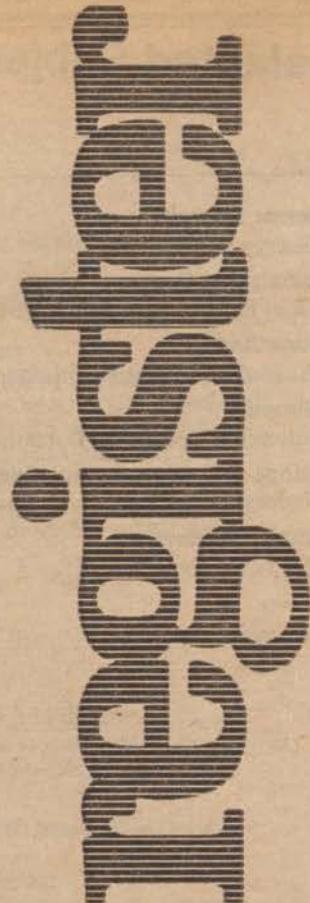


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Friday  
September 17, 1982



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## Selected Subjects

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**Administrative Practice and Procedure**  
Patent and Trademark Office

**Aid to Families with Dependent Children**  
Social Security Administration

**Air Carriers**  
Labor-Management Services Administration

**Air Pollution Control**  
Environmental Protection Agency

**Animal Drugs**  
Food and Drug Administration

**Authority Delegations (Government Agencies)**  
Small Business Administration

**Credit Unions**  
National Credit Union Administration

**Food Additives**  
Food and Drug Administration

**Food Ingredients**  
Food and Drug Administration

**Food Stamps**  
Food and Nutrition Service

**Government Employees**  
Personnel Management Office

**Hunting**  
Fish and Wildlife Service

**Marketing Agreements**  
Agricultural Marketing Service

CONTINUED INSIDE



## Selected Subjects

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### **Nuclear Energy**

Energy Department

### **Prescription Drugs**

Drug Enforcement Administration

### **Quarantine**

Animal and Plant Health Inspection Service

### **Railroads**

Interstate Commerce Commission

### **Savings and Loan Associations**

Federal Home Loan Bank Board

### **Security Measures**

Air Force Department

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

# Contents

Federal Register

Vol. 47, No. 181

Friday, September 17, 1982

<b>Agricultural Marketing Service</b>	<b>Civil Aeronautics Board</b>
<b>RULES</b>	<b>NOTICES</b>
41096 Lemons grown in Ariz. and Calif.	Certificates of public convenience and necessity and foreign air carrier permits; weekly applications Hearings, etc.:
<b>Agriculture Department</b>	41147 Grand Canyon Airlines, Inc.; fitness determination
<i>See also</i> Agricultural Marketing Service; Animal and Plant Health Inspection Service; Food and Nutrition Service; Packers and Stockyards Administration; Rural Electrification Administration; Soil Conservation Service.	41148 Mail rates; intra-Alaska service
<b>NOTICES</b>	<b>Commerce Department</b>
41147 Potato (white or Irish) production; 1982 estimate	<i>See</i> International Trade Administration; National Oceanic and Atmospheric Administration; Patent and Trademark Office; Travel and Tourism Administration.
<b>Air Force Department</b>	<b>Community Planning and Development, Office of Assistant Secretary</b>
<b>RULES</b>	<b>NOTICES</b>
41107 Security; protection of USAF resources; CFR Part removed	Community development block grants: Small cities program; application submission dates
<b>NOTICES</b>	<b>Defense Department</b>
41147 Active military service and discharge determinations; civilian or contractual personnel: Merchant Marine Cadet Corps, et al.	<i>See also</i> Air Force Department; Army Department; Defense Nuclear Agency; Navy Department.
<b>Animal and Plant Health Inspection Service</b>	<b>NOTICES</b>
<b>RULES</b>	41156 Privacy Act; systems of records (2 documents)
41096 Plant quarantine, domestic: Imported fire ant; regulated areas; interim rule and request for comments	41162
<b>Army Department</b>	<b>Defense Nuclear Agency</b>
<b>NOTICES</b>	<b>NOTICES</b>
41155 Meetings: Medical Research and Development Advisory Committee (3 documents)	41155 Senior Executive Service: Performance Review Boards; membership
41154 U.S. Military Academy, Board of Visitors	<b>Drug Enforcement Administration</b>
<b>Arts and Humanities, National Foundation</b>	<b>PROPOSED RULES</b>
<b>NOTICES</b>	41140 Prescriptions: Dispensing controlled substances in institutional practitioner emergency rooms
41225 Meetings: Literature Advisory Panel	<b>Economic Regulatory Administration</b>
41225 Music Advisory Panel	<b>NOTICES</b>
<b>Blind and Other Severely Handicapped, Committee for Purchase from</b>	Powerplant and industrial fuel use; electric utility conservation: Plan receipts
<b>NOTICES</b>	<b>Education Department</b>
41154 Procurement list, 1982; additions and deletions (2 documents)	<b>NOTICES</b>
<b>Centers for Disease Control</b>	Meetings: Excellence in Education National Commission
<b>NOTICES</b>	41162 Vocational Education National Advisory Council
41201 Grants and cooperative agreements: Occupational safety and health field research projects (NIOSH); surveillance program; correction	<b>Employment and Training Administration</b>
41201 Grants; availability, etc.: Tuberculosis control programs, cooperative agreements	<b>NOTICES</b>
41201 Meetings: Neurotoxicity of straight-chain carbon compounds	Adjustment assistance: Western Electric Co., Inc.
	Unemployment compensation; extended benefit periods: Kentucky
	New Mexico

<b>Employment Standards Administration</b>	
<b>NOTICES</b>	
41248	Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedes decisions (Ala., Ga., Miss., N.Y., Tex., Wash., and Wis.)
<b>Energy Department</b>	
<i>See also</i> Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.	
<b>PROPOSED RULES</b>	
41320	Nuclear energy; unclassified activities in foreign atomic energy programs
<b>NOTICES</b>	
41163	Meetings: National Petroleum Council
<b>Environmental Protection Agency</b>	
<b>RULES</b>	
41107	Air quality planning purposes; designation of areas: Ohio
<b>PROPOSED RULES</b>	
Air pollution; standards of performance for new stationary sources:	
41143	Metallic mineral processing plants; extension of time and hearing change
Air quality planning purposes; designation of areas: Ohio	
<b>NOTICES</b>	
41167	Environmental statements; availability, etc.: Agency statements; weekly receipts
Meetings:	
41165	Acidic deposition phenomenon and its effects; critical assessment document
Toxic and hazardous substances control:	
41165	Premanufacture notices receipts
41167	Premanufacture notification requirements; test marketing exemption applications
<b>Federal Communications Commission</b>	
<b>RULES</b>	
Common carriers:	
41116	Satellite communications; Communications Satellite Corp. (Comsat); corporate structure and operations
<b>NOTICES</b>	
41227	Meetings; Sunshine Act
<b>Federal Election Commission</b>	
<b>NOTICES</b>	
41227	Meetings; Sunshine Act (2 documents)
<b>Federal Energy Regulatory Commission</b>	
<b>NOTICES</b>	
Natural gas companies:	
41168	Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend (Energy Reserves Group, Inc., et al.)
Natural Gas Policy Act:	
41170-	Jurisdictional agency determinations (4 documents)
41195	
<b>Federal Home Loan Bank Board</b>	
<b>RULES</b>	
Federal Savings and Loan Insurance Corporation:	
41099	Loan payments held by loan servicers; insurance coverage; final rule and request for comments
<b>Federal Reserve System</b>	
<b>NOTICES</b>	
41200	Agency forms submitted to OMB for review
41227	Meetings; Sunshine Act (2 documents)
<b>Fish and Wildlife Service</b>	
<b>RULES</b>	
41252	Migratory bird hunting: Seasons, limits, and shooting hours; establishment, etc.
<b>PROPOSED RULES</b>	
41145	Endangered and threatened species: Thick-billed parrot, short-tailed albatross, margay cat, and jaguar; withdrawn
<b>Food and Drug Administration</b>	
<b>RULES</b>	
Animal drugs, feeds, and related products:	
41106	Amprolium and bambemycins; correction
41105	Cefadroxil
41106	Mineral oil; food additive in feed and drinking water
Biological products:	
41106	Leukocyte typing serum; revocation of additional standards; correction
Food additives:	
41102	Adhesive coatings and components; butadiene-styrene-divinylbenzene copolymer
41102	Adhesive coatings and components and paper and paperboard components; (2-alkenyl) succinic anhydrides
41104	Adjuvants, production aids, and sanitizers; lubricants with incidental food contact
41103	Paper and paperboard components; terpolymer of diallyldimethyl ammonium chloride, acrylamide and potassium acrylate
Medical devices:	
41107	Anesthesiology; general provisions and classification; correction
41106	In vitro diagnostic products for human use; correction
<b>PROPOSED RULES</b>	
GRAS or prior-sanctioned ingredients:	
41139	Pectins; correction
41137	Sodium dithionite and zinc dithionite
Medical devices:	
41139	Gastroenterology-urology, and radiology devices; classification; withdrawals
<b>NOTICES</b>	
Animal drugs, feeds, and related products:	
41205	Oxytocin injection and pentobarbital solution; approval withdrawn
41207	POL solution; approval withdrawn
Food additives, petitions filed or withdrawn:	
41205	Ciba-Geigy Corp.
41208	Sun Chemical Corp.
Food for human consumption:	
41206	Apricot, peach, and pear nectars; defect action level for mold; guide revision
41205	Macaroni and noodle products; defect action levels; guide availability
Human drugs:	
41204	Phenacetin; prescription and over-the-counter, approval withdrawal; hearing opportunity; correction
Medical devices; premarket approvals:	
41207	Sof-Form, Inc.; SOF-FORM II (polymacon) Hydrophilic Contact Lenses

41208 Teledyne Industries, Inc.; Sleep Sentry Meetings:

41203 Advisory committees, panels, etc.

41204 Consumer information exchange

**Food and Nutrition Service**  
RULES  
Food stamp program:  
41095 State agency administrative costs; reimbursement of past activities, limitation

**Health and Human Services Department**  
*See also* Centers for Disease Control; Food and Drug Administration; Health Resources and Services Administration; National Institutes of Health; Social Security Administration.  
NOTICES  
41211 Agency forms submitted to OMB for review

**Health Resources and Services Administration**  
NOTICES  
Health service area redesignations:  
41210 Iowa

**Hearings and Appeals Office, Energy Department**  
NOTICES  
Applications for exception:  
41200 Decision and orders

**Housing and Urban Development Department**  
*See* Community Planning and Development, Office of Assistant Secretary

**Interior Department**  
*See also* Fish and Wildlife Service; Land Management Bureau; Surface Mining Reclamation and Enforcement Office.  
NOTICES  
Committees; establishment, renewals, terminations, etc.:  
41218 Federal-State Task Force on Hawaiian Homes Commission Act

**Internal Revenue Service**  
PROPOSED RULES  
Employment taxes:  
41141 Social security or railroad retirement tax withholding from sick pay; temporary; hearing cancellation

**International Trade Administration**  
NOTICES  
Antidumping:  
41149 Cotton shop towels from China  
41151 Stainless steel plate from Sweden  
Scientific articles; duty free entry:  
41149 Duke University  
41150 National Radio Astronomy Observatory  
41150 North Carolina State University  
41148 Solar Energy Research Institute et al.  
41152 State University of New York  
41152 University of Hawaii

**International Trade Commission**  
NOTICES  
Meetings; Sunshine Act (2 documents)

**Interstate Commerce Commission**  
PROPOSED RULES  
Railroad car service orders; various companies: Chicago, Rock Island, & Pacific Railroad Co.; track use by various railroads  
NOTICES  
Agreements under sections 5a and b, applications for approval, etc.:  
41221 Western Railroads  
41219 Long and short haul applications for relief  
Motor carriers:  
41218 Compensated intercorporate hauling operations; intent to engage in  
41219 Finance applications  
Rail carriers:  
41220 Kansas City Southern Railway Co.; passenger train operation  
Railroad operation, acquisition, construction, etc.:  
41220 Illinois Central Gulf Railroad Co.  
41220 Norfolk & Western Railway Co.  
41222 Pittsburgh & Lake Erie Railroad Co.  
41221 Southern Pacific Transportation Co.  
Railroad services abandonment:  
41218 Consolidated Rail Corp.

**Justice Department**  
*See also* Drug Enforcement Administration; National Institute of Justice; Prisons Bureau.  
NOTICES  
Meetings:  
41222 State and Local Law Enforcement Training  
Justice-Treasury Advisory Committee  
Pollution control; consent judgments:  
41222 United States Steel Corp.

**Labor Department**  
*See also* Employment and Training Administration; Employment Standards Administration; Labor Statistics Bureau; Labor-Management Services Administration; Occupational Safety and Health Administration.  
NOTICES  
Unemployment compensation, State laws; hearings:  
41314 California et al.  
41314 Maryland  
41315 Massachusetts et al.

**Labor-Management Services Administration**  
PROPOSED RULES  
41304 Airline employee protection program

**Labor Statistics Bureau**  
NOTICES  
Meetings:  
41223 Business Research Advisory Council  
41223 Business Research Advisory Council Committees

**Land Management Bureau**  
NOTICES  
Alaska native claims selection; applications, etc.:  
41215 Doyon, Ltd. (2 documents)  
41216  
41213 Zho-Tse, Inc.  
Environmental statements; availability, etc.:  
41213 Brothers grazing management livestock program, Prineville District, Oreg.

<b>Management and Budget Office</b>	<b>Small Business Administration</b>
<b>NOTICES</b>	<b>RULES</b>
41286 Budget rescissions and deferrals; cumulative report	Organization, functions, and authority delegations: Authority delegations to conduct program activities in field offices
<b>National Credit Union Administration</b>	<b>Social Security Administration</b>
<b>RULES</b>	<b>RULES</b>
41100 Liquidity reserve requirements deregulation	Public assistance programs: Aid to families with dependent children; interim rule
<b>National Institute of Justice</b>	<b>Soil Conservation Service</b>
<b>NOTICES</b>	<b>NOTICES</b>
41222 Grants solicitation, competitive research: Visiting fellowship program	Environmental statements; availability, etc.: Berry-Smith Group Irrigation RC&D Measure, S.C.
<b>National Institutes of Health</b>	<b>State Department</b>
<b>NOTICES</b>	<b>NOTICES</b>
41209 Meetings: Clinical Applications and Prevention Advisory Committee	Meetings: Broadcasting to Cuba, Presidential Commission
41209 Research Grants Division study sections	<b>Surface Mining Reclamation and Enforcement Office</b>
<b>National Oceanic and Atmospheric Administration</b>	<b>PROPOSED RULES</b>
<b>NOTICES</b>	Permanent program submission; various States: South Dakota; hearing postponement and extension of time
41152 Satellites, civil remote sensing systems; commercialization; inquiry and meeting	41142 Virginia; hearing cancellation
<b>Navy Department</b>	<b>Tennessee Valley Authority</b>
<b>NOTICES</b>	<b>NOTICES</b>
41156 Agency forms submitted to OMB for review	Meetings: Sunshine Act
<b>Nuclear Regulatory Commission</b>	<b>Travel and Tourism Administration</b>
<b>NOTICES</b>	<b>NOTICES</b>
41228 Meetings; Sunshine Act	Meetings: Travel and Tourism Advisory Board
<b>Occupational Safety and Health Administration</b>	<b>Treasury Department</b>
<b>NOTICES</b>	<i>See also Internal Revenue Service</i>
41224 Meetings: Occupational Safety and Health Federal Advisory Council	<b>NOTICES</b>
<b>Packers and Stockyards Administration</b>	Tax treaties, income; various countries: Ireland
<b>NOTICES</b>	
41146 Stockyards, posting and depositing: Elkton Livestock Auction, Inc., Ohio; correction	
41146 Tripp Livestock Market, S. Dak., et al.	
<b>Patent and Trademark Office</b>	
<b>RULES</b>	
41272 Patent and trademark cases: Fees; revision; confirmation	
<b>Personnel Management Office</b>	
<b>PROPOSED RULES</b>	
41136 Alternative work schedules program	
<b>Postal Rate Commission</b>	
<b>NOTICES</b>	
41228 Meetings; Sunshine Act	
<b>Prisons Bureau</b>	
<b>NOTICES</b>	
41223 Meetings: National Institute of Corrections Advisory Board	
<b>Rural Electrification Administration</b>	
<b>NOTICES</b>	
41146 Environmental statements; availability, etc.: Soyland Power Cooperative, Inc.	

**CFR PARTS AFFECTED IN THIS ISSUE**

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

**5 CFR**

**Proposed Rules:**  
610.....41136  
620.....41136  
630.....41136

**50 CFR**

20.....41252  
**Proposed Rules:**  
17.....41145

**7 CFR**

277.....41095  
301.....41096  
910.....41096

**10 CFR**

**Proposed Rules:**  
810.....41320

**12 CFR**

564.....41099  
742.....41100

**13 CFR**

101.....41101

**21 CFR**

175 (2 documents).....41102  
176 (2 documents).....41102,  
41103  
178.....41104  
520.....41105  
558.....41106  
573.....41106  
610.....41106  
660.....41106  
809.....41106  
868.....41107

**Proposed Rules:**

182.....41137  
184 (2 documents).....41137,  
41139  
186.....41137  
876.....41139  
892.....41139  
1306.....41140

**26 CFR**

**Proposed Rules:**  
1.....41141

**29 CFR**

**Proposed Rules:**  
220.....41304

**30 CFR**

**Proposed Rules:**  
941.....41142  
946.....41142

**32 CFR**

851.....41107

**37 CFR**

1.....41272  
2.....41272

**40 CFR**

81.....41107

**Proposed Rules:**

60.....41143  
81.....41143

**45 CFR**

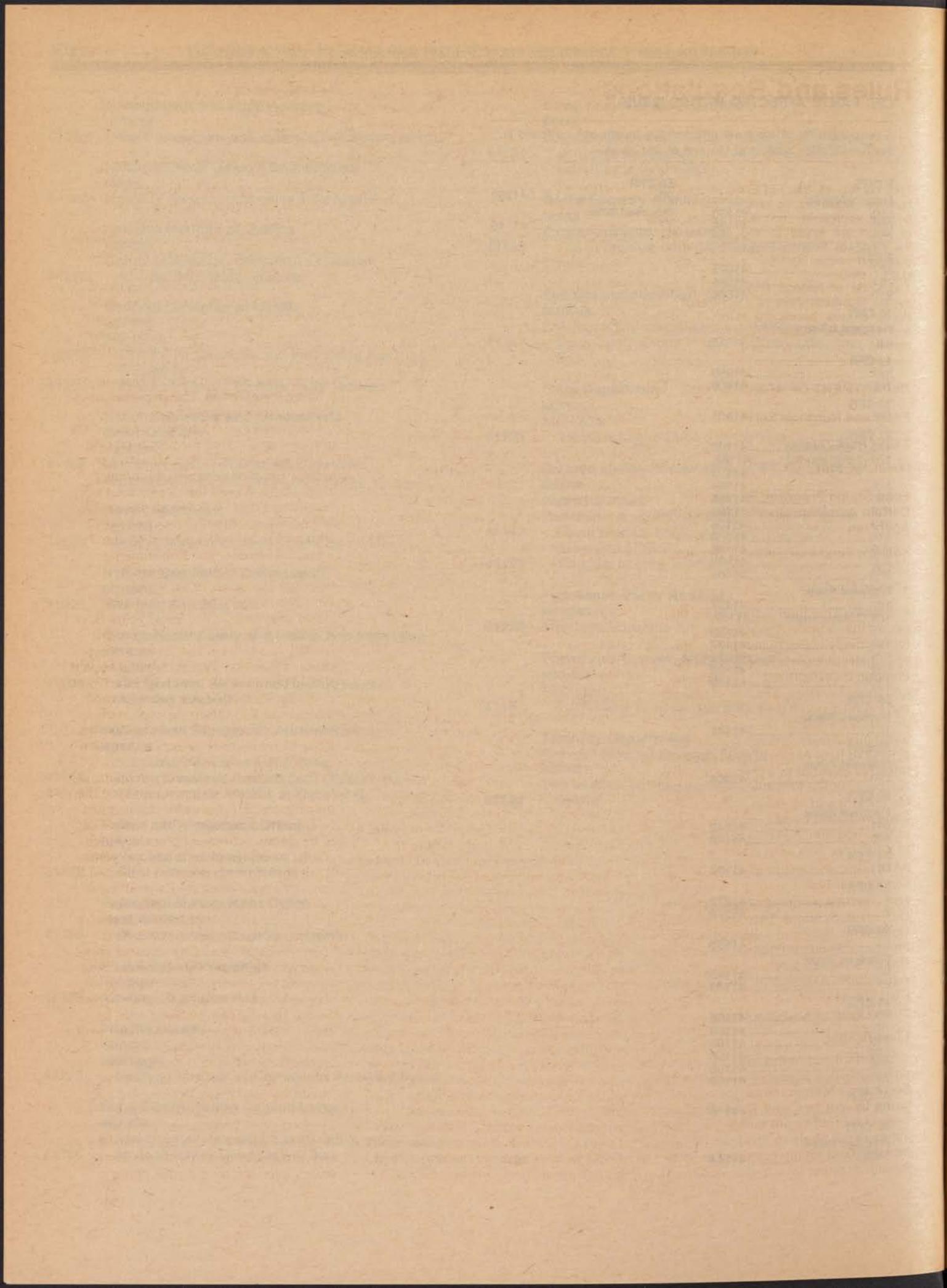
206.....41108  
232.....41108  
233.....41108  
234.....41108  
238.....41108  
240.....41108

**47 CFR**

Ch. 1.....41116

**49 CFR**

**Proposed Rules:**  
1033.....41144



# Rules and Regulations

Federal Register

Vol. 47, No. 181

Friday, September 17, 1982

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

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 277

[Amdt. No. 210]

#### Food Stamp Program; Payment of Certain Administrative Costs of State Agencies

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final action limits the period that a State Agency may retroactively claim 75 percent funding of administrative costs for Food Stamp Program investigations, prosecutions, and fraud hearings. The need for the current retroactive provision has diminished while at the same time budgetary constraints are forcing the agency to limit expenditures. Thus, the intended effect of this proposed rule is to direct limited FNS resources toward the present and future expansion of State and local fraud control activities in the Food Stamp Program rather than to reimburse past activities.

**DATE:** This final action is effective October 18, 1982.

**FOR FURTHER INFORMATION CONTACT:** Herbert A. Scurlock, Director, Federal Operations Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Alexandria, Virginia 22302, (703) 756-3485.

### SUPPLEMENTARY INFORMATION:

#### Classification

This final action has been reviewed under USDA procedures contained in Secretary's Memorandum 1512-1 and under Executive Order 12291 and has been classified as not major. The final action 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, industries, Federal, State, or local government agencies, or geographical regions; and (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. There will be no adverse economic impact because the final action affects only State agencies to the extent that they must administer the Program.

#### Regulatory Flexibility Act

This final action has also been reviewed with regard to the requirements of the Regulatory Flexibility Act, (Pub. L. 96-354, 94 Stat. 1164, September 19, 1980). The Administrator, Food and Nutrition Service, has certified that the action does not have a significant economic impact on a substantial number of small entities. Those State agencies affected are only those that have not made application for the 75 percent funding rate for the food stamp fraud investigations, prosecutions, and fraud hearings as provided in the old regulations.

#### Introduction

On March 26, 1982, the Department issued a proposed rule (47 FR 12995) to amend the regulations to limit the period that a State agency may retroactively claim 75 percent funding of administrative costs for Food Stamp Program investigations, prosecutions, and fraud hearings. Under the old rule, a State agency could apply for the 75 percent funding retroactively to October 1, 1978. The purpose of the retroactive provision was to allow state agencies to claim costs for food stamp fraud control activities which were started or expanded based on anticipation of the higher funding rate provided for in the Food Stamp Act of 1977. The need for the retroactive provision has diminished while at the same time budgetary constraints are forcing the agency to limit expenditures.

All comment letters received by close of business July 2, 1982, were reviewed and considered during the development of the final provision contained in this action. The Department received 7 comment letters from 3 FNS Regional Offices, 3 State welfare agencies, and 1 Local welfare agency. The majority of comments supported the proposed

change. This preamble discusses changes made from the proposed regulations as a result of those comments. The preamble also addresses other concerns of commenters where changes were not made.

One FNS Regional Office suggested that clarification was needed to show that the retroactive funding may apply only to the beginning of the fiscal year in which the application was submitted, regardless of when the information establishing eligibility for 75 percent funding is approved. The Department accepted this suggestion.

One State welfare agency opposed the proposal and stated the proposed rule would reduce the State's incentive to submit a plan for enhanced funding. They also believed the Department's "renewed effort" to have all states submit the information required for approval could be hampered by the proposed change. The Department rejected this comment because it believes that most States which intended to apply for approval and claim funding for prior fiscal years have already done so since the 75 percent funding has been available for several years. Therefore, the Department feels it should continue its "renewed effort" and direct FNS's limited resources toward the present and future expansion of State and Local fraud control activities in the Food Stamp Program rather than to reimburse past activities.

The Local welfare agency is opposed to any regulation which would limit the time for which retroactive claims must be submitted because of the complexity of its claims settlement process which results in delays of up to several years. It felt that if reimbursement is limited to cost incurred during the Federal fiscal year in which the State applies for funding, many expenditures will not be claimed at the 75 percent rate. As a result, the State and City share of these costs will increase. This comment was rejected because it is not the intent of this amendment to limit the time period for which retroactive claims must be submitted for those State agencies with applications on file with FNS. This amendment only limits the time for which a State may claim retroactive reimbursement if the Department has not received a State's initial application by the date this regulation takes effect. As stated earlier in this preamble, the Department believes that most States which intended to apply for approval

and claim funding for prior fiscal years have already done so and that this final action will affect only the few State agencies that have not already made application for the 75 percent funding rate under the old regulations.

Therefore, in light of the favorable comments received, this final action amends 7 CFR 277.15(b) by stating that the 75 percent funding rate may apply retroactively only to costs incurred beginning in the Federal fiscal year during which a State agency submits the information required to claim the higher rate, regardless of when the information establishing eligibility for 75 percent funding is approved.

**Note.**—This final action does not contain reporting and recordkeeping requirements subject to approval by OMB under the Paperwork Reduction Act.

#### List of Subjects in 7 CFR Part 277

Food stamps, Government procurement, Grant programs-social programs, Investigations, Recordkeeping and reporting requirements.

Accordingly, 7 CFR Part 277 is amended as follows:

#### PART 277—PAYMENT OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES

1. In s277.15, paragraph (b) is revised to read as follows:

##### s277.15 Food stamp investigation and prosecution.

(b) **Funding.** Upon submission to and approval by FNS of a budget revision and the information required by paragraph (c) of this section, State agencies will be funded at 75 percent of all allowable direct and indirect costs in accordance with the requirement contained in this section. This higher rate may apply retroactively only to costs incurred in the Federal fiscal year during which a State agency applies for 75 percent funding, regardless of when the determination of eligibility for 75 percent funding is made. In cases where 75 percent funding of the operation of an agency other than the State welfare agency is or will be involved, an information statement shall be submitted by each State agency to include a description of such operations.

(91 Stat. 958 (7 U.S.C. 2011-2029).

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps)

Dated: September 13, 1982.

Robert E. Leard,

Associate Administrator.

[FR Doc. 82-25544 Filed 9-16-82; 8:45 am]

BILLING CODE 3410-30-M

#### Agricultural Marketing Service

##### 7 CFR Part 910

[Lemon Reg. 377]

#### Lemons Grown in California and Arizona; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period September 19-25, 1982. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

**EFFECTIVE DATE:** September 19, 1982.

##### FOR FURTHER INFORMATION CONTACT:

William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981-82. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The

committee met again publicly on September 14, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is moderate.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

#### List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Section 910.677 is added as follows:

##### § 910.677 Lemon regulation 377.

The quantity of lemons grown in California and Arizona which may be handled during the period September 19, 1982, through September 25, 1982, is established at 230,000 cartons.

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

Dated: September 16, 1982.

D. S. Kuryloski,

Deputy Director, *Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc. 82-25683 Filed 9-16-82; 11:58 am]

BILLING CODE 3410-02-M

#### Animal and Plant Health Inspection Service

##### 7 CFR Part 301

[Docket No. 82-331]

#### Imported Fire Ant Regulated Areas

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule.

**SUMMARY:** This document amends the list of regulated areas under the imported fire ant quarantine and regulations by (1) designating previously nonregulated areas in Alabama and Georgia as generally infested areas; (2) expanding previously designated generally infested areas in Alabama, Mississippi, and South Carolina; and (3) deleting a previously designated suppressive area in Alabama. The quarantine and regulations, among other things, impose restrictions on the interstate movement of regulated articles from generally infested areas. This action is necessary as an emergency measure to prevent the artificial spread of the imported fire ant and to delete unnecessary restrictions on the interstate movement of regulated articles.

**DATES:** Effective date of amendment: September 17 1982. Written comments concerning this rule must be received on or before November 16, 1982.

**ADDRESSES:** Written comments should be submitted to Thomas J. Lanier, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 643 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 643 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Lanier, Chief Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 643 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8247.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12291

This interim rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department it has been determined that this interim rule will have an estimated annual effect on the economy of less than \$2,500; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause 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.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512-1.

#### Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from specified areas in the States of Alabama, Georgia, Mississippi, and South Carolina. There are thousands of small entities that move such articles interstate from those States and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the Department, it has been determined that approximately 130 small entities move such articles interstate from the specified areas in those States. Further, the overall economic impact from this action is estimated to be less than \$2,500.

#### Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication of this document without opportunity for a public comment period. Because of the possibility that the imported fire ant could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest. Also, where the imported fire ant no longer occurs, immediate action is needed to delete unnecessary restrictions on the interstate movement of regulated articles.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest and good cause is found for making this action effective less than 30 days after publication of this document in the *Federal Register*. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any changes required will be published in the *Federal Register* as soon as possible.

#### Background

The imported fire ant (*Solenopsis* spp.) is an insect that interferes with farming operations, can cause damage to certain crops, and is a pest of livestock and pets, as well as of people, in rural and urban areas.

The imported fire ant quarantine and regulations (7 CFR 301.81 through 301.81-10) quarantine the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas because of the imported fire ant; and restricts the interstate movement of regulated articles from regulated areas in these States in order to prevent the artificial spread of the imported fire ant.

Under the quarantine and regulations an area may be designated as a regulated area if it is an area in which the imported fire ant has been found, or in which there is reason to believe that the imported fire ant is present, or which it is deemed necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. Regulated areas are divided into suppressive areas and generally infested areas. Suppressive areas are regulated areas in which eradication of the imported fire ant is undertaken as an objective. Generally infested areas are regulated areas not designated as suppressive areas. Restrictions are imposed on the interstate movement of regulated articles from both generally infested areas and suppressive areas in order to prevent the artificial movement of the imported fire ant into noninfested areas.

#### Designation of Areas as Generally Infested Areas

As an emergency measure, a portion of Lauderdale County in Alabama and all of Taliaferro County in Georgia, which were previously nonregulated areas, are designated as imported fire ant generally infested areas.

Also, as an emergency measure, the following areas in Alabama, Mississippi, and South Carolina previously designated as imported fire ant generally infested areas are retained as imported fire ant generally infested areas but are expanded as set forth below.

The area in Colbert County in Alabama (previously described as "That portion of the county lying south of the north line of T. 4 S.") is retained as an imported fire ant generally infested area but is expanded and redescribed as "That portion of the county lying south

of the north line of T. 4 S.; and T. 3 S., R. 13, 14, and 15 W."

The area in Lafayette County in Mississippi (previously described as "That portion of the county lying south of the north line of T. 10 S.; T. 9 S., R. 1, 2, and E.  $\frac{1}{4}$  R. 3 W.; T. 8 S., R. 1 W.; T. 7 S., R. 1 W.; and S.E.  $\frac{1}{4}$ , T. 6 S., R. 3 W.") is retained as an imported fire ant generally infested area but is expanded and redescribed as "That portion of the county lying south of the north line of T. 10 S.; T. 9 S., R. 1, 2, and 3 W.; T. 8 S., R. 1 W.; T. 7 S., R. 1 W.; and S.E.  $\frac{1}{4}$  T. 6 S., R. 3 W."

The area in Tippah County in Mississippi (previously described as "That portion of the county lying south of the north line of T. 4 S., and that portion of T. 3 S., R. 5 E., lying in the county.") is retained as an imported fire ant generally infested area but is expanded and redescribed as "That portion of the county lying south of the north line of T. 3 S."

The area in Aiken County in South Carolina (previously described as "That portion of the county bounded by a line beginning at the junction of the Savannah River and the Aiken-Edgefield County line, thence northeast along said county line to its intersection with the South Fork Edisto River, thence southeast along said river to its junction with the Aiken-Barnwell County line, thence southwest along said county line to its intersection with U.S. Highway 278, thence west along said highway to its junction with State Primary Highway 28, thence west along said highway to its junction with the Savannah River, thence northwest along said river to the point of beginning.") is retained as an imported fire ant generally infested area but is expanded and redescribed as "The entire county excluding the area of the U.S. Department of Energy's Savannah River Plant."

The area in Darlington County in South Carolina (previously described as "That portion of the county bounded by a line beginning at a point where U.S. Highway 401 intersects the Darlington-Lee County line at Lynches River, thence northwest and northeast along said county line to its intersection with State Secondary Highway 131, thence east along said highway to its intersection with State Secondary Highway 290, thence easterly along said highway to its junction with U.S. Highway 401, thence northeast and north along said highway to its intersection with the Great Pee Dee River, thence southerly along said river to its junction with the Darlington-Florence County line, thence southwesterly along the Darlington County line to its junction with the Lynches River, thence northwest along

said river to the point of beginning.") is retained as an imported fire ant generally infested area but is expanded and redescribed as "The entire county."

The area in Kershaw County in South Carolina (previously described as "That portion of the county lying west and south of a line beginning at the junction of the Kershaw-Lancaster County line and State Secondary Highway 58, thence southerly along said highway to its junction with U.S. Highway 521, thence southerly along said highway to its intersection with State Primary Highway 34, thence easterly along said highway to its intersection with the Kershaw-Lee County line, where the line ends.") is retained as an imported fire ant generally infested area but is expanded and redescribed as "The entire county."

The area in Lee County in South Carolina (previously described as "That portion of the county bounded by a line beginning at a point where State Primary Highway 34 intersects the Lee-Kershaw County line, thence easterly along said highway to its intersection with the Lee-Darlington County line, thence southerly, westerly and northerly along the Lee County line to the point of beginning.") is retained as an imported fire ant generally infested area but is expanded and redescribed as "The entire county."

The area in Lexington County in South Carolina (previously described as "That portion of the county bounded by a line beginning at a point where U.S. Highway 378 intersects the Lexington-Saluda County line, thence northerly, southeasterly, southerly, and westerly along the Lexington County line to its intersection with State Primary Highway 302, thence north along said highway to its junction with State Primary Highway 6, thence north along said highway to its intersection with U.S. Highway 1, thence west along said highway to its intersection with State Secondary Highway 204, thence north along said highway to its intersection with U.S. Highway 378, thence west along said highway to the point of beginning.") is retained as an imported fire ant generally infested area but is expanded and redescribed as "The entire county."

Based on recent surveys, inspectors have determined with respect to all of the areas added to the list of imported fire ant generally infested areas, that the imported fire ant has spread, or is likely to spread, to such areas. Therefore, as an emergency measure, it is necessary to designate such areas as imported fire ant generally infested areas and impose restrictions on the interstate movement of regulated articles from these areas in

order to prevent the artificial spread of the imported fire ant.

#### Deletion of an Area from List of Regulated Areas

An area in Lauderdale County, Alabama, described as "Sec. 8, T. 1 S., R. 7 W." was designated as an imported fire ant suppressive area. Based on treatments with insecticides and subsequent negative surveys, it has been determined that the imported fire ant no longer occurs in this area. Accordingly, there is no basis to continue listing such area as a regulated area for the purpose of preventing the artificial spread of imported fire ant. Therefore, as an emergency measure, it is necessary to delete this area from the list of regulated areas in order to delete unnecessary restrictions on the movement of imported fire ant regulated articles.

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Imported fire ant, Plant diseases, Plant pests, Plants (Agriculture), Quarantines, Transportation.

#### PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, § 301.81-2a of the imported fire ant quarantine and regulations (7 CFR 301.81-2a) is amended by revising the list of regulated areas in the States of Alabama, Georgia, Mississippi, and South Carolina as set forth below:

1. In § 301.81-2a, relating to the States of Alabama, Georgia, Mississippi, and South Carolina, the following descriptions for generally infested areas are amended by redescribing the area in Colbert County and adding an area in Lauderdale County in Alabama, adding an area in Taliaferro County in Georgia, redescribing areas in Lafayette and Tippah Counties in Mississippi and redescribing the areas in Aiken, Darlington, Kershaw, Lee, and Lexington Counties in South Carolina, in alphabetical order to read as follows:

##### § 301.81-2a Regulated areas; suppressive and generally infested areas.

##### Alabama

###### (1) Generally infested areas.

Colbert County. That portion of the county lying south of the north line of T. 4 S.; and T. 3 S., R. 13, 14, and 15 W.

Lauderdale County. T. 3 S., R. 12.

## Georgia

(1) *Generally infested areas.*\* \* \* \* \*  
*Taliaferro County.* The entire county.

## Mississippi

(1) *Generally infested areas.*\* \* \* \* \*  
*Lafayette County.* That portion of the county lying south of the north line of T. 10 S.; T. 9 S., R. 1, 2, and 3 W.; T. 8 S., R. 1 W.; T. 7 S., R. 1 W.; and S.E.  $\frac{1}{4}$  T. 6 S., R. 3 W.\* \* \* \* \*  
*Tippah County.* That portion of the county lying south of the north line of T. 3 S.

## South Carolina

(1) *Generally infested areas.*\* \* \* \* \*  
*Aiken County.* The entire county excluding the area of the U.S. Department of Energy's Savannah River Plant.\* \* \* \* \*  
*Darlington County.* The entire county.\* \* \* \* \*  
*Kershaw County.* The entire county.\* \* \* \* \*  
*Lee County.* The entire county.\* \* \* \* \*  
*Lexington County.* The entire county.\* \* \* \* \*  
2. In § 301.81-2a relating to the State of Alabama, the description for suppressive area in Lauderdale County is removed and the list of suppressive areas in the State of Alabama is revised to read as follows:

## Alabama

\* \* \* \* \*  
(2) *Suppressive areas.* None.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477 as amended; 38 FR 19141)

Done at Washington, D.C., this 14th day of September 1982.

