/commercial facilities. The programs also provide technical assistance grants to areas with little development skills or experience and planning grants to states and other qualified applicants for comprehensive program development.

In accordance with the 1983 Budget request that terminates the economic development assistance programs research and evaluation funds for these programs are not needed in FY 1982. Also, planning grants and technical assistance grants can be provided with slightly less funding. These excess funds are deferred pending congressional action on the supplemental request to transfer them to the Salaries and expenses account to meet increased pay costs.

Estimated Effects: Planning grants will be available for all existing and some new participants. There will be a slight reduction in the technical assistance program; however, all projects identified to date will be funded.

Outlay Effect: By using these funds for salaries and expenses rather than for program activities there will be an increase to 1982 outlays of $1.8 million with a corresponding decrease of $1.8 million to 1983 outlays.

1/ This account was the subject of another FY 1982 deferral (D82-98).

Deferral No: D82-246

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 97-100): $ 6,683,000
Bureau: U.S. Fish and Wildlife Service	Other budgetary resources: 26,851,267
Appropriation title & symbol: Construction and Anadromous Fish 14X1612 1/	Total budgetary resources: 33,534,267
	Amount to be deferred: Part of year $ 600,000
	Entire year:
OMB identification code: 14-1612-0-1-303	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation finances the construction, rehabilitation and acquisition of buildings and other facilities required in the conservation and utilization of sport fishery and wildlife resources as well as administrative functions to carry out these activities. The amount deferred is achieved by delaying the lower priority portions of three construction projects and is proposed for transfer to the Resource Management appropriation as part of its revised supplemental request to cover FY 1982 civilian pay increases. These funds are deferred pending enactment of the supplemental appropriation authorizing the transfer.

Estimated Effects: This deferral will preserve these funds pending congressional action on the transfer request. The impact on the program will be to defer construction of new facilities at Cibola Refuge in Arizona, Brigantine Refuge in New Jersey and Lower Klamath Falls Refuge in California.

Outlay Effect: This deferral action will have no effect on outlays.

1/ This account was the subject of another FY 1982 deferral (D82-50).

Deferral No: D82-247

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 97-100): $16,491,000
Bureau: U.S. Fish and Wildlife Service	Other budgetary resources:
Appropriation title & symbol: Land Acquisition 14X5020	Total budgetary resources: 16,491,000
	Amount to be deferred: Part of year $ 400,000
	Entire year:
OMB identification code: 14-5020-0-2-303	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation finances expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Fish and Wildlife Service. The amount deferred is achieved by savings in administrative expenses from more efficient operations and by a slight reduction in a land acquisition project. The deferred funds are proposed for transfer to the Resource Management appropriation as part of its revised supplemental request to cover FY 1982 civilian pay increases. These funds are deferred pending enactment of the supplemental appropriation authorizing the transfer.

Estimated Effects: This deferral will preserve these funds pending congressional action on the transfer request. The impact on the program will be to defer 6% of the current land acquisition program for the Bon Secour National Wildlife Refuge in Alabama.

Outlay Effect: This deferral action will have no effect on outlays.

D82-229A

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of
Public Law 93-344

This report updates Deferral No. D82-229, transmitted to the Congress on February 8, 1982.

This revision to a deferral of employment and training funds increases the amount deferred from $88,543,309 to $229,087,309. This increase of $140,544,000 reflects a temporary withholding of Job Corps resources pending receipt by OMB of the Department of Labor's fourth quarter operational plans for the Job Corps. In addition, this revision modifies the budgetary resources section of the deferral to include the resources made available by PL 97-161.