Richard R. Backus,

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

[FR Doc. 82-25652 Filed 9-16-82; 8:45 am]

BILLING CODE 3410-34-M

## FEDERAL HOME LOAN BANK BOARD

## 12 CFR Part 564

[No. 82-614]

## FSLIC Insurance Coverage of Loan Payments Held by Loan Servicers

Dated: September 9, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; solicitation of comments.

**SUMMARY:** The Federal Home Loan Bank Board is amending its settlement of insurance regulations with respect to insurance coverage for loan payments placed by a servicer in an institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation to provide that loan payments will be insured as if the servicer placing the funds in the institution is acting as agent for each borrower. The amendments clarify the insurance coverage of loan servicing accounts and facilitate participation of insured institutions in secondary markets as servicers and depositories.

**DATES:** Effective September 9, 1982.

Comments by October 11, 1982.

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

**FOR FURTHER INFORMATION CONTACT:**

Ilisa K. Bush or Lee Lassiter, Office of General Counsel, (202) 377-6436 or 377-7050, at the above address.

**SUPPLEMENTARY INFORMATION:** Section 405(a) of the National Housing Act provides, in relevant part, that each institution insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") "shall be entitled to insurance up to the full withdrawal or repurchase value of the accounts of each of its members" and that the FSLIC "is authorized to define, with such classifications and exceptions as it may prescribe, terms used" and the extent of the insurance coverage resulting therefrom." 12 U.S.C. 1728(a) (1976). Pursuant to authority derived from Section 405(a), the Board promulgated a regulation reading, in pertinent part, "[f]unds owned by a principal and invested in one or more accounts in the name or names of agents or nominees shall be added to any individual accounts of the principal and insured up to \$100,000 in the aggregate." 12 CFR 564.3(b) (1981). In accordance with statutory authority and the existing regulatory provision, the Board now amends § 564.3(b) to provide that, for insurance-of-accounts purposes, a loan servicer who collects loan payments shall be viewed as an agent of each borrower making such payments to the servicer. The Board is also deleting Example 9 of Part G (Trust Accounts) of the published Appendix following Part 564 and adding Example 7 to Part A (Single Ownership Accounts) to the Appendix.

Servicers may include insured institutions acting in that capacity and

others, such as mortgage bankers. The amendments apply not only to mortgage loans, but to any other type of loan, including home improvement, consumer, and educational loans that involve servicers who place loan payments in insured institutions prior to remittance to the parties entitled to the funds. The amendments cover all components of the loan payments, including principal, interest, tax and insurance escrow payments, penalties, and late charges, while held by an insured institution. Unapplied mortgage credits also are covered provided that the regulatory requirements are met.

Under current insurance-of-accounts regulations, a degree of uncertainty exists with respect to the insurance coverage of principal and interest payments held by a servicer prior to remittance of the funds to the lender, secondary market participants, or other parties entitled to the funds. Example 9 of Part G (Trust Accounts) in the Appendix indicates that an individual determination of the relationship between the borrower, servicer, and lender or secondary market participants must be made to determine insurance coverage of principal and interest payments. Current economic trends, and their resulting effect on the savings and loan industry, make uniform insurance treatment of all components of loan payments collected by servicers necessary to achieve a secure, stable, and efficient secondary market in which the savings and loan industry may participate to the fullest extent possible. In treating the servicer as an agent of the borrower, the Board finds, for purposes of insurance of accounts, that the rights, responsibilities, and actions flowing between the parties are substantially similar to those of an agency relationship.

The action taken today accomplishes several beneficial objectives. It clarifies the position of the Board and the FSLIC with respect to insurance coverage of loan payments collected by servicers and offers sufficient insurance coverage for most accounts created by servicers. The Board believes that the amendments will contribute to the development of a stable secondary market with active involvement from the savings and loan industry as servicers and depositories. Such participation, in turn, increase deposits and income. The changes being made also strengthen the thrift industry by permitting it to preserve its current position and further develop its participation in secondary market programs.

The Board has determined that the notice and public comment procedures

of 5 U.S.C. 553(b) and 12 CFR 508.11 are unnecessary and not in the public interest. The public interest is served by immediate implementation of these amendments because they clarify and expand insurance coverage. The Board also finds that the requirement for a 30-day delayed effective date under 5 U.S.C. 553(d) and 12 CFR 508.14 is not applicable in this case. The Board finds that it is in the public interest to amend the regulation and make the needed clarifications without delay. The amendment also relieves restrictions that savings and loans may have experienced in fully participating in the secondary mortgage market as both servicers and depositories for all components of loan payments by removing any ambiguities concerning insurance coverage of such payments. The Board does, however, request comments on all issues raised by the regulation and example. Comments will be received until October 11, 1982.

#### List of Subjects in 12 CFR Part 564

Savings and loan associations, Insurance.

Accordingly, the Board hereby amends Part 564 and the Appendix following Part 564 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, to read as set forth below.

#### SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

#### PART 564—SETTLEMENT OF INSURANCE

1. Amend paragraph (b) of § 564.3 as follows:

##### § 564.3 Single ownership accounts.

(b) *Accounts held by agents or nominees.*

(1) Funds owned by a principal and invested in one or more accounts in the name or names of agents or nominees shall be added to any individual accounts of the principal and insured up to \$100,000 in the aggregate.

(2) A loan servicer who receives loan payments and places or maintains such payments in an insured institution prior to remittance to the lender or other parties entitled to the funds shall, for insurance-of-accounts purposes, be considered an agent of each borrower, provided that:

(i) The servicer identifies each borrower, the amount of each borrower's payment, and the account into which each payment is deposited; and

(ii) The account or accounts holding the payments are denominated in the

name of the servicer acting as agent for borrower payments.

2. Amend the Appendix to Part 564 by deleting Example 9 of Part G (Trust Accounts), and adding Example 7 to Part A (Single Ownership Accounts), as follows:

Appendix—Examples of Insurance Coverage Afforded Accounts in Institutions Insured by the Federal Savings and Loan Insurance Corporation

##### Example 7

*Question:* X Corporation acts as a servicer of FHA, VA, and conventional mortgage loans. Each month X Corporation receives and keeps records of principal, interest, late charge, and other payments from approximately 2,000 mortgagors. The servicer commingles these funds, places the funds in an insured institution, identifies the borrower, the amount of each borrower's payment and the account into which each payment is deposited and denominates the account with the name "X Corporation as Agent for Mortgagor Payments." The monies received and deposited total \$1,000,000. What is the insurance coverage?

*Answer:* X Corporation, the servicer, acts as agent for the 2,000 individual mortgagors. The interest of each mortgagor-principal is separately insured as his individual account (but added to any other individual accounts which the principal holds in the same institution) (§ 564.3(b)).

(Sec. 308, Pub. L. No. 96-221; Secs. 401, 402, 403, 405, 48 Stat. 1225, 1256, 1257, 1259, as amended; 12 U.S.C. 1724, 1725, 1726, 1728. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

*Secretary.*

[FR Doc. 82-25648 Filed 9-16-82; 8:45 am]

BILLING CODE 6720-01-M

#### NATIONAL CREDIT UNION ADMINISTRATION

#### 12 CFR Part 742

##### Deregulation of Liquidity Reserve Requirements

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Final rule.

**SUMMARY:** The NCUA Board is removing in its entirety Part 742 of NCUA Rules and Regulations entitled "Liquidity Reserves." This action is deemed appropriate by the NCUA Board because efficient liquidity management varies among credit unions and liquidity decisions should be the responsibility of individual credit union boards of directors. The proposed deletion of this

rule was published for public comment in the Federal Register for a period of sixty days concluding on June 25, 1982.

**EFFECTIVE DATE:** August 30, 1982.

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

**FOR FURTHER INFORMATION CONTACT:** Todd A. Okun, Assistant General Counsel, (202) 357-1030.

#### SUPPLEMENTARY INFORMATION:

##### Summary of Comments

Twenty-seven comments were received on this proposal and twenty-five of them indicated wholehearted support of this continuation of the NCUA Board's policy of fostering deregulation and the return of responsibility for decision-making to credit union board of directors. One commenter, however, opposed the proposal and, in fact, urged that the level of liquidity reserves, as a requirement, be raised above the 5 percent level. The commenter reasoned that such a requirement was especially appropriate as a measure to ensure the slowdown of possible liquidations that could result in higher insurance premiums for all credit unions.

##### Decision

It is the belief of the NCUA Board, consistent with the vast majority of commenters, that it should be the responsibility of individual credit union boards of directors to set their own liquidity standards in order to safeguard against adverse economic conditions. Prudent liquidity levels will differ among credit unions depending upon their cash flow, their liability structure and the location and constitution of their fields of membership. To the extent that the 5 percent requirement in Part 742 has the effect of setting a standard for all affected credit unions, it is misleading and removes or detracts from the element of judgment and responsibility that should be exercised by each credit union's management in ensuring proper levels of liquidity and effective asset/liability management. Expertise and guidance from NCUA staff, from trade associations and from credit union leagues will be available to aid credit unions and these valuable resources should be taken advantage of. The NCUA Board is confident that the lack of binding regulation in this area will not result in a higher liquidation rate and that boards of directors will accept their responsibilities to ensure proper liquidity. In that vein, the Asset-Liability Management section of the

*Accounting Manual for Federal Credit Unions* will be particularly helpful.

Therefore, the NCUA Board has adopted the complete deletion of Part 742 as proposed. Also, as proposed, the Board repeals Interpretive Ruling 79-7 concerning the liquidity rule. It should be noted that the statutory reserve transfer requirements of Section 116 of the Federal Credit Union Act (12 U.S.C. section 1762) are unaffected by this action and remain in full force and effect.

#### List of Subjects in 12 CFR Part 742

Credit unions.

**EFFECTIVE DATE:** This deletion is being made effective in less than 30 days because it relieves a regulatory restriction, 5 U.S.C. section 553(d)(1).

#### Regulatory Flexibility Act

The NCUA Board hereby certifies that this action will not have a significant economic impact on a substantial number of small credit unions because the restrictions contained in the previous rule do not apply to credit unions with less than \$1 million in assets. Therefore, its deletion will have no effect on small credit unions.

(12 U.S.C. sections 1762(b), 1781(b)(6), 1786(a) and 1789(a)(11))

Dated: August 25, 1982.

Rosemary Brady,

Secretary of the National Credit Union Administration Board.

#### PART 742—[REMOVED]

Accordingly, 12 CFR Chapter VII is amended by removing Part 742.

[FR Doc. 82-25650 Filed 9-16-82; 8:45 am]

BILLING CODE 7535-01-M

#### SMALL BUSINESS ADMINISTRATION

##### 13 CFR Part 101

[Revision 2—Amt. 23]

#### Delegation of Authority To Conduct Program Activities in Field Offices

**AGENCY:** Small Business Administration.  
**ACTION:** Final rule.

**SUMMARY:** The Small Business Administration (SBA) is amending its delegations of authority to field positions with respect to contracting authority for the Minority Small Business and Capital Ownership Development Program. The changes were recommended by the Regional Administrators for Regions I, VI, and VIII, and affect the 8(a)(1)(A)

Contracting Authority in their respective regions. The changes adopted in this rule will accurately reflect 8(a) contracting authority in Region I and will improve services in Regions VI and VIII.

**EFFECTIVE DATE:** September 17, 1982.

**FOR FURTHER INFORMATION CONTACT:** Ronald Allen, Paperwork Management Branch, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, Telephone No. (202) 653-8538.

**SUPPLEMENTAL INFORMATION:** Part 101 consists of rules relating to the Agency's organization and procedures; therefore, notice of proposed rulemaking and public participation thereon as prescribed in 5 U.S.C. 553 is not required and this amendment to Part 101 is adopted without resort to those procedures. For the reasons set forth in the preamble and pursuant to authority in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, Part 101, 13 CFR 101.3-2 is amended, following the index terms, as set forth below:

#### List of Subjects in 13 CFR Part 101

Authority delegations (government agencies), Administrative practice and procedure, Organization and functions (government agencies).

#### PART 101—ADMINISTRATION

##### § 101.3-2 [Amended]

Section 101.3-2 is amended as follows:

- In Part VII, Section B, paragraph 1., subparagraph e. is removed and subparagraphs a. through o. are redesignated and reserved as subparagraphs a. through n. to read as follows:

a. Regional Administrator.....	Unlimited
b. Deputy Regional Administrator.....	Unlimited
c. Assistant Regional Administrator for MSB/COD.....	Unlimited
d. Deputy Assistant Regional Administrator for MSB/COD, Region II only.....	Unlimited
e. Chief, Business Development, Region III, R/O only.....	\$250,000
f. District Directors and Deputy District Directors, Washington, Denver, Richmond, Philadelphia, Baltimore and all Region VI and Region VII D/O's only.....	Unlimited
g. District Directors and Deputy District Directors, Detroit, Cleveland, Indianapolis, Fargo, Salt Lake City and Sioux Falls D/O's only.....	350,000
h. District Directors and Deputy District Directors, all Region IX, all Region X, Columbia, Chicago and Columbus D/O's only.....	500,000
i. Assistant District Director for MSB/COD Columbia D/O only.....	500,000
j. Assistant District Director for MSB/COD, San Francisco, Los Angeles, Washington, Richmond, Philadelphia & Baltimore D/O's only.....	100,000
k. All District Contract Specialists in Region X only.....	250,000
l. Chief of Contract Negotiation and Administration, Regional Office, Region VII only.....	1,000,000
m. Branch Managers, Corpus Christi and El Paso B/O's only.....	Unlimited
n. Senior Contract Specialists, Region X only.....	1,000,000

subparagraph e. is removed and subparagraphs a. through o. are revised and redesignated as subparagraphs a. through n. to read as follows:

a. Regional Administrator.....	Unlimited
b. Deputy Regional Administrator.....	Unlimited
c. Assistant Regional Administrator for MSB/COD.....	Unlimited
d. Deputy Assistant Regional Administrator for MSB/COD, Region II only.....	Unlimited
e. Chief, Business Development, Region III, R/O only.....	Unlimited
f. District Directors and Deputy District Directors, Washington, Denver, Philadelphia, Richmond, Baltimore, and all Region VI and Region VII D/O's only.....	Unlimited
g. District Directors and Deputy District Directors, New York, Newark, Syracuse, Puerto Rico, Detroit, Cleveland, Indianapolis, Fargo, Salt Lake City, and Sioux Falls D/O's only.....	\$350,000
h. District Directors and Deputy District Directors, all Region IX, all Region X, Columbia, Chicago and Columbus D/O's only.....	500,000
i. Assistant District Director for MSB/COD, Columbia D/O only.....	500,000
j. Assistant District Director for PA, Region IX.....	500,000
k. Assistant District Directors for MSB/COD, Washington, Richmond, Philadelphia, and Baltimore D/O's only.....	100,000
l. All District Contract Specialists in Region X only.....	250,000
m. Branch Managers, Corpus Christi and El Paso B/O's only.....	Unlimited
n. Chief of Contract Negotiation and Administration, Regional Office, Region VII only.....	1,000,000
o. Senior Contract Specialists, Region X only.....	1,000,000

3. In Part VII, Section B, paragraph 3., subparagraph e. is removed and subparagraphs a. through p. are revised and redesignated as subparagraphs a. through o. to read as follows:

a. Regional Administrator.....	Unlimited
b. Deputy Regional Administrator.....	Unlimited
c. Assistant Regional Administrator for MSB/COD.....	Unlimited
d. Deputy Assistant Regional Administrator for MSB/COD, Region II only.....	Unlimited
e. Chief, Business Development, Region III, R/O only.....	Unlimited
f. District Directors and Deputy District Directors, Washington, Denver, Philadelphia, Richmond, Baltimore, and all Region VI and Region VII D/O's only.....	Unlimited
g. District Directors and Deputy District Directors, New York, Newark, Syracuse, Puerto Rico, Detroit, Cleveland, Indianapolis, Fargo, Salt Lake City, and Sioux Falls D/O's only.....	\$350,000
h. District Directors and Deputy District Directors, all Region IX, all Region X, Columbia, Chicago and Columbus D/O's only.....	500,000
i. Assistant District Director for MSB/COD, Columbia D/O only.....	500,000
j. Assistant District Director for PA, Region IX.....	500,000
k. Assistant District Directors for MSB/COD, Washington, Richmond, Philadelphia, and Baltimore D/O's only.....	100,000
l. All District Contract Specialists in Region X only.....	250,000
m. Branch Managers, Corpus Christi and El Paso B/O's only.....	Unlimited
n. Chief of Contract Negotiation and Administration, Regional Office, Region VII only.....	1,000,000
o. Senior Contract Specialists, Region X only.....	1,000,000

Dated: September 13, 1982.

James C. Sanders,  
Administrator.

[FR Doc. 82-25651 Filed 9-16-82; 8:45 am]

BILLING CODE 8025-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 175**

[Docket No. 81F-0224]

**Indirect Food Additives: Adhesive Coatings and Components****AGENCY:** Food and Drug Administration.**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of butadiene-styrene-divinylbenzene copolymer in can end cements. This action responds to a food additive petition filed by W. R. Grace & Co.

**DATES:** Effective September 17, 1982; objections by October 18, 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:** Blondell Anderson, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

**SUPPLEMENTARY INFORMATION:** In a notice published in the Federal Register of August 7, 1981 (46 FR 40330), FDA announced that a food additive petition (FAP 1B3569) had been filed by W. R. Grace & Co., 55 Hayden Ave., Lexington, MA 02173, proposing to amend § 175.300(b)(3)(xxxi) (21 CFR 175.300(b)(3)(xxxi)) to provide for the safe use of butadiene-styrene-divinylbenzene copolymer in can end cements.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe, and that § 175.300(b)(3)(xxxi) should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency 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 is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

**List of Subjects in 21 CFR Part 175**

Adhesives; Food additives; Food packaging.

**PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS**

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 175 is amended in § 175.300(b)(3)(xxxi) by alphabetically adding a new item in the list of substances to read as follows:

**§ 175.300 Resinous and polymeric coatings.**

• \* \* \*  
(b) \* \* \*  
(3) \* \* \*  
(xxxi) \* \* \*

Butadiene-styrene-divinylbenzene copolymer (CAS Reg. No. 26471-45-4) for use only at levels not to exceed 23.8 percent by weight of the cement solids in can end cements.

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 18, 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 for any particular 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.** This regulation shall become effective September 17, 1982. (Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: September 8, 1982.

Joseph P. Hile,  
*Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82-25343 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-01-M

**21 CFR Parts 175 and 176**

[Docket No. 81F-0247]

**Indirect Food Additives: Adhesive Coatings and Components; Paper and Paperboard Components****AGENCY:** Food and Drug Administration.  
**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of (2-alkenyl) succinic anhydrides in which the alkenyl groups are derived from olefins which contain not less than 78 percent C<sub>30</sub> and higher groups as a component of adhesives and paper and paperboard coating systems. This action is in response to a petition filed by the Gulf Science and Technology Co.

**DATES:** Effective September 17, 1982; objections by October 18, 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:** Geraldine E. Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In a notice published in the Federal Register of October 16, 1981 (46 FR 51036), FDA announced that a petition (FAP 1B3576) had been filed by the Gulf Science and Technology Co., Pittsburgh, PA 15230, proposing that §§ 175.105 and 176.180 (21 CFR 175.105 and 176.180) be amended to provide for the safe use of a 2-alkenyl succinic anhydride mixture as a component of adhesives and paper and paperboard coating systems intended for food-contact use.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food

additive use is safe and that §§ 175.105 and 176.180 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency 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 is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects

##### 21 CFR Part 175

Adhesives; Food additives; Food packaging.

##### 21 CFR Part 176

Food additives; Food packaging; Paper and paperboard.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 175 and 176 are amended as follows:

#### PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

1. Part 175 is amended in § 175.105(c)(5) by alphabetically inserting a new item in the list of substances to read as follows:

##### § 175.105 Adhesives.

(c) \* \* \*  
(5) \* \* \*

Substances	Limitations
(2-Alkenyl) succinic anhydrides in which the alkenyl groups are derived from olefins which contain not less than 78 percent C <sub>18</sub> and higher groups (CAS Reg. No. 70983-55-0).	

#### PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

2. Part 176 is amended in § 176.180(b)(2) by alphabetically inserting a new item in the list of substances to read as follows:

##### § 176.180 Components of paper and paperboard in contact with dry food.

\* \* \*  
(b) \* \* \*  
(2) \* \* \*

List of substances	Limitations
(2-Alkenyl) succinic anhydrides in which the alkenyl groups are derived from olefins which contain not less than 78 percent C <sub>18</sub> and higher groups (CAS Reg. No. 70983-55-0).	

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 18, 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 for any particular 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.* This regulation shall become effective September 17, 1982.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: September 8, 1982.

Joseph P. Hile,  
Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-25306 Filed 9-16-82; 8:45 am]  
BILLING CODE 4160-01-M

#### 21 CFR Part 176

[Docket No. 80F-0130]

#### Indirect Food Additives: Paper and Paperboard Components; Terpolymer of Diallyldimethyl Ammonium Chloride, Acrylamide and Potassium Acrylate

AGENCY: Food and Drug Administration.  
ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of a terpolymer of diallyldimethyl ammonium chloride, acrylamide and potassium acrylate as a drainage and retention aid in the manufacture of paper and paperboard in contact with aqueous and fatty foods. This action is in response to a petition filed by the Calgon Corp.

**DATES:** Effective September 17, 1982; objections by October 18, 1982.

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

**FOR FURTHER INFORMATION CONTACT:** Garnett R. Higginbotham, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In a notice published in the *Federal Register* of May 6, 1980 (45 FR 29892), FDA announced that a petition (FAP 8B3400) had been filed by the Calgon Corp., Pittsburgh, PA 15230, proposing that § 176.170 (21 CFR 176.170) be amended to provide for the use of a terpolymer of diallyldimethyl ammonium chloride, acrylamide and potassium acrylate as a retention and drainage aid in the manufacture of paper and paperboard for food-contact use.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by

appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will remove from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency previously considered the potential environmental effects of this rule as announced in the notice of filing published in the **Federal Register**. No new information or comment has been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

#### List of Subjects in 21 CFR Part 176

Food additives, Food packaging, Paper and paperboard.

List of substances	Limitations
Diallyldimethyl ammonium chloride polymer with acrylamide and potassium acrylate, produced by copolymerizing either (1) diallyldimethyl ammonium chloride and acrylamide in a weight ratio of 50/50, with 4.4 percent of the acrylamide subsequently hydrolyzed to potassium acrylate or (2) polymerized diallyldimethyl ammonium chloride, acrylamide and potassium acrylate (as acrylic acid) in a weight ratio of 50/47.8/2.2, respectively, so that the finished resin in a 1 percent by weight aqueous solution (active polymer) has a viscosity of more than 22 centipoises at 22° C (72° F) as determined by LVF series, Brookfield Viscometer using No. 1 spindle at 60 RPM (or by other equivalent method) (CAS Reg. No. 25136-75-8).	For use only as a retention and/or drainage aid employed prior to the sheet-forming operations in the manufacture of paper and paperboard and limited to use at a level not to exceed 0.05 percent by weight of the finished paper and paperboard.

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 18, 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 for any particular 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

#### PART 176—INDIRECT FOOD ADDITIVES; PAPER AND PAPERBOARD COMPONENTS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 176 is amended in § 176.170(a)(5) by alphabetically inserting a new item in the list of substances to read as follows:

##### § 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

(a) \* \* \*  
(5) \* \* \*

regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

*Effective date.* This regulation shall become effective September 17, 1982.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: September 9, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-25344 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-01-M

#### 21 CFR Part 178

[Docket No. 82F-0171]

#### Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Lubricants With Incidental Food Contact

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of phosphoric acid, mono- and dihexyl esters, compounds with tetramethylnonylamines and C<sub>11-14</sub> alkylamines as an adjuvant in lubricants with incidental food contact. This action responds to a petition filed by the Ciba-Geigy Corp.

alkylamines as an adjuvant in lubricants with incidental food contact. This action responds to a petition filed by the Ciba-Geigy Corp.

**DATES:** Effective September 17, 1982; objections by October 18, 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:

Vir Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of June 25, 1982 (47 FR 27614), FDA announced that a petition (FAP 2B3631) had been filed by the Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10352, proposing that the food additive regulations be amended to provide for the safe use of phosphoric acid, mono- and dihexyl esters, compounds with tetramethylnonylamines and C<sub>11-14</sub> alkylamines as an adjuvant in lubricants with incidental food contact.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will remove from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this regulation as announced in the notice of filing published in the **Federal Register**. No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

#### List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

**PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS**

Therefore, under the Federal Food, Drug, and Cosmetic Act (Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 178 is

Substances	Limitations
Phosphoric acid, mono- and dihexyl esters, compounds with tetramethylnonylamines and $C_{11-18}$ alkylamines.	For use only as an adjuvant at levels not to exceed 0.5 percent by weight of the lubricant.

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 18, 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 for any particular 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.* This regulation shall become effective September 17, 1982.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: September 8, 1982.

Joseph P. Hile,  
Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-25341 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-01-M

amended in § 178.3570(a)(3) by inserting alphabetically a new item in the list of substances, to read as follows:

**§ 178.3570 Lubricants with incidental food contact.**

• \* \*  
(a) \* \* \*  
(3) \* \* \*

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 Director's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii)(e)(1) and (2)), may be seen in the Dockets Management Branch (address above).

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 520**

Animal drugs, Oral use.

**PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION**

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 520 is amended by adding new § 520.314 to read as follows:

**§ 520.314 Cefadroxil tablets.**

(a) *Specifications.* Each tablet contains 50, 100, or 200 milligrams of cefadroxil.

(b) *Sponsor.* See No. 000015 in § 510.600(c) of this chapter.

(c) *Conditions of use.* For use in dogs as follows:

(1) *Indications for use.* For the treatment of skin and soft tissue infections including cellulitis, pyoderma, dermatitis, wound infections, and abscesses when such conditions are caused by *Staphylococcus aureus*.

(2) *Amount.* Ten milligrams per pound of body weight twice daily.

(3) *Limitations.* The drug is administered orally. Treatment should be continued for a minimum of 3 days and for at least 48 hours after the dog has become afebrile or asymptomatic. If no response is seen after 3 days of treatment, therapy should be discontinued and the case reevaluated. Do not treat for more than 30 days. Safety for use in pregnant bitches or stud dogs has not been determined. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

*Effective date:* September 17, 1982.

**21 CFR Part 520**

**Oral Dosage Form New Animal Drugs Not Subject to Certification; Cefadroxil**

**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) filed by Bristol Laboratories providing for safe and effective use of cefadroxil tablets for dogs as an antibacterial.

**EFFECTIVE DATE:** September 17, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

**SUPPLEMENTARY INFORMATION:** Bristol Laboratories, Division of Bristol-Meyers Co., P.O. Box 657, Syracuse, NY 13201, filed NADA 119-688 providing for safe and effective oral use of 50-, 100-, and 200-milligram cefadroxil tablets as an antibacterial in dogs for the treatment of certain conditions caused by *Staphylococcus aureus*. This approval is supported by controlled effectiveness studies and safety studies, which establish that the drug is safe and effective for the intended use. This NADA 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.

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

Dated: September 9, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-25641 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-01-M

**21 CFR Part 558****New Animal Drugs for Use in Animal Feeds: Amprolium and Bambermycins***Correction*

In FR Doc. 82-21974 beginning on page 35187 in the issue of Friday, August 13, 1982, make the following correction:

On page 35188, in the table for § 558.55(e)(2)(iii), under *Limitations*, "as provided by No. 102799" should have read "as provided by No. 012799".

BILLING CODE 1505-01-M

concluded that mineral oil is safe under the proposed conditions of use and that the food additive regulations should be amended accordingly.

In accordance with § 571.1(h) (21 CFR 571.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Veterinary Medicine (address above) by appointment with the information contact person listed above. As provided in 21 CFR 571.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

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 21 CFR 25.1(f)(1)(iv) may be seen in the Dockets Management Branch (address above).

**List of Subjects in 21 CFR Part 573**

Animal feeds, Food additives.

**PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS**

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 573 is amended in § 573.680 by adding new paragraph (b)(5) to read as follows:

**§ 573.680 Mineral oil.**

\* \* \* \* \*

(b) \* \* \*

(5) For the removal of water from substances intended as ingredients of animal feed.

\* \* \* \* \*

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 18, 1982 submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, 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.

FDA has evaluated the data in the petition and other relevant material and

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 for any particular 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.* This regulation shall become effective September 17, 1982.

(Sec. 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 348))

Dated: September 9, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-25642 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-01-M

**21 CFR Parts 610 and 660****[Docket No. 80N-0049]****Leukocyte Typing Serum; Revocation of Additional Standards***Correction*

In FR Doc. 82-21634, published at page 34532, on Tuesday, August 10, 1982, on page 34533, in the first column, in the "Effective dates" paragraph, in the last line "September 12, 1982," should be corrected to read "September 12, 1983."

BILLING CODE 1505-01-M

**21 CFR Part 809****Labeling for In Vitro Diagnostic Products for Human Use; Correction****AGENCY:** Food and Drug Administration.**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a cross reference in 21 CFR 809.10(a)(5).

**FOR FURTHER INFORMATION CONTACT:** Agnes Black, Federal Register Writer (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of September 29, 1978

(43 FR 45077), FDA revised 21 CFR Part 211—Current Good Manufacturing Practice for Finished Pharmaceuticals (21 CFR Part 211). Section 211.60 *Stability* was redesignated as § 211.166 *Stability testing*. The cross reference in § 809.10(a)(5) to § 211.60 was not revised to reflect this change. Therefore, § 809.10 *Labeling for in vitro diagnostic products* is corrected in paragraph (a)(5) by changing the reference “§ 211.60” to read “§ 211.166.”

Dated: September 13, 1982.

William F. Randolph,  
Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 82-25682 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 868

[Docket No. 78N-1648]

### Anesthesiology Devices; General Provisions and Classification of 134 Devices; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

**SUMMARY:** The Food and Drug Administration (FDA) issued in the *Federal Register* a final rule classifying anesthesiology devices. The document inadvertently omitted four sections: 21 CFR 868.5530, 868.5540, 868.5550, and 868.5560. This document adds those sections.

**EFFECTIVE DATE:** August 16, 1982.

**FOR FURTHER INFORMATION CONTACT:**  
Agnes Black, Federal Register Writer (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

**SUMMARY:** In FR Doc. 82-18941 at page 31130 in the *Federal Register* of Friday, July 16, 1982, FDA issued a rule classifying anesthesiology devices. Four sections were inadvertently omitted. Therefore, the following additions are made.

## PART 868—ANESTHESIOLOGY DEVICES

At page 31148 in the first column, after § 868.5470 *Hyperbaric chamber*, the following four sections are added:

### § 868.5530 Flexible laryngoscope.

(a) *Identification.* A flexible laryngoscope is a fiberoptic device used to examine and visualize a patient's upper airway and aid placement of a tracheal tube.

(b) *Classification.* Class II (performance standards).

### § 868.5540 Rigid laryngoscope.

(a) *Identification.* A rigid laryngoscope is a device used to examine and visualize a patient's upper airway and aid placement of a tracheal tube.

(b) *Classification.* Class II (performance standards).

### § 868.5550 Anesthetic gas mask.

(a) *Identification.* An anesthetic gas mask is a device, usually made of conductive rubber, that is positioned over a patient's nose or mouth to direct anesthetic gases to the upper airway.

(b) *Classification.* Class II (performance standards).

### § 868.5560 Gas mask head strap.

(a) *Identification.* A gas mask head strap is a device used to hold an anesthetic gas mask in position on a patient's face.

(b) *Classification.* Class I (general controls).

Dated: September 8, 1982.

Joseph P. Hile,  
Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-25342 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

## 32 CFR Part 851

### Protection of USAF Resources

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

**SUMMARY:** The Department of the Air Force is amending its security regulations by removing Part 851 of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 125-37 has been revised. It is intended for internal guidance and has limited applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

**EFFECTIVE DATE:** September 17, 1982.

**FOR FURTHER INFORMATION CONTACT:**  
Lt Col Ross, HQ AFOSP, SPOL, Kirtland AFB, NM, telephone (505) 844-6627.

### SUPPLEMENTARY INFORMATION:

Accordingly, 32 CFR is amended by removing Part 851.

## List of Subjects in 32 CFR Part 851

Federal buildings and facilities, Law enforcement, Security measures.

(10 U.S.C. 8012.)

Winnibel F. Holmes,

*Air Force Federal Register, Liaison Officer.*

[FR Doc. 82-25618 Filed 9-16-82; 8:45 am]

BILLING CODE 3910-01-M

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 81

[A-5-FRL 2188-1]

### Approval and Promulgation of Implementation Plans; Ohio

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

**ACTION:** Final rule; Amendment.

**SUMMARY:** On January 12, 1982, the State of Ohio submitted a request to revise the attainment status designations for fifteen counties relative to the total suspended particulate (TSP) National Ambient Air Quality Standards (NAAQS). On June 9, 1982 (47 FR 25016) EPA approved the changes to the attainment status designations for the fifteen counties. The approval included Lucas County in which the TSP primary nonattainment area was reduced in size to include only the City of Toledo, east of the Maumee River and the remainder of the County designated attainment. During the thirty day notification period EPA received a request for an opportunity to submit an adverse or critical comment on the approval of the Lucas County designation. The purpose of this notice is to withdraw the June 9, 1982 approval of the Lucas County designation. The June 9, 1982, approval of the other fourteen counties remains effective. Elsewhere in today's *Federal Register* EPA is proposing to approve the Lucas County designation request and is providing an opportunity to comment on its proposed action.

**DATE:** This action is effective on September 17, 1982.

**ADDRESSES:** Copies of the redesignation request and supporting air quality data are available at the following addresses:

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

Environmental Protection Agency,  
Public Information Reference Unit, 401  
M Street, SW., Washington, D.C.  
20480

Ohio Environmental Protection Agency,  
Office of Air Pollution Control, 361  
East Broad Street, Columbus, Ohio  
43216

Written comments should be sent to:  
Gary Gulezian, Chief, Regulatory  
Analysis Section, Air Programs Branch,  
Environmental Protection Agency, 230  
South Dearborn Street, Chicago, Illinois  
60604.

**FOR FURTHER INFORMATION CONTACT:**  
Delores Sieja, (312) 886-6038.

**SUPPLEMENTARY INFORMATION:** On  
January 12, 1982, the State of Ohio  
submitted a request to revise the  
attainment status designation for fifteen  
counties relative to the TSP NAAQS. On  
June 9, 1982 (47 FR 25016), in a notice of  
final rulemaking, EPA discussed its  
criteria for redesignation; discussed the  
monitoring data submitted by the state  
to support its fifteen county  
redesignation request; and approved the  
redesignation request for the fifteen  
counties. The approval included Lucas  
County in which the TSP primary  
nonattainment area was reduced in size  
to include only the City of Toledo, east  
of the Maumee River and the remainder  
of the County designated attainment.

In the approval notice EPA advised  
the public that it was deferring the  
effective date of its approval until  
August 9, 1982. EPA announced that, if  
by July 9, 1982, it received notice that  
someone wanted to submit an adverse  
or critical comment, it would withdraw  
its approval and begin a new rulemaking  
by proposing the action and establishing  
a thirty-day comment period. EPA  
published a general notice explaining  
this special procedure on September 4,  
1981 (46 FR 44477).

On July 8, 1982, EPA received notice  
that a member of the public wished to  
submit an adverse or critical comment  
on the approval of the Lucas County  
designation. Therefore, in accordance  
with the procedure described above,  
EPA is withdrawing its June 9, 1982,  
approval of the Lucas County  
designation. The June 9, 1982, approval  
of the other fourteen counties remains  
effective. Elsewhere in today's Federal  
Register, EPA is proposing to approve  
the Lucas County designation and  
soliciting comments on its proposed  
approval.

EPA is withdrawing this action  
without providing prior notice and  
opportunity to comment. EPA finds that  
it has good cause within the meaning of  
5 U.S.C. 553(b) to proceed without notice  
and comment. Notice and comment  
would be impracticable because EPA  
needs to withdraw its approval as  
quickly as possible in order to consider  
the comments which members of the

public want to submit. Moreover, further  
notice is not necessary because EPA has  
already informed the public that it  
would follow this procedure if it  
received a request for an opportunity to  
comment. (See 46 FR 41061 and 46 FR  
44477). For the same reasons EPA finds  
it has good cause under 5 U.S.C. 553(d)  
to make this withdrawal immediately  
effective.

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

Under Section 307(b)(1) of the Clean  
Air Act, petitions for judicial review of  
this action must be filed in the United  
States Court of Appeals for the  
appropriate circuit by November 16,  
1982. This action may not be challenged  
later in proceedings to enforce its  
requirements. (See Sec. 307(b)(2).)

#### List of Subjects in 40 CFR Part 81

Air pollution control, National parks,  
Wilderness areas.

(Sec. 107(d) of the Clean Air Act, as amended  
(42 U.S.C. 7407))

Dated: September 2, 1982.

Anne M. Gorsuch,  
Administrator.

#### PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

##### Subpart C—Section 107 Attainment Status Designations

Section 81.336 of Part 81 of Chapter 1,  
Title 40, Code of Federal Regulations is  
amended. In the table for "Ohio—TSP"  
the entry for Lucas County should be  
revised to read as follows:

##### § 81.336 Ohio.

	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Ohio—TSP				
Lucas:				
The Cities of Toledo and Maumee	X			
Townships of Waterville, Monroe and Washington		X		
The remainder of Lucas County			X	

[FR Doc. 82-25634 Filed 9-16-82; 8:45 am]

BILLING CODE 6560-50-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Social Security Administration

45 CFR Parts 206, 232, 233, 234, 238,  
and 240

##### Aid to Families With Dependent Children

**AGENCY:** Social Security Administration,  
HHS.

**ACTION:** Interim rule.

**SUMMARY:** These interim regulations  
implement changes made in the Aid to  
Families with Dependent Children  
(AFDC) program by the Tax Equity and  
Fiscal Responsibility Act of 1982 (Pub. L.  
97-248). The major statutory changes  
reflected in these regulations:

(1) Strengthen work requirements by  
permitting employment search activities  
for applicants and recipients;

(2) Target assistance to the most  
needy by:

Permitting proration of amounts for  
shelter, utilities and similar needs when  
AFDC families live with other  
individuals in the same household; and

Prohibiting payments when absence  
of a parent is due solely to active duty in  
a uniformed service of the United States  
of America;

(3) Improve program administration  
by:

Providing that assistance payments  
are not made for any period prior to the  
date of application; and

Rounding both the standard of need  
and the benefit amount, when not a  
whole dollar, to the next lower whole  
dollar.

Changes made by these regulations  
are limited to the AFDC program.

**DATES:** These interim regulations are  
effective October 1, 1982 except where  
the Secretary determines that State  
legislation is required in order to  
conform the State plan to these  
requirements. In such an event, the State  
plan shall not be regarded as failing to  
comply with these requirements solely  
by reason of its failure to meet the  
requirements prior to the end of the first  
session (whether regular, special, budget  
or other session) of the State legislature  
which begins after October 1, 1982,  
and remained in session until at least  
October 26, 1982. This is in accordance  
with section 161 of Pub. L. 97-248.  
Requests for extension of the effective

date must be sent to the Regional Commissioner, SSA, and a copy of the request to the Secretary, Department of Health and Human Services.

All comments received by November 16, 1982 will be considered in developing final regulations.

**ADDRESSES:** Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Md. 21235, or delivered to the Office of Family Assistance, Social Security Administration, Room B-442, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20201, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Siegel, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20201, (202) 245-2736.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Procedures

##### *Justification for Dispensing With Notice of Proposed Rulemaking*

These interim regulations are effective October 1, 1982, the effective date generally required by Pub. L. 97-248 for the changes in the AFDC program. Since the legislation was not signed into law until September 3, 1982, it was not feasible to issue these regulations under a Notice of Proposed Rulemaking, as this would have delayed the issuance of final regulations until well past October 1, 1982. Since the amendments made by Pub. L. 97-248 will require many changes in States' AFDC plans and agency procedures, States must have some reasonable assurance that new Federal regulations under which these changes are to be implemented will not change in "mid-stream." Furthermore, costs of sequential changes in the program to States and resulting confusion to applicants and recipients because of abrupt changes in Federal regulations would be significantly higher than if the changes are made by States in a planned and orderly manner. The only way to assure States that significant changes in Federal policy will not be made after they have begun to implement the provisions of the new statute is to issue interim regulations.

In addition, Congress clearly intended that the statutory provisions affecting savings under the AFDC program go into effect on October 1, 1982, unless the Secretary determines that State legislation is required for implementation.

Finally, publishing interim regulations will permit State and Federal governments to capture the greatest amount of cost savings from these provisions and this will be to the benefit of the public. We anticipate that the savings to Federal and State governments from prompt implementation of these amendments will be about \$181 million during fiscal year 1983 and represent a substantial factor in the effort to curb inflation and revitalize the economy.

Accordingly, we believe that under 5 U.S.C. 553(b)(B) good cause exists for waiver of Notice of Proposed Rulemaking since issuance of proposed regulations would be impracticable and contrary to the public interest.

While Notice of Proposed Rulemaking is being waived, we are interested in comments and advice regarding changes which should be made to these interim regulations. We will review any comments on these regulations which we receive on or before November 16, 1982 and will publish the final regulations with any necessary changes.

##### Consultation

Prior to publication of these interim regulations, we solicited comments on the legislation and suggestions for the regulations from interested parties. These parties included associations representing Governors, State legislatures, and State and county welfare administrators and legal service groups, professional and labor organizations, welfare rights groups and public assistance-related organizations. The views of these parties were considered in the development of the regulations and are sought during the comment period as well.

##### Regulatory Burden

##### *Regulatory Impact Analysis*

The legislation and regulations, viewed together, may have an annual effect on the economy of more than \$100 million. However, the discretionary latitude exercised by the Secretary under these regulations does not exceed \$100 million, and therefore these regulations do not constitute a "major rule" as defined in Executive Order 12291. Thus, a regulatory impact analysis, describing potential benefits of the regulations and alternative approaches and their costs and benefits, is not required. Nevertheless, where appropriate to a particular provision, we have voluntarily prepared such an analysis and included it in the discussion of the provision.

#### *Regulatory Flexibility Analysis*

The Regulatory Flexibility Act (Pub. L. 96-354) requires the Federal government to anticipate and reduce the impact of regulations and paperwork requirements on small businesses. For each particular regulation with a "significant impact on a substantial number of small entities" (e.g., small businesses) we must publish an initial analysis describing the regulation's impact on small business. This analysis is to indicate the purpose and reason for the regulation and the number of small businesses to which it would apply, to anticipate reporting and recordkeeping requirements, to identify possible overlap and conflict with other Federal regulations, and to describe possible alternative means of accomplishing the stated objectives which would minimize the impact on small businesses.

The primary impact of these regulations are on State governments and individuals. We do not believe that any provision will have direct impact on small businesses or other small entities within the intent of the Regulatory Flexibility Act and therefore do not believe a regulatory flexibility analysis is required.

#### *Recordkeeping/Reporting Burden*

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this interim regulation have been approved by the Office of Management and Budget (OMB). These provisions are the State Plan requirements discussed throughout the regulation and the Employment Search provision (Section 240.64).

#### *Discussion of Major Provisions*

A discussion follows of the AFDC provisions of Pub. L. 97-248 and the options we considered in developing the implementing regulations.

#### *Proration of Initial Assistance Payment (Section 208.10 of the Interim Regulations)*

Prior to enactment of the new provision, States could make an initial AFDC payment effective as of the first day of the month in which an application was received. States could receive Federal financial participation (FFP) for these payments provided the State plan specified this as the method of determining the initial payment.

The new statutory provision does not allow payment to be made for any period prior to the date of application. Therefore, States may not claim FFP for any assistance provided prior to the

date of application. However, the new provision does not preclude FFP for any of the other effective date options (under § 206.10(c)(6)) available to States which are later than the date of application. For example, States may continue the practice of making assistance payments beginning with the first day of the month in which payment is authorized (provided it is not the month of application) or the date of authorization.

For States which choose to pay for the month in which the application was filed, the payment for that month is (1) the amount that would be payable if payment were made for the entire month including special needs in accordance with prospective accounting under § 233.34, multiplied by (2) the ratio of the number of days in the month including and following the date of application (or, at State option, the date of authorization of payment) to the total number of days in the month. For administrative efficiency, States may use a standard 30-day month in determining prorated payments.

If an individual is added to an existing assistance unit during a month and the State considers the individual's claim for assistance to constitute a new application, the State may not make a payment for that individual to the assistance unit which includes the needs of that individual for any period prior to the date of application. If the State's administrative procedures do not require a new application under such circumstances, the State may make a payment which considers that individual's needs in accordance with its established procedures.

The interim regulations include a definition of "date of application." We have defined "date of application" in the regulations at this time to assist in understanding the new provision.

*Retention by State of Support Payment That Causes Ineligibility (Section 232.20(a)(1) of the Interim Regulations)*

Prior to the new statute, when the amount collected on the monthly support obligation caused ineligibility for an AFDC assistance payment, that amount was to be paid to the assistance unit in the month for which the unit was determined to be ineligible. Under this requirement, the assistance unit would receive two support collections in the first month in which it was ineligible. The assistance unit would receive the support collection that caused ineligibility and also the support collection for the first month of ineligibility. As a result, the State and Federal governments could not be reimbursed for the assistance paid in the

month that the support collection that caused ineligibility was made.

The amendment to § 232.20 deletes the requirement that the IV-D agency pay the support collection that caused ineligibility to the assistance unit. However, the IV-A agency must still inform the IV-D agency when an assistance unit loses eligibility regardless of the reason.

*Rounding of Need Standard and Payment Amounts (Section 233.20(a)(2)(iv) and (a)(3)(viii) of the Interim Regulations)*

The new statutory provision requires States to round the need standard and payment amount, when not a whole dollar amount, to the next lower whole dollar amount. For the need standard, rounding is required after completing all steps necessary to determine the applicable standard of need (including special needs); then the payment amount is computed, prorated for the first month under § 206.10(c)(6)(i)(D) if necessary, and rounded, if not already a whole dollar.

In developing these regulations, we considered whether members of an assistance unit whose payment amount was computed as 99 cents or less (but greater than zero) and was then rounded down to zero would still be considered AFDC recipients for purposes of categorical eligibility for other assistance programs. We decided that these individuals, as in the case of individuals who receive no payment because their payment amount is less than \$10, would be considered recipients for all other purposes. This means that the family would still be eligible for Medicaid, Social Services, and where appropriate, be required to register for work activities other than CWEP and submit monthly reports.

Some additional savings are foregone by allowing categorical eligibility where no payment is made. However, these savings are insignificant because very few cases would have been affected. Furthermore, the decision is consistent with the earlier provisions regarding payment amounts under \$10, and the small cost involved will be somewhat offset by lower administrative costs for case closings and processing reapplications and requests for fair hearings.

*Exclusion From Income of Certain Payments From State-Only Funds (Section 233.20(a)(3)(iv) of the Interim Regulations)*

The new statute provides that payments made to meet certain needs of children receiving AFDC will be excluded from income for all purposes

in the AFDC program (including determining whether the assistance unit has income in excess of the need standard under § 233.20(a)(3)(ii)(D)), if all the following conditions are met: (1) The payments are made from State-only funds; (2) the payments are made under a statutorily established State program which has been continuously in effect since before January 1, 1979; and (3) the payments are made by the State agency that administers the AFDC program.

*Exclusion From Income of Certain State Payments (Section 233.20(a)(4)(iv) of the Interim Regulations)*

In addition to the provisions under § 233.20(a)(3)(iv) of the interim regulations, the new statute provides that a State can also exclude from income supplementary State-only payments made to an assistance unit in recognition that a decrease in the assistance unit's income is not reflected in the AFDC benefit amount for up to two months under a retrospective budgeting system. For example, in a 2-month retrospective State, if an assistance unit whose monthly payment standard is \$300 has monthly income in January (after disregards) of \$280, the regular monthly payment for March would be \$20. If the unit loses the income after January, the monthly payment for March would still be \$20. Under this provision, the State may pay up to the difference between the computed payment (\$20) and the anticipated or current need (i.e., the payment standard for that month). Any such State-only payment does not count as income in determining the matchable payment for May, to the extent that the total of the State-only payment made in March, the AFDC payment for March and other countable income received in March did not exceed what the State pays to a comparable family with no income. Federal matching for the State payment is expressly prohibited in accordance with § 233.20(b)(4).

*Proration of Standard Amount for Shelter, Utilities and Similar Needs (Section 233.20(a)(5) of the Interim Regulations)*

The new statute allows States to prorate the shelter, utilities, and similar needs portions of the need standard and payment amount whenever the AFDC assistance unit lives with other individuals as a household. Proration must be accomplished on a reasonable basis and in a manner and under circumstances prescribed by the State. States cannot prorate, however, for a recipient of Supplemental Security Income benefits to whom the one-third

reduction is applied because he or she lives in the household of another and receives support and maintenance in-kind (as required under section 1612(a)(2)(A)(i) of the Social Security Act).

In enacting this provision, Congress intended each State to establish a reasonable basis for proration depending on its own policy and administrative considerations. For example, a State may wish to prorate under narrow circumstances and not prorate where non-AFDC household members have little or no income or are unrelated. On the other hand, a State may wish to prorate in all circumstances where the assistance unit shares shelter, utilities and similar needs with other individuals. States may also choose to prorate only the payment standard, or to prorate only for shelter or utilities.

Under these interim regulations, States must define "household" for purposes of applying the proration provision and must specify in their plans the chosen method for prorating. The new legislation allows the Secretary of HHS to define "household." However, in keeping with the President's commitment to assure States adequate flexibility in developing their own programs, we have decided to leave this to each State. This approach is consistent with the position we took in developing the regulations implementing the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-248) where the statute authorized the Secretary to prescribe definitions. However, while we have provided States with great flexibility, we believe that it would be unreasonable for a State to include landlords and bona fide tenants in the definition of "household", as the statute refers to individuals living with the AFDC unit as a household. As landlords and bona fide tenants are in a commercial relationship rather than a household relationship, their inclusion would be contrary to the intent of the statute. Accordingly, we will not approve any State plan which permits proration in these situations.

In developing these regulations, we considered whether including persons in the proration computation who are not included in the assistance unit but whose income is counted as available to the assistance unit (i.e., stepparents and sponsors) is double counting of the same income. We determined that it is not. In determining the amount of income available to the assistance unit, an amount is disregarded which is equal to the State need standard for a family of the same composition as the person's whose income is counted. Therefore, it

would be reasonable for a State to recognize that the need for these items is reduced as a result of sharing.

We have amended § 233.20(a)(2)(viii) which prohibited proration in all assistance programs in accordance with the statutory change allowing proration in AFDC.

*Absence Due to Uniformed Service (Section 233.90(c)(1)(iii) of the Interim Regulations)*

In June 1972, the Supreme Court ruled in *Carleson v. Remillard* that a State, in determining entitlement for AFDC benefits, could not determine that a child was not deprived because the parent's absence was due to military service. The Court held that, under the existing Social Security Act and regulations, the eligibility criterion of "continued absence" of a parent from the home meant that the parent may be absent for any reason. This law amends the Act to provide that a parent whose absence is occasioned solely by reason of the performance of active duty in a uniformed service of the United States is not considered absent from the home.

One issue considered in developing the regulations was whether we should provide Federal criteria for determining when absence is not solely due to active duty in a uniformed service. We decided that each State should develop criteria and specify what evidence an individual must provide to establish that continued absence would exist irrespective of the parent's performance of active duty in the uniformed service of the United States.

The interim regulation provides that the definition of "uniformed services" at section 101(3) of title 37, United States Code, applies. "Uniformed services" is defined in that section to mean the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanographic and Atmospheric Administration and Public Health Service of the United States.

*Employment Search Programs (Part 240 of the Interim Regulations)*

The new statute permits States to require, as a condition of eligibility for AFDC, that certain applicants and recipients participate in a program of employment search, beginning at the time they file an application. Only those individuals who are required to participate in WIN and those who are exempt from WIN because of remoteness from a WIN site can be required to participate. The statute, however, allows States to further limit the employment search requirement to certain groups, types or classes of these

individuals. A State may also permit volunteers to participate.

The initial employment search period begins at the time of application and continues for a period, prescribed by the State, of not more than 8 weeks. The State can also require a recipient to participate in employment search for up to 8 weeks after the close of the initial 8-week period, but not to exceed a total of 8 weeks in any period of 12 consecutive months. The first such period of 12 consecutive months begins at any time the State designates following the close of the initial employment search period.

If a State chooses to have an employment search program under this part, the State must include in its plan the requirements that must be met by individuals participating in this program. For example, a State may require a certain number of job-seeking contacts each week, attendance at a job-seeking club, and require that an individual must accept a bona fide job offer.

An applicant is not eligible for assistance as long as he fails without good cause to satisfy the State's requirements for participation in employment search. The application for the rest of the assistance unit must still be processed. However, if it is either the only dependent child or the principal earner who does not satisfy the State's requirements, then the entire assistance unit is ineligible for assistance.

Recipients who, without good cause, do not satisfy the State's requirements for participation are subject to the sanctions at § 240.22(a). Under § 240.22(a), when a sanction is applied, the individual's needs cannot be included in determining the assistance unit's need for a period of 3 payment months for the first failure and 6 payment months for each subsequent failure, effective no later than the first day of the corresponding payment month. In an AFDC-UP case, when the principal earner is sanctioned, the entire family is denied aid for the duration of the sanction period. The new statute permits States to shorten the sanction period for any failure to participate in employment search.

Section 240.22(c) of the regulations requires States to define good cause for failure of applicants and recipients to participate. The AFDC hearings and appeal procedures (§ 205.10) apply to individuals whom the State requires to participate in employment search under these provisions. Current rules on protective and vendor payments for sanctioned individuals (§ 234.60) apply to individuals sanctioned under these provisions as well.

Under the interim regulations, States may make preliminary assessments of eligibility and may exempt from employment search applicants who appear ineligible for AFDC based on the information they supplied. However, such a preliminary screening process cannot substitute for a formal denial of eligibility for assistance nor can it result in a delay in processing the individual's application. The only effect of such a decision under a preliminary screening process is that the individual is temporarily exempt from participating in employment search until the State determines otherwise.

We estimate some savings from allowing States to screen applicants before requiring them to participate in employment search. These savings derive primarily from ensuring that employment search participation expenses are incurred only on behalf of individuals who the State considers likely to be eligible for AFDC.

In addition, the new statutory provision specifically provides that the employment search program may not be used as a reason for delay in making a determination of eligibility or in issuing a payment to or on behalf of an individual who is otherwise eligible for aid. A State may, of course, require reasonable verification that employment search requirements are being met, in circumstances where the applicant or recipient is not participating in a supervised job club setting. For example, a State may require that a participant have potential employers sign a form indicating that an interview was conducted. If no verification has been received at the time the State is prepared to make an eligibility decision, the State may provide additional time for verification of employment search requirements, rather than finding the individual ineligible for failure to meet those requirements. The State may not, however, impose any additional work requirements or have a fixed-length pre-eligibility employment search requirement at the point that all other eligibility requirements are met.

For efficient administration of the program, the new statute requires that the employment search program be coordinated with CWEP and WIN in order to ensure that job placement is the highest priority. This provision is implemented in parts 238 and 240 of the regulations.

#### Allowable Administrative Costs

Previously, employment search activities—to the extent they existed—were funded primarily under the WIN program. The new provision requires that any individual participating in an

employment search program must be furnished transportation and other services or paid (in advance or by way of reimbursement) any amounts to cover transportation costs and other expenses reasonably incurred in order to enable the individual to participate in the employment search program. Under these interim regulations, Federal matching at the 50 percent administrative rate is available for costs necessary for the proper and efficient administration of the employment search program. These costs include the development and operation of job-finding clubs, resume development, interview training, determining skill levels and experience and providing transportation, child care and other services to employment search participants whether as direct advance payments or reimbursement of out-of-pocket employment search participation costs or as services provided in kind.

Costs are matchable only when identified as a covered expense in the State plan, reasonable in relation to their expected benefits and cost-effectiveness and necessary to enable individuals to participate effectively in the program. Services and payments are matchable when provided to individuals who are either applicants for or recipients of assistance at the time the costs are incurred. Such costs are matchable only under this provision and not as special needs in the State payment. Federal matching funds are not available for longer range remedial services and expenditures not essential to job seeking. Such unmatchable costs include psychological counseling, education or training (except short-term training as identified above), health care or medical care. We view this provision as focusing on immediate employment search and rapid job placement.

The State may operate job search activities directly or may contract with outside agencies to provide them.

The asterisks used throughout the regulatory text represent material within a codified paragraph or section that is not being amended by these interim regulations.

These regulations are issued under the authority of section 1102 of the Social Security Act, as amended, 42 U.S.C. 1302 and Pub. L. 97-248, 96 Stat. 324.

(Catalog of Federal Domestic Assistance Programs No. 13.808 Public Assistance Maintenance Assistance (State Aid))

#### List of Subjects

#### 45 CFR Part 206

Aid to families with dependent children, Family assistance, Grant

programs—social programs, Public assistance programs.

#### 45 CFR Part 232

Aid to families with dependent children, Child support, Child welfare, Family assistance, Grant programs—social programs.

#### 45 CFR Part 233

Aid to families with dependent children, Aliens, Family assistance, Grant programs—social programs, Public assistance programs, Reporting requirements.

#### 45 CFR Part 234

Aid to families with dependent children, Family assistance, Grant programs—social programs, Health facilities, Public assistance programs, Public housing.

#### 45 CFR Part 238

Aid to families with dependent children, Family assistance, Grant programs—social programs, Manpower training programs.

#### 45 CFR Part 240

Employment search program.

Dated: August 19, 1982.

Paul B. Simmons,

*Acting Commissioner of Social Security.*

Approved: September 7, 1982.

Richard S. Schweiker,

*Secretary of Health and Human Services.*

### PART 206—APPLICATION, DETERMINATION OF ELIGIBILITY AND FURNISHING OF ASSISTANCE—PUBLIC ASSISTANCE PROGRAMS

Part 206 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

1. Section 206.10 is amended by revising paragraph (c)(6)(i)(B), adding new paragraphs (c)(6)(i)(C) and (D), by redesignating paragraph (b) headed "Definitions" to be paragraph (d), and by adding a new definition as paragraph (d)(3) to read as follows:

#### § 206.10 Application, determination of eligibility, and furnishing assistance.

- (a) *State plan requirements.* \* \* \*
- (b) \* \* \*
- (c) \* \* \*
- (6) Assistance shall begin as specified in the State plan, which:
  - (i) For financial assistance,
  - (A) Must be no later than:
    - (1) The date of authorization of payment, or
    - (2) Thirty days in OAA, AFDC, AB, and AABD (as to the aged and blind), and 60 days in APTD and AABD (as to

the disabled), from the date of receipt of a signed and completed application form, whichever is earlier: *Provided*, That the individuals then met all the eligibility conditions, and

(B) For purposes of Federal financial participation in OAA, AB, APTD, and AABD, may be as early as the first of the month in which an application has been received and the individual meets all the eligibility conditions; and

(C) In AFDC, for purposes of Federal financial participation, may be as early as the date of application provided that the assistance unit meets all the eligibility conditions; and

(D) In AFDC, States that pay for the month of application must prorate the payment for that month by multiplying the amount payable if payment were made for the entire month including special needs in accordance with § 233.34 by the ratio of the days in the month including and following the date of application (or, at State option, the date of authorization of payment) to the total number of days in such month. The State plan may provide for using a standard 30-day month to determine the prorated amount.

• \* \* \* \*

(d) *Definitions*. For purposes of this section:

(1) "Applicant" is a person who has, directly, or through his authorized representative, or where incompetent or incapacitated, through someone acting responsibly for him, made application for public assistance from the agency administering the program, and whose application has not been terminated.

(2) "Application" is the action by which an individual indicates in writing to the agency administering public assistance his desire to receive assistance. The relative with whom a child is living or will live ordinarily makes application for the child for AFDC. An application is distinguished from an inquiry, which is simply a request for information about eligibility requirements for public assistance.

Such inquiry may be followed by an application.

(3) "Date of Application" is the date on which the action described in (d)(2) occurs.

#### PART 232—SPECIAL PROVISIONS APPLICABLE TO TITLE IV-A OF THE SOCIAL SECURITY ACT

Part 232 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

2. Section 232.20 is amended by revising paragraph (a)(1) to read as follows:

#### § 232.20 Treatment of child support collections made in the Child Support Enforcement Program as income and resources in the Title IV-A Program.

(a) \* \* \*

(1) Upon notification to the IV-A agency by the IV-D agency of the amount of a support collection, such amount will be used to redetermine eligibility for an assistance payment under § 206.10(a)(9). This use of these amounts so collected shall not be later than the second month after the month in which the IV-A agency received a report of the monthly collections from the IV-D agency. In determining whether a support collection made by the State's IV-D agency, which represents support amounts for a month as determined pursuant to § 302.51(a) of this title, is sufficient to make the family ineligible for an assistance payment for the month to which the redetermination applies, the State will determine if such collection, when treated as if it were income, makes the family ineligible for an assistance payment. If such treatment makes the family ineligible, the IV-A agency will notify the family and the IV-D agency. If such treatment does not make the family ineligible for an assistance payment, the assistance payment will be calculated without regard to such collection.

#### PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Part 233 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

3. Section 233.20 is amended by revising paragraphs (a)(2) (iv) and (v) to read as follows:

#### § 233.20 Need and amount of assistance.

(a) *Requirements for State plans*.

\* \* \*

#### (2) *Standards of assistance*.

(iv) Include the method used in determining need and the amount of the assistance payment. For AFDC, the method must provide for rounding down to the next lower whole dollar when the result of determining the standard of need or the payment amount is not a whole dollar. Proration under § 206.10(c)(6)(i)(D) to determine the amount of payment for the month of application must occur before rounding to determine the payment amount for that month.

(v) If the State agency includes special need items in its standard, (A) describe those that will be recognized and the circumstances under which they will be included, and (B) provide that they will

be considered for all applicants and recipients requiring them; except that under AFDC, work expenses and child care (or care of incapacitated adults living in the same home and receiving AFDC) resulting from employment or participation in either a CWP or an employment search program cannot be special needs.

\* \* \* \* \*

4. Section 233.20 is amended by revising paragraph (a)(2)(viii) to read as follows:

#### § 233.20 Need and amount of assistance.

(a) *Requirements for State plans*.

\* \* \*

#### (2) *Standards of assistance*.

(viii) In OAA, AB, APTD, and AABD only, provide that the money amount of any need item included in the standard will not be prorated or otherwise reduced solely because of the presence in the household of a non-legally responsible individual; and the agency will not assume any contribution from such individual for the support of the assistance unit.

\* \* \* \* \*

5. Section 233.20 is amended by revising paragraph (a)(3)(iv) and adding a new subparagraph (D) to read as follows:

(a) *Requirements for State plans*.

\* \* \*

#### (3) *Income and resources*.

(iv) Provide that in determining the availability of income and resources, the following will not be included as income (A) Except for AFDC, income equal to expenses reasonably attributable to the earning of income (including earnings from public service employment); (B) loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs; (C) home produce of an applicant or recipient, utilized by him and his household for their own consumption; and (D) for AFDC, any amounts paid by a State IV-A agency from State-only funds to meet needs of children receiving AFDC, if the payments are made under a statutorily-established State program which has been continuously in effect since before January 1, 1979.

\* \* \* \* \*

6. Section 233.20 is amended by revising paragraph (a)(3)(viii) to read as follows:

(a) *Requirements for State plans*.

\* \* \*

#### (3) *Income and resources*.

(viii) Provide that: (A) payment will be based on the determination of the amount of assistance needed; (B) if full

individual payments are precluded by maximums or insufficient funds, adjustments will be made by methods applied uniformly statewide; (C) in the case of AFDC no payment of aid shall be made to an assistance unit in any month in which the amount of aid prior to any adjustments is determined to be less than \$10; and (D) an individual who is denied aid because of the limitation specified in (C) of this paragraph, or because the payment amount is determined to be zero as a result of rounding the payment amount as required by § 233.20(a)(2)(iv), shall be deemed a recipient of aid for all other purposes except participation in the Community Work Experience Program.

7. Section 233.20 is amended by adding a new paragraph (a)(4)(iv) to read as follows:

(a) *Requirements for State Plans.*

(4) *Disregard of income in OAA, AFDC, AB, APTD, or AABD.*

(iv) For AFDC, any amounts determined to have been paid by a State from State-only funds to supplement or otherwise increase the amount of aid paid to an assistance unit as computed under § 233.35 for a month in recognition of current or anticipated needs of the assistance unit for that same month shall not be counted as income—to the extent that the total of the State supplemental payment, the AFDC payment and actual income received in that month are not in excess of what the State would have paid for that month to an assistance unit of the same size and composition with no income—in computing the assistance payment under § 233.35 for the corresponding payment month.

8. Section 233.20 is amended by adding a new paragraph (a)(5) to read as follows:

(a) *Requirements for State plans.*

(5) *Proration of shelter, utilities, and similar needs in AFDC.* (i) Provide that the State agency may prorate allowances in the need and payment standards for shelter, utilities, and similar needs when the AFDC assistance unit lives together with other individuals as a household; except that, the State shall not prorate with respect to any person receiving SSI to whom the statutory one-third reduction (section 1612(a)(2)(A)(i) of the Act) is applied.

(ii) If the State agency elects to prorate allowances for shelter, utilities, and similar needs, the State plan must:

(A) Define shelter, utilities, and similar needs and describe the

procedure which will be used to prorate the allowances;

(B) Provide that the allowances will be prorated on a reasonable basis; and

(C) Specify the circumstances under which proration will occur, including a description of which individuals are considered to be living with an AFDC assistance unit as a household.

9. Section 233.90 is amended by revising paragraph (c)(1)(iii) to read as follows:

§ 233.90 *Factors specific to AFDC.*

(c) *Federal financial participation.* (1) Federal financial participation under title IV-A of the Social Security Act in payments with respect to a "dependent child," as defined in section 406(a) of the Act, is available within the following interpretations:

(iii) *Continued absence of the parent from the home.* Continued absence of the parent from the home constitutes the reason for deprivation of parental support or care when the parent is out of the home, the nature of the absence is such as either to interrupt or to terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child, and the known or indefinite duration of the absence precludes counting on the parent's performance of the function of planning for the present support or care of the child. If these conditions exist, the parent may be absent for any reason, and may have left only recently or some time previously; except that a parent whose absence is occasioned solely by reason of the performance of active duty in the uniformed services of the United States (as defined in section 101(3) of title 37, United States Code) is not considered absent from the home. A parent who is a convicted offender but is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday is considered absent from the home.

10. Section 233.100 is amended by revising paragraphs (a)(3), (a)(5)(ii), (c)(2)(ii), and (c)(2)(iii), and adding paragraphs (a)(3)(vii), (a)(5)(iii), and (c)(2)(iv) to read as follows:

§ 233.100 *Dependent children of unemployed parents.*

(a) *Requirements for State Plans.*

(3) Provide for payment of aid with respect to any dependent child (as defined by the State pursuant to paragraph (a)(2) of this section) when

the conditions set forth in paragraphs (a)(3) (i), (ii), (iii), and (vii) of this section are met:

(vii) The parent who is the principal earner (unless exempt under § 240.14) has met the requirements for participation in an employment search program under Part 240 of this chapter.

(5) \*

(ii) With respect to any week for which such child's parent qualifies for unemployment compensation under an unemployment compensation law of the State or of the United States but refuses to apply for or accept such unemployment compensation, and

(iii) If the parent who is the principal earner (unless exempt under § 240.14) fails to meet the requirements for participation in a program of employment search established under Part 240 of this chapter.

(b) *Exception.*

(c) *Federal financial participation.*

(2) \*

(ii) For such 30-day period if during that period the parent refused without good cause a bona fide offer of employment or training for employment;

(iii) For any period beginning with the 31st day after the receipt of aid, if and for as long as no action is taken during the period to certify the parent for participation in the Work Incentive Program as provided in section 402(a)(19) of the Act and the regulations relating thereto; and

(iv) For any part of the sanction period imposed under § 240.22 (for failure to meet the requirements for participation in the employment search program).

## PART 234—FINANCIAL ASSISTANCE TO INDIVIDUALS

Part 234 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

11. Section 234.60 is amended by revising paragraphs (a)(1) and (a)(12) to read as follows:

§ 234.60 *Protective, vendor and two-party payments for dependent children.*

(a) *State plan requirements.* (1) If a State plan for AFDC under title IV-A of the Social Security Act provides for protective, vendor and two-party payments for cases other than failure to participate in WIN, employment search, or Community Work Experience Programs (CWEPP), or failure by the caretaker relative to meet the eligibility requirements of §§ 232.11 or 232.12 of

this chapter, it must meet the requirements in paragraphs (a) (2) through (11) of this section. In addition, the plan may provide for protective, vendor, and two-party payments at the request of the recipient as provided in paragraph (a)(14) of this section.

(12) In cases where an individual is sanctioned for failure to participate in WIN, employment search, or CWEB, the State plan must provide that when protective or vendor payments are made pursuant to § 224.51(a)(1), § 238.22, § 240.22(a)(1), and § 240.22(b)(1) of this chapter, only paragraphs (a)(7), (9)(ii), and (11) (i) and (ii) of this section will be applicable. Under these circumstances, when protective payments are made, the entire payment will be made to the protective payee; and when vendor payments are made, at least the greater part of the payment will be through this method. Provision will be made for termination of protective payments, or payments to a person furnishing goods or services, with return to money payment status when adults who refused training, employment, or participation in employment search without good cause either accept training, employment, or employment search or agree to do so. In the case of continuing refusal of the relative to participate, payments will be continued for the children in the home in accordance with this paragraph.

## PART 238—COMMUNITY WORK EXPERIENCE PROGRAM

Part 238 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

12. Section 238.20 is amended by revising paragraph (c) to read as follows:

### § 238.20 Participation requirements.

(c) The State must have procedures under which there is coordination among CWEB, the employment search program, and WIN to ensure that job placement will have priority.

13. Section 238.26 is amended by revising paragraphs (a) and (b) to read as follows:

### § 238.26 Chief Executive Officer.

The Chief Executive Officer of the State:

(a) Shall provide for coordination among CWEB, the program of employment search and WIN to ensure that:

(1) Job placement will have priority; and

(2) An individual who is required to participate in more than one of the programs identified in this section may not be denied aid under the State plan on the grounds of "failure to participate" in one such program if he is actively and satisfactorily participating in another.

(b) May require that a participant who satisfactorily meets the requirements of CWEB may be required to participate in a program of employment search or WIN during such time as he is not participating in CWEB.

14. A new Part 240 is added to Chapter II, Title 45, Code of Federal Regulations to read as follows:

## PART 240—EMPLOYMENT SEARCH PROGRAM

### Subpart A—Introduction

#### Sec.

#### 240.01 Scope of this part.

### Subpart B—Administration and Program Requirements

#### 240.10 Agency administering the program.

#### 240.12 Statewideness.

#### 240.14 Establishment of mandatory participant groups.

#### 240.20 Program requirements.

#### 240.22 Conditions of eligibility and sanctions.

#### 240.24 Hearings and notices.

### Subpart C—Federal Financial Participation

#### 240.60 Allowable administrative expenses.

#### 240.62 Expenses not matchable.

#### 240.64 Fiscal recordkeeping requirements.

### Subpart A—Introduction

#### § 240.01 Scope of this part.

Each State may operate a program of employment search and require certain AFDC applicants and recipients to participate in it as a condition of AFDC eligibility. The purpose of this employment search program is to reduce welfare dependency by assisting individuals in obtaining regular unsubsidized employment. Allowable costs to operate a program of employment search are matched by the Federal government at the AFDC administrative match level.

### Subpart B—Administration and Program Requirements

#### § 240.10 Agency administering the program.

Each State with a plan approved under title IV-A of the Social Security Act may establish a program of employment search in accordance with the requirements in this part. The single State agency designated in the State plan to administer or supervise the

AFDC program must administer the employment search program.

### § 240.12 Statewideness.

The employment search program must be statewide. It may provide different employment search activities or impose different participation requirements in different areas depending on the specific conditions in each such area affecting employment.

### § 240.14 Establishment of mandatory participant groups.

(a) The State plan shall specify the groups, types, and classes of applicants and recipients who will be mandatory participants in the employment search program. These categories may only include individuals who would be required to register for WIN under § 224.20, and those excluded from registration requirements because of remoteness from a WIN site under § 224.20(b)(6).

(b) A State plan may also provide for voluntary participation in an employment search program by those not required to participate under (a). If the plan provides for voluntary participation, it shall identify any conditions which attach to voluntary participation including what sanctions, if any, are imposed. States must inform voluntary participants of these conditions, if any.

(c) The State agency may exempt from employment search any applicant who does not appear to meet eligibility criteria for AFDC based upon a preliminary assessment it makes at the time the individual files his application. This process must not constitute informal denial of eligibility for assistance nor delay the processing of the application.

### § 240.20 Program Requirements.

(a) The State plan must specify the requirements for participation (such as a minimal number of employer contacts a week or that a bona fide job offer cannot be refused without good cause). However, these requirements may vary for different categories of individuals depending on factors such as the economic conditions in an area and an individual's work history, etc. States must not impose requirements which would delay processing of an application. States may require that an individual participate in the employment search program from the time he files an application for aid for an initial period, prescribed in the State plan, of up to 8 weeks. Following this initial period, the States may require additional participation in employment search, not

in excess of 8 weeks (or its equivalent) in any period of 12 consecutive months. The first such period of 12 consecutive months shall begin at any time following the close of the initial period.

(b) The State plan must specify procedures for coordination among CWEPS, WIN, and the employment search program to ensure that job placement will have priority.

(c) The State plan must also provide for methods to ensure that requirements for participation in employment search are met. The State must establish procedures enabling it to verify participation in the program.

**§ 240.22 Conditions of eligibility and sanctions.**

(a) The State plan shall provide for sanctions when a recipient, who is required to participate in the program of employment search, fails to meet the requirements for participation in that program. If a recipient fails to meet State requirements for participation in employment search, the sanctions specified below shall remain in effect for a period (effective no later than the first day of the corresponding payment month) up to 3 payment months for the first such failure and up to 6 payment months for any subsequent such failure.

(1) If the individual is a caretaker relative receiving benefits (other than a principal earner), the State shall not take into account his needs in determining the assistance unit's need for assistance. The State shall provide assistance in the form of protective or vendor payments;

(2) If the individual is one of several dependent children in the assistance unit, the State shall not take into account the child's needs in determining the assistance unit's need for assistance; if the individual is the only dependent child in the assistance unit, the State shall deny assistance to the entire unit; and

(3) If the individual is a principal earner, the State shall deny assistance to the entire assistance unit.

(b) The State plan shall provide that an applicant will remain ineligible for assistance for so long as he fails to meet the State requirements for participation in the employment search program:

(1) If the individual is a caretaker relative, the State shall not take into account his needs in determining the assistance unit's need for assistance. The State shall provide assistance in the form of protective or vendor payments;

(2) If the individual is one of several dependent children in the assistance unit, the State shall not take into account the child's needs in determining the assistance unit's need for assistance;

if the individual is the only dependent child in the assistance unit, the State shall deny assistance to the entire unit; and

(3) If the individual is a principal earner, the State shall deny assistance to the entire assistance unit.

(c) The State plan shall specify the criteria to be used in determining whether applicants and recipients have "good cause" for failing to meet State requirements for participation in employment search.

**§ 240.24 Hearings and notices.**

The State plan shall specify that the hearings and notice procedures at § 205.10 apply to applicants and recipients who are required to participate in employment search under this part.

**Subpart C—Federal Financial Participation**

**§ 240.60 Allowable administrative expenses.**

(a) Federal financial participation (FFP) is available at 50 percent for reasonable expenditures which a State makes in implementing an employment search program. The State plan must specify the services and activities for which FFP will be claimed. Under this requirement, the plan must include those services and activities:

(i) For which direct payment will be made to participants, whether in advance or by way of reimbursement;

(ii) For which payment will be made to third-party providers; and

(iii) Which the agency will provide directly to participants.