Deferral No: D82-229A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Labor	New budget authority (P.L. 97-161) $3,023,201,000*
Bureau Employment and Training Administration	Other budgetary resources 848,863,309
Appropriation title & symbol Employment and Training Assistance 1/ 161/20174 1620174	Total budgetary resources 3,872,064,309*
	Amount to be deferred: Part of year $ 229,087,309* Entire year
OMB identification code: 16-0174-0-1-504	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

*Justification: This appropriation provides for a system of Federal, State and local programs of training and other services for economically disadvantaged unemployed, and underemployed persons intended to lead to permanent gains in employment and increased self-sufficiency. Two amounts are included in the deferral. The first amount ($88,543,309) reflects unanticipated unobligated balances ($85,004,824) and unanticipated recoveries of prior year obligations ($3,538,485). Some of the funds covered by this deferral are proposed for transfer to other Department of Labor agencies to meet operational needs, and some have been proposed for transfer to defray the cost of the October civilian and executive pay increases. The disposition of the balance is under review. Should program developments indicate that there is not a compelling operational or programmatic need for the amounts, they will be proposed for rescission. The second amount included in the deferral is $140,544,000 in Job Corps resources being withheld pending receipt from the Department of Labor of fourth quarter operational plans for the Job Corps.

*Estimated Effects: This deferral action is not anticipated to have any programmatic or budgetary effect. The balances were unanticipated and no plans for their use had been developed when 1982 program levels were determined. Amounts for the Job Corps are expected to be made available when the Department completes its FY 1982 operational plan.

*Outlay Effect: This deferral is not anticipated to have any effect on FY 1982 outlays.

* Revised from previous report.

1/ This account was the subject of a deferral in FY 1981 (D81-36 with two revisions, D82-36A and D82-36B) and two other deferrals in FY 1982 (D82-18 and D82-194).

D82-248

Deferral No: _____

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Board for International Broadcasting	New budget authority (P.L. 97-161): $ 86,519,000
Bureau:	Other budgetary resources: —
Appropriation title & symbol: Grants and Expenses 9521145 1/	Total budgetary resources: 86,519,000 2/
	Amount to be deferred: Part of year: $ 914,751
	Entire year:
CMB identification code: 95-1145-0-1-154	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☒ Other 22 U.S.C. 2871-2877
Type of account or fund: ☒ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year _____ (expiration date)	☐ Contract authority
☐ No-year	☐ Other _____

Justification: The Board for International Broadcasting is authorized by the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871-2877) to provide assistance to Radio Free Europe/Radio Liberty, Inc. (RFE/RL), a private nonprofit radio broadcasting organization. Section 8(b) of the Act states "The Director of the Office of Management and Budget shall place in reserve and inform the Congress of any amount appropriated under this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for RFE/RL, Incorporated."

The Board, in accordance with regulations established jointly by the Board and the Office of Management and Budget, reported that as of the end of the second quarter of 1982 the net currency exchange gains totaled $914,751. Therefore, funds totaling $914,751 are deferred. These funds will be used to offset any currency exchange losses occurring later in the year. If no losses are experienced, the funds will be proposed for rescission.

This deferral action is taken in accordance with the International Broadcasting Act of 1973, and the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: No programmatic effect results from this deferral since program levels of Radio Free Europe/Radio Liberty will be maintained in 1982.

D82-248

Outlay Effect: If there are no exchange rate losses in the remainder of 1982, the reported exchange rate gains and resulting deferral will reduce outlays by $914,751 while maintaining current program. These outlay savings will be offset by the amount of any exchange rate losses.

1/ This account was the subject of a similar deferral in FY 1981 (D81-106) and another deferral in FY 1982 (D82-64).

2/ In addition, $3,394,674 is not available pursuant to P.L. 94-350.

Deferral No: D82-249

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency International Communication Agency	New budget authority (P.L. 97-161) $ 9,800,000
Bureau	Other budgetary resources 2,043,970
Appropriation title & symbol 67X0205 Salaries and Expenses, Special Foreign Currency Program	Total budgetary resources 11,843,970
	Amount to be deferred: Part of year $ ____ Entire year 700,000
OMB identification code: 67-0205-0-1-154	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: The United States International Communication Agency (ICA) is authorized to carry out international communication, cultural and education exchange programs. The "Salaries and Expenses (Special Foreign Currency Program)" account is used to pay ICA local program expenses in U.S.-owned foreign currencies in those countries where the Department of Treasury determines that the supply of local currency is in excess of the normal requirement of the U.S. Government. In fiscal year 1982, the "excess currency" countries are Burma, Guinea, India, and Pakistan.