(b) FFP is available for direct payments to employment search participants for expenditures for transportation, child care, and other costs reasonably incurred by participants in meeting the requirements of the program.

(c) FFP is available for reasonable expenses incurred by the single State agency in providing services or in contracting with third-parties to provide services for its employment search program if the expenses are consistent with the approved employment search program. FFP is available for expenditures in employment search activities for applicants and recipients such as group jobseeking, job development, exposure to the labor market information, work orientation, and referral which are necessary to assist individuals in locating unsubsidized employment.

**§ 240.62 Expenses not matchable.**

FFP is not available for expenditures for services or activities which are not

essential to immediate job seeking, such as longer range remedial care and services, training or psychological counseling.

**§ 240.64 Fiscal recordkeeping requirements.**

To support claims for FFP, States shall identify all participants in their employment search program, the activities in which each individual participates, and any services or direct payments for expenses provided to individual participants.

[FR Doc. 82-25129 Filed 9-16-82; 8:45 am]

BILLING CODE 4190-11-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Ch. I**

[ICC Docket No. 80-634; FCC 82-372]

**Changes in the Corporate Structure and Operations of the Communications Satellite Corporation**

**AGENCY:** Federal Communications Commission.

**ACTION:** Policy statement (Memorandum Opinion and Order).

**SUMMARY:** This Memorandum Opinion and Order resolves certain legal and policy issues concerning the corporate structure and operations of the Communications Satellite Corporation (Comsat). It also requires Comsat to report to the Commission and adhere to the directives on accounting, information flow, research and development and financial support of affiliates as set forth in the Order. This action is necessary to clearly set forth certain determinations.

**EFFECTIVE DATE:** 3:00 p.m., E.T., September 20, 1982.

**FOR FURTHER INFORMATION CONTACT:**

James L. Ball, Chief, International Facilities Licensing and Authorization Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202) 632-7265.

**SUPPLEMENTARY INFORMATION:**

In the matter of changes in the corporate structure and operations of the Communications Satellite Corp.; CC Docket No. 80-634; (October 29, 1980; 45 FR 71628).

**Memorandum Opinion and Order**

Adopted: August 5, 1982.

Released: August 13, 1982.

By the Commission: Commissioner Jones concurring in part and dissenting in part.

## I. Introduction

1. This rulemaking proceeding was initiated to provide an opportunity for public comment on the tentative proposal set forth in the Comsat Study<sup>1</sup> for changes in the corporate structure and operations of the Communications Satellite Corporation (Comsat). *Communications Satellite Corporation (hereafter Comsat Structure Rulemaking)*, 81 FCC 2d 287 (1980). It has also provided an opportunity to consider alternative approaches to deal more effectively with the problems we identified in the Comsat Study regarding Comsat's structure and operations. In this regard, we indicated that we would carefully consider the voluntary organizational changes undertaken by Comsat in response to the Comsat Study. Appendix A contains a list of the parties filing comments and reply comments in response to our Notice.

2. In the Comsat Study we proposed the restructuring of Comsat in order to separate its monopoly and competitive activities. In this proceeding, we affirm our prior determination that no legal bar exists to Comsat's participation in non-INTELSAT/INMARSAT businesses so long as they are not inconsistent with Comsat's statutory responsibilities. We also affirm our prior determination that as a matter of regulatory policy Comsat should not be limited to its INTELSAT/INMARSAT role. Finally, we assess the adequacy of the voluntary organizational changes undertaken by Comsat in light of the regulatory concerns raised in the Comsat Study. We find in essence that Comsat's voluntary changes do not go far enough and fail to address adequately our stated concerns.

3. As we will discuss, the voluntary organizational changes undertaken by Comsat are consistent with the basic thrust of our Comsat Study proposal; i.e., to structurally separate Comsat's monopoly and competitive activities. Within the framework of its modified structure, however, we find several substantial deficiencies in the manner in which Comsat seeks to satisfy the regulatory concerns which we identified as arising from its greater diversification into competitive activities. Comsat fails to address adequately our stated concerns with respect to Comsat Labs, the potential for misallocation of costs, and greater public dissemination of INTELSAT/INMARSAT information. We conclude that if it is to retain Comsat Labs in the parent organization as it desires, Comsat must modify the

way it currently accounts for research and development costs. We also conclude that Comsat must correct deficiencies in how it accounts for administrative and support services shared between the parent organization and affiliated entities. Finally, we conclude that Comsat must take steps to provide for greater public dissemination of INTELSAT/INMARSAT information, and set forth a mechanism to provide the public greater access to this information.

4. We conclude that before we prescribe structural separation beyond what Comsat has voluntarily undertaken, Comsat should have the opportunity to establish and implement appropriate control mechanisms which will satisfy the regulatory concerns we have raised. We delegate to the Chief, Common Carrier Bureau, authority to assess proposals made by Comsat in response to this decision. We direct the Bureau to report back to the Commission within nine months on the extent to which Comsat has satisfactorily addressed the problems we raise, including a recommendation as to what, if any, further structural separation is warranted.

## II. Background

### A. Comsat Study

5. The Comsat Study was undertaken pursuant to Section 505 of the International Maritime Satellite Telecommunications Act, 47 U.S.C. 751 (1979). Section 505 directed the Commission to determine whether any changes are required in Comsat's structure or operations to ensure that the corporation is able to fulfill effectively its obligations and carry out its functions under the Communications Satellite Act of 1962 and the Communications Act of 1934. The Comsat Study was transmitted to Congress on May 1, 1980.

6. The issues raised in the Comsat Study and in this proceeding result from Comsat's pursuit of non-INTELSAT/INMARSAT activities through business acquisitions and exploitation of its satellite-related technology and expertise. In the Comsat Study, we identified a number of problems as adversely impacting Comsat's continued ability to carry out its statutory functions effectively. We concluded that changes are required in Comsat's corporate structure and operations in view of these problems and we set forth a proposal to effect such changes. We indicated that we viewed the stated proposal as tentative and that it warranted further consideration in the context of a rulemaking proceeding.

7. We stated that the paramount reason for Comsat's existence is the fulfillment of its statutory missions as the U.S. representative to INTELSAT and INMARSAT. See *Implementation of INMARSAT*, 74 FCC 2d 59 at 64 (1979). As a matter of policy, however, we found that Comsat should not be foreclosed from applying its corporate technology and expertise to the development of new lines of business which will result in public benefit. *Comsat Study* at 607.

8. We premised this policy determination on the fact that Comsat's involvement in diversified satellite-related activities would contribute to the overall development of satellite communications technology and therefore be in the public interest. We indicated, however, that Comsat's involvement in diversified businesses may also detrimentally affect its ability to carry out its statutory functions. The various regulatory issues that we identified fall within four general areas: (a) Comsat's legal authority to enter into non-INTELSAT/INMARSAT businesses; (b) the potential for conflicts of interest to arise from its involvement in such activities; (c) Comsat's competitive advantage in non-INTELSAT/INMARSAT markets flowing from its unique status as U.S. Signatory to INTELSAT and INMARSAT; and (d) cross-subsidization of monopoly and competitive services to the detriment of the international ratepayer.

9. First, as to any statutory bar that may limit the scope of its activities, we concluded that Comsat is permitted under the 1962 Satellite Act to engage in any activities which are not inconsistent with its statutory mission. *Id.* at 615. However, we recognized that Comsat's legal authority to engage in a broad range of activities will probably remain controversial. Therefore, we recommended to Congress that the 1962 Act be amended to clearly define the extent to which Comsat may engage in non-INTELSAT/INMARSAT businesses.

10. Second, we found that Comsat's involvement in diversified businesses presents opportunities for conflicts of interest. *Id.* at 619-620. Conflicts may occur whenever the outcome of a matter before INTELSAT or INMARSAT will have direct or indirect financial effect on a non-INTELSAT/INMARSAT business in which Comsat or one of its subsidiaries is involved. Under such circumstances, Comsat is in a position to weigh its other corporate interests in light of overall corporate profitability in voting as the U.S. representative to INTELSAT or INMARSAT. The potential for such conflicts was

<sup>1</sup> *Communications Satellite Corporation (hereafter Comsat Study)*, 77 FCC 2d 564 (1980).

considered in not unduly restricting Comsat's involvement in non-INTELSAT/INMARSAT activities.

11. Third, we found that Comsat's unique INTELSAT/INMARSAT role provides it with opportunities to gain advantages over U.S. competitors in the markets in which it seeks to participate. *Id.* at 648. As the U.S. Signatory in INTELSAT, Comsat both learns from and contributes to INTELSAT/INMARSAT technology development and can exploit this relationship to its benefit in competitive markets. The competitive advantages it can enjoy flow from two practices: (a) Comsat's use of INTELSAT-funded technology to support other lines of business; and (b) its ability to integrate INTELSAT/INMARSAT market and system planning information with its other businesses.

12. Fourth, we found that Comsat's involvement in diversified businesses will increasingly provide it with opportunities to engage in cross-subsidization through misallocation of costs to the detriment of INTELSAT ratepayers. We noted that allocation of research and development costs posed a particular problem in this regard. *Id.* at 667-73.

13. In light of these concerns, we proposed that Comsat be separated into two distinct corporate elements (called COMSAT Global and COMSAT National for purposes of discussion, the former being the parent corporation and the latter the subsidiary). COMSAT Global would be limited to INTELSAT/INMARSAT functions. COMSAT National would handle all present and future non-INTELSAT/INMARSAT businesses. The two entities would have separate officers, facilities, advertising and marketing, records and books of accounts, procurement and operating personnel. In addition, Comsat Labs would be located in COMSAT National. COMSAT National would utilize the facilities of Comsat Labs to support its various non-INTELSAT/INMARSAT lines of business and assist COMSAT Global in carrying out its role as the U.S. Signatory in INTELSAT and INMARSAT.

14. We also proposed controls on how COMSAT Global and COMSAT National would transact business with one another, including the circumstances under which technology transfer and information flow would be permitted between them. First, we proposed that COMSAT Global be required to procure any research and development and other technology support services from COMSAT National pursuant to competitive bidding procedures. Second, COMSAT

Global would not be allowed to treat as proprietary or confidential any technology and information to which it has access by virtue of its unique INTELSAT/INMARSAT roles and which it makes available to COMSAT National. Third, mandatory licensing would be required of technology and information generated through ratepayer-funded research and development which is not done pursuant to competitive bidding.

*B. Organizational Changes Undertaken by Comsat in Response to the Comsat Study*

15. As a result of changes undertaken in response to the Comsat Study, Comsat's corporate structure now consists of the parent company and three wholly-owned subsidiaries which engage in non-INTELSAT/INMARSAT lines of business. According to Comsat, the parent company is responsible for three tasks. First, its newly-created World Systems Division (WSD) performs international common carrier functions and related duties with respect to the INTELSAT and INMARSAT systems. WSD also undertakes corporate research and development, engineering, and systems integration. Second, the parent company provides administrative and support services to both WSD and elements of the corporation's subsidiaries. Third, the parent company has ultimate policy control over various subsidiaries of and divisions within the corporation. Comsat states that such control involves overseeing major program decisions and formulating broad corporate plans and positions (rather than control of day-to-day operations).

16. The parent company has organized WSD into three operating units: (a) International Communications Services; (b) INTELSAT Technical Services; and (c) Comsat Laboratories. International Communications Services provides INTELSAT and INMARSAT communications services to U.S. customers, and it carries out related functions with respect to Comsat's participation in those organizations (space and ground segment technological and operational planning, project management, facilities design, and earth station operation and management.) INTELSAT Technical Services performs the technology application and system development services that INTELSAT requests of Comsat. Comsat Labs is responsible for the research and development of new technologies for satellite communications, experimental earth station and spacecraft equipment, various engineering services, and

special projects. Comsat states that the Labs will also provide these services to affiliates that engage in non-INTELSAT/INMARSAT businesses. Comsat states that administrative groups (legal, contracts and procurement, finance, and personnel) within WSD provide "most" of the services necessary to carry out Comsat's day-to-day INTELSAT and INMARSAT responsibilities.

17. Comsat's three subsidiaries are COMSAT General Corporation, Environmental and Technology, Inc. (ERT), and Satellite Television Corporation (STC). Comsat states that each subsidiary has specific areas of responsibility, individual management, supporting staff and personnel. COMSAT General is involved in a variety of activities including the provision of domestic and maritime satellite service. COMSAT General is involved in Satellite Business Systems (SBS), a joint venture created to provide all-digital domestic satellite services. COMSAT General also leases the entire capacity of its COMSTAR domestic satellite system to AT&T for use in the domestic nationwide switched telephone system. It also provides maritime satellite service to the U.S. Navy through MARISAT and leases MARISAT space segment to INMARSAT for the provision of commercial maritime services. In addition to these activities, COMSAT General is engaged in a worldwide technical services program encompassing a broad range of management and engineering activities in various phases of telecommunications planning, construction, and operation. These technical assistance services have involved satellite communications earth stations, microwave links, intracity connecting systems, switching centers, and construction of telex and telephone exchanges.

18. COMSAT General has several subsidiaries. COMSAT General Telesystems, Inc. develops and manufactures specialized communications equipment. Telesystems manufactures equipment for use in connection with domestic and regional satellite systems. It also manufactures and markets shipboard terminal equipment for use in connection with the INMARSAT system. As it moves into new markets, Comsat foresees a need for the manufacture of special equipment to be used in the provision of new services. It therefore recently expanded its manufacturing operation by purchase through COMSAT General of Amplica, Inc., a manufacturer of microwave amplifiers. Comsat has stated that the goal of its

manufacturing operations ". . . is to exploit [its] technical expertise more widely to ensure that the desired equipment will be available for new services."<sup>2</sup>

19. COMSAT General Integrated Systems (CGIS) develops, supports and markets integrated computer-aided design, manufacturing and test products used for the production of complex electronics equipment. Since release of the Comsat Study, COMSAT General has acquired Compac Engineering, Inc., Comprehensive Computing Systems Services, Inc., Applied Silicon Technology, Inc. and Graphic Software Corporation. Compac Engineering, Inc. supplies computer-aided design software used primarily for the design and optimization of high frequency and microwave circuits. Comprehensive Computing Systems Services, Inc. supplies computer-aided design software used for analysis of digital circuits. Applied Silicon Technology, Inc. designs integrated circuits for microprocessor and other advanced electronic devices. And Graphic Software Corporation specializes in development of computer-aided software products.

20. ERT offers consulting services in the environmental area, including environmental monitoring, analysis, and prediction services, and environmental and ecological consulting services. ERT is planned to be a cornerstone for the establishment of a more diversified information services program which will provide expanded environmental monitoring and data collection services by means of a network using satellites for the transmission of information. This expanded service is to be achieved through both internal development and external acquisitions. Comsat has recently indicated that ERT will be expanding its operations into the environmental resource and management market, an effort which is expected to be complemented by the development of satellite-based information networks.<sup>3</sup>

21. Finally, Comsat created STC to provide a direct satellite-to-home subscription television service. STC has filed an application with the Commission requesting authority to construct the first phase of such a system. The satellite TV service would offer programming over several channels simultaneously. The programs would be broadcast via satellite directly to small antennas on the roof-tops of

subscribers' homes. Comsat's proposed investment in the system is significant.

*C. Notice of Proposed Rulemaking*

22. This proceeding was initiated because of the regulatory concerns raised as a result of Comsat's increasing diversification into non-INTELSAT/INMARSAT lines of business. While Comsat's initial diversification ventures involved the provision of satellite communications services which required our regulatory approval, this is certainly no longer the case. Comsat's diversification into new lines of business has become substantial and increasingly involves ventures into unregulated areas.

23. Essentially, Comsat is diversifying into unregulated areas through acquisitions and exploitation of its corporate technology and expertise. It is focusing on ventures in unregulated areas because of the limitations it perceives as placed on its regulated businesses. *Comsat Study* at 599-607. Its stated goal is to increase the value of the corporation and opportunities for profit by expanding its business horizons. This is to be achieved by applying its technology to new activities which either relate to the corporation's basic business, or have satellite communications as an integral part. Comsat stated recently that its basic satellite service business "is now mature enough to enable us to branch out and apply our technological experience in new areas."<sup>4</sup> Comsat's policy of increased diversification warrants a comprehensive assessment of the need for changes in Comsat's corporate structure and operations in light of this Commission's statutory mandate and Comsat's statutory role in INTELSAT/INMARSAT activities. As a follow-on to the Comsat Study this proceeding provides us with a timely opportunity to do so.

24. In instituting this proceeding, we indicated that the structural changes undertaken by Comsat in response to the Comsat Study appear consistent with the general intent of our proposals for structural changes. We noted, however, several shortcomings with Comsat's voluntary changes and sought comment on them. We specifically pointed out that Comsat seeks to maintain Comsat Labs within the parent company. We therefore invited comment on how to treat the problem of allocation of common research and development costs between Comsat's monopoly activities and its other lines of business. In addition, should the Labs

remain in the parent company, we requested comment on how to remedy the technology and information flow problems arising from COMSAT Labs' use of INTELSAT-provided technical and system planning information to support the corporation's other lines of business. We also requested Comsat to identify those administrative and central support services to be shared among its monopoly and competitive ventures and how such costs are to be allocated among the respective activities.

25. Parties in this proceeding express a broad range of concerns about Comsat's increasing diversification into non-INTELSAT/INMARSAT activities. Some challenge Comsat's legal authority to engage on such activities. ABC asks the Commission to (a) conclude, as a matter of law, that Comsat may engage only in the provision of common carriage via satellite and in reasonably related activities, and (b) issue an order directing Comsat to so limit its activities. RCA believes that Comsat should not be allowed to involve itself in ventures, whether regulated or unregulated, not necessary to or in furtherance of its statutory mandate. WUI similarly maintains that all of Comsat's activities must be in direct furtherance of its limited statutorily-mandated INTELSAT/INMARSAT activities.

26. Most parties agree with our assessment in the Comsat Study that Comsat's diversification will be accompanied by opportunity for conflicts of interest, misallocation of costs and other anticompetitive behavior. Some of these parties believe the problems presented by Comsat's potential to engage in anticompetitive conduct are so insurmountable as to warrant preclusion of Comsat's participation in non-INTELSAT/INMARSAT activities as a matter of policy. Others would not have us prohibit Comsat's participation altogether, but they question the effectiveness both of Comsat's voluntary structural changes and of the proposals we set forth in the Comsat Study.

27. Among the principal concerns raised is the ability of Comsat to engage in non-INTELSAT/INMARSAT activities without compromising or abusing its role as U.S. Signatory to INTELSAT and INMARSAT to gain advantages for its subsidiaries in competitive markets. RCA and Teleconsult view Comsat's voluntary changes as cosmetic. RCA argues that Comsat's non-INTELSAT ventures should not be permitted to reach such levels that they obscure or endanger the conduct of statutory obligations.

<sup>2</sup>1981 Comsat Annual Report to Stockholders at page 4.

<sup>3</sup>1981 Comsat Annual Report to Stockholders at page 12.

<sup>4</sup>1981 Comsat Annual Report to Stockholders, page 4.

Teleconsult alleges that Comsat's involvement in satellite equipment manufacturing compromises its independence and ability to exercise professional judgment in the procurement of hardware for the international systems. Hawaiian Telephone Company suggests that Comsat will not fully represent the interests of U.S. international carriers in INTELSAT if those interests are inconsistent with the interests of Comsat's affiliated entities. Hawaiian states that our proposed structural changes, combined with effective Commission oversight and responsiveness, could mitigate many conflicts, but it believes that Comsat's role as a U.S. representative in INTELSAT at least requires greater attention and control. The Electronic Industries Association (EIA) is concerned about potential conflicts resulting from Comsat's decision to engage in manufacturing activities. EIA submits that the close working relationship between INTELSAT and Comsat Labs puts Comsat in a position to influence technical specifications for future INTELSAT systems and equipment and provides its manufacturing affiliates with the opportunity to initiate production and field testing of new INTELSAT equipment before its competitors know of INTELSAT's plans. EIA further submits that, in a short procurement cycle, Comsat's affiliates may be the only U.S. supplies able to meet specified time constraints. American Satellite Company (ASC) is concerned that its business plans will be frustrated by Comsat's conflicts of interest. ASC asserts that this problem is evidenced by Comsat's past opposition to ASC's application to provide cross-border data services to Canada using domestic satellites. Parties express a general view that even under its new corporate structure, Comsat retains the capacity to use its unique status to the advantage of both the parent company and its corporate subsidiaries.

28. Several parties are particularly concerned that our Comsat Study proposals will not prevent anticompetitive conduct by Comsat if we modify our Authorized Users policy<sup>5</sup> as proposed in Docket No. 80-170. *Aeronautical Radio, Inc.*, 77 FCC 2d 535 (1980). These parties assert that if Comsat is permitted to provide INTELSAT services directly to the public, Comsat will have significant incentives to use its monopoly

<sup>5</sup> See *Authorized Entities and Authorized Users*, 4 FCC 2d 421 (1966); *reconsideration*, 6 FCC 2d 593 (1967).

INTELSAT role to engage in anticompetitive conduct in a number of areas. They argue that Comsat will be able to (a) grant preferential treatment to its subsidiary in the form of faster responses to orders for new circuits or requests for maintenance, (b) use a bundled tariff structure to manipulate competitive bids for satellite service contract awards, (c) treat as proprietary INTELSAT-derived information and data having competitive significance, and (d) avoid advancing the interests of competing U.S. carriers in INTELSAT meetings if such interests are not entirely consistent with those of Comsat's subsidiary. They assert that our proposed structural remedies will not provide a guarantee against such predatory conduct. They therefore argue for additional measures if we permit Comsat to enter the end-user market for INTELSAT services.<sup>6</sup>

29. Our proposal to relocate Comsat Labs on the competitive side of the corporation and to require competitive bidding generated a variety of comments. NTIA, ITT, Hawaiian, ASC and EIA support locating the Labs in the competitive side of the corporation and oppose Comsat's placement of the Labs in the World System Division. They believe that location of the Labs in WSD will perpetuate opportunities for misallocation of costs and other anticompetitive behavior (such as the exclusive use of INTELSAT-derived technical information and data). WUI believes that Comsat Labs presents an insolvable dilemma. WUI maintains that locating the Labs in the competitive side of the corporation will provide Comsat's competitive activities with a substantial technological advantage over its competitors because of the quality of the management, research and development, and engineering personnel available from the Labs. On the other hand, WUI asserts that permitting the Labs to remain in the parent company will lead to serious cost allocation

<sup>6</sup> These measures include: (a) limiting Comsat's participation in the end-user market to an arms' length separate subsidiary; (b) granting U.S. international carriers some form of "direct economic", "equitable" or "cost-based" access to INTELSAT space segment; (c) permitting optional decompositing of international rates; (d) unbundling Comsat's rate structure to provide separate charges for space segment access and ground segment access; (e) revising our earth station ownership policy to end Comsat's dominance of ESOC, to permit carrier ownership of earth stations independent of ESOC, and to allow the carriers operational presence at ESOC stations; (f) granting U.S. international carriers observer status at INTELSAT meetings; (g) terminating Commission involvement in the facilities planning and consultative processes; and (h) removing all existing activation restrictions on cable facilities. Many of these issues are being addressed in companion orders adopted today.

difficulties. The Department of State does not take a position as to where the Labs should be placed in the corporation. However, it emphasizes that the growth and success of INTELSAT remain dependent upon the availability of new technology and maintains that Comsat's continued ability to respond imaginatively and decisively to INTELSAT's research and development requirements will have a significant bearing on our ability to maintain an important and purposeful U.S. presence in the INTELSAT organization. AT&T does not specifically address the issue of relocation of the Labs, but it does express concern about our proposed measures regarding intracorporate dealing with respect to research and development.

30. Parties generally agree that there is need for greater access to INTELSAT/INMARSAT-related documents and information. NTIA suggests that all ratepayer-supported research and development performed for INTELSAT be made available to U.S. manufacturers both as completed projects and as periodic status reports. NTIA also points out that while it has been the general practice of INTELSAT Board of Governors' members to pass along to manufacturers in their respective countries technical, financial and operating data and INTELSAT plans for new technology, systems design and operation, Comsat has refused to supply such information to U.S. equipment manufacturers. As a result, U.S. manufacturers find themselves at a disadvantage with respect to foreign manufacturers. NTIA, RCA AT&T and Hawaiian also support wider dissemination of non-technical information. According to AT&T, INTELSAT/INMARSAT facilities planning and design information is necessary to the development of long-term plans for international telecommunications services. Without such information, U.S. carriers are at a disadvantage vis-a-vis carriers in other countries, with whom the U.S. carriers must coordinate and to whom such information is currently made available through their respective Signatories. In sum, these parties believe that we should require the broadest possible dissemination of the entire range of INTELSAT/INMARSAT-related documents and information.

31. In its pleadings, Comsat maintains that its new corporate organization and other measures that it is taking satisfy our concerns about the potential for it to misallocate costs and engage in anticompetitive conduct. Comsat states

the establishment of WSD provides a discrete cost center for its INTELSAT/INMARSAT activities. It asserts that this arrangement also increases its ability to assign directly a greater portion of staff and support costs associated with those activities—in addition to capital costs (investments in satellites, earth station facilities, and other jurisdictional property and equipment). Comsat states such capital costs have always been directly assigned.

32. Comsat also maintains that relocation of the Labs in an affiliate would have "substantial adverse consequences." First, Comsat claims that it would be managerially inefficient. According to Comsat, most of the Labs' current resources are devoted to problems related to the global systems and a significant portion of Labs research will continue to be related to the global systems. Second, Comsat argues that relocation of the Labs would engender unnecessary difficulties with its foreign colleagues in INTELSAT since they would be reluctant to use the Labs as often or as intensively as they have in the past. Comsat states that these representatives fear that a subsidiary will not respond to the needs of the global systems as readily or efficiently as the parent company. In addition, Comsat believes that the proposed relocation would neither ensure better cost allocation nor improve the Commission's ability to review the general terms and conditions of research performed on behalf of the ratepayer. Comsat argues that the Commission now has the regulatory authority to investigate any allegations of abuse and remedy any wrongdoing that might occur. It states that such an investigation would rely primarily upon an audit—the performance of which would be based upon the corporation's accounting system. Any improprieties that were discovered would be remedied through the ratemaking process.

33. Comsat acknowledges the "theoretical possibility" of misallocation of costs arising as a result of its ratepayer-funded research and development programs. Comsat asserts that it has adopted a system of task classification and cost assignment that will minimize the possibility of such problems. It states that it has divided its corporate research and development account into two sub-accounts—a sub-account which encompasses all research and development undertaken by the corporation to benefit its INTELSAT/INMARSAT activities, and a separate sub-account which encompasses

corporate research and development related to Comsat's other endeavors.

34. Finally, Comsat asserts that it has taken steps to accommodate the Commission's concerns regarding access to INTELSAT/INMARSAT-related documents and information. Comsat maintains that it has responded to the concerns about fairness in dissemination of INTELSAT/INMARSAT technology and information. It states that it has adopted policies designed to assure that such documents will be publicly available at the same time they are made available to Comsat affiliates. It also states that its current licensing policy satisfies our mandatory licensing proposal.

### III. Discussion

35. The issues raised in this proceeding fall into several general categories. First we are asked to find, as a matter of law, that Comsat is restricted in its business ventures to satellite-related activities. In essence we are asked to alter the findings of the Comsat Study on this point. Second, assuming no legal impediment exists to Comsat's participation in competitive enterprises, we are asked to restrict the scope of its activities because of the potential detrimental effect on its INTELSAT/INMARSAT obligations and the potential for anticompetitive conduct. Third, we must assess whether further changes in Comsat's corporate structure or operations are warranted to separate INTELSAT/INMARSAT operations from competitive ventures.

36. Before addressing these issues, however, it is necessary to state those issues which we are not deciding in this proceeding. As we have noted, many comments address various regulatory and competitive concerns that relate to modification of our Authorized Users policy. We are today addressing these matters as part of a separate proceeding in CC Docket No. 80-170. Requests by parties for measures such as "direct economic" access to the INTELSAT system and modification of our earth station ownership policy are being handled in other proceedings before us today. We have already addressed the question of observer status for U.S. carriers in INTELSAT meetings. *Comsat Study* at 732. In addition, we have previously severed and disposed of those issues relating to Comsat's participation in the ship earth station market.<sup>7</sup> Finally, we do not believe that

<sup>7</sup>On May 13, 1982, we severed this particular issue from the other issues raised in this proceeding and determined that Comsat could engage in such activities through a separate subsidiary under certain conditions. See *In the Matter of Changes in the Corporate Structure and Operations of the*

this is an appropriate proceeding to consider whether the Commission's involvement in facilities planning and the consultative processes should be terminated.

### A. Comsat's Scope of Authority

37. None of the parties challenging Comsat's legal authority to engage in non-INTELSAT/INMARSAT activities offers any new information or presents any arguments that we did not consider in the Comsat Study. We therefore need not repeat our Comsat Study analysis of this issue. We incorporate this analysis by reference and reaffirm our conclusion that Comsat is permitted under the 1962 Satellite Act to engage in activities which are not inconsistent with its statutory mission. *Comsat Study* at 618. The 1962 Satellite Act and Comsat's Articles of Incorporation make it clear that Comsat must engage in activities that are necessary to the establishment of the global system contemplated by Section 102 of the Act. By the same token, Comsat may not engage in activities that are inconsistent with the Act's purposes and objectives. With respect to other activities, the 1962 Act and the Articles of Incorporation are neutral. We therefore conclude that there is no legal bar, either in the 1962 Act or in the Articles, to Comsat's involvement in non-INTELSAT/INMARSAT activities so long as such activities are not inconsistent with and do not hinder or interfere with the Act's purposes and objectives. This view reflects the broad interpretation that properly should be given to the 1962 Act. It is consistent with past Commission actions in authorizing COMSAT to engage in non-INTELSAT/INMARSAT activities.<sup>8</sup>

### B. Policy Considerations

38. Even if there are no legal restrictions to Comsat's participation in non-INTELSAT/INMARSAT activities, various parties argue that as a matter of sound regulatory policy, Comsat should be foreclosed from participating in them. In the Comsat Study we concluded that the public would benefit from Comsat's applying its expertise in diversified businesses and that Comsat should not be foreclosed from entry into

Communications Satellite Corporation (Ship Earth Stations), FCC 82-219, released May 18, 1982.

<sup>8</sup>See *Domestic Communications-Satellite Facilities*, 22 FCC 2d 86 (1970); *Domestic Communications-Satellite Facilities*, 35 FCC 2d 844 (1972); *Satellite Business Systems*, 62 FCC 2d 997 (1977), *aff'd. en banc sub nom. United States v. FCC*, No. 77-1249 (D.C. Cir. March 7, 1980); *see also* *In the Matter of Magnavox Government and Electronics Company*, FCC 79-463 (July 31, 1979).

competitive areas.<sup>9</sup> This determination was not made in a vacuum. We considered at length the regulatory implications of Comsat's participation in competitive ventures. In so doing we proposed a structure under which Comsat should participate in these activities so as to ameliorate potential regulatory problems. Simply stated, we concluded that, as a matter of policy, Comsat should be allowed to participate in competitive ventures. In so doing, however, its conduct and operations must take into account and satisfy the regulatory concerns raised in the Comsat Study.

39. We incorporate our Comsat Study analysis and reaffirm our conclusion that Comsat should not be foreclosed from applying its corporate technology and expertise to the development of competitive businesses which will result in public benefit. Nothing presented by the parties in this proceeding persuades us that Comsat's involvement in diversified satellite-related ventures would not contribute to the overall development of satellite technology and its original applications. We are unable to conclude, as matter of sound regulatory policy, that Comsat should be limited to its INTELSAT and INMARSAT roles if it can satisfy the concerns we have raised with respect to potential for misallocation of costs and anticompetitive behavior.

40. In this respect, various mechanisms are available to serve as regulatory safeguards as Comsat moves into competitive ventures. Rather than foreclose entry through divestiture, we concluded in the Comsat Study that requiring structural separation between Comsat's INTELSAT/INMARSAT services and its competitive business ventures would meet our objective of finding an "optimal solution to our concerns, while preserving beneficial aspects of Comsat's present integrated structure." *Comsat Study* at 698.

41. Our Comsat Study proposal to impose structural and related measures on Comsat was premised on two factors. First, Comsat is granted by statute monopoly control in the U.S. over international satellite transmission via the INTELSAT and INMARSAT systems. Comsat therefore has monopoly ratepayers to whom it can pass on the costs of competitive services. The potential for misallocation of costs to the detriment of the ratepayer exists not only in the conduct of day-to-day operations associated with monopoly and competitive activities, but

also in Comsat's use of its research and development capability in support of diversified business objectives. Second, Comsat is the recipient of information derived through its role in INTELSAT and INMARSAT. This information relates to satellite communications technology development, market opportunities for products or services resulting from such development, and market capabilities of potential foreign and domestic competitors. Comsat can gain competitive advantages through the use of this information in support of its competitive ventures.

42. Structural remedies provide a tool with which to pursue our regulatory responsibilities. Generally, structural separation reduces the ability of a firm to engage in anticompetitive behavior and enhances the ability of regulatory bodies to detect such abuses should they occur. It does this in part by reducing joint and common costs between affiliated firms. In *Computer II*, for example, structural separation was utilized to separate certain unregulated activities engaged in by AT&T from its provision of common carrier communications services.<sup>10</sup> The use of structural separation in conjunction with accounting provided a sufficient safeguard to permit AT&T to provide certain services and equipment on an unregulated basis.

43. With respect to Comsat, structural separation serves to separate the day-to-day operation of competitive ventures from INTELSAT/INMARSAT activities. At the same time, we recognize that structural separation will not eliminate Comsat's incentive or opportunity to engage in anticompetitive behavior. We recognize the legitimate concern expressed by various parties that, even under structural separation, Comsat may seek to weigh the interests of its competitive ventures in considering INTELSAT/INMARSAT matters and to use its special INTELSAT/INMARSAT roles to gain advantages over competitors. However, the current instructional process serves as a means for the U.S. Government to monitor Comsat's behavior within INTELSAT and INMARSAT in areas where potential self-dealing may arise because of conflicts of interest with its competitive ventures.

44. The comments in this proceeding affirm the need for structural safeguards to address our stated concerns. Upon consideration of these comments, we

conclude that such safeguards should be established. If appropriate regulatory safeguards, structural and otherwise, cannot be established, consideration must be given to restricting Comsat's participation in competitive markets. It is within this context that we affirm our policy determination that Comsat should be allowed to participate in competitive ventures which are not inconsistent with its INTELSAT/INMARSAT obligations.

*C. Assessment of Comsat's Response to the Comsat Study Proposal*

45. We find that Comsat's voluntary structural changes constitute a starting point from which to separate Comsat's INTELSAT/INMARSAT activities from its competitive ventures. The changes undertaken by Comsat are consistent with the basic intent of our proposal that Comsat be separated into two distinct corporate elements for the handling of its INTELSAT/INMARSAT functions and its competitive activities. Under Comsat's reorganization, the parent company will provide INTELSAT and INMARSAT services through the World Systems Division. Non-INTELSAT/INMARSAT business ventures will be conducted through separate subsidiaries. These changes result in the separation of day-to-day operations of INTELSAT/INMARSAT activities from competitive activities except where administrative and support services are shared between affiliated entities. In addition, as we will discuss, Comsat has made some efforts in increasing the availability of INTELSAT and INMARSAT information and technology and data generated by ratepayer-funded research and development.

46. The steps taken by Comsat to date, however, fall short of satisfactorily resolving several fundamental issues raised in the Comsat Study. These issues involve research and development performed by Comsat Labs, allocation of costs for shared administrative and support services, and third-party access to INTELSAT/INMARSAT information. We shall focus on these specific areas and in so doing indicate what further action is required of Comsat to adequately address our concerns.

*(1) Comsat Labs*

47. Research and development undertaken by Comsat Labs can be divided into three categories. The first category involves work done specifically for INTELSAT on a contractual basis. The second category consists of basic research that Comsat does on its own behalf and which is

<sup>9</sup> We use the term "competitive" in this document to refer to existing and future non-INTELSAT/INMARSAT activities engaged in by Comsat.

<sup>10</sup> Second Computer Inquiry, 77 FCC 2d 384 (1980); reconsideration 84 FCC 2d 50 (1980); further reconsideration, 88 FCC 2d 512 (1981), *appeal pending sub nom. Computer Inquiry Associations v. FCC* (D.C. Cir. No. 80-1471, filed May 5, 1980).

generally expensed to the ratepayer. We shall refer to this second category as "corporate R&D." The purpose of Comsat's corporate R&D program is to do research and development in areas which Comsat sees as necessary or promising, but which are not funded by INTELSAT or other external sources. We described the scope of its corporate R&D program in the Comsat Study. The third category consists of work done specifically for a corporate affiliate in support of a non-INTELSAT/INMARSAT activity. *Comsat Study* at 656-658. Both INTELSAT-funded and ratepayer-funded Comsat research provide a technological base for Comsat's activities in competitive markets.<sup>11</sup>

48. In the Comsat Study, we set forth how Comsat is able to use technology developed through corporate R&D to benefit its competitive activities. Comsat's ratepayer-funded corporate R&D has multiple benefits and applications. The technology developed either is general purpose and inherently applicable to most satellite communications needs, or can be intentionally designed for adaptability to diverse satellite communications needs. It is often built upon INTELSAT-funded research performed by Comsat Labs and/or data and information received in connection therewith. We described how Comsat allocates corporate R&D costs solely to its monopoly ratepayers even though such R&D also benefits its competitive activities.

49. In view of the increasing application of Comsat Labs-developed technology to competitive activities, we proposed a change in Comsat's corporate structure whereby Comsat Labs would be located on the competitive side of the corporation. Comsat's corporate affiliates would use the Labs to support various competitive ventures. The Labs would assist the parent company in carrying out its INTELSAT/INMARSAT roles by handling all present and future INTELSAT/INMARSAT-awarded technical services contracts for design and development of succeeding generations of the global systems and laboratory services contracts for research and development support services. It would also carry out

ratepayer-funded basic research and development as the parent company deemed necessary. Under this structure Comsat would be permitted to procure research and development from the Labs on a sole-source basis only pursuant to criteria similar to that used by INTELSAT in awarding sole-source contracts. This would require that Comsat procure all ratepayer-funded research under competitive bidding procedures in order to keep costs at market value and isolate them for purposes of regulatory scrutiny. We also proposed to require that any transaction between the parent company and an affiliate which involves a sole-source research arrangement be reduced to writing and filed with the Commission for public inspection.

50. Our proposal to relocate the Labs was premised on the need to ensure that the ratepayer does not improperly bear costs associated with research and development. However, as we have indicated, Comsat's voluntary restructuring does not include relocating the Labs on the competitive side of its corporate structure. Comsat maintains that relocation of the Labs within an affiliate would have "substantial adverse consequences." It contends that improper cross-subsidization may be prevented by "proper management and auditable accounting" through the task classification and cost assignment scheme that it has developed. Comsat would have us investigate potential abuses through an audit of the corporation's accounting system and remedy any problems through the ratemaking process.

51. While stringent accounting and cost allocation mechanisms may ultimately prove satisfactory if properly implemented, the accounting measures Comsat has taken to date in the research and development area do not adequately address our concerns. We do not agree with Comsat that its task classification and cost assignment approach provides sufficient assurance that ratepayers will not bear a disproportionate share of Comsat's research and development costs.

52. Comsat's current approach to allocating research and development expenses has two deficiencies. First, this scheme is intended only to allocate "corporate R&D" expenses and does not affect Comsat's capital investment in Comsat Labs plant and equipment. Comsat would leave in place the arrangement in existence since the termination of the 1976 Comsat Rate Case under which Comsat includes in its rate base 75 percent of its net investment in the Labs for rate setting

purposes. *Communications Satellite Corporation*, 68 FCC 2d 941, 948 (1978). Our Comsat Study proposal to place the Labs in a corporate affiliate would have required Comsat to change its accounting practices insofar as it directly attributes a fixed percentage of the net investment in the Labs to the ratepayer. Under our proposal, Comsat Labs' investment costs and operating expenses would be recovered through charges to INTELSAT, COMSAT Global, or other corporate affiliates on whose behalf specific research and development work was performed. The extent of ratepayer support of the Labs would be reflected in contractual arrangements between Comsat Labs and the parent company.

53. Regardless of where Comsat Labs is located within Comsat's corporate structure, we question whether 75 percent of the investment in Comsat Labs should be borne by the ratepayer. We found in the Comsat Study that Comsat is commercially exploiting ratepayer-funded technology through specific product lines and services and is focusing its main marketing efforts on developing non-INTELSAT uses for these product lines and services. *Comsat Study* at 669-673. Moreover, information supplied by Comsat in a letter to the Commission shows a budget for Comsat Labs for 1981 of \$38.5 million (see Appendix B). In our review of this budget, we calculated that at a minimum, 54 percent of the Labs' efforts in 1981 were to be devoted to non-INTELSAT/INMARSAT work. We realize, however, that budget information is an estimate of future activity and may not track exactly to the actual costs of non-INTELSAT/INMARSAT activities that were incurred in 1981, but it serves as an indicator of the corporation's plans for research and development expenses for 1981.

54. The second deficiency with Comsat's task classification and cost assignment scheme is that it does not accomplish even the limited purpose for which it is designed; i.e., to allocate corporate R&D expenses on a reasonable cost-causative basis. Comsat allocates corporate R&D expenses on the basis of "an initial determination as to the primary benefitting entity of a project." Under this approach, Comsat makes an initial determination as to whether a research project will primarily benefit its INTELSAT/INMARSAT activities or its competitive ventures.<sup>12</sup> According to Comsat, the

<sup>11</sup> In the Comsat Study, we identified a number of specific, ratepayer-funded Comsat Labs research and development projects which provide a technological base or support for various product lines which Comsat is marketing or is considering developing, such as the echo canceller, low cost TDMA, torus antenna, small earth stations and earth station components, and circuit multiplication equipment. *Comsat Study* at 669-671.

<sup>12</sup> Comsat indicated that this classification scheme does not involve research and development

costs incurred in the latter are not charged to INTELSAT/INMARSAT activities. Rather, these projects are funded by other elements of the corporation, and Comsat's shareholders assume the risk that the results of this research will be applied successfully in competitive ventures.

55. Comsat contends that the "primary benefitting entity" test adequately ensures that ratepayers will bear only those costs that are legitimately incurred on their behalf. However, Comsat recognizes that research charged to the ratepayer may "ultimately prove useful in unregulated competitive endeavors." It further recognizes the "interrelated nature of satellite technology" and that "some research charged to INTELSAT/INMARSAT activities may ultimately prove useful in an unregulated competitive endeavor" \* \* \*<sup>13</sup> Comsat states that a task classification and cost assignment scheme which relies on an initial determination as to the primary benefitting entity of a project "presents the only practicable means of allocating research and development costs." Comsat submits that retroactive revisit of research projects to determine ultimate beneficiaries would be difficult, if not impossible, to administer.

56. We view the "primary benefitting entity" test as overly broad for regulatory purposes. It allows Comsat to allocate to its international ratepayers the total cost of a particular research project even though substantial benefits and applications to competitive ventures are reasonably foreseeable. The cost of a project which theoretically may be 51 percent beneficial to Comsat's INTELSAT functions but 49 percent beneficial to one of its competitive businesses would be totally assigned to the international ratepayer. Thus, from a conceptual standpoint alone, the "primary benefitting entity" test cannot ensure that the ratepayers will bear only those costs that are legitimately incurred on their behalf. The potential for abuse of the test cannot be easily overcome by regulatory oversight since the initial determination of primary beneficiary is made without respect to other benefitting corporate segments.

57. The allocation of the cost of a research project to only one corporate segment is unnecessary. It is clear that

requested and funded by INTELSAT and INMARSAT.

<sup>13</sup> Comsat asserts that the flow of benefits is not unilateral. It argues that given the interrelated nature of satellite technology, the benefits to the INTELSAT and INMARSAT systems that derive from Comsat's competitive research and development activities will reasonably balance those that accrue to Comsat's other endeavors.

the benefits and applications of Comsat Labs research to competitive ventures can be reasonably foreseen. In the Comsat Study, we disagreed with Comsat that any non-INTELSAT benefits or applications of that research are merely "incidental." *Comsat Study* at 704. We stated that such a characterization ". . . is simply inconsistent with the pattern that has evolved in connection with Comsat's commercial exploitation of technology developed pursuant to this program." *Id.* We described the general applicability of Comsat's ratepayer-funded research and noted that Comsat publicly indicated as early as 1973 its intention to explore the potential for commercial exploitation of ratepayer-funded technology.<sup>14</sup> We showed that Comsat is indeed commercially exploiting this technology through a number of specific product lines and services and that it focuses its main marketing efforts on developing non-INTELSAT uses for these product lines and services. *Id.* at 669-673. We concluded that:

The non-INTELSAT benefits that can be derived from Comsat's ratepayer research therefore cannot be termed merely as "incidental." They are impressive. And, it is clear that the future application of research and development, however basic, can reasonably be foreseen. For these reasons, we cannot agree with Comsat that its INTELSAT ratepayers should bear the full costs of corporate research and development. *Id.* at 705.

58. It is not at all evident that the "primary benefitting entity" test will achieve results significantly different from the manner in which Comsat allocated research costs prior to the Comsat Study. We found in the Comsat Study that Comsat's policy for allocating research costs—expensing all general "corporate R & D" costs to the international ratepayer notwithstanding the benefits of "corporate R & D" to competitive ventures—places an unfair burden on the ratepayer. *Id.* at 668. In our Notice in this proceeding, we suggested that Comsat's current assignment scheme continues this old policy. *Comsat Structure Rulemaking* at 300-301. This in fact appears to be the case. Comsat's current task classification and cost assignment scheme continues to allocate totally to the international ratepayer the expenses for the same "corporate R & D" projects that we identified in the Comsat Study as being commercially exploitable by Comsat. This result is the product of Comsat's ability to allocate to the ratepayer, under the "primary

<sup>14</sup> See Comsat's 1973 Annual Report to the Shareholders.

benefitting entity" test, the entire costs of a research project to the ratepayer despite identifiable or reasonably foreseeable benefits to competitive ventures. We therefore reject the "primary benefitting entity" test because it continues to place an unfair burden on the ratepayer.

59. We recognize the difficulties involved in allocating research and development costs which can benefit both monopoly and competitive services. However, these difficulties do not relieve us of our statutory responsibility to ensure that Comsat's participation in competitive ventures is not at the expense of the ratepayer. Effective regulatory review requires accountability for Comsat's decisions to allocate investment in the Labs and research and development expenses to the ratepayer. Any task classification and cost assignment plan employed by Comsat must result in a more reasonable allocation of research costs between Comsat's monopoly and competitive lines of business.

60. Comsat's position that this Commission should rely on accounting rather than applying structural remedies to Comsat Labs can only have merit if Comsat has in place an accounting and cost allocation system that adequately meets our stated concerns. We are unable to find that Comsat presently has such a system. First, unlike our practice for telephone companies, the Commission has not prescribed a system of accounts for Comsat. Comsat designed and implemented its own accounting system.<sup>15</sup> Second, the manner in which the information for Comsat Labs is currently reported to this Commission does not provide adequate data for regulatory purposes. Comsat currently files Annual Report Form M and the monthly report Form 901.<sup>16</sup> Based on these reports, we cannot distinguish between work performed by the Labs that is legitimately charged to the ratepayer, that which should be charged only to competitive ventures, or that which may be charged to both in some appropriate proportion. The current reporting system is so inadequate that we cannot determine the total volume of work done by the Labs from Comsat's reports. Most important, we cannot determine how

<sup>15</sup> Comsat has generally attempted to comply with the general accounting principles set forth in Part 31 of the Commission's Rules and Regulations.

<sup>16</sup> Form M contains financial statements and supporting details about company investment, revenues, and expenses as well as supporting details about plant accounts, depreciation and taxes. Form 901 is a monthly reporting of revenues, expenses and selected items of investment.

much of the total was actually for the ratepayer, INTELSAT/INMARSAT contracts, COMSAT General, or other Comsat subsidiaries. In both reports the investment, revenues, and expenses of the Labs are reported in categories that are recognized as regulated activities.

61. In view of these deficiencies, it would be irresponsible and premature for us to accept Comsat's proposal and to rely on its accounting system as sufficient to address the concerns raised in the Comsat Study. If Comsat is to engage in competitive ventures under a corporate structure that does not separate out Comsat Labs, then it must establish appropriate cost allocation standards and an appropriate accounting and reporting system. Whether or not Comsat is willing to make the necessary changes to satisfactorily address our concerns remains to be seen. However, before we require relocation of the Labs, we believe that Comsat should have an opportunity to develop an accounting and reporting system that properly identifies and allocates costs associated with research and development within Comsat Labs.

62. In developing such a system, Comsat must adhere to certain guidelines. Comsat should account for Comsat Labs as if it were a separate corporate entity and in so doing identify and maintain separate accounts for all investment, revenues and expenses directly applicable to the Labs. Comsat Labs' investment, revenues and expenses should be excluded from regulated operating account classifications in reports filed with the Commission and accounted for in below-the-line accounts which are not considered for ratemaking purposes.

63. This approach constitutes a departure from the existing practice whereby Comsat attributes a fixed percentage of its investment in Comsat Labs to regulated accounts to be borne by ratepayers. In the future, Comsat must justify the inclusion of any Comsat Labs investment and expenses in above-the-line regulated accounts.<sup>17</sup> We do not regard costs associated with work that Comsat Labs does for the specific benefit of corporate affiliates (category three research) as eligible to be reported in regulated accounts. Neither do we regard costs associated with work that Comsat Labs does for INTELSAT or INMARSAT (category one research) as eligible to be reported in regulated accounts. Costs associated with the

<sup>17</sup> A reasonable share of corporate overhead and applicable loadings for the Labs is to be excluded from Comsat's operating expenses when developing costs for ratemaking purposes.

Labs activities conducted for affiliates are to be recovered from those affiliates. Similarly, costs associated with the Lab work to fulfill contracts with INTELSAT or INMARSAT are to be recovered from those organizations.<sup>18</sup> We see no reason for U.S. ratepayers to bear costs associated with either of these categories. Comsat may only report in regulated accounts costs associated with basic corporate R&D (category two research) which was incurred in doing work for the ratepayer. In doing so it may not attribute all costs to the ratepayer for work that will also have reasonably foreseen benefits to its competitive ventures as it now does under the "primary benefitting entity" concept. Comsat should maintain work orders for each research and development project done by Comsat Labs which is charged in whole or in part to the ratepayer. This requirement will provide the Commission with an ongoing record of ratepayer-funded projects for review during the ratemaking process. We do not preclude a return component for that portion of investment in Comsat Labs reflective of work that is justifiably charged to the ratepayer. Such a return component is to be included in operating expenses when developing costs for ratemaking purposes. However, it is not to exceed Comsat's authorized rate of return.

64. We direct Comsat to file within 90 days of the release of this Order a detailed plan as to (a) how it intends to allocate research and development costs; (b) the system to be employed to account for Comsat Labs investment and expenses; and (c) a detailed justification for including any current research and development costs in regulated accounts. Comsat shall also obtain from its independent auditors an assessment of the extent to which Comsat's allocation methodology and accounting system comport with the guidelines we have set forth.

#### (2) Shared Administrative and Support Services

65. In response to our Notice, Comsat described those services which the parent organization would share with WSD and competitive subsidiaries. It also indicated how it would account for any shared activities. While sharing of administrative and support services raises the potential for misallocation of

<sup>18</sup> Comsat ratepayers bear some portion of the cost incurred by Comsat Labs for the Labs' work on INTELSAT contract projects. INTELSAT's total operating costs are recovered from all of its member organizations and Comsat, as an INTELSAT member, is responsible for a portion of INTELSAT's costs. INTELSAT costs incurred by Comsat are passed on to the U.S. ratepayers.

costs, Comsat asserts that the potential for misallocation is minimized by the accounting safeguards it has undertaken. Needless to say, any cost allocation process requires close scrutiny. In implementing *Computer II*, for example, we specifically reviewed AT&T's accounting proposals for shared administrative services and how it proposed to allocate common costs.<sup>19</sup> Various deficiencies were discovered and AT&T was required to make certain modifications. Upon review of the cost allocation process employed by Comsat to allocate shared costs between INTELSAT/INMARSAT activities and its competitive ventures, we find substantial deficiencies in Comsat's cost allocation methodology.

66. Comsat allocates between its monopoly and competitive activities common general and administrative costs incurred by the corporate "home office" and also certain common costs incurred by the World Systems Division in performance of both INTELSAT/INMARSAT activities and support functions for corporate affiliates. As described in Appendix C, Comsat apportions home office costs in a manner comparable to direct assignment by measuring costs applicable to a corporate entity on the basis of the output of the function performed. It then accumulates those expense costs not allocable by direct assignment into a "residual pool" and apportions them by means of a "three-factor formula." This formula is based on calculating the ratio to total of: (1) salary expenses; (2) operating revenues, including amounts charged to and net of amounts received from affiliated entities; and (3) average net book value of tangible capital assets plus inventories (excluding property held primarily for leasing to others) of the entities that are to share costs. The resulting percentages for the three factors are averaged, and the expenses are then apportioned to each entity on the basis of this average.

67. We find that, while application of certain aspects of this methodology is acceptable from a regulatory standpoint, Comsat's use of the three-factor formula to allocate the home office residual expense pool raises serious problems. The question of whether Comsat's use of the three-factor formula will result in a reasonable assignment of the residual expense pool is important because the Commission's authority to audit a carrier's assignment of common costs will not remedy any distortions that result from the three-factor formula.

<sup>19</sup> Shared Services Order, FCC 82-262, released June 6, 1982.

Approval of the three-factor formula as part of Comsat's cost-allocation methodology means acceptance of any distortions which are inherent in the application of the formula to the carrier. We faced a similar problem in acting on AT&T's shared administrative proposal in *Computer II* because subsequent auditing will not reveal misallocations of costs caused by distortions. As Comsat has indicated, the application of the three-factor formula is a mechanical process subject to revenue, investment, and salary variables. A Commission audit can only determine whether the formula is being properly applied. It cannot challenge the results if the formula itself is deficient for the purposes being used.

68. In general, a formula based upon revenues, investments and salaries will allocate the residual expense pool in a manner reasonably consistent with the incurrence of those costs when corporate lines of business are similarly mature in development. That is, the averaging of these three factors will most accurately reflect the incurrence of common costs among corporate segments when lines of business are in comparable stages of development. The use of revenues as an allocative factor, however, can yield distorted results when the lines of business within the various corporate segments are at different stages of development. As discussed in Appendix C, distortions may occur when a corporation having mature lines of business with large operating revenues and substantial investment in plant and equipment diversifies into new ventures. Distortions will be perpetuated as long as the corporation is involved in developing new business ventures while maintaining mature businesses that have comparatively large operating revenues and plant and equipment investment.

69. Comsat's corporate make-up contains all of the elements necessary to cause distortions in the application of the formula. Comsat has a mature line of business in providing international satellite services through INTELSAT. This business accounts for the largest portion of corporate operating revenues, investment and salaries. Comsat is actively pursuing a policy of diversifying into new lines of business. These new businesses are at various stages of development and not fully mature in terms of either investment in plant or generation of revenues. Because of the potential for distortion, we find that Comsat's use of the three-factor formula to apportion the residual expenses will

not ensure a reasonable result. Accordingly, we reject it.<sup>20</sup>

70. The conceptual deficiencies of the three-factor formula notwithstanding, we find that Comsat's cost allocation methodology raises two specific problems. First, use of budgeted rather than actual data to estimate entries into the three-factor formula adds a subjective element to the allocation process. Comsat budgets revenues, property and salary projections at the beginning and middle of the year and uses these budgets for six months. No correction is made at the end of the six month period for deviations of the budget figures from actual figures. We have noted substantial deviations of this kind in the property, revenue, and salary budgets for 1980.<sup>21</sup> We find that the use of estimates during the year are permissible only if the final allocation to the ratepayer is based on actual figures. Comsat should revise its allocation at least once a year to bring it into conformity with actual figures.

71. Second, Comsat excludes substantial capital investments of its subsidiaries from computation of the capital investment factor in the three-factor formula. Comsat fails to account for most of the tangible assets of Comsat General in the three-factor formula. Comsat excludes 100 percent of the assets of the COMSTAR satellite system and 75 percent of the assets of the MARISAT satellite system. We find that Comsat's exclusion of its COMSTAR and MARISAT investments is unreasonable, that it distorts the three-factor formula and that it results in more costs being allocated to Comsat's INTELSAT/INMARSAT businesses than warranted.

72. An allocation methodology specifically tailored to Comsat's unique organization and complement of businesses is necessary to assure cost apportionment reflective of what is happening in the corporation. Comsat should consider allocating residual expenses based on gross operating expenses. Under such a methodology Comsat would spread residual expenses between corporate segments on the

<sup>20</sup> In our Shared Services Order we required AT&T to remove revenues as a factor in its composite accounts because it would serve to understate costs attributable to the subsidiary. FCC 82-262 at para. 53.

<sup>21</sup> For example, while Comsat budgeted WSD's net property as \$283.1 million for 1980, the actual net property shown on Comsat's Form 901, December 1980, was \$228.3 million. Similarly, Comsat budgeted \$212.2 million for WSD's revenue in 1980, while the Comsat Annual Report shows only \$161.1 million of INTELSAT/INMARSAT operating revenue for the same year. The differences between actual and budgeted figures appear to have increased the amount of home office costs allocated to WSD for 1980.

basis of each segment's gross operating expenses as a percent of the corporation's gross operating expenses.

73. In sum, Comsat must remedy the deficiencies of its proposal for allocating common administrative and support services. We direct Comsat to file within 90 days of the release of this order a report on the measures it intends to take to remedy these deficiencies and to clearly state how it intends to account for all administrative and common support activities to be shared between the parent organization and its competitive subsidiaries. Comsat must also demonstrate that it tracks costs in a manner which is auditable by Commission staff.

### (3) Information Flow

74. Another fundamental concern raised in the Comsat Study is Comsat's access to INTELSAT/INMARSAT information and its use of this information to its advantage in competitive ventures. This information includes not only information and data about satellite communications-related technology developments, but also knowledge of when and where a market could exist for its products or services. We described how, as the U.S. Signatory in INTELSAT, Comsat both learns from and contributes to INTELSAT technology development and can exploit this relationship to the commercial benefit of its competitive business activities. *Comsat Study* at 648. These competitive advantages flow from (a) intracorporate transfer of INTELSAT-provided technology and information to support competitive activities, and (b) integration of Comsat's INTELSAT system planning and technology development functions with competitive activities. Access to this information can provide Comsat's competitive affiliates with "lead time" advantages in particular markets. In addition, Comsat's role in INTELSAT/INMARSAT system planning and technology development provides it with the opportunity to influence specifications of technical parameters for equipment used in connection with the global system, and to set performance standards for the INTELSAT system. These standards have importance beyond the INTELSAT system to the extent other systems seek compatibility with INTELSAT.

75. We proposed in the Comsat Study that Comsat not be allowed to treat as proprietary or confidential any technology and information to which it has access by virtue of its unique INTELSAT/INMARSAT roles and which it makes available to its affiliates.

Essentially, our approach was to broaden information flow to U.S. industry rather than preventing information flow between Comsat and its affiliates. We suggested that as a general rule any such technology and information made available to affiliates would have to be made immediately and fully available to the public.

76. This proposal drew a variety of comments. Many parties support it, but ask that the requirement be expanded to include certain information which they allege it fails to cover. NTIA agrees with our general approach. However, it asks that we also consider requiring Comsat to make planning, marketing and financial data available to the public because it believes that such information might be of assistance to U.S. industry in participating in INTELSAT procurement. AT&T and other carriers similarly ask that we both expand and modify our proposed requirement. AT&T maintains that Comsat should be required to make INTELSAT/INMARSAT facilities planning information publicly available even if such information is not provided to a Comsat affiliate. RCA and Hawaiian support AT&T's contention. The Electronic Industries Association states that other INTELSAT members pass INTELSAT technical and planning information to manufacturers in the members' countries. EIA maintains that withholding such information from U.S. manufacturers puts them at a disadvantage with respect to foreign manufacturers as well as Comsat's competitive equipment manufacturing affiliates. Finally, the Department of State points out that it, together with NTIA and the Commission, has been discussing with Comsat the establishment of a framework that will afford the greatest possible public access to INTELSAT documents while protecting important public and private interests.

77. Comsat believes that procedures which it has adopted or intends to adopt will satisfy our concerns in this area. Comsat indicates that certain INTELSAT information is already distributed by both itself and INTELSAT (INTELSAT RFP's annual summary of research and development contracts, INTELSAT Satellite System Operations Guide, *Comsat Technical Review*, *Report to the President and Congress*, and summaries of Comsat Labs' R&D accomplishments). Comsat states that it is taking additional steps to make information available in view of the concerns that we expressed in the Comsat Study. First, Comsat states that in conjunction with the Department of

State, NTIA and the Commission, it is developing procedures to broaden the availability of INTELSAT information. Second, Comsat states that it "is in the process of implementing internal procedures to assure that corporate affiliates are not given access to INTELSAT and INMARSAT documents except on the same basis as unaffiliated entities." According to Comsat, documents will be made publicly available at the same time and on the same terms and conditions as they are made available to affiliates. Comsat opposes the distribution of planning documents because it believes that such distribution will jeopardize INTELSAT/INMARSAT interests. Comsat states that these documents contain information about proposals for system evolution, operational plans, business plans, contracts, budgets, charges and terms of services procurement, intersystem coordination, and new facilities. It believes that public scrutiny of this material before final action is taken by the international organizations will constrain decision-making within these organizations. Comsat also opposes EIA's proposal that it be required to make information available without charge.

78. Hawaiian believes that Comsat's proposal for broadening the availability of INTELSAT documents is "a step in the right direction," but asserts that it must be expanded to provide for dissemination of planning information and meeting agendas and minutes. Hawaiian asserts that this information should be made available whether or not it is provided to Comsat's affiliates. AT&T states that its concern about the current unavailability of INTELSAT and INMARSAT planning and design information may be satisfied by Comsat's proposal. However, AT&T made this statement prior to Comsat filing its reply comments opposing the distribution of such information. Finally, NTIA believes that in view of the controversy surrounding the proper extent of distribution of INTELSAT documents, the Commission should establish guidelines for such distribution. NTIA states that it will continue to work with the Commission, as well as with the Department of State and Comsat, to define the types of documents that are appropriate for distribution.

79. *General approach.* In this proceeding, we adopt measures to broaden public access to INTELSAT information consistent with U.S. law and INTELSAT procedures. We deal with three categories of information. The first category consists of INTELSAT

Board of Governors documents. We take the position that once Board of Governors documents are provided to the Commission they become agency records which are subject to disclosure under the Freedom of Information Act (FOIA). Because the FOIA was enacted to permit greater public access to government information, we are establishing a framework under which a threshold determination is made as to those categories of documents which should be made available to the public and those which should be withheld when they are received by the Commission. As to documents which Comsat believes should not be routinely available for public inspection, Comsat must demonstrate that confidential treatment is warranted under the FOIA. The second category encompasses INTELSAT facilities planning documents. Rather than adopt a blanket requirement for public release of this information, as some parties have urged, we adhere to the above framework as set forth for category one documents without imposing special disclosure requirements. The third category consists of inventions and technical data which arise out of or are utilized in work performed at INTELSAT's expense. INTELSAT has established procedures for the dissemination of this information. For purposes of accessing this information, we are requiring Comsat to treat as its designee any U.S. firm which complies with these established procedures.

80. There may be some information which is not routinely available to Comsat's potential competitors. We recognize, for example, that INTELSAT and INMARSAT may require protection of information or data that they or their other contractors provide to Comsat Labs in connection with sole-source research performed by Labs on behalf of these organizations. In such cases, the Labs should not be permitted to provide this information to corporate affiliates or otherwise use it in developing products or services for Comsat's affiliated subsidiaries. Therefore, as a general rule, neither Comsat's World Systems Division nor any other unit within the parent company may make INTELSAT information available to a corporate affiliate that is not otherwise available to the general public under the same terms and conditions. Comsat must establish control mechanisms sufficient to ensure that entities within the parent organization, including Comsat Labs, do not disclose to any of its competitive subsidiaries technical data or information generated by INTELSAT or INMARSAT-funded work unless it

makes such information available to non-affiliated entities under the same terms and conditions. Such control mechanisms must also assure that Comsat and Comsat Labs do not utilize for competitive purposes any proprietary information which a non-affiliated entity must submit directly to INTELSAT or INMARSAT or to Comsat as U.S. Signatory in these organizations. Comsat is directed to file with the Commission within 90 days of the release of this order a detailed description of such control mechanisms.

81. *Board of Governors documents.* INTELSAT Board of Governors documents are prepared by INTELSAT management to assist the Board of Governors in the planning and operation of the global system. These documents include system status reports and operating data, system planning, design and technical information, and financial and other administrative information. This Commission, NTIA and the State Department receive them from Comsat as a necessary aid in carrying out governmental oversight of Comsat's participation in INTELSAT as required by Section 201 of the Communications Satellite Act.

82. Comsat has historically requested each agency to accord confidentiality to Board of Governors documents and not release them to the public. However, in 1978, the Commission, NTIA and the State Department began a joint effort to broaden their availability to the public where confidentiality is unwarranted under applicable law. The goal of this joint effort has been to establish a framework for the identification and protection of limited categories of INTELSAT information which may warrant confidential treatment. The agencies have made it clear that the fundamental principle established by the Freedom of Information Act and other legislation is that "information in the possession of the government must be made available to the public unless it falls under one of the statutory exemptions to disclosure."<sup>22</sup> We restated this principle in the Comsat Study. *Comsat Study* at 804. Pending establishment of a framework for protection of limited categories of INTELSAT information, we have accorded confidentiality to Board of Governors documents and released them to the public on an *ad hoc* basis upon request made under the Freedom of Information Act.

<sup>22</sup> See letter from Director, Office of International Communications Policy, Department of State, to Vice President and General Manager, International Division, Communications Satellite Corporation; November 21, 1978.

83. The administrative burden on the Commission to date in treating requests for Board of Governors documents has not been great. These requests have come from U.S. carriers for facility planning documents.<sup>23</sup> However, as Comsat increasingly expands into competitive markets, it is likely that greater public demand for Board of Governors' documents will evolve. Comsat's access to evolutionary planning and technical Board of Governors documents can provide it with advance knowledge of technical specifications and marketing information which can provide Comsat with lead-time advantages over U.S. firms in specialized communications equipment and special user-oriented service markets. The Electronics Industries Association, for example, has expressed particular concern regarding these types of advantages and indicated a need for greater dissemination of INTELSAT information to U.S. firms.

84. Comsat has proposed to divide Board of Governors documents into three categories: (a) status/reports documents and approved specifications; (b) evolutionary/planning documents; and (c) confidential internal financial and competitive documents. Comsat would disseminate all documents in the first category. It would also disseminate those in the second category on which the Board of Governors has taken decisive action. It would develop a list of parties interested in obtaining INTELSAT documents and periodically provide to each party information as to what documents are available on a cost-reimbursable basis. Comsat believes that 80 percent of the Board of Governors documents could be made available in this manner. Documents in the third category would not be made publicly available. Comsat maintains that these documents contain confidential information, the dissemination of which "might jeopardize INTELSAT's operations." Comsat would continue to request privileged treatment of all INTELSAT documents provided to the U.S. government to assist in the performance of its responsibility to provide guidance and instructions to the U.S. Signatory. Comsat expects the Commission to treat INTELSAT documents as working papers and not place them in public files.

85. Comsat recently announced implementation of its proposal.<sup>24</sup> It

stated that it would make certain documents immediately available for release on a cost-reimbursable basis; but remaining documents which it said contain confidential information would not be made available. Through the State Department, the U.S. Government imposed no objection to public dissemination of those documents Comsat proposed to be available for release.<sup>25</sup> However, Comsat's action was viewed as an "interim measure" while the status of remaining documents was still under consideration.

86. We believe that a framework should be established which provides for increased public access to those documents while at the same time protecting documents which merit confidential treatment. Accordingly, we intend to render a threshold determination as to those general categories of Board of Governors documents which should be made available to the public and those which should be withheld on a continuing basis. Within this framework Comsat would have an opportunity to satisfy the Commission as to those general categories of documents which should be withheld under FOIA standards. All other general categories of documents would be made available for public inspection as they are received by the Commission.

87. It is clear that once Board of Governors documents are provided to the Commission they become agency records subject to the Freedom of Information Act. The underlying policy of the Freedom of Information Act governs distribution of documents in the government's possession. The FOIA is a broadly conceived statute which was enacted to permit access by the public to official government information. The FOIA places a general obligation on an agency to make information available to the public, and sets out specific procedures for disclosure of certain types of information. Information subject to the FOIA can be withheld only pursuant to one of nine exemptions listed in the Act. As an agency, we are obligated to comply with the Act's requirements and face litigation if we improperly withhold records.

88. Certain aspects of Comsat's proposal conflict with our responsibilities under the FOIA. First, Comsat proposes to be the sole

FCC: February 11, 1982; and Comsat news release and public notice; January 12, 1982.

<sup>23</sup> See letter from Director, Office of International Communications Policy, Department of State, to Edward J. Martin, Vice President, Maritime Services, COMSAT World Systems Division; January 4, 1982.

<sup>24</sup> See letter from Vice President and General Counsel, COMSAT World Division, to Secretary,

distributor of INTELSAT documents for which it claims no confidentiality under an FOIA exemption. Notwithstanding its admission that approximately 80 percent of all Board of Governors documents will be suitable for public dissemination under its proposal, Comsat would have the Commission refrain from placing these documents in the Commission's public files. Parties would have to obtain these documents from Comsat by first getting placed on a list Comsat would keep of parties interested in receiving documents and then ordering desired documents from a list of available documents provided by Comsat on a periodic basis. We reject this procedure as inconsistent with our obligations under the FOIA. The FOIA requires us to honor requests for information not subject to a claim of exemption. This responsibility does not change because of Comsat's willingness to serve as the source of distribution. Moreover, Comsat's scheme could cause unnecessary delay to Comsat's competition in obtaining information from category one documents that the Commission otherwise would make immediately available. Therefore, we are of the view that INTELSAT documents for which Comsat does not claim a specific FOIA exemption should be placed in the Commission's public file and made available without resort to Comsat.

89. Second, Comsat's proposal that categories two and three documents be identified as Commission "work papers" is also inconsistent with the provisions of the FOIA. There is no FOIA exemption which protects agency "work papers" *per se*. The only exemptions which could be construed as addressing "work papers" are the fifth (interagency or intraagency memorandum) and seventh (investigatory files). The language of the fifth exemption clearly limits its application to internal government-generated documents. INTELSAT Board of Governors documents are not government-generated documents. The application of the seventh exemption requires a showing that the records have been collected for "law enforcement purposes." An agency's broad regulatory or monitoring responsibilities do not qualify as "law enforcement." *Sears, Roebuck & Co. v. GSA*, 509 F. 2d 527 (D.C. Cir. 1974); *Lamont v. Dept. of Justice*, 475 F. Supp. 761 (S.D.N.Y. 1979). Even if records have been compiled for law enforcement purposes, the agency wishing to withhold must show that the release of the particular records is likely to cause demonstrable harm to its investigatory effort. Therefore, neither

the fifth nor the seventh exemption could be used to withhold INTELSAT documents.

90. It appears that the only FOIA exemption which may be applied to category two and three documents is the fourth, the exemption which protects "trade secrets and commercial or financial information obtained from a person and privileged or confidential."<sup>26</sup> Interpretation of this provision has turned on the words "privileged" and "confidential". In applying these terms and attendant exemption four status, courts have found that an agency must first show that the company whose records are at issue actually faces competition. *National Parks Conservation Association v. Kleppe* ("National Parks II"), 547 F. 2d 673 (D.C. Cir. 1976). Secondly, the agency must demonstrate a likelihood that release will damage the government's ability to obtain such information in the future or cause substantial competitive harm to the company which generated the records. *National Parks and Conservation Association v. Morton* ("National Parks I"), 498 F. 2d 765 at 770 (D.C. Cir. 1974). Comsat does not attempt to show in its comments in this proceeding that either it or INTELSAT faces competition and that its competitive position would likely be harmed were categories two and three to be disclosed.<sup>27</sup>

91. In light of the foregoing, Comsat's proposal must be modified. Consistent with our determination to render a threshold determination on the status of INTELSAT and INMARSAT documents, Comsat is directed to report to the Commission within 90 days of release of this order. In its report, Comsat is to identify and list the types of INTELSAT Board of Governors and INMARSAT Counsel documents which it considers falling within category one and available for public dissemination. These documents will be made available for public inspection at the Commission, Board of Governors documents containing the agenda of each Board of Governors meeting and INMARSAT documents containing the

<sup>26</sup> Exemption one, concerning national security and foreign policy interests permits withholding only when documents have been classified pursuant to executive order.

<sup>27</sup> However, where the documents contain information which "concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures . . .", 18 USC 1905, the Commission may not disclose the information irrespective of its determination of competitive harm under the *National Parks* test, without specific statutory authority implemented by notice and comment rulemaking. *Chrysler Corp. v. Brown*, 441 U.S. 281 (1979).

agenda of each INMARSAT Council meeting should be included in category one. Comsat is also to identify and list the types of INTELSAT and INMARSAT documents which it believes fall under categories two and three and require confidential treatment. For these types of documents, Comsat must show that confidential treatment is permitted under the FOIA. Comsat is to provide a description of the information contained in each type of document as required by Sections 0.457(d) and 0.459 of the Commission's Rules and indicate under which FOIA exemption the document should be treated as confidential.

92. A threshold determination will be made as to which types of category two and three documents, as general classes, merit confidential treatment. In doing so, we will give weight to the views of NTIA and the State Department. Through this process we will not have to review each individual document issued after every Board of Governors meeting. For those types of documents that we determine merit confidential treatment, we will issue a letter to Comsat confirming that they will be held as non-routinely available and stating that Comsat's future filings of like documents will be treated similarly. All other category two and three documents will be made available to the public along with category one documents. If the Commission receives an FOIA request for any non-routinely available category two or three documents, the specific documents must be reviewed to determine whether continued withholding is appropriate. We believe that this procedure respects the rights of both Comsat and its competitors and meets the requirements of the FOIA, while avoiding the time-consuming process of ruling on each and every document submitted by Comsat.<sup>28</sup> We instruct the Chief, Common Carrier Bureau, to take such steps as may be necessary for its implementation.

<sup>28</sup> We will not apply this process to the Board of Governors documents now in the possession of the Commission. It is unclear that the large number of documents accumulated since 1964 (including ICSC documents) will be in such demand as to justify commitment of Commission resources to determine which documents should continue to be withheld. In the alternative, we will make available those accumulated documents which Comsat has determined by its own review process belong in category one and no longer require confidential treatment. All other documents will be subject to release upon specific request under the Freedom of Information Act. If there evolves a significant demand for Board of Governors documents that are now in the Commission's possession, but for which Comsat continues to claim confidentiality, we instruct the Chief, Common Carrier Bureau, to develop an administrative process for their release consistent with the FOIA.

93. *Facilities planning information.* We note that AT&T and other parties do not elaborate on the types of documents which they regard as falling within the area of facilities planning information. The Commission receives INTELSAT planning information from Comsat for use in the facilities planning process. This information is generally contained in Board of Governors documents. Some parties apparently seek imposition of a blanket requirement for the public release of these documents because of their relevance to the facilities planning process. However, such a requirement would ignore Comsat's rights under the FOIA to seek confidentiality of facilities planning documents. Consequently, we cannot agree with such an approach. Under the FOIA, Comsat must be accorded the same opportunity to seek confidential status for INTELSAT facilities planning documents as it does for other INTELSAT documents which it believes fall within an FOIA exemption. We believe that the procedures that we have proposed above will afford such an opportunity. No special requirements for the dissemination of facilities planning documents need be imposed.

94. *Inventions and technical data.* We face different circumstances regarding inventions and technical data resulting from or utilized in work performed at INTELSAT expense. Intellectual property of this type is not routinely supplied to the Commission.<sup>29</sup> Dissemination of INTELSAT inventions and technical data is governed by specific INTELSAT principles and procedures. Article 17 of the INTELSAT Operating Agreement provides for the identification and distribution to Signatories and their designees of rights acquired by INTELSAT in inventions and technical data. INTELSAT implements this provision through procedures for publication and distribution of inventions and data reports to Signatories and their designees.