The amounts available under this appropriation exceed 1982 program requirements due to a higher unobligated balance carryover than originally estimated. The higher carryover balance was caused by exchange rate gains, recoveries of prior year obligations, unexpected delays in planned renovation projects, and other program savings. The excess funds are being reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 665) and will be used for program needs in succeeding years.

Estimated Effects: None. The amount deferred could not be obligated before fiscal year 1983.

Outlay Effect: There is no outlay effect of this deferral, because the funds would not be obligated if made available.

Deferral No: D82-250

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Railroad Retirement Board	New budget authority (P.L. 97-161) $240,000
Bureau	Other budgetary resources 218,673
Appropriation title & symbol Milwaukee Railroad Restructuring, 1/ Administration 60X0108	Total budgetary resources 458,673
	Amount to be deferred: Part of year $ 0 Entire year 240,000
OMB identification code: 60-0108-0-1-603	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: This account funds administrative expenses incurred by the Board in disbursing benefit payments under the Milwaukee Railroad Restructuring Act and the Rock Island Railroad transition and Employee Assistance Act. The Board estimates that only $218,673 in administrative expenses will be charged to this account in fiscal year 1982, and that $240,000 will be carried forward into fiscal year 1983. This deferral, therefore, represents amounts not required for obligation in fiscal year 1982. The amount deferred is being reserved for contingencies under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: There will be no effect upon the operation of the programs, as the funds are not needed in this fiscal year.

Outlay Effect: There will be no outlay effect resulting from this deferral.

1/ This account was the subject of a similar deferral in FY 1981 (D81-128).

D82-234A

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of
Public Law 93-344

This report updates Deferral No. D82-234, transmitted to the Congress on February 8, 1982.

This revision to a deferral for the Surety bond guarantees revolving fund in the Small Business Administration increases the budgetary resources previously reported in this account from $38,773,963 to $46,883,963, an increase of $8,110,000. The increase is the result of the following actions: (1) the Fourth Continuing Resolution making further appropriations for Fiscal Year 1982 (P.L. 97-161) made available an additional $9,310,000 and (2) a net decrease of $1,200,000 in the amount available resulted from changes to other budgetary resources. The additional resources do not affect the amount deferred, which remains $3,000,000.

Deferral No: D82-234A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Small Business Administration	New budget authority (P.L. 97-161): $19,000,000*
Bureau:	Other budgetary resources: 27,833,963*
Appropriation title & symbol: Surety Bond Guarantees Revolving Fund 1/ 73X4156	Total budgetary resources: 46,883,963*
	Amount to be deferred: Part of year $ *
	Entire year: 3,000,000 *
OMB identification code: 73-4156-0-3-376	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

*Justification: Under this program, the Small Business Administration (SBA) guarantees a portion of the losses sustained by a surety company as a result of the issuance of a bid, payment, and/or performance bond to a small business concern on a contract. The Continuing Resolution (P.L. 97-161) provided $19 million in budget authority to enable the SBA to guarantee surety bonds at an annual rate that would insure up to $1.2 billion in contracts. Limiting the availability of guarantees should serve as an additional incentive to SBA to improve the operations of this program to preclude continuation of the high loss rates which have occurred in recent years.

This deferral action is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions and actions to remove unnecessary regulatory burdens.

*Estimated Effects: The SBA will still be able to provide bond guarantees at an annual rate that will cover contracts totaling $1.2 billion. By targeting its assistance more effectively, this reduction will have a minimal effect on SBA's ability to assist those clients who are most deserving.

*Outlay Effect: This deferral will have the effect of shifting $3,000,000 in FY 1982 outlays into FY 1983.

1/ This account was the subject of a deferral in FY 1981 (D81-102) and was the subject of another deferral in FY 1982 (D82-154).

* Revised from previous report.

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Tuesday, June 8, 1982

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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