95. Article 17 also provides that INTELSAT technical data and patent rights be licensed royalty-free for INTELSAT purposes, and under reasonable terms and conditions to be determined by the Board of Governors for non-INTELSAT purposes. The primary rights to INTELSAT technology generally rest in the contractor. INTELSAT acquires license rights to such technology. Signatories and their designees may acquire license rights on

a royalty-free basis for INTELSAT purposes and under reasonable terms and conditions for other purposes.<sup>30</sup>

96. INTELSAT maintains a Patent Portfolio that contains over 500 patents and patent applications on nearly 100 separate inventions. Most of these inventions are the result of work performed by Comsat as INTELSAT manager and later as the Management Services Contractor.<sup>31</sup> Comsat retains title to these inventions. Comsat states that, as the U.S. Signatory, it will designate all qualified applicants in the United States as eligible to obtain rights to patented inventions that result from research undertaken by either Comsat or any other contractor on behalf of INTELSAT. However, we believe that public availability of the INTELSAT Patent Portfolio at the Commission is necessary to inform interested U.S. parties of the full range of opportunities to obtain rights in INTELSAT-funded inventions. As we have stated, the Portfolio contains information concerning inventions resulting from work done by contractors other than Comsat Labs. Therefore, we require Comsat to provide the Patent Portfolio to the Commission for public inspection during normal business hours.

97. The INTELSAT Data Handbook identifies technical data and information (reports, drawings, computer programs and technical papers) generated or utilized in INTELSAT-funded work and outlines the procedures for obtaining such information. The Data Handbook contains a cumulative listing by subject matter of such technical data and information. The stated purpose of the Handbook "is to provide increased access" for INTELSAT Signatories and their designees to such information. It sets forth the procedures by which these parties can obtain this information.

98. The Data Handbook provides a useful tool by which to assure that U.S. firms competing with Comsat in non-INTELSAT activities will have access to INTELSAT technology and information in a manner consistent with INTELSAT policy and contractual restrictions. In view of Comsat's increasing activities in competitive markets, there is a need for exposure of the opportunities available

<sup>29</sup> The exception to this arrangement pertains to work performed by Comsat as the Management Services Contractor to INTELSAT from 1974 through 1978. Under the terms of Comsat's MSC contract, INTELSAT obtained primary rights to inventions and data generated by research that Comsat performed as the MSC.

<sup>31</sup> A few inventions are included in the Portfolio as a result of contractual arrangements with other entities in which INTELSAT obtained primary rights to these inventions. Others are included because some INTELSAT contractors under current policy elected not to file patent applications.

to Comsat's potential competitors to obtain licenses to the INTELSAT technology to which Comsat has access as the U.S. Signatory. In this respect, Comsat has returned to its former practice of providing the Handbook to the Commission for public inspection. Comsat is directed to provide all supplements and revisions to the Handbook to the Commission on a timely basis.

99. The availability of the Data Handbook to Comsat's competitors will not assure their access to the technical data and information listed therein. Neither the Handbook, nor Article 17 of the Operating Agreement or INTELSAT's Data and Distribution Procedures define the term "designee" of a Signatory or otherwise limit its application. INTELSAT policy encourages the broad dissemination of INTELSAT-funded technology not only to promote its use in connection with the global system, but also for other purposes in order to stimulate independent development and improvement of the technology. In view of this policy, Comsat, as the U.S. Signatory to INTELSAT, shall treat as its designee for obtaining such technology any U.S. firm which can comply with the requirements of such procedures. Comsat has a responsibility to assist U.S. industry in obtaining such technology for use consistent with INTELSAT policy by representing qualified U.S. firms to the Director General as designees and rendering reasonable assistance to them in obtaining the technical data or information that they desire.

#### D. Other Measures

##### (1) Mandatory Licensing

100. In the Comsat Study, we proposed mandatory licensing to give Comsat the incentive not to allocate research costs to the ratepayer if it wishes the benefits of such research to apply exclusively to its competitive activities. We proposed that when the parent company enters into a sole-source arrangement with the Labs for research and development, the primary rights (title) to inventions and data generated by such research are to reside in the parent company. If the parent company grants license rights to an affiliate, it must make license rights available to competitors at the same time and under the same conditions. We stated that we would not require mandatory licensing with respect to inventions and data generated by ratepayer-funded research done pursuant to competitive bidding. In such

<sup>28</sup> The Commission does receive Board of Governors annotated reports on the status of INTELSAT research projects. These reports are documents which are subject to the classification process discussed above.

cases, the parent company would be free to specify in the RFP where title to inventions and data would reside. For inventions and data generated by ratepayer-funded research done by other contractors, the parent company could follow normal practices which would place primary rights (title) to inventions and data with the contractor.

101. Comsat maintains that its current licensing policy satisfies the objectives of our proposal. Comsat states that it owns or has rights to license all technical data and patented inventions that result from research and development undertaken and funded by it as part of its INTELSAT/INMARSAT activities. Comsat further states that it will continue its current policy of licensing all such technology on a nondiscriminatory basis. Comsat indicates that it normally licenses technology to all financially qualified applicants (including affiliate), but reserves the right to grant exclusive licenses in such situations "in order to ensure that the products involved are promptly manufactured and marketed." In addition, Comsat indicates that it will periodically (at least annually) publish a catalogue listing "all technical documentation and patented inventions available for licensing through Comsat".

102. The primary concern behind our licensing proposal is the opportunity Comsat has to make inventions and data generated by ratepayer-funded research and development available to an affiliate on an exclusive basis. Our proposal to require Comsat to make available to the public license rights to inventions and data generated by ratepayer-funded, sole-source research conducted by Comsat Labs was intended to minimize the opportunity for such conduct. We find that Comsat's licensing policy goes beyond our Comsat Study proposal by licensing all ratepayer-funded inventions and data whether or not made available to corporate affiliates. It provides a framework for regulatory oversight of Comsat's licensing practices and a benchmark from which Comsat's competitors can base complaints to the Commission if they believe that they are not getting access to ratepayer-funded research on an equal basis with Comsat affiliates. We retain jurisdiction to review Comsat's grant of exclusive licenses to assure that this mechanism is not used to unreasonably deny access to ratepayer-funded research products.

103. Comsat has recently announced the availability of the COMSAT Data Catalog which identifies documentation and patents that result from ratepayer-funded research and development.

According to Comsat, the Data Catalog lists and describes specific data items presently available which have resulted from previous and ongoing ratepayer-funded research and development. In addition, the Data Catalog lists and describes current projects which are a likely source of new documentation. Comsat states that rights of use of the data items will in many instances be without additional cost but in certain cases may be subject to payment of a reasonable royalty and nondiscriminatory terms and conditions. Comsat indicates that the Data Catalog is available for a fee, with an additional charge for semi-annual updates. It has filed a copy with the Commission and we have made the Data Catalog available for public inspection.

104. Annual publication of a catalogue that lists patents available for licensing through Comsat is helpful in attaining our objectives. However, semi-annual updates do not provide sufficient notice to the public of the opportunity to obtain licenses. Comsat's affiliates will have knowledge of the availability of ratepayer-funded technology long before an annual catalogue is compiled and published. We therefore will require Comsat to notify the Commission about the availability of ratepayer-funded technology for licensing at the time such technology becomes available. The Commission's staff will publish this information in a Commission public release. In this way, Comsat's competitors will have a faster means of learning of the availability of ratepayer-funded technology.

## (2) Limitations on Financial Support of Affiliates

105. Two parties in this proceeding call for limitations on the extent to which Comsat provides financial support for investment in an affiliate's competitive ventures. ABC asserts that we should require Comsat to submit a plan for consideration and approval, after public notice and comment, which would: (a) set forth Comsat's capitalization plans for existing and planned non-INTELSAT/INMARSAT activities; (b) establish limits on the amount of parent company investment in such activities; (c) limit direct and indirect liabilities undertaken by the parent company on behalf of its affiliates; and (d) limit the amount of credit the parent company can extend to its affiliates. WUI argues that Comsat will manipulate what it terms "unfairly obtained capitalization and asset valuation" in an anticompetitive fashion. WUI states that Comsat will be able to use surplus capital funds not applied to its original statutory mission

to support competitive ventures by manipulation of asset valuation.

106. In response to ABC, Comsat contends that it demonstrated in the Comsat Study that it will be able to meet its INTELSAT and INMARSAT financial obligations notwithstanding investment in competitive ventures. As for WUI's contentions, Comsat first maintains that capital initially raised by Comsat but not invested in its jurisdictional enterprises was derived solely from the shareholders and may be used by the corporation for the shareholders' benefit. Second, with regard to 'investment of profits from its INTELSAT operations, Comsat implies that it has the same right as any regulated firm "to use and invest lawfully earned net income as it sees fit, subject to certain legal constraints."

107. The requirements that ABC seeks to have imposed on Comsat are similar to those that we imposed on Comsat when it created COMSAT General. In 1973, we required Comsat to form COMSAT General to pursue domestic satellite ventures and any other non-INTELSAT related activities to assure that it would continue to be able to discharge its financial obligations to INTELSAT. *Domestic Communications Satellite Facilities*, 35 FCC 2d 844 at 853 (1972). We required that the establishment of COMSAT General be supported by a plan providing for its eventual financial independence from the parent company. We placed limits on the amount of investment that the parent company could make in its new subsidiary and on the liabilities which the parent could assume on behalf of the new subsidiary. We required COMSAT General to exhaust all available opportunities for outside financing before seeking additional funding from the parent company. And we required Comsat to seek prior Commission approval for any additional funding of COMSAT General. *Communications Satellite Corporation*, 45 FCC 2d 444, 450-51 (1974).

108. It is not evident that prior approval of a comprehensive capitalization plan at this time is essential for meeting our statutory responsibilities. The same can be said for any action that would impose across-the-board limitations on the future investments of the parent company in support of its competitive activities. Of course, Comsat is free to file such a plan if it so desires. In the absence of a comprehensive plan, however, we can fulfill our statutory responsibilities through *ad hoc* Commission oversight of Comsat's individual investment decisions. This

can be accomplished through Commission review of Comsat's Title II or Title III applications filed with the Commission. Moreover, with respect to Comsat's ability to issue shares of capital stock, to borrow moneys or "to assume any obligation in respect of the securities of any other person", Congress has already mandated under Section 201(c)(8) of the 1962 Satellite Act that Comsat may be authorized to engage in such issuance, borrowing or assumption only upon a Commission finding, in each instance, that the action contemplated is compatible with the public interest and "necessary or appropriate for or consistent with carrying out the purposes and objectives" of the 1962 Satellite Act by Comsat.<sup>32</sup>

109. In those instances where approval under Title II, Title III or Section 201(c)(8) is not required, the only requirement we impose on Comsat at this time is that it must provide the Commission with at least 90 days advance notice of any expenditures related to a competitive venture which would necessitate or result in Comsat having to seek additional debt or equity financing for other corporate activities. The Commission's staff will then have an opportunity to assess the impact on both the ratepayer and on Comsat's ability to meet its INTELSAT/INMARSAT financial obligations. If the Commission, or the Common Carrier Bureau pursuant to delegated authority, takes no action within this period, Comsat may proceed with its plans without prior Commission authorization. We reserve the right, however, to approve such expenditures depending upon the complexity of the issue at hand. Such approval may take more than 90 days. We believe that this requirement will give us sufficient opportunity to assess the impact of parent company support of affiliates and enable us to protect monopoly ratepayers and to insure Comsat's ability to meet its INTELSAT/INMARSAT financial obligations.

#### IV. Conclusions

110. The issues in this proceeding have focused on Comsat's pursuit of diversified business opportunities through the application of corporate technology and expertise. The

<sup>32</sup> Even though this explicit statutory requirement did not govern our decision in *Computer II*, we have required AT&T to obtain Commission approval as to how it intends to capitalize its separate subsidiary. Our review there extended beyond financial obligations and focuses on preoperational expenses and asset transfers associated with the provision of enhanced service and customer-premises equipment by its separate subsidiary.

paramount reason for Comsat's existence must be fulfillment of its statutory missions as the U.S. representative in INTELSAT and in INMARSAT. Nevertheless, we reaffirm our Comsat Study determination that, as a matter of policy, Comsat should not be foreclosed from applying its corporate technology and expertise to the development of new lines of business which will result in public benefit. Comsat's involvement in diversified satellite-related activities will contribute to the overall development of satellite communications technology in the public interest. However, we also reaffirm our Comsat Study finding that Comsat's involvement in diversified businesses provides opportunities for anticompetitive behavior which require regulatory safeguards. These safeguards involve both structural separation of Comsat's monopoly INTELSAT/INMARSAT activities from its competitive activities and the imposition of certain non-structural measures.

111. We have considered Comsat's response to the proposals set forth in the Comsat Study. We have found Comsat's response to be deficient in several significant areas. However, before we prescribe further structural separation, we believe that Comsat should have an opportunity to remedy the problems we have raised. If Comsat is unable to establish or implement appropriate accounting and information flow control mechanisms, then we must consider whether further structural separation is warranted. Comsat is required to file various reports in response to this order. The Chief, Common Carrier Bureau, is directed to assess the proposals submitted by Comsat which are intended to remedy the problems we have raised. The Bureau should apprise Comsat of any deficiencies warranting its consideration. The Bureau is directed to report back to the Commission within nine months as to what further action may be appropriate, including a recommendation as to what, if any, further structural separation is warranted.

#### V. Ordering Clauses

112. In view of the foregoing, it is ordered, that, pursuant to Sections 4(i), 4(j), 201-205, 214, 215, 218, 220, 303, 309, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201-205, 214, 215, 218, 220, 303, 309, and 403 (1976), Sections 102(c), 201(c), and 401 of the Communications Satellite Act of 1962, as amended, 47 U.S.C. 701(c), 721(c) and 741 (1976), and Section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b) (1970):

(1) Comsat shall provide the Commission with 90 days advance notice if it intends to alter the structural separation it has undertaken in response to the Comsat Study as set forth in paragraphs 15-21, *supra*;

(2) Comsat shall report to the Commission and adhere to the directives as set forth herein.

113. It is further ordered that the Chief, Common Carrier Bureau is directed to report back to the Commission within nine months on what further action, if any, is warranted to satisfactorily address the issues raised in this proceeding.

114. It is further ordered, that this proceeding is subject to further order of the Commission.<sup>33</sup>

Federal Communications Commission.

William J. Tricarico,  
Secretary.

#### Appendix A

1. Comments in this proceeding were filed by:

- (1) American Broadcasting Companies, Inc. (ABC)
- (2) American Satellite Company (ASC)
- (3) American Telephone and Telegraph Company (AT&T)
- (4) Communications Satellite Corporation (Comsat)
- (5) Department of Defense (DOD)
- (6) Department of State (State)
- (7) Hawaiian Telephone Company (Hawaiian)
- (8) ITT World Communications, Inc. (ITT)
- (9) Magnavox Government and Industrial Electronics Company (Magnavox)
- (10) Maritel, Inc. (Maritel)
- (11) National Telecommunications and Information Administration (NTIA)
- (12) RCA Global Communications, Inc. (RCA)
- (13) Satellite Communications Section, Communications Division, of the Electronic Industries Association (EIA)
- (14) Teleconsult, Inc. (Teleconsult)
- (15) Western Union International, Inc. (WUI).

2. Reply comments were filed by:

- (1) American Broadcasting Company, Inc.
- (2) American Telephone and Telegraph Company
- (3) Communications Satellite Corporation
- (4) Department of Defense
- (5) Hawaiian Telephone Company
- (6) ITT World Communications, Inc.
- (7) Magnavox Government and Electronics Company
- (8) RCA Global Communications, Inc.
- (9) Western Union International, Inc.

3. Additional pleadings were filed by Magnavox and, also by Comsat jointly

<sup>33</sup> Although Section 601(2) applies the Regulatory Flexibility Act of 1980 (RFA) (P.L. 96-354) to rules adopted pursuant to Section 553 of the Administrative Procedure Act, the RFA is inapplicable where, as here, the underlying Notice of Proposed Rulemaking was adopted prior to January 1, 1981. 5 U.S.C. 601 note (1980 Supp.)

with its subsidiary, with respect to COMSAT General's January 19, 1981 letter to the Commission indicating its intention to manufacture and sell shipboard terminals for use in connection with the INMARSAT system. Comsat and COMSAT General filed a response to Magnavox's reply comments and a motion to file such response. Thereafter, Magnavox filed a reply to Comsat's response, a motion to sever the shipboard terminal issue from the other issues in this proceeding, and a motion to issue an order against Comsat directing a halt to its shipboard terminal marketing activity pending a decision in this proceeding.

4. Western Union International filed supplemental comments in which it argued for continued exclusion of Comsat and its competitive subsidiaries from the international retail communications market, and a motion to file such comments. Comsat and ASC filed responses.

#### Appendix B

##### Comsat Lab 1981 Data

###### PERCENTAGE BREAKDOWN OF COMSAT LAB BUDGET DATA

[Dollars in thousands]

Line No. and description	Dollars	Percentage
1. Jurisdictional R&D.....	11,003	28.55
2. Non-Jurisdictional.....	1,343	3.49
3. Support and Other:		
4. Intelsat Lab Service Contract	8,018	20.81
5. Intelsat Tech Services.....	3,462	8.98
6. SBS.....	5,764	14.96
7. Comsat General.....	1,521	3.95
8. STC.....	2,006	5.20
9. ERT.....	141	.37
10. WSD.....	1,569	4.07
11. Outside Contracts.....	1,897	4.92
12. Other.....	1,812	4.70
13.	26,190	67.96
14. Total.....	38,536	100.00

###### Non-Jurisdictional Lab Work

15. Non-Jurisdictional (line 2).....	3.49	
16. Intelsat Lab Service Contract (line 4).....	20.81	
17. SBS (line 6).....	14.96	
18. Comsat General (line 7).....	3.95	
19. STC (line 8).....	5.20	
20. ERT (line 9).....	.37	
21. Outside Contracts (line 11).....	4.92	
22. Total Non-Jurisdictional.....	53.70	

Source: Letter to Chief, Audits Branch, from the Comptroller of Comsat dated November 13, 1981.

#### Appendix C

##### Comsat's Application of the Three-Factor Formula

1. Comsat's cost allocation procedures are based on its interpretation of Cost Accounting Standards Board (CASB) methodology. The CASB was established by a 1970 amendment to the

Defense Production Act, 50 U.S.C. 2168 (1976). It was empowered to develop cost accounting standards for firms bidding for U.S. Government defense prime contracts. The overall purpose of these standards is to safeguard against excess profits and promote more favorable contract terms for the government. Comsat maintains that through creation of WSD and use of CASB methodology it has limited any opportunity for misallocation of costs and increased the detectability of improper cross-subsidization. It also argues that common costs are minimized by WSD having its own support capabilities.

2. A fundamental requirement of CASB standards is that home office expenses be allocated on the basis of the beneficial or causal relationship between supporting and receiving activities. "Home Office" is defined as an office responsible for directing or managing two or more, but not necessarily all, segments of an organization reporting directly to a home office, and is usually identified with responsibility for profit and/or producing a product or service. A "home office" typically establishes policy for, and provides guidance to the segments of their operations. It usually performs management, supervisory and administrative functions, and may also perform services in support of the operations of the various segments. CASB standards require that home office expenses be allocated directly to specific corporate segments to the maximum extent practicable. Expenses not directly allocated to a specific segment, if significant in amount and in relation to home office expenses, must be grouped in logical and homogeneous expense pools and allocated in accordance with specific procedures. Expenses that cannot be so grouped are to be considered residual expenses and allocated to corporate segments by means of a base representative of the total activity of such segments. One such base is an average of investment, revenue and salary.

3. Comsat uses a budgetary process to estimate entries in the three-factor formula. For 1980, Comsat used the following breakdown as unadjusted entries in the three-factor formula.<sup>1</sup>

<sup>1</sup> Letter from Comptroller, Communications Satellite Corporation to Acting Chief, Audits Branch, Common Carrier Bureau dated May 1, 1981, Attachment 1 "Summary Description of Cost Allocation Process, April 1981."

[Figures in percent]

	World systems	Comsat general	ERT	Satellite Television Corp.
Revenue.....	58	25	17	.....
Property.....	89	8	3	.....
Salaries.....	51	25	23	1
Average.....	66	18	14	1

It adjusted these percentages to exclude amounts from those organizational units which do not benefit from certain general and administrative service areas to determine its initial 1980 allocation factors for application of the three-factor formula.

	Percent
World System Division.....	69
COMSAT General.....	20
ERT.....	10
Satellite Television.....	1

4. Comsat applied these allocation factors in the following manner. Comsat's total 1980 operating expenses were \$219.1 million. Of this amount, \$14.4 million was the home office general and administrative costs apportioned over the entire corporation pursuant to CASB methodology. Of this \$14.4 million, Comsat apportioned \$3.3 million in one-time expenses and overhead to WSD by direct transfer and \$5.0 million in a manner comparable to direct assignment by measuring costs applicable to a corporate segment on the basis of the function performed.<sup>2</sup> WSD's share of home office costs under these methods was \$5.9 million. Comsat accumulated the remaining \$6.1 million in a residual pool and apportioned this amount among corporate lines of business using the three-factor formula (after making two adjustments). It made an adjustment to the residual pool by adding the Personnel and General Services "cost/service" overheads which also are allocated to general and administrative headquarters functions.<sup>3</sup>

<sup>2</sup> Comsat labeled this method "cost/service relationship." This method is used when no direct relationship exists between costs and lines of business. In such case, Comsat reviews its general and administrative costs to identify, if possible, a meaningful cost/service relationship from which an allocation factor can be derived. Comsat allocated a total of \$5.0 million in 1980 on cost/service relationship basis—\$2.6 million of which was assigned to WSD. See letter from George Skinner, Comptroller, Comsat Corporation; August 26, 1981.

<sup>3</sup> *Id.* Comsat states that the costs of Personnel and General Services are allocated to each unit based upon the headcount in the department served.

	Millions
Residual G & A pool	\$6.1
Add: Personnel and General Services allocated to G & A departments	0.8
Total	6.9

It further adjusted the pool to remove certain home office financial functions which do not provide services to ERT (primarily Treasury and Management Systems). According to Comsat, a portion of the pool was then allocated by using a three-factor formula to all units including ERT and the remainder of the adjusted pool was allocated by using a three-factor formula for all units except ERT.

	Millions
To all units	5.7
To all units, except ERT	1.2
Total residual pool	6.9

WSD's share of the total residual pool was then derived.

	Millions
From all units allocation	\$3.8
From all units, except ERT	0.9
Total WSD share	4.7

5. Thus, according to Comsat's application of CASB standards, WSD's share of residual home office expenses was \$4.7 million or about 68% of the residual pool. WSD's share of total allocable home office expenses for 1980 was \$10.6 million, or about 74% of the total.<sup>4</sup> The remaining \$3.8 million was assigned to other corporate segments.

6. Comsat's use of the three-factor formula to apportion residual home office expenses presents both conceptual and specific problems.

7. *Conceptual Problems.* A three-factor formula for the allocation of residual home office expenses can yield distorted results when corporate lines of business within the various corporate segments are at different stages of development. The differences in the maturity of Comsat's various lines of business is reflected in the following comparison of its major corporate segments.

CALENDAR YEAR 1980				
[Dollars in thousands]				
	Jurisdic-tional (Intelsat)	Comsat General	ERT	Satellite Televi-sion Corp.
Revenues	161,096	85,162	36,506	.....
Net property	228,302	130,156	9,267	.....
Operating expenses	87,530	75,771	33,146	2,372

Source: December, 1980 Form 901; December, 1980 Financial Statements of COMSAT General, ERT, Satellite Television Corporation.

8. Distortions may occur when a corporation having mature lines of business with large operating revenues and substantial investment in plant and equipment diversifies into new ventures. In their early stages of development, new ventures are likely to require significant corporate home office general and administrative support as well as executive officer attention. While these new ventures incur salary expenses and other administrative costs, they generally do not have substantial operating revenues. This occurs in later stages of development. Ventures in the early stages of development, however, require significant corporate home office general and administrative support. For a company with new ventures in either stages of development, the use of revenues as an allocative factor will result in more costs being allocated to corporate segments with more mature lines of business. This effect is magnified if those mature segments actually perform many of their own general and administrative support functions rather than obtain them from the corporate home office. As a result, much of the common expense pool will be apportioned for those segments with the more mature businesses and proportionately less to segments with a significant number of developing lines of business. This result may not accurately reflect the extent to which developing businesses rely on corporate home office services.

9. Distortions will be perpetuated as long as the corporation is involved in developing new business ventures while maintaining mature businesses that have comparatively large operating revenues and plant and equipment investment. Arguably, the distortions that result may be remedied as the new business ventures reach maturity — at which time revenue and investment amounts will be such that the formula will more accurately reflect the incursion of common costs over the entire corporation. However, this logic presumes that the new business ventures will become successful. And it ignores the potential that exists in the

meantime for misallocation of expense pool costs through the mechanical application of a three-factor formula.

10. *Specific Problems.* Comsat's use of budgeted rather than actual data to estimate entries into the three-factor formula distorts the allocation process. Comsat budgets revenue, property and salary projections at the beginning and middle of the year and uses these budgets for six months. No correction is made at the end of the six-month period for deviations of the budget figures from actual figures. We have noted substantial deviations of this kind in the property, revenue, and salary budgets for 1980. For example, while Comsat budgeted WSD's net property as \$283.1 million for 1980, the actual net property shown on Comsat's Form 901, December 1980, was \$228.3 million. Similarly, Comsat budgeted \$212.2 million for WSD's revenue in 1980, while the Comsat Annual Report shows only \$161.1 million of jurisdictional operating revenue for the same year. The differences between actual and budgeted figures appear to have increased the amount of home office costs allocated to WSD for 1980.

11. In addition, Comsat interprets CASB standards so as to exclude substantial capital investments of its subsidiaries from computation of the capital investment factor in the three-factor formula. The CASB defines the capital investment factor as:

The average net book value of the sum of the segment's tangible capital assets to the total average net book value of such assets of all segments. Property held primarily for leasing to others shall be excluded from the computation. 4 CFR 403.50(c)(1)(iii).

The CASB defines a segment as "[o]ne of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service." The term includes Government-owned, contractor-operated facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has "less than a majority of ownership, but over which it exercises control." 4 CFR 403.40(4).

12. Under the guise of these definitions, Comsat fails to account for most of the tangible assets of COMSAT General in the three-factor formula. Comsat broadly excludes 100% of the assets of the COMSTAR satellite system and 75% of the assets of the MARISAT

<sup>4</sup> According to Comsat, the \$10.6 million represents 15% of WSD's total labor-related 1980 expenses. The remaining \$61.2 million are costs directly assigned to WSD, coming to a total of \$71.8 million in labor-related operating expenses for WDS in 1980.

satellite system. Comsat excludes these tangible capital assets on the theory that they are "property held primarily for leasing to others" under 4 CFR 403.50. We find Comsat's exclusion of its COMSTAR and MARISAT investments to be unreasonable. First, we see no compelling reason for excluding capital investment in assets used by COMSAT General to provide domestic satellite telecommunications services to AT&T and maritime satellite services to the U.S. Navy. COMSAT General owns, either in whole or in part, and is involved in the operation of, the COMSTAR and MARISAT satellite

systems. We do not believe that the fact that these services are provided on yearly or long term agreements to a single customer, rather than on a message basis to the general public, is relevant in rationally allocating home office expenses. In its annual reports, Comsat does not treat either the COMSTAR or MARISAT satellites as leased property. To the contrary, both are shown on the balance sheets as property in service without any notation as to a leased nature. In sum, the COMSTAR and MARISAT service agreements are not capital leases and, therefore, they do not fall within the

CASB exclusion. (We would also point out that the Commission's Rules and Regulations do not even recognize capital leases for regulatory purposes.) In light of the foregoing, we find that exclusion of COMSAT General's COMSTAR and MARISAT investments from computation of the capital investment factor in the three-factor formula distorts the formula and results in more costs being allocated to Comsat's jurisdictional businesses than warranted.

[FR Doc. 82-25388 Filed 9-16-82; 8:45 am]

BILLING CODE 6712-01-M

# Proposed Rules

Federal Register

Vol. 47, No. 181

Friday, September 17, 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 Parts 610, 620, and 630

#### Hours of Duty; Alternative Work Schedules

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rulemaking, with request for comments.

**SUMMARY:** The Congress has passed legislation authorizing the Alternative Work Schedules (AWS) program for another three years. Public Law 95-390, the Federal Employees Flexible and Compressed Work Schedules Act of 1978, previously providing for the AWS experimental program, has been replaced by this non-experimental three-year program. The proposed regulations are similar to the regulations covering Pub. L. 95-390, containing only a few technical changes, and will provide necessary direction to the agencies for administration of this law.

**DATE:** Comments must be received on or before November 16, 1982.

**ADDRESS:** Comments may be mailed to Mr. Craig B. Pettibone, Assistant Director for Pay and Benefits Policy, P.O. Box 57, Compensation Group, Office of Personnel Management, Washington, D.C. 20044; or delivered to Room 4351, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Dr. Raymond J. Kirk, (202) 632-4614.

**SUPPLEMENTARY INFORMATION:** The three-year experimental program for alternative work schedules, authorized by Pub. L. 95-390, has been replaced by Pub. L. 97-221, the Federal Employees Flexible and Compressed Work Schedules Act of 1982, continuing the alternative work schedules program for another three years from date of enactment of the law. The legislation continues existing flexible and

compressed work schedules uninterrupted, unless stated provisions for termination have been met, and also permits the establishment of new programs. The types of schedules permitted have not changed, so agencies will not have to redesign or revise successful existing programs.

There are several technical and substantive changes in the AWS program as a result of the enactment of Pub. L. 97-221.

(1) Under the proposed regulations, Part 620 of Title 5, Code of Federal Regulations, will be removed and Part 610 will be amended to include a subpart D-Alternative Work Schedules.

(2) Public Law 97-221 increases the maximum credit hour carryover from one pay period to another from 10 hours to 24 hours. An agency may prescribe lower limits within its organization than the maximum allowed by law.

(3) The basic work requirement for part-time employees on an AWS program has been changed to a biweekly requirement of 32-64 hours from a weekly work requirement of 16-32 hours, thereby allowing part-time employees to work compressed and certain flexible schedules from which they were previously excluded under Section 3401(2) of 5 U.S.C.

(4) The method of determining entitlement of pay for part-time employees when relieved or prevented from working on a holiday has been changed based on findings from administration of the procedures in Pub. L. 95-390 regulations. The regulations implementing Pub. L. 95-390 required dividing the number of hours the employee was scheduled to work over the biweekly pay period by the number of days which comprised the employee's tour of duty to determine the pay entitlement for the holiday. Under the proposed regulations, a part-time employee will now be entitled to the number of hours for which he or she is scheduled to work on that day, up to a maximum of 8 hours, the number of hours for which a full-time employee is entitled.

(5) Public Law 97-221 changes the definition of part-time employment. Part-time employees under an alternative work schedule may work fewer than 16 or more than 32 hours in a week so long as they work 32 to 64

hours in a biweekly period. Therefore, the requirement that part-time employees be scheduled to work on at least one day each week in order to accrue leave is no longer applicable under alternative work schedules. Under the proposed regulations, part-time employees whose alternative work schedules have biweekly rather than daily or weekly work requirements will be entitled to accrue leave even though they may not be scheduled to work in one of the weeks of a pay period.

(6) The 10-hour limit on the accrual of compensatory time for both wage grade and General Schedule employees, stipulated in the regulations under Pub. L. 95-390, has been eliminated. The change was made because OPM found in administering programs provided for under Pub. L. 95-390 that the 10-hour limit was an unnecessary and inhibiting protection against abuse for both agencies and employees. Agencies and individual employees wishing to structure workload accomplishment most efficiently frequently were stymied by the 10-hour limit. Any limit on accrual of compensatory time is left to the discretion of the agency.

#### E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

#### 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 concerns the pay and hours of duty of Federal employees only.

#### List of Subjects in 5 CFR Part 610

Government employees, Holidays, Wages.

Office of Personnel Management.

Donald J. Devine,  
Director.

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

#### PART 610—HOURS OF DUTY

1. Subpart D, §§ 610.401 through 610.408, is added to read as follows:

**Subpart D—Flexible and Compressed Work Schedules**

Sec.

610.401 General.  
 610.402 Coverage.  
 610.403 Definitions.  
 610.404 Requirement for time-accounting method.  
 610.405 Holiday for part-time employees on flexible work schedules.  
 610.406 Holiday for employees on compressed work schedules.  
 610.407 Premium pay for holiday work for employees on compressed work schedules.  
 610.408 Leave accrual for part-time employees.

Authority: 5 U.S.C. 6133(a).

**Subpart D—Flexible and Compressed Work Schedules****§ 610.401 General.**

This subpart contains regulatory requirements prescribed by the Office of Personnel Management to implement certain provisions of subchapter II of chapter 61 of title 5, United States Code. These regulations supplement that subchapter and must be read together with it.

**§ 610.402 Coverage.**

The regulations contained in this subpart apply only to flexible work schedules and compressed work schedules established under subchapter II of chapter 61 of title 5, United States Code.

**§ 610.403 Definitions.**

In this subpart "Agency" and "Employee" have the meaning given these terms in section 6121 of title 5, United States Code.

**§ 610.404 Requirement for time-accounting method.**

An agency that authorizes a flexible work schedule or a compressed work schedule under this subpart shall establish a time-accounting method that will provide affirmative evidence that each employee subject to the schedule has worked the proper number of hours in a biweekly pay period.

**§ 610.405 Holiday for part-time employees on flexible work schedules.**

If a part-time employee is relieved or prevented from working on a day within the employee's scheduled tour of duty that is designated as a holiday by Federal statute or Executive order, the employee is entitled to basic pay with respect to the holiday for the number of hours the employee is scheduled to work on that day, not to exceed 8 hours.

**§ 610.406 Holiday for employees on compressed work schedules.**

(a) If a full-time employee is relieved

or prevented from working on a day designated as a holiday by Federal statute or Executive order, the employee is entitled to basic pay for the number of hours of the compressed work schedule on that day.

(b) If a holiday occurs on a day within a part-time employee's scheduled tour of duty, the employee is entitled to basic pay with respect to that holiday for the number of hours the employee is scheduled to work on that day.

**§ 610.407 Premium pay for holiday work for employees on compressed work schedules.**

An employee on a compressed schedule who performs work on a holiday is entitled to basic pay, plus premium pay at a rate equal to basic pay, for the work that is not in excess of the employee's compressed work schedule for that day. For hours worked on holiday in excess of the compressed work schedule, a full-time employee is entitled to overtime pay under applicable provisions of law and a part-time employee is entitled to straight time pay or overtime pay, depending on whether the excess hours are non-overtime hours or overtime hours.

**§ 610.408 Leave accrual for part-time employees.**

Under alternative work schedules, a part-time employee for whom there is established a biweekly work requirement is entitled to earn leave in accordance with § 630.303.

**PART 620—ALTERNATIVE WORK SCHEDULES EXPERIMENTS**  
[REMOVED]

2. Part 620 is removed from 5 CFR.

**PART 630—ABSENCE AND LEAVE**

3. The introductory text to § 630.303 is revised to read as follows:

**§ 630.303 Part-time employees; earnings.**

A part-time employee for whom there has been established in advance a regular tour of duty on one or more days during each administrative work week, or a part-time employee for whom there has been established in advance a biweekly work requirement under an alternative work schedule, and an hourly employee in the field service of the U.S. Postal Service, earn annual leave as follows:

\* \* \* \* \*

(5 U.S.C. 6133(a))

[FR Doc. 82-25840 Filed 9-16-82; 8:45 am]

BILLING CODE 6325-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Parts 182, 184, and 186**

[Docket No. 79N-0095]

**GRAS Status of Sodium Dithionite and Zinc Dithionite**

**AGENCY:** Food and Drug Administration.  
**ACTION:** Tentative final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is tentatively affirming that sodium dithionite (hydrosulfite) is generally recognized as safe (GRAS) as a direct human food ingredient, and that zinc dithionite (hydrosulfite) is GRAS as an indirect human food ingredient. The safety of these ingredients has been evaluated under the comprehensive safety review conducted by the agency. FDA is publishing this document as a tentative final rule because the agency is not including the level of use for sodium dithionite that appeared in the proposal. The agency is offering an opportunity to comment on this change.

**DATE:** Comments on the revisions made to the proposed regulation and issued as part of this tentative final rule by November 16, 1982.

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

**FOR FURTHER INFORMATION CONTACT:** Hortense S. Macon, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

**SUPPLEMENTARY INFORMATION:** In the *Federal Register* of January 25, 1980 (45 FR 6117), FDA published a proposal to affirm that sodium dithionite is GRAS for use as a direct human food ingredient, and that zinc dithionite is GRAS for use as an indirect human food ingredient. The proposal was published in accordance with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), copies of the scientific literature review on dithionites and the report of the Select Committee on GRAS Substances (the Select Committee) on dithionites have been made available for public review in the Dockets Management Branch (address above). Copies of these documents have also been made available for public purchase from the National Technical Information Service, as announced in the proposal.

In addition to proposing to affirm the GRAS status of sodium dithionite and zinc dithionite, FDA gave public notice that it was unaware of any prior-sanctioned food ingredient uses for these substances, other than for the proposed conditions of use. Persons asserting additional or extended uses, in accordance with approvals granted by the U.S. Department of Agriculture or FDA before September 6, 1958, were given notice to submit proof of those sanctions, so that the safety of the prior-sanctioned uses could be determined. That notice was also an opportunity to have prior-sanctioned uses of dithionites recognized by issuance of an appropriate final rule under Part 181—Prior-Sanctioned Food Ingredients (21 CFR Part 181) or affirmed as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

FDA also gave notice that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert that sanction at any future time.

No reports of prior-sanctioned uses for sodium dithionite and zinc dithionite were submitted in response to the proposal. Therefore, in accordance with the proposal, any right to assert a prior sanction for uses of these ingredients under conditions different from those set forth in this tentative final rule has been waived.

One comment was submitted in response to the proposal. It was cosigned by two trade associations and concerned the level of use of sodium dithionite in the brewing of malt beverages. The comment requested elevation of the current good manufacturing practice (CGMP) level of use of sodium dithionite from 0.002 percent to 0.004 percent. The result was based on recognition of the use of this level by the Bureau of Alcohol, Tobacco and Firearms of the U.S. Department of the Treasury, as documented in a brewing industry circular. The comment reported that levels up to 0.0078 percent had been used in the past.

The agency has considered the request for expanded levels of use of sodium dithionite in the manufacture of malt beverages and finds that the requested levels are consistent with those previously reported by industry to be current good manufacturing practice. The agency observes that sodium dithionite shows relatively low toxicity in dogs and rats, and that it readily decomposes in water to other sulfur-containing substances (sulfate, sulfite and sulfur dioxide, and colloidal sulfur). At the current level of use in the manufacture of beer, these decomposition products do not pose

significant health problems. In addition, toxicity from its use in food is also unlikely because beer is the only food in which sodium dithionite is being used. FDA has reconsidered its proposal to list the level of use for this substance. Contrary to the interpretation underlying the comments, FDA has never intended to establish specific limits on the use of sodium dithionite.

Additionally, FDA has decided not to include in the GRAS regulation for sodium dithionite the level of use reported in the National Academy of Sciences/National Research Council food survey for this ingredient. Both the Federation of American Societies for Experimental Biology and the agency have concluded that a large margin of safety exists for this substance, and that a reasonably foreseeable increase in the level of consumption of sodium dithionite will not adversely affect human health. Therefore, the agency has decided to affirm tentatively the GRAS status of sodium dithionite when it is used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.1(b)(1)). To make clear, however, that the tentative affirmation of the GRAS status of sodium dithionite is based on the evaluation of limited uses, the regulation sets forth the technical effect and food category that FDA evaluated.

In the judgment of FDA, its decision not to include the level of use does not represent a major departure from the proposed regulation. The level of use included in the proposal was never intended to be a specific limitation. However, to afford interested persons the opportunity to comment on the agency's decision, FDA is issuing this tentative final rule under § 10.40(f)(6) (21 CFR 10.40(f)(6)). FDA will review any comments relevant to the removal of the level of use that it receives within the 60-day comment period and will issue in the *Federal Register* either an announcement that this tentative final rule has become final or an announcement of modification to this regulation made on the basis of the new comments.

In the *Federal Register* of September 7, 1982 (47 FR 39199), FDA proposed to adopt a general policy restricting the circumstances in which it will specifically describe conditions of use in regulations affirming substances as GRAS under 21 CFR 184.1(b)(1) or 186.1(b)(1). The agency proposed to amend its regulations to indicate clearly that it will specify one or more of the current good manufacturing practice conditions of use in regulations for substances affirmed as GRAS with no limitations other than current good

manufacturing practice only when the agency determines that is appropriate to do so.

Additionally, FDA is withdrawing the proposed specifications for sodium dithionite in the GRAS affirmation regulation. The agency concludes that it is not appropriate to establish food-grade specifications based on the limited information available to it at this time. The affirmation of sodium dithionite as GRAS without detailed specifications does not pose a significant health problem. FDA will work with the Committee on Codex Specifications of the National Academy of Sciences to develop acceptable specifications for this ingredient. If acceptable specifications are developed and are still considered necessary, the agency will incorporate them into this regulation at a later date. Until any such specifications are developed, FDA has determined that the public health will be adequately protected if commercial sodium dithionite complies with the description in this tentative final rule and is of food-grade purity (21 CFR 170.30(h)(1) and 182.1(b)(3)).

The format of the regulations included in this tentative final rule is different from that in previous GRAS affirmation regulations. FDA has modified paragraph (c) of § 184.1755 and paragraph (b) of § 186.1987 to make clear the agency's determination that GRAS affirmation is based upon current good manufacturing practice conditions of use, which includes the technical effects for both substances and the food category for sodium dithionite. This change has no substantive effect but is made merely for clarity.

The agency has determined pursuant to CFR 25.24(d)(6) (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.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect this tentative final rule would have on small entities including small businesses. Because the tentative final rule imposes no new restrictions on the use of these ingredients, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this tentative final

rule, and the agency has determined that the final rule, if promulgated from this tentative final rule, would not be a major rule as defined by the Order.

#### List of Subjects

##### 21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

##### 21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

##### 21 CFR Part 186

Food ingredients, Generally recognized as safe (GRAS) food ingredients, Indirect food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act [secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended [21 U.S.C. 321(s), 348, 371(a)]]) and under authority delegated to the Commissioner of Food and Drugs [21 CFR 5.10], it is proposed that Parts 182, 184, and 186 be amended as follows:

#### PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

##### § 182.90 [Amended]

1. In Part 182, § 182.90 *Substances migrating to food from paper and paperboard products* is amended by removing the entries for "Sodium hydrosulfite" and "Zinc hydrosulfite" from the list of substances.

#### PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. In Part 184, by adding new § 184.1755 to read as follows:

##### § 184.1755 Sodium dithionite.

(a) Sodium dithionite ( $Na_2S_2O_4$ , CAS Reg. No. 7775-14-6), also referred to as sodium hydrosulfite and sodium hyposulfite, is a fine white powder that is extremely soluble in water. It is prepared by the reduction of sulfur dioxide with zinc powder followed by alkali treatment or by the reaction of sodium formate, sodium hydroxide, and sulfur dioxide.

(b) FDA is developing food-grade specifications for sodium dithionite in cooperation with the National Academy of Sciences. In the interim, the ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the

following current good manufacturing conditions of use:

(1) The ingredient is used as an antioxidant as defined in § 170.3(o)(3) of this chapter.

(2) The ingredient is used in the manufacture of beer at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for sodium dithionite different from the use established in this section do not exist or have been waived.

#### PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. In Part 186, by adding new § 186.1987 to read as follows:

##### § 186.1987 Zinc dithionite.

(a) Zinc dithionite ( $ZnS_2O_4$ , CAS Reg. No. 7779-86-4), also referred to as zinc hydrosulfite and zinc hyposulfite, is a fine white powder that is extremely soluble in water. It is prepared by the reduction of sulfur dioxide with zinc powder.

(b) In accordance with § 186.1(b)(1), the ingredient is used as an indirect human food ingredient with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as an indirect human food ingredient would be based upon the following current good manufacturing conditions of use:

(1) The ingredient is used as a constituent of paper and paperboard used for food packaging.

(2) The ingredient is used at levels not to exceed current good manufacturing practice.

(c) Prior sanctions for zinc dithionite different from the use established in this section do not exist or have been waived.

Interested persons may on or before November 16, 1982, file with the Dockets Management Branch (address above), written comments regarding this tentative final rule. 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: August 30, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-25843 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-01-M

#### 21 CFR Part 184

[Docket No. 78N-0199]

#### GRAS Status of Pectins

##### Correction

In FR Doc. 82-21885 beginning on page 35242 in the issue of Friday, August 13, 1982, make the following correction:

On page 35243, middle column, in § 184.1775(a), in the fourth line from the bottom of the page, "The extract of filtered" should have read "The extract is filtered."

BILLING CODE: 1505-01-M

#### 21 CFR Parts 876 and 892

[Docket Nos. 78N-1990, 78N-2749, and 78N-2799]

#### Medical Devices; Proposed Rules for Device Classification; Withdrawal of Proposed Rules

AGENCY: Food and Drug Administration.  
ACTION: Withdrawal of proposed rules.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing proposed rules related to classification of a gastroenterology-urology device and two radiology devices to eliminate unnecessary regulations.

##### FOR FURTHER INFORMATION CONTACT:

For gastroenterology-urology devices: Norman T. Welford, Bureau of Medical Devices (HFK-420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7750, or

For radiology devices: Lillian L. Yin, Bureau of Medical Devices (HFK-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of January 23, 1981 (46 FR 7562 and 7582) and January 29, 1982 (47 FR 4406), FDA proposed that a gastroenterology-urology device and two radiology devices be classified. These actions were taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket

approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Persons who disagree with a final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860). Because the same generic type of device may be used in different medical specialty areas (anesthesiology, neurology, general and plastic surgery, etc.) under different names, the agency continues to consolidate its list of generic types of devices.

**Docket No. 78N-1990; Circumcision Instrument**

After publication of the proposal (46 FR 7562 and 7582; January 23, 1981) to classify the circumcision instrument as part of the gastroenterology-urology device classification proceeding, the agency determined that the circumcision instrument is essentially the same as another generic type of device, the circumcision clamp, that has been classified into class II as part of the classification proceeding for obstetrics-gynecology devices (21 CFR 884.4530).

The one comment received on the proposal to classify the circumcision instrument suggested that the device be classified into class I rather than class II as proposed. The comment stated that the skill of the user is more essential to the safe use of the device than its design or construction. FDA partially agrees with the comment regarding the need for skillful users but has determined that the device already has been properly classified into class II. A performance standard is necessary to assure the shape, surface finish, tensile strength, biocompatibility, and adequate labeling of the circumcision clamp.

The agency has determined that the circumcision instrument is essentially the same as the circumcision clamp. Accordingly, to avoid unnecessary device classification regulations, the agency withdraws the January 23, 1981 proposal to classify the circumcision instrument. The administrative record for the January 23, 1981 proposal shall be included in the administrative record (Docket No. 78N-1153) for the proceeding to classify the circumcision clamp into class II.

**Docket No. 78N-2749; Radionuclide Generator**

After publication of the proposal (47 FR 4406; January 29, 1982) to classify the radionuclide generator as part of the radiology device classification proceeding, the agency determined that the radionuclide generator is regulated

as a radiopharmaceutical drug by FDA's National Center for Biologics and Drugs.

In response to the proposal to classify the radionuclide generator into class II as a device, FDA received several comments. The comments stated that the product is regulated appropriately and effectively as a radiopharmaceutical drug product and classification as a medical device is unnecessary. FDA agrees with the comments. The agency advises that a radionuclide generator, such as the Molybdenum-99/Technetium-99m generator, that produces a radionuclide intended for use in medical diagnosis or therapy is regulated as a drug. Accordingly, the agency withdraws the January 29, 1982 proposal classifying radionuclide generators into class II.

**Docket No. 78N-2799; Automatic Contrast Medium Injector**

After publication of the proposal (47 FR 4435; January 29, 1982) to classify the automatic contrast medium injector as part of the radiology device classification proceeding, the agency determined that the automatic contrast medium injector is essentially the same as another generic type of device, the angiographic injector and syringe, that has been classified into class II as part of the classification proceeding for cardiovascular devices (21 CFR 870.1650).

No comments were received on the proposal to classify the automatic contrast medium injector.

The agency has determined that the automatic contrast medium injector is essentially the same as, or is included in, the angiographic injector and syringe. Accordingly, to avoid unnecessary device classification regulations, the agency withdraws the January 29, 1982 proposal to classify the automatic contrast medium injector. The administrative record for the January 29, 1982 proposal shall be included in the administrative record (Docket No. 78N-1436) for the proceeding to classify the angiographic injector and syringe into Class II.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), the following proposals are withdrawn: Circumcision instrument (Docket No. 78N-1990) published January 23, 1981 and the radionuclide generator (Docket No. 78N-2749) and the automatic contrast medium injector (Docket No. 78N-2799) published January 29, 1982.

Dated: September 9, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-25683 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-01-M

**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**21 CFR Part 1306**

**Dispensing Controlled Substances in Institutional Practitioner Emergency Rooms**

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This is a proposal to amend Part 1306 of Title 21 of the Code of Federal Regulations to permit hospital emergency room personnel to dispense controlled substances to nonpatients when alternative pharmacy services are not available. Only persons authorized to dispense under state law would be permitted to dispense under the proposed regulation.

Under current DEA regulations only physicians, medical or other persons acting as agents or employees under their direct supervision, or pharmacists filling their prescriptions, may dispense controlled substances. A physician may not call a local hospital emergency room and ask that personnel there dispense controlled substances to a patient whom the physician is sending over for that purpose alone. DEA has received numerous comments from members of the medical community and from state regulatory agencies concerning this matter. This proposal seeks to remedy the situation.

**DATE:** Written comments and objections should be received on or before November 16, 1982.

**ADDRESS:** Comments and objections should be submitted in quintuplicate to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, Northwest, Washington, D.C. 20537, Attention: DEA Federal Register Representative.

**FOR FURTHER INFORMATION CONTACT:**

Ronald W. Buzzeo, Chief of Operations, Diversion Operations Section, Office of Diversion Control, Drug Enforcement Administration, 1405 I Street, Northwest, Washington, D.C. 20537, Telephone Number (202) 633-1321.

**SUPPLEMENTARY INFORMATION:** The issue of dispensing controlled

substances in hospital emergency rooms is not specifically addressed by regulation or official policy. Nevertheless, a reading of the relevant statutory and regulatory provisions, 21 U.S.C. 829 and 21 CFR 1306.06, does lead to the conclusion that hospital emergency room personnel cannot administer or dispense controlled substances to anyone other than their patients. This interpretation has restricted, with respect to controlled substances, what is otherwise a common practice in the medical community, particularly in rural areas where 24-hour pharmacy services are not available. To eliminate this problem, DEA proposes to permit hospital emergency room personnel to dispense controlled substances pursuant to prescriptions issued by practitioners outside the hospital, provided that certain conditions are met.

These conditions are as follows: First, the dispensing authorized by this regulation must be done by those permitted to do so under state law. Second, normal pharmacy services must not be available. It is not the intention of this regulation to substitute emergency services for those of pharmacies, where the latter are available to serve the needs of the community. Third, the outside physicians must be properly registered to authorize the dispensing of the medication in question and, finally, all Federal and state requirements for the issuing and filling of prescriptions and the maintenance of records thereon must be followed.

#### List of Subjects in 21 CFR Part 1306

Drug traffic control, Health professions, Hospitals, Prescription drugs.

Pursuant to Section 3(c)(3) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to this proposed rulemaking.

This regulatory amendment is intended to allow for the efficient dispensing of controlled substances in certain limited situations in which normal pharmacy services are unavailable. The Acting Administrator has considered the effect that this amendment will have upon entities such as pharmacies, physicians and hospitals, whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. It is anticipated that the impact upon any such entities affected will be positive. Accordingly, the Acting Administrator certifies that there will be no significant impact upon these entities.

#### PART 1306—PRESCRIPTIONS

Accordingly, pursuant to the authority vested in the Attorney General by 21 U.S.C. 821 and 871 and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR 0.100), the Acting Administrator hereby proposes that Title 21 of the Code of Federal Regulations, Part 1306 be amended as follows:

1. Section 1306.06 is revised to read as follows:

##### § 1306.06 Persons to fill prescriptions.

A prescription for controlled substances may only be filled by:

(a) A pharmacist acting in the usual course of his professional practice and either employed in a registered pharmacy or employed in a registered institutional practitioner, or

(b) Emergency room medical personnel located within a facility registered as an institutional practitioner, if such personnel are so authorized in the jurisdiction in which they practice, and only if pharmacy services are not available. Controlled substances may only be dispensed pursuant to the prescription order of a properly registered practitioner. Requirements for filling such prescriptions are the same as those required of a pharmacist.

§§ 1306.03, 1306.04, 1306.05, 1306.11, 1306.13, 1306.14, 1306.21, 1306.22, 1306.24, 1306.31, 1306.32 [Amended]

2. In addition to the amendment set forth in 1 above, 21 CFR Part 1306 is amended by removing the word "pharmacist" and inserting, in its place, the phrase "individual authorized under Section 1306.06" in the following places:

- (a) 1306.03(b).
- (b) 1306.04(a).
- (c) 1306.05(a).
- (d) 1306.11(a) and (d).
- (e) 1306.13(a) and (b).
- (f) 1306.14(a) and (b).
- (g) 1306.21(a) and (c).
- (h) 1306.22(a) and (b).
- (i) 1306.24(a) and (b).
- (j) 1306.31(a) and (c).
- (k) 1306.32(a), (d) and (e).

\* \* \* \* \*

Dated: September 7, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[PR Doc. 82-25649 Filed 9-16-82; 8:45 am]

BILLING CODE 4410-09-M

#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

###### 26 CFR Part 31

[LR-23-82]

##### Withholding Social Security or Railroad Retirement Tax From Sick Pay; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to withholding social security or railroad retirement tax from sick pay.

DATES: The public hearing will be held on October 28, 1982, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by October 14, 1982.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CCLRT (LR-23-82), Washington, D.C. 20224.

##### FOR FURTHER INFORMATION CONTACT:

Charles Hayden, of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 3121 and 3231 of the Internal Revenue Code of 1954. The proposed regulations appeared in the *Federal Register* for Tuesday, July 6, 1982 (47 FR 29266).

The rules of § 601.801(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by October 14, 1982. Each speaker will be limited to 10 minutes for oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

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

By direction of the Commissioner of Internal Revenue.

**Fred T. Goldberg, Jr.**

*Acting Director, Legislation and Regulations Division.*

[FR Doc. 82-25678 Filed 9-16-82; 8:45 am]

BILLING CODE 4830-01-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 941

##### Surface Mining and Reclamation Operation Under a Federal Program for South Dakota

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

**ACTION:** Notice of postponement of public hearing, and extension of public comment period.

**SUMMARY:** On August 10, 1982 (47 FR 34760), OSM published the proposed Federal program for the State of South Dakota for public comment that would regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in Washington. OSM is extending the public comment period and postponing the public hearing for the convenience of commenters who have indicated that additional time is needed to adequately review and comment on the proposed Federal Program.

#### DATES:

*Written Comments:* The close of the comment period on the proposed Federal program is extended to 5:00 p.m. on October 12, 1982.

*Public Hearing:* The public hearing on the proposed Federal program has been changed from September 20, 1982, to October 5, 1982.

#### ADDRESSES:

*Written Comments:* Hand-delivered to the Office of Surface Mining, Wyoming

State Office, Freden Bldg. 935 Pendell Blvd., Mills, Wyoming 82244, or mail to Administrative Record (R&I-25), Office of Surface Mining, Wyoming State Office, P.O. Box 1420, Mills, Wyoming 82644.

*Public Hearing:* Joe Foss Building, Room 216, Pierre, South Dakota 57201 beginning at 1:30 p.m.

#### FOR FURTHER INFORMATION CONTACT:

James M. Kress, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, 202-343-5866.

Dated: September 16, 1982.

**Donald Willen,**

*Acting Assistant Director, Program Operations and Inspection, Office of Surface Mining.*

[FR Doc. 82-25689 Filed 9-16-82; 10:24 am]

BILLING CODE 4310-05-M

#### 30 CFR Part 946

##### Cancellation of Public Hearing on Modified Portion of the Virginia Permanent Regulatory Program

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

**ACTION:** Cancellation of public hearing.

**SUMMARY:** The Office of Surface Mining (OSM) is announcing the cancellation of a public hearing on the substantive adequacy of program amendments submitted by Virginia to satisfy 16 conditions imposed by the Secretary of the Interior on the approval of the Virginia permanent regulatory program (hereinafter referred to as the Virginia program) pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and 30 CFR 732.17.

This notice cancels the public hearing because no one expressed an interest in attending the hearing by September 10, 1982, but does not alter the time and location at which the Virginia program and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program elements.

**DATES:** The following hearing is cancelled: The public hearing on the proposed amendments to the Virginia program, September 21, 1982.

**ADDRESS:** Written comments should be mailed or hand delivered to: Ralph Cox, Field Office Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, P.O. Box 626, Big Stone Gap, Virginia 24219.

Copies of the Virginia program, the proposed amendments to the program, a listing of scheduled public meetings, and all written comments are available for

review at the OSM Offices and the Office of the State regulatory authority listed below, Monday through Friday 8:00 a.m. to 4:00 p.m., excluding holidays.

**Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW., Washington, D.C.**

**Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219**

**Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266**

**Virginia Division of Mined Land Reclamation, 620 Powell Avenue, Big Stone Gap, Virginia 24219**

#### FOR FURTHER INFORMATION CONTACT:

Ralph Cox, Field Office Director, Virginia Field Office, Office of Surface Mining, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

**SUPPLEMENTARY INFORMATION:** On August 13, 1982, Virginia submitted promulgated revisions to the Virginia Coal Surface Mining Regulations to satisfy conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (l), (m), (n), (o), (p) and (s) set by the Secretary in his conditional approval of the Virginia program (Administrative Record No. VA 411). Also, in the August 13, 1982 letter, Virginia submitted proposed revisions to the Virginia Coal Surface Mining Control and Reclamation Act and its regulations which are non-substantive corrections.

On August 30, 1982, notice of opportunity for public hearing on the proposed amendments to the Virginia program, was published in the Federal Register (47 FR 38150-38152). The notice stated that any person interested in making an oral or written presentation at the hearing should contact Mr. Cox by September 10, 1982, and that if no person contact Mr. Cox to express an interest in participating in the hearing by the above date, the hearing would be cancelled.

Because no one expressed an interest in attending the hearing by September 10, 1982, the hearing has been cancelled.

While there is no public hearing, interested persons may still submit written comments on the proposed program elements. Written comments not received on or before 4:00 p.m., or September 29, 1982, may not necessarily be considered in the Secretary's decision on whether the proposed amendments are acceptable.

Dated: September 15, 1982.

William B. Schmidt,

Assistant Director, Program Operations and Inspection, Office of Surface Mining.

[FR Doc. 82-25681 Filed 9-16-82; 8:45 am]

BILLING CODE 4310-05-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[AD-FRL-2208-5]

#### Standards of Performance for New Stationary Sources; Metallic Mineral Processing Plants

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

**ACTION:** Amended notice of public hearing and extension of public comment period.

**SUMMARY:** The public hearing has been postponed 14 days and the end of the public comment period extended 14 days for the proposed new source performance standards for metallic mineral processing plants. This will allow additional time for interested persons to review the background information document, for which there has been a 2-week delay in printing.

**DATES:** Written comments to be included in the record on the proposed standards must be postmarked no later than November 8, 1982. Persons wishing to present oral testimony must contact EPA by September 30. The public hearing will be held on October 7 beginning at 9:00 a.m.

**ADDRESSES:** Comments on the proposed standards should be submitted (in duplicate, if possible) to: Central Docket Section (A-130), Attention: Docket Number A-81-03, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

The public hearing will be held at the EPA Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons wishing to present oral testimony should notify Ms. Naomi Durkee, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5578.

**SUPPLEMENTARY INFORMATION:** On August 24, 1982, EPA proposed in the *Federal Register* (47 FR 36859) new source performance standards for metallic mineral processing plants. In that notice, EPA announced the date ending the public comment period and the date and location of the public hearing to receive public comment on

the proposed standards. This notice amends the date of the public hearing and extends the end of the public comment period.

The background information document has been printed in two volumes because of the length. Volume 1 contains Chapters 1-9 (EPA-450/3-81-009a) and Volume 2 contains the appendices (EPA-450/3-81-009b). Only the first document number was referenced in the August 24 *Federal Register*.

Dated: September 9, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 82-25628 Filed 9-16-82; 8:45 am]

BILLING CODE 6560-50-M

### 40 CFR Part 81

[A-5-FRL 2188-2]

#### Approval and Promulgation of Implementation Plans; Ohio

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rulemaking.

**SUMMARY:** On January 12, 1982, the State of Ohio submitted a request to revise the attainment status designation for Lucas County, Ohio, relative to the total suspended particulate (TSP) National Ambient Air Quality Standard (NAAQS). The State requested that the TSP primary nonattainment area be reduced in size to include only the City of Toledo, east of the Maumee River and that the remainder of the County be designated attainment. EPA is proposing to approve this designation. The purpose of this notice is to notify the public of this proposed approval and solicit comments on this rulemaking action.

**DATE:** Comments must be received by October 18, 1982.

**ADDRESSES:** Copies of the redesignation request and supporting air quality data are available at the following addresses:

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

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Delores Sieja (312) 886-6038.

**SUPPLEMENTARY INFORMATION:** On January 12, 1982, the State of Ohio submitted a request to revise the attainment status designations for 15 counties relative to the TSP NAAQS. On June 9, 1982 (47 FR 25016) in a notice of final rulemaking, EPA: discussed its criteria for redesignation; discussed the monitoring data submitted by the State to support their 15 county redesignation request; and approved the redesignation request for the 15 counties. The approval included Lucas County in which the TSP primary nonattainment area was reduced in size to include only the City of Toledo, east of the Maumee River and the remainder of the County designated attainment.

In the approval notice, EPA advised the public that it was deferring the effective date of its approval until August 9, 1982. EPA announced that, if by July 9, 1982, it received notice that someone wanted to submit an adverse or critical comment it would withdraw its approval and begin a new rulemaking by proposing the action and establishing a 30 day comment period. EPA published a general notice explaining this special procedure on September 4, 1981 (46 FR 44477).

On July 8, 1982, EPA received notice that a member of the public wished to submit an adverse or critical comment on the approval of the Lucas County designation. Therefore, in accordance with the procedures described above, EPA is today (1) taking final action elsewhere in today's *Federal Register* to withdraw its June 9, 1982, approval of the Lucas County designation (the June 9, 1982, approval of the other 14 counties remains effective); and (2) in this notice is proposing to approve the Lucas County designation. A detailed description of EPA's rationale for proposing approval of the Lucas County designation are found at 47 FR 25016 (June 9, 1982). Interested parties are invited to submit comments on this proposed approval. EPA will consider all comments received within 30 days of publication of this notice.

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. Section 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(d) of the Clean Air Act, as amended (42 U.S.C. 7407))

Dated: August 4, 1982.

Alan Levin,  
Acting Regional Administrator.

[FR Doc. 82-25635 Filed 9-16-82; 8:45 am]  
BILLING CODE 6560-50-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1033

[Service Order 1473 (Sub-1)]

#### Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposed changes in reporting requirements.

**SUMMARY:** In a decision served January 27, 1982 [47 FR 4261, January 29, 1982], the Commission determined that interim service over lines of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), should be continued and that the compensation to be paid the Trustee for the use of Rock Island lines should be increased. In addition, the decision established reporting requirements for interim operators under Section 122 of the Rock Island Railroad Transition and Employee Assistance Act (RITEA) relating to the new compensation formula. This notice proposes changes in those reporting requirements and will allow interim operators to annualize their operating results under certain conditions.

The changes proposed should improve the ability of the operator to report results of its operations, increase the equity in the formula used to determine the amount of payments due the Trustee from the interim operator and enhance the prospect of continued rail service over Rock Island lines.

**DATE:** Information from all parties shall be filed by October 15, 1982.

**ADDRESS:** Fifteen copies of such documents shall be filed with the Secretary of the Commission, 12th and Constitution Ave. NW., Washington, DC 20423, and a copy served on the Rock Island. Rock Island shall serve a copy of its comments on any respondent

providing comments on this notice and which serves its comments on the Rock Island. Each filing with the Commission shall have appearing in the lower left front corner of the envelope in large lettering—RSB-7115.

#### FOR FURTHER INFORMATION CONTACT:

Melvin F. Clemens, Jr., (202) 275-1559.

**SUPPLEMENTAL INFORMATION:** Under Section 122 of the Rock Island Railroad Transition and Employee Assistance Act (RITEA), Pub. L. 96-254, we have been authorizing a number of carriers to provide service to shippers on Rock Island's lines. This is an interim measure designed, at least in part, to ensure continued transportation service pending the implementation of long-term solutions.

In a notice served September 21, 1981 [46 FR 47101, September 24, 1981], we indicated our intent to consider whether, and for how long, this service over Rock Island lines should be permitted to continue and the compensation formula to be applied, where the Rock Island and operating carriers have not agreed on a compensation amount, and requested carriers and interested parties to comment in this regard.

By decision served January 27, 1982, in Service Order No. 1473 and Service Order No. 1495<sup>1</sup> [47 FR 4261, January 29, 1982], the Commission established a policy with respect to how long service over the Rock Island should be permitted to continue under the authority of Section 122 of RITEA. Further, the decision established the compensation to be paid to the Trustee for the use of Rock Island lines where interim operators utilizing those lines do not have a lease or purchase agreement with the Trustee. Essentially, the decision assured shippers that Section 122 authorities would continue without interruption at least until the Trustee provides the Commission and the public with a definitive statement describing his plans for carrying out the court ordered liquidation; and established the Rock Island Formula which replaced the Frisco Formula and set a new base for calculating compensation to be paid to the Trustee for the use of his property. The new formula assures the Trustee of a substantially higher rental rate, including additional compensation from net revenues derived from interim operations. The formula also establishes a reporting requirement to determine whether net revenues exist. It is this reporting, and the ultimate determination of net revenues, which is the subject of this notice.

Specifically, interim operations utilizing the Rock Island Formula are required to report to the Trustee and the

Commission monthly by the 15th day following the month in which operations are performed. That reporting consists of an analysis of expenses and revenues solely attributable to the interim operations, sufficient to determine how much, if any, net revenue exists. The Rock Island Trustee is entitled to 14.4 percent of any net revenues as part of the monthly rental.

Two problems associated with the reporting have been brought to the Commission's attention by interim operators. The first is the reporting time limit. Reports are due to the Trustee and the Commission by the 15th day following the month in which operations are performed. The Norfolk and Western Railway (NW) has indicated that it is unable to complete its revenue accounting by the 15th of the month as required. Its reports thus far have reflected operational activity, in terms of numbers of cars handled, but do not reflect the associated revenues. NW further indicates that it will supplement its reports with a revenue statement as soon as possible. However, to date none has been received. Cadillac and Lake City Railway (CLK), another operator utilizing the Rock Island Formula, has been reporting reasonably on schedule. A third carrier, the North Central Oklahoma Railway (NCOK), is utilizing the formula for a portion of its operation, and to date has reported on its operations only through April 1982.

The interim operations of these three carriers are substantially different in scope and nature. In the case of NW, it is far more difficult for that carrier to identify the interim operations which are integrated into its system operations in terms of revenues and expenses solely attributable to those operations. Thus the delayed reporting. In the case of CLK and NCOK which both serve grain producing areas, the interim operations are their only rail operations and, therefore, a total accountability is considerably easier.

The second and more serious problem brought to our attention is that of coping with the seasonal nature of business on certain of the lines. In essence, an interim operator (most of which serve short unconnected line segments) may have to sustain a substantial loss in an off-season in order to survive until a more profitable time. This is especially true for operators in the grain producing areas.

With this in mind, it is proposed that carriers should be able to annualize revenues and expenses. To the extent that this occurs, the negative earnings or loss could be carried forward, thus permitting a more balanced revenue

<sup>1</sup>By April 30, 1982, the authorities for the Burlington Northern and Fort Worth and Denver in Service Order No. 1495 were substantially reduced and the order was vacated [47 FR 19150, May 4, 1982] and the remaining authorizations were included in Appendix A of Service Order No. 1473 at Items 26 and 27 [47 FR 18599, April 30, 1982].

picture and greater equity in applying the revenue related part of the formula. As proposed, the reporting requirement would remain unchanged with respect to traffic volumes, however, the accounting for the percentage of net revenues (14.4 percent) would occur annually. This annualization of expenses would be permitted only when operations are continuous and rental payments under the formula are current, and when a showing is made to the Commission's Railroad Service Board that there is a need for such authorization.

The changes proposed should improve the ability of the operator to report results of its operations, increase the equity in the formula used to determine the amount of payments due the Trustee from the interim operator and enhance the prospect of continued rail service over Rock Island lines. Further, we propose that the reporting requirements become a permanent part of the Service Order No. 1473, which authorizes the interim operations over the Rock Island.

In order for us to reexamine the reporting requirements, the various carriers utilizing the Rock Island Formula and authorized to provide service on the Rock Island in Forty-first Revised Service Order No. 1473 and any interested person (particularly shippers and communities on the lines) should file comments or provide information and argument relating to the necessity and appropriateness of such a change.

#### List of Subjects in 49 CFR Part 1033

##### Railroads.

Dated: September 10, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons and Gradison.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-25524 Filed 9-16-82; 8:45 am]

BILLING CODE 7035-01-M

#### DEPARTMENT OF THE INTERIOR

##### Fish and Wildlife Service

##### 50 CFR Part 17

**Endangered and Threatened Wildlife and Plants: Notice of Withdrawal of an Expired Proposal for Listing of the U.S. Populations of the Thick-Billed Parrot, Short-Tailed Albatross, Margay Cat, and Jaguar**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of withdrawal of an expired proposed rule.

**SUMMARY:** As amended November 10, 1978, the Endangered Species Act mandates withdrawal of proposed rules to list species which have not been finalized within 2 years of the proposal. The time limit has expired for the proposed rulemaking regarding the U.S. populations of the thick-billed parrot (*Rhynchositta pachyrhynchus*), short-tailed albatross (*Diomedea albatrus*), margay cat (*Felis wiedii*), and jaguar (*Panthera onca*), which were originally proposed for listing as Endangered on July 25, 1980 (45 FR 49844-47). The listing of the U.S. population of the ocelot (*Felis pardalis*), which was proposed at the same time as the above species, was finalized on July 21, 1982 (47 FR 31670-72). This notice constitutes the formal withdrawal of the listing proposal for the U.S. populations of the thick-billed parrot, short-tailed albatross, margay cat, and jaguar.

**FOR FURTHER INFORMATION CONTACT:** Mr. John L. Spinks, Jr. Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

##### SUPPLEMENTARY INFORMATION:

**Background.** Section 4(f)(5) of the Endangered Species Act of 1973, as amended November 10, 1978, states that:

A final regulation adding a species to any list published pursuant to Subsection (c) shall be published in the **Federal Register** not later than 2 years after date of publication of notice of the regulation proposing listing under paragraph (B)(i)(1). If a final regulation is not adopted within such 2 year period, the Secretary shall withdraw the proposed regulation and shall publish notice of such withdrawal in the **Federal Register** not later than 30 days after the end of such period.

The 2 year time limit on proposals which was established in this section has expired for the U.S. populations of the thick-billed parrot, short-tailed albatross, margay cat, and jaguar, which were proposed for listing on July 25, 1980 (45 FR 49844-47). In accordance with Section 4(f)(5), this notice officially withdraws the proposed rulemaking to list these species as Endangered.

This notice is issued under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.; 87 Stat. 884; 92 Stat. 3751).

The primary author of this notice is John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

Dated: August 13, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-25680 Filed 9-16-82; 8:45 am]

BILLING CODE 4310-55-M

## Notices

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

#### Packers and Stockyards Administration

##### Elkton Livestock Auction, Inc., Elkton, Ohio; Correction

On July 26, 1982, a notice was published in the **Federal Register** (47 FR 32177) giving notice of the proposed posting for certain stockyards listing their facility no., name and location of stockyards.

This notice is to correct the facility no. assigned to Elkton Livestock Auction, Inc., Elkton, Ohio.

The notice should have read:

OH-148 Elkton Livestock Auction, Inc., Elkton, Ohio

Done at Washington, D.C. this 13th day of September 1982.

Jack W. Brinckmeyer,  
*Chief, Financial Protection Branch, Livestock Marketing Division.*

[FR Doc. 82-25667 Filed 9-16-82; 8:45 am]

BILLING CODE 3410-02-M

##### Tripp Livestock Market, Tripp, South Dakota; Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No.	Name and location of stockyard	Date of Posting
SD-167 .....	Tripp Livestock Market, Tripp, South Dakota.	Aug. 16, 1982.
TX-320 .....	Van Alstyne Livestock Commission, Inc., Van Alstyne, Texas.	Aug. 13, 1982.
TX-326 .....	O K Auction Co., Breckenridge, Texas.	Aug. 7, 1982.
VA-155 .....	Abingdon Livestock Market, Abingdon, Virginia.	Aug. 16, 1982.

Done at Washington, D.C., this 13th day of September 1982.

Jack W. Brinckmeyer,  
*Chief, Financial Protection Branch, Livestock Marketing Division.*

[FR Doc. 82-25666 Filed 9-18-82; 8:45 am]

BILLING CODE 3410-02-M

### Rural Electrification Administration

#### Soyland Power Cooperative, Inc.; Final Environmental Impact Statement

**AGENCY:** Rural Electrification Administration (REA), USDA.

**ACTION:** Availability of Final Environmental Impact Statement (FEIS).

**SUMMARY:** REA has prepared a FEIS in connection with potential financing assistance to Soyland Power Cooperative, Inc., (Soyland) P.O. Box A1606, Decatur, Illinois 62525, for construction of a 450 MW coal-fired generating facility, 138 kV and 345 kV transmission lines and related facilities.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Frank W. Bennett, Director, Power Supply Division, Rural Electrification Administration, 14th St., and Independence Ave., SW., Washington, D.C. 20250.

**SUPPLEMENTARY INFORMATION:** In connection with the project described above, REA has prepared a FEIS. The FEIS may be examined during regular business hours at the following locations and at local libraries in the project area.

Rural Electrification Administration,  
USDA, 14th St., and Independence Ave., SW., Room 0230, Washington, D.C.

Soyland Power Cooperative, 675 Imboden Drive, Decatur, Illinois

The alternatives considered in the FEIS are no action, purchasing additional power from existing sources, alternative energy sources, energy conservation and load management.

### Federal Register

Vol. 47, No. 181

Friday, September 17, 1982

alternative transmission line corridors, and alternative construction methods.

The alternative sites for the project were Pike County near Florence, Wabash County near Mt. Carmel and Randolph County near Evansville, all in Illinois.

The preferred alternative is the construction of a coal-fired generating facility to be located on the west bluffs of the Illinois River in Pike County, south of Florence, Illinois. The project consists of a 450 MW (net) coal-fired generating unit scheduled for operation in summer of 1987 and ancillary facilities. The proposed electric transmission associated with this proposed plant involves two 345 kV lines and one 138 kV line. One of the 345 kV lines and the 138 kV line would be constructed on a double circuit tower line 16.1 km (10 mi) east from the Pike County Site to an existing substation in the vicinity of Winchester, Illinois, where the 138 kV line will terminate. The 345 kV line will continue east for another 72.4 km (45 mi) and terminate at an existing substation at Pawnee, Illinois. The second 345 kV line will be constructed 25.7 km (16 mi) north from the Pike County Plant to a proposed substation in the vicinity of Chambersburg, then west for 61.1 km (38 mi) to a proposed substation in the area southeast of Quincy, Illinois, and then 17.7 km (11 mi) southwest to terminate at an existing substation at Palmyra, Missouri.

Transmission line structures may be constructed in the floodplains of the Mississippi and Illinois Rivers. REA has concluded that there is not practicable alternative to crossing the floodplain. Further information concerning this matter can be found in the FEIS.

Copies of the FEIS have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality regulations. The FEIS is available upon request to: Mr. Frank W. Bennett, Director, Power Supply Division, at the address above.

Final REA action concerning the project, including any release of funds for construction, will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and compliance with the National Environmental Policy Act of 1969, and with other environmentally related statutes,

regulations, Executive Orders, and Secretary's Memoranda.

The Federal assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: September 13, 1982.

Jack Van Mark,  
Acting Administrator.

[FR Doc. 82-25063 Filed 9-16-82; 8:45 am]  
BILLING CODE 3410-15-M

## Office of the Secretary

### White or Irish Potato Production

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Estimates with respect to 1982 white or Irish potato production. Headnote 2 of Subpart A of Part 8 Schedule 1 of the Tariff Schedules of the United States (TSUS) provides that, if for any calendar year the production in the United States of white or Irish potatoes, including seed potatoes, according to the estimate of the Department of Agriculture made as of September 1, is less than 21 billion pounds, an additional quantity of potatoes equal to the amount by which such estimated production is less than 21 billion pounds shall be added to the 45 million pounds for which duty at 36.5 cents per 100 pounds is provided by TSUS item 137.25 for the 12-month period beginning September 15.

The estimate of the Department of Agriculture, made as of September 1, 1982, is that for the calendar year 1982

the production in the United States of white or Irish potatoes, including seed potatoes, will exceed 21 billion pounds.

Issued at Washington, D.C. this 14th day of September 1982.

Richard E. Lyng,  
Acting Secretary of Agriculture.

[FR Doc. 82-25632 Filed 9-14-82; 3:30 pm]

BILLING CODE 3410-01-M

## Soil Conservation Service

### Berry-Smith Group Irrigation RC&D Measure, South Carolina

**AGENCY:** Soil Conservation Service.

**ACTION:** Notice of a finding of no significant impact.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Berry-Smith Group Irrigation RC&D Measure, Edgefield County, South Carolina.

**FOR FURTHER INFORMATION CONTACT:** George E. Huey, State Conservationist, Soil Conservation Service, 1835 Assembly Street, Room 950, Columbia, South Carolina 29201, telephone (803-765-5681).

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that

the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, George E. Huey, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for the construction of a small water supply reservoir to provide irrigation. The planned works of improvement include a small water supply reservoir.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting George E. Huey.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the *Federal Register*.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

G. E. Huey,

*State Conservationist.*

September 9, 1982.

[FR Doc. 82-25481 Filed 9-16-82; 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 (See, 14 CFR 302.1701 et seq.); Week Ended September 10, 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
Sept. 7, 1982	40966	Bidzy Ta Hot' Aana, Inc. d/b/a/ Tanana Air Service, c/o John B. Patterson, Strachan, Kelly & Patterson, 310 K Street, Suite 407, Anchorage, Alaska 99501. Application of Bidzy Ta Hot' Aana d/b/a/ Tanana Air Service, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests issuance of a certificate of public convenience and necessity which would authorize it to engage in scheduled air transportation of passengers, property, and mail as follows between: Fairbanks Nenana Manley Hot Springs Minto Rempart Tanana
Sept. 7, 1982	40970	Conforming Applications, motions to modify scope, and Answers may be filed by October 5, 1982. Altair Airlines, Inc., c/o James M. Burger, Shaw, Pittman, Potts & Trowbridge, Suite 900 South, 1800 M Street, N.W., Washington, D.C. 20036. Application of Altair Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authority to provide scheduled foreign air transportation of persons, property, and mail as follows: Between a point or points in the United States and a point or points in the Bahamas.

Date filed	Docket No.	Description
Sept. 8, 1982 .....	40972	Conforming Applications, motions to modify scope, and Answers may be filed by October 5, 1982. 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, requests an amendment of its certificate of public convenience and necessity for Route 152 authorizing it to engage in foreign air transportation with respect to persons, property and mail. Between the terminal point Los Angeles, California, and the coterminous points Puerto Vallarta and Mazatlan, Mexico. Western requests it be authorized to integrate this new authority with its other Mexico authority on Route 152 subject, to such route authority integration being consistent with applicable local regulations and bilateral agreements. Conforming Applications, motions to modify scope, and Answers may be filed by October 6, 1982.
Sept. 8, 1982 .....	40975	Northern Air Cargo, Inc., c/o William J. Miller, Bill Miller Associates, Suite 301, 1341 G Street, N.W., Washington, D.C. 20005. Application of Northern Air Cargo, Inc. pursuant to Section 401 of the Act, and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity for an indefinite term to engage in unrestricted Interstate air transportation of property and mail in all-cargo service within the State of Alaska between and among the terminal point Adak, Alaska, the 160 intermediate points listed in Exhibit B (Proposed Service Area) and the terminal point Yakutat, Alaska.
Sept. 9, 1982 .....	40978	Conforming Applications, motions to modify scope, and Answers may be filed by October 6, 1982. 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, with respect to the application of Capitol Air, Inc., Docket 40921. Transamerica requests issuance of a certificate of public convenience and necessity to engage in foreign air transportation of persons, property and mail, as follows: Between the terminal point Miami, Florida, and the terminal point London, United Kingdom. Answers may be filed by September 23, 1982.
Sept. 10, 1982 .....	40979	Continental Air Lines, Inc. and Texas International Airlines, Inc., c/o Emory N. Ellis, Fulbright & Jaworski, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036. Joint Application of Continental Air Lines, Inc. and Texas International Airlines, Inc. apply to the Board for coextensive certificates for routes between the United States and Mexico. Conforming Applications, motions to modify scope, and Answers may be filed by October 8, 1982.
Sept. 7, 1982 .....	40892	Amendment No. 1 to the Application of Northeastern International Airways, Inc., c/o James Lawrence Smith, 1600 S.E. 10th Terrace, Ft. Lauderdale, Florida 33318. Amendment No. 1 to the Application of Northeastern International Airways, Inc. amends its application in the following respects: 1. Section I, paragraph 3 is amended to read as follows: "Northeastern hereby requests authorization to provide scheduled air transportation of persons, property and mail (a) 'Between the terminal point Albany, New York and the terminal point Montreal, Canada; and (b) 'Between the terminal point Erie, Pennsylvania and the terminal point Toronto, Canada' subject to such terms, conditions and limitations as the Board may find required by the Public Convenience and Necessity." 2. Section I, paragraph 9 is amended as follows: "The number 1,800,000 is deleted and the number 1,554,400 is inserted in lieu thereof." 3. Section II, paragraph 3 is amended as follows: "The number 1,800,000 is deleted and the number 1,554,400 is inserted in lieu thereof." 4. Revised Exhibit A is substituted for Exhibit A. Answers may be filed by October 5, 1982.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 82-25668 Filed 9-16-82; 8:45 am]

BILLING CODE 6320-01-M

**[Order 82-9-40]**

**Fitness Determination of Grand Canyon Airlines, Inc.; Order To Show Cause**

**AGENCY:** Civil Aeronautics Board.  
**ACTION:** Notice of Commuter Air Carrier Fitness Determination—Order 82-9-40, Order To Show Cause.

**SUMMARY:** The Board is proposing to find that Grand Canyon Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service will conform to applicable safety standards. The complete text of this order is available, as noted below.

**DATES:** Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 4, 1982, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

**ADDRESSES:** Responses or additional data should be filed with Special Authorities Division, Room 915, Civil

Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A to Order 82-9-40.

**FOR FURTHER INFORMATION CONTACT:** Ms. Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5088.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 82-9-40 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82-9-40 to that address.

By the Civil Aeronautics Board, September 14, 1982.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 82-25669 Filed 9-16-82; 8:45 am]

BILLING CODE 6320-01-M

**Order Concerning Mail Rates**

Order 82-9-41, September 14, 1982, establishes temporary intra-Alaska service mail rates for SouthCentral Air, Inc. and Yute Air Alaska, Inc. at the same level as those authorized for other intra-Alaska carriers by Order 80-12-152, 46 FR 2158.

Copies of the order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington Metropolitan area may send a postcard request.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 82-25670 Filed 9-16-82; 8:45 am]

BILLING CODE 6320-01-M

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles**

The following is consolidated decision on applications for duty-free entry of scientific articles published pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-561, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097, Statutory Import

Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Decision: Applications Denied.

Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles for such purposes as the foreign articles are intended to be used are not being manufactured in the United States.

Reasons: The requirements for the resubmission of applications that have been denied without prejudice to resubmission are contained in § 301.5(e) of the regulations. Each of the applicants has failed to resubmit its application within the specified time period.

Pursuant to § 301.5(e)(4), this failure shall result in a denial of the application.

In accordance with § 301.5(f), notice of these decisions is forwarded to the **Federal Register** for publication.

Docket No. 81-00210. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, Colorado 80401.

ARTICLE: Scanning Electron Microscope, Model JSM 35C with Accessories. Date of denial without prejudice to resubmission: March 30, 1982.

Docket No. 81-00233. Applicant: Wilkes-Barre General Hospital, River & Auburn Streets, Wilkes-Barre, PA 18764. ARTICLE: Therac 20/Saturne Linear Accelerator with Accessories. Date of denial without prejudice to resubmission: March 11, 1982.

Docket No. 81-00236. Applicant: University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, CA 90024. ARTICLE: Treatment Planning System, Model TP 11/44. Date of denial without prejudice to resubmission: March 11, 1982.

Docket No. 81-00251. Applicant: Michigan Technological University, Department of Metallurgical Engineering, Houghton, MI 49931. ARTICLE: Axiomat Optical Microscope with Accessories. Date of denial without prejudice to resubmission: March 26, 1982.

Docket No. 81-00252. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. ARTICLE: Scanning Electron Microscope, Model S250-TP with Accessories. Date of denial without prejudice to resubmission: March 31, 1982.

Docket No. 81-00256. Applicant: National Jewish Hospital/Research Center, 3800 East Colfax Avenue, Denver, Colorado 80206. ARTICLE: Custom Electronic Circuits. Date of denial without prejudice to resubmission: March 29, 1982.

Docket No. 81-00290. Applicant: Sandia National Laboratories, P.O. Box 5800, Kirtland Air Force Base, Albuquerque, NM 87185. ARTICLE: Cinetheodolite Accessory Equipment. Date of denial without prejudice to resubmission: March 29, 1982.

Docket No. 81-00311. Applicant: Providence Hospital, 3200 Providence Drive, Pouch 6604, Anchorage, AK 99502. ARTICLE: Therac 20/Saturne Linear Accelerator with Accessories. Date of denial without prejudice to resubmission: March 11, 1982.

Docket No. 81-00325. Applicant: University of Rochester, Laboratory for Laser Energetics, 250 East River Road, Rochester, NY 14623. ARTICLE: Neodymium Doped Laser Rods. Date of denial without prejudice to resubmission: March 31, 1982.

Docket No. 81-00341. Applicant: Medical College of Wisconsin, National Biomedical ESR Center, 8701 Watertown Plank Road, P.O. Box 26509, Milwaukee, Wisconsin 53226. ARTICLE: Laser Energy Meter with Accessories. Date of denial without prejudice to resubmission: March 26, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, *Statutory Import Programs Staff*.

[FR Doc. 82-25660 Filed 9-16-82; 8:45 am]

**BILLING CODE 3510-25-M**

#### Duke University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, *Statutory Import Programs Staff*, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 82-00192. Applicant: Duke University, Marine Laboratory, Pivers Island, Beaufort, NC 28516. Article: Lipoprep Apparatus, 110 Volts AC, 60 Hz. Manufacturer: Dianorm-Gerate, West Germany. Intended use of article: See Notice on page 27389 in the *Federal Register* of June 24, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No

instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides for the formation of uniform vesicles of different sizes in the range of 25 to 200 nanometers and uniform composition. The Department of Health and Human Services advises in its memorandum dated July 20, 1982 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, *Statutory Import Programs Staff*.

[FR Doc. 82-25660 Filed 9-16-82; 8:45 am]

**BILLING CODE 3510-25-M**

#### Initiation of Antidumping Investigation; Shop Towels of Cotton From the People's Republic of China

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

**SUMMARY:** On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether shop towels of cotton from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before October 11, 1982, and we will make ours on or before January 31, 1983.

**EFFECTIVE DATE:** September 17, 1982.

**FOR FURTHER INFORMATION CONTACT:** Lou Apple, Office of Investigation, Import Administration, International

Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 377-3962.

#### The Petition

On August 24, 1982, we received a petition from counsel for Milliken and Company on behalf of all United States producers of shop towels. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from the PRC 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 Act, and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The allegation of sales at less than fair value is supported by comparisons of United States prices (based on quoted prices adjusted for freight, brokerage fees, insurance, bonding, cartage and U.S. tariffs) on sales of this merchandise from the PRC with a constructed value based on U.S. production costs adjusted to match the estimated PRC cost structure.

#### Initiation of Investigation

Under section 732(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1673a) (the Act), we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition filed by the industry, and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether shop towels from the People's Republic of China are being, or are likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by February 1, 1983.

#### Scope of the Investigation

The merchandise covered by this investigation is shop towels of cotton from the People's Republic of China which are currently classified under item number 366.2740, and which falls within Textile and Apparel Category 369, of the Tariff Schedules of the United States (TSUS). Shop towels are generally used for wiping in industrial and commercial facilities. Although some towels in the market may contain as much as 40% acrylic in a cotton-acrylic blend, virtually all shop towels

imported from the PRC are made from 100% woven cotton fabric.

#### Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission 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 non-privileged and non-confidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that 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 within 45 days whether there is a reasonable indication that imports of shop towels from the People's Republic of China are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gary N. Horlick,

*Deputy Assistant Secretary for Import Administration.*

September 13, 1982.

[FR Doc. 82-25654 Filed 9-16-82; 8:45 am]

BILLING CODE 3510-25-M

#### National Radio Astronomy Observatory; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 82-00166. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ 85745. Article: Repair of Klystron VRB21130A40, SN 0603G8. Manufacturer: Varian Canada, Inc., Canada. Intended use of article: See

Notice on page 21905 in the *Federal Register* of May 20, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides a frequency range of 80-110 gigahertz. The National Bureau of Standards advises in its memorandum dated July 22, 1982 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

*Director, Statutory Import Programs Staff.*

[FR Doc. 82-25657 Filed 9-16-82; 8:45 am]

BILLING CODE 3510-25-M

#### North Carolina State University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 82-00193. Applicant: North Carolina State University, Purchasing Department, Box 5935, Raleigh, NC 27650. Article: Digital Oxygen Electrode System. Manufacturer: Rank Brothers, United Kingdom. Intended use of article: See Notice on page 27389 in the *Federal Register* of June 24, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides magnetic stirring, temperature control, and continuous digital measurements on very small samples. The Department of Health and Human Services advises in its memorandum dated July 20, 1982 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

**Richard M. Seppa,**  
Director, *Statutory Import Programs Staff.*

[FR Doc. 82-25661 Filed 9-16-82; 8:45 am]

BILLING CODE 3510-25-M

[A-401-040-003]

#### **Stainless Steel Plate From Sweden; Final Results of Administrative Review of Antidumping Finding**

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of final results of administrative review of antidumping finding.

**SUMMARY:** On April 19, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on stainless steel plate from Sweden. The review covers one of the two known exporters of this merchandise to the United States, Uddeholm/Nyby Uddeholm AB, and the period January 1, 1980 through May 31, 1980.

Interested parties were given an opportunity to submit oral or written comments. One domestic party submitted written comments. As a result of our analysis of the comments we have made no changes in the final results from those contained in our preliminary results of review.

**EFFECTIVE DATE:** September 17, 1982.

**FOR FURTHER INFORMATION CONTACT:** Valerie Newkirk or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3601).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On June 8, 1973, a dumping finding with respect to stainless steel plate from Sweden was published in the *Federal Register* as Treasury Decision 73-157 (38 FR 15079). On April 19, 1982, the Department of Commerce ("the Department") published in the *Federal Register* the preliminary results of its administrative review of the finding (47 FR 16666). The Department has now completed that administrative review.

##### **Scope of the Review**

Imports covered by the review are shipments of stainless steel plate which is commonly used in scientific and industrial equipment because of its resistance to staining, rusting and pitting. Stainless steel plate is currently classifiable under item 607.9005 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers one of the two known firms exporting stainless steel plate to the United States, Uddeholm/Nyby Uddeholm AB ("Uddeholm"), and the period January 1, 1980 through May 31, 1980. The Department will cover shipments by Uddeholm in earlier periods, unreviewed by the Treasury Department, in a subsequent review.

##### **Analysis of Comments Received**

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received the following written comments from the petitioner, Jessop Steel Company ("Jessop").

**(1) Comment:** Jessop informed the Department that the notice of preliminary results erroneously stated that Uddeholm no longer shipped stainless steel plate to the United States.

##### **Position**

The Department agrees with this statement. The Department corroborated that Uddeholm continues to make infrequent shipments on a special order basis.

**(2) Comment:** Jessop contended that the adjustment to the U.S. price for "landed costs" was understated.

##### **Position**

The Department is satisfied, based on

its receipt of supporting documentation, that Uddeholm submitted accurate information.

##### **(3) Comment:**

Jessop contended that adjustments to the U.S. price for selling expenses were understated and that comparable home market selling expenses were overstated.

##### **Position**

The Department has no evidence, and none has been submitted by Jessop, to support the above allegation.

#### **Final Results of the Review**

As a result of our analysis of the comments received, the final results of our review are the same as those presented in our preliminary results of review, and we determine that no margins exist for sales during the review period.

Because there are no margins for the review period, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on shipments of stainless steel plate manufactured and exported by Uddeholm entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For any shipment from a new exporter not covered in this administrative review, unrelated to the covered firm, a cash deposit shall be required at the rate for the other exporter, Avesta Jernverks Aktiebolag, of 5.22 percent. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin the next administrative review immediately after publication of this notice. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with sections 751(a)(1) of the Tariff Act of 1930 (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.*

September 10, 1982.

[FR Doc. 82-25655 Filed 9-16-82; 8:45 am]

BILLING CODE 3510-25-M

**State University of New York at Stony Brook; Decision on Application for Duty-Free Entry of Scientific Instrument**

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 82-00126. Applicant: State University of New York at Stony Brook, Stony Brook, N.Y. 11794. Article: Temperature-Jump Spectrophotometer System. Manufacturer: Dialog, Gesellschaft Fur Digital-Analoge Datentechnik GMBH, West Germany. Intended Use of Article: See Notice on page 15819 in the *Federal Register* of April 13, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides a sensitivity of  $10^{-5}$  to  $10^{-4}$  absorbance units and a response time of one to two microseconds. The Department of Health and Human Services advises in its memorandum dated June 10, 1982 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,  
Director, Statutory Import Programs Staff.

[FR Doc. 82-25858 Filed 9-16-82; 8:45 am]

BILLING CODE 3510-25-M

**University of Hawaii at Manoa; Decision on Application for Duty-Free Entry of Scientific Instrument**

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC. 20230.

Docket No. 82-00190. Applicant: University of Hawaii at Manoa, Procurement and Property Management Office, Bachman Hall Annex #3, 2444 Dole Street, Honolulu, Hawaii 96822, Article: Miniature Propeller Flowmeter. Manufacturer: Delft Hydraulic Laboratory, The Netherland. Intended Use of Article: See Notice of page 27389 in the *Federal Register* of June 24, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides for the measuring of rapidly varying currents in a wave flume and current direction (positive and negative). The National Bureau of Standards advises in its memorandum dated August 5, 1982 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,  
Director, Statutory Import Programs Staff.

[FR Doc. 82-25859 Filed 9-16-82; 8:45 am]

BILLING CODE 3510-25-M

**National Oceanic and Atmospheric Administration**

**Civil Remote Sensing Satellites; Request for Information and Notice of Meeting**

**AGENCY:** National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Request for Information/Notice of meeting.

**SUMMARY:** The Secretary of Commerce is requesting the views of private industry with regard to the nation's civil remote sensing satellites. A request for information was published in the *Commerce Business Daily* on September 10, 1982.

**DATE:** A conference for industry will be held at 9:30 a.m. on September 17, 1982.

**ADDRESS:** Room 4830 of the Herbert C. Hoover Building (formerly the Commerce Building), 14th and Constitution Avenue, N.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Dr. John H. Mc Elroy, Assistant Administrator for Satellites, National Earth Satellite Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20233 (202-763-5240).

**SUPPLEMENTARY INFORMATION:** Preamble to *Commerce Business Daily* Notice. It is the policy of this Administration to seek commercialization of Governmental activities which are not uniquely Governmental in nature since private enterprise is the primary source of our national economic strength.

The United States Government currently operates civil satellite systems to collect and disseminate remotely sensed weather and land satellite data. This data is used by numerous departments and agencies to perform Government services and is used by the private sector to extract information valuable in that sector. Civil satellite remote sensing is an activity which has a potential for substantially greater commercialization. Private entities have expressed interest in providing the remotely sensed satellite data that is needed by the Government and non-Government users on a commercial basis. The Land Remote Sensing Advisory Committee is currently soliciting other expressions of interest from the private sector for ownership and/or operation.

While it is the current policy of the Administration to seek prompt commercialization of land satellite remote sensing and to retain the civil

weather satellites in the Government, that policy will be reexamined if commercialization of both systems is shown to produce cost savings to Federal agencies.

The Secretary of Commerce is examining two issues with regard to the nation's civil remote sensing satellites:

1. What is the best mechanism to implement the current policy of transfer of civil land remote sensing systems (LANDSAT) to the private sector as soon as possible?

2. Should the Administration consider simultaneously private sector transfer of both civil weather and land remote sensing systems? (At this time, Administration policy is that civil weather satellite systems should remain in the Government.)

To assist in the process, the Secretary is requesting that the views of private industry be obtained. These views will be analyzed by the Administration and its advisory committee. This committee includes private sector representatives. Based in part on the results of this process, it is planned that a formal Request for Proposals will be prepared.

Private sector representatives are invited to present their views and expressions of interest on ownership and/or operation of the land and weather satellites and the likelihood of Government savings in either mode and the mechanisms for transfer of these systems to the private sector. All or part of the information provided will be treated as confidential to the extent permitted by law. Offerors should clearly mark those pages of their response that contain proprietary information. The response may include both, either, or any part of either system. The desired information includes:

1. A statement of the recommendations and rationale for transfer of all or any part of these satellite systems.

2. A discussion of the technical and business aspects of any proposed transfer, with particular emphasis on continuity of service and the cost savings to the Government.

3. A description of the terms and conditions that are necessary for a successful transfer. This should include, but not necessarily be limited to:

a. Any desirable or undesirable Government regulation.

b. Any need for legislation.

c. Use of Government facilities, ground stations, and equipment.

d. Services to be provided to the Government and public.

e. Time frame in which transfer is considered feasible.

4. A description of the proposed remote sensing system and its

capabilities (area of coverage, spatial resolution, sensor frequency bands, interval between repeat coverages of a ground site, etc.), including plans regarding direct transmission of data of foreign ground stations and distribution of data to international and domestic customers.

5. Anticipated evolution of new or improved sensing capabilities under the proposed transfer, and recommendations for a means to assure that evolution in any contractual or regulatory vehicle.

6. Response to foreign competition and its effects.

7. Potential for commercial international joint ventures in remote sensing and their implications in the areas of export control and national security.

8. If transfer is recommended for all or part of the civil weather satellite systems, information should be supplied on:

a. Assumption of command and control by the Department of Defense in emergencies.

b. Effect of providing selected priority service to defense needs when required.

c. Feasibility and savings associated with combining weather and land satellite functions (space and/or ground segment), and recommendation.

d. Use of existing Government facilities, ground stations, and equipment inventory.

e. Use of existing industry facilities, ground stations, and equipment inventory.

f. Proposed criteria for launching replacement satellites and selection of orbital parameters.

g. Weather satellite service costs under the proposed transfer to permit comparisons with current costs.

h. A statement of the pricing and data distribution practice (domestically and internationally) that would be employed for weather data.

i. Intended approach to the evolution of sensor systems still in an R&D stage, such as the VAS on the geostationary weather satellites.

j. Approach to be used with foreign-supplied instruments, such as the ARGOS and SSU on the polar-orbiting weather satellites.

k. Approach to respond to the National Weather Service priorities for severe storm data (National Severe Storms Forecast Center in Kansas City and National Hurricane Center in Miami) and for major forecast operations (National Meteorological Center in Camp Springs, Maryland).

A briefing package on civil remote sensing satellites has been prepared and interested parties may obtain it from Mr.

Robert L. Birchfield, Director of Resources and Management Services, National Earth Satellite Service/NOAA, Washington, D.C. 20233. His telephone number is (301) 763-2690. Firms planning to attend the conference should notify Mr. Robert L. Birchfield of their intent and the number of persons attending.

Offerors should submit 25 copies of their response to Dr. John H. McElroy, Assistant Administrator for Satellites, National Earth Satellite Service/NOAA, Washington, D.C. 20233, no later than October 22, 1982. This request for information does not commit the Government to pay any costs incurred for the preparation of a response.

Queries may be addressed to either of the above.

This request for information is not subject to the normal clearance functions required in Sec. 3506(c)(5) of P.L. 96-511 (Paperwork Reduction Act). John H. McElroy,

Assistant Administrator for Satellites, National Oceanic and Atmospheric Administration.

[FR Doc. 82-25644 Filed 9-16-82; 8:45 am]

BILLING CODE 3510-22-M

## Travel and Tourism Administration

### Travel and Tourism Advisory Board; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. (App. 1978) notice is hereby given that the Travel and Tourism Advisory Board of the U.S. Department of Commerce will meet on October 7, 1982, at 10:45 a.m., in Room 5859 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Established March 19, 1982, the Travel and Tourism Advisory Board consists of 15 members, representing the major segments of the travel and tourism industry and state tourism interests, and includes one member of a travel labor organization, a consumer advocate, an academician and a financial expert.

Members advise the Secretary of Commerce on matters pertinent to the Department's responsibilities to accomplish the purpose of the National Tourism Policy Act (Pub. L. 97-63), and provide guidance to the Assistant Secretary for Tourism marketing in the preparation of annual marketing plans. A detailed agenda will be published in the Federal Register in advance of the meeting.

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with

the Committee before or after the meeting. To the extent time is available, the presentation of oral statements is allowed.

Christine Hathaway, Committee Control Officer, United States Travel and Tourism Administration, Room 1865, U.S. Department of Commerce, Washington, D.C. 20230 (telephone: 202-377-0136) will respond to public requests for information about the meeting.

Peter McCoy,

*Under Secretary for Travel and Tourism,  
Department of Commerce.*

[FR Doc. 82-25653 Filed 9-16-82; 8:45 am]

BILLING CODE 3510-11-M

#### COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

##### Procurement List 1982, Proposed Additions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Proposed additions to procurement list.

**SUMMARY:** The Committee has received proposals to add to Procurement List 1982 commodities to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: October 20, 1982.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

**FOR FURTHER INFORMATION CONTACT:** C. W. Fletcher, (703) 557-1145.

##### SUPPLEMENTARY INFORMATION:

This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement List 1982, November 12, 1981 (46 FR 55740):

##### Class 7520

Stand, Calendar Pad

7520-00-162-6156

(GSA Regions 4 through 10)

##### Class 8455

Scarf, Branch of Service, Camouflage  
8465-01-078-0745

##### Class 8465

Binding Assembly, Snowshoe Universal  
8465-00-965-2175

##### SIC 7349

Janitorial Service  
Scotia Depot Complex  
Buildings 2, 3, 12, 13, 14, 22  
Scotia, New York

**C. W. Fletcher,**  
*Executive Director.*

[FR Doc. 82-25664 Filed 9-16-82; 8:45 am]

BILLING CODE 6820-33-M

8105-00-NSH-0008 (unmarked)

Size 1 (12 1/2 x 19")

8105-00-NSH-0009 (10 cents)

8105-00-NSH-0010 (25 cents)

8105-00-NSH-0011 (50 cents)

8105-00-NSH-0012 (unmarked)  
(50% of the Government's requirement  
for the above items)

**C. W. Fletcher,**

*Executive Director.*

[FR Doc. 82-25665 Filed 9-16-82; 8:45 am]

BILLING CODE 6820-33-M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Determinations of Active Military Service and Discharge; Civilian or Contractual Personnel

In accordance with Pub. L. 95-202, section 401 (The G.I. Bill Improvement Act of 1977) and under the provisions of DODD 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, the Secretary of the Air Force, acting in accordance with authority delegated to him by the Secretary of Defense, determined on August 30, 1982, that the service of the members of the groups known as the United States Merchant Marine Cadet Corps; the American Red Cross; and the Civilian U.S. Navy IFF Technicians Who Served in the Combat Area of the Pacific During World War II not be considered active military service in the Armed Forces of the United States for all laws administered by the Veterans Administration.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Simard, telephone 694-5074, Office of the Secretary of the Air Force Personnel Council, (SAF/MIPC), The Pentagon, Washington, DC 20330.

Winnibel F. Holmes,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 82-25617 Filed 9-16-82; 8:45 am]

BILLING CODE 3910-01-M

### Department of the Army

#### Board of Visitors, United States Military Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting.

Name of committee: Board of Visitors, United States Military Academy

Date of meeting: 4-6 November 1982

Place of meeting: West Point, New York

Time: At West Point:

2000-2200, 4 November, Board Discussions

(Hotel Thayer)

0830-1530, 5 November, Board Discussions (Bldg 600)  
 0800-1030, 6 November, Board Discussions (Cadet Library)  
 1100-1130, 6 November, Attend Cadet Review (The Plain)  
 1130-1700, 6 November, Attend Army-Air Force Football Game Activities (Michie Stadium)

Proposed agenda: Inquire into the optional academic majors program; the preparation of Graduates to meet initial leadership challenges to include a report from the Leadership Development Committee; excellence in athletics, the Command Operating Budget and other matters that the Board decides to consider. The Board will also draft conclusions and recommendations for their Report to the President.

All proceedings are open. For further information, contact COL D. P. Tillary, Jr., United States Military Academy, West Point, New York, telephone (914) 938-4723/2785.

For the Board of Visitors.

D. P. Tillary,

Col. GS, Executive Secretary, USMA Board of Visitors.

[FR Doc. 82-25603 Filed 9-16-82; 8:45 am]

BILLING CODE 3710-08-M

#### Medical Research and Development Advisory Committee, Subcommittee on Medical Entomology; Partially 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 Subcommittee meeting:

Name of committee: Army Medical Research and Development Advisory Committee, Subcommittee on Medical Entomology.

Date of meeting: October 18-19, 1982.

Time and place: 0830 hrs, Conference Room US Army Medical Research Institute of Infectious Diseases, Fort Detrick, Frederick, MD.

Proposed agenda: This meeting will be open to the public from 0830 to 1330 hrs on October 18, for the administrative review and discussion of the scientific research program of the Medical Entomology Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1330 to 1630 hrs on October 18, and from 0900 to 1200 hrs on October 19, for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army

Institute of Research, Bldg. 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,  
*Colonel, MC, Deputy Commander.*

[FR Doc. 82-25601 Filed 9-16-82; 8:45 am]

BILLING CODE 3710-08-M

#### Medical Research and Development Advisory Committee, Subcommittee on Bacterial Diseases; Partially 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 Subcommittee meeting:

Name of committee: Army Medical Research and Development Advisory Committee, Subcommittee on Bacterial Diseases.

Date of meeting: October 25-26, 1982.

Time and place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed agenda: This meeting will be open to the public from 0830 to 1330 hrs on October 25, for the administrative review and discussion of the scientific research program of the Bacterial Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1330 to 1630 hrs on October 25, and from 0900 to 1200 hrs on October 26 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg. 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,  
*Colonel, MC, Deputy Commander.*

[FR Doc. 82-25602 Filed 9-16-82; 8:45 am]

BILLING CODE 3710-08-M

#### Medical Research and Development Advisory Committee, Subcommittee on Pharmacology; Partially 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 Subcommittee meeting:

Name of committee: Army Medical Research and Development Advisory Committee, Subcommittee on Pharmacology.

Date of meeting: October 27-28, 1982.

Time and place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed Agenda: This meeting will be open to the public from 0830 to 1330 hrs on October 27 for the administrative review and discussion of the scientific research program of the Pharmacology Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1330 to 1630 hrs on October 27, and from 0900 to 1200 hrs on October 28, for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg. 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,  
*Colonel, MC, Deputy Commander.*

[FR Doc. 82-25600 Filed 9-16-82; 8:45 am]

BILLING CODE 3710-08-M

#### Defense Nuclear Agency

##### Membership of the Defense Nuclear Agency Performance Review Boards

**AGENCY:** Defense Nuclear Agency, DOD.

**ACTION:** Notice of membership of the Defense Nuclear Agency Performance Review Boards.

**SUMMARY:** This notice announces the appointment of the members of the Performance Review Boards (PRBs) of the Defense Nuclear Agency. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4). The Performance Review Boards provide fair and impartial review of Senior Executive Service performance appraisals and make recommendations regarding performance and performance awards to the Director, Defense Nuclear Agency.

**EFFECTIVE DATE:** The effective date of service for appointees of the DNA PRBs is September 14, 1982.

**FOR FURTHER INFORMATION CONTACT:**  
J. David Woodend, Chief, Civilian Personnel Management Division (MPCV), Defense Nuclear Agency, Washington, D.C. 20305, (202) 325-7591/92.

**SUPPLEMENTARY INFORMATION:** The names and titles of the members of the DNA PRBs are set forth below. All are DNA officials unless otherwise identified.

#### Board 1

Carew, Paul H., Comptroller.  
Myers, Lawrence S., Jr., Scientific Advisor to Director, Armed Forces Radiobiology Research Institute (AFRII).  
Reid, John E., Director, Acquisition Management Directorate.  
Brown, S. E., Brig. Gen., USAF, Commander, Field Command.  
Vaughn, John R., Comptroller, Defense Mapping Agency (DMA).  
Levine, Robert H., Assistant Deputy Director, Defense Communications System Directorate, Defense Communications Agency (DCA).  
Dellas, Ray W., Staff Director, Office of Small and Disadvantaged Business Utilization, Defense Logistics Agency (DLA).

#### Board 2

Sevin, Eugene, Assistant to Deputy Director (Science & Technology) for Experimental Research.  
Mansfield, John E., Assistant to Deputy Director (Science & Technology) for Theoretical Research.  
Knowles, Cyrus P., Assistant to Deputy Director (Science & Technology) for Testing.  
Soper, Gordon K., Scientific Assistant to the Deputy Director (Science & Technology).  
Rubenstein, Morton J., Technical Programs Manager, Nuclear Assessment Directorate.  
Slaughter, John I., Chief, Aerospace Systems Division, Shock Physics Directorate.  
Linger, Don A., Chief, Strategic Structures Division, Shock Physics Directorate.  
Fitz, Harold C., Jr., Chief, Atmospheric Effects Division, Radiation Directorate.  
Brown, S. E., Brig. Gen., USAF, Commander, Field Command.  
Vaughn, John R., Comptroller, Defense Mapping Agency (DMA).  
Levine, Robert H., Assistant Deputy Director, Defense Communications

System Directorate, Defense Communications Agency (DCA).

Dellas, Ray W., Staff Director, Office of Small and Disadvantaged Business Utilization, Defense Logistics Agency (DLA).

M. S. Healy,  
*OSD Federal Register Liaison Officer, Department of Defense.*  
September 13, 1982.  
[FR Doc. 82-25607 Filed 9-16-82; 8:45 am]

**BILLING CODE 3810-01-M**

20372, telephone (202) 254-4132.

**M. S. Healy,**  
*OSD Federal Register Liaison Officer, Department of Defense.*  
September 13, 1982.  
[FR Doc. 82-25606 Filed 9-16-82; 8:45 am]

**BILLING CODE 3810-01-M**

#### Office of the Secretary

#### Privacy Act of 1974; Amendments to Notices for Systems of Records

**AGENCY:** Defense Department.

**ACTION:** Amendments to notices for systems of records.

**SUMMARY:** This notice makes several administrative amendments to the notices for five systems of records maintained by the Office of the Secretary of Defense (OSD). The changes to the five system notices are set forth below, followed by the system notices as amended in their entirety.

**DATES:** These amendments shall become effective on October 18, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, The Pentagon, Washington, D.C. 20301, Telephone: 202/695-0970.

**SUPPLEMENTARY INFORMATION:** The Office of the Secretary of Defense (OSD) system notices for systems of records subject to the Privacy Act of 1974, Title 5 United States Code, Section 552a (Pub. L. 93-579; 88 Stat. 1896 *et seq.*) have been published in the *Federal Register* at:

FR Doc. 82-674 (47 FR 2544) January 18, 1982  
FR Doc. 82-3758 (47 FR 6462) February 12, 1982

FR Doc. 82-21537 (47 FR 34441) August 9, 1982  
FR Doc. 82-23920 (47 FR 38574) September 1, 1982

The proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of an altered system report.

**M. S. Healy,**

*OSD Federal Register Liaison Officer, Department of Defense.*  
September 13, 1982.

#### DGC 04

**System name:**

Industrial Personnel Security Clearance Case Files (47 FR 2544, January 18, 1982)

**Changes:****System location:**

In line three, remove "Assistant General Counsel for Fiscal Matters, OAGC(FM)" and insert "Assistant General Legal Counsel, OAGC(LC)."

**Categories of individuals covered by the system:**

In line two, remove "OAGC(FM)" and insert "OAGC(LC)."

In last line, remove "Logistics Agency (DLA)" and insert "Investigative Service (DIS)."

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:****Internal users, uses and purposes:**

First paragraph, line one, remove "DLA" and insert "DIS."

Second paragraph, line one, remove "OAGC(FM)" and insert "OAGC(LC)."

Second paragraph, second line, remove "DLA" and insert "DIS."

**System manager(s) and address:**

In line one, remove "Assistant General Counsel for Fiscal Matters, AGC(FM)" and insert "Assistant General Legal Counsel, AGC(LC)."

**Notification procedure:**

In line one, remove "OAGC(FM)" and insert "OAGC(LC)."

**Record access procedures:**

In line one, remove "OAGC(FM)" and insert "OAGC(LC)."

Before last paragraph, insert:  
"Administrative Director, Washington Hearing Office, DISCR, Office of the General Counsel, DoD, 710 Commonwealth Building, 1300 Wilson Blvd., Arlington, Virginia 22209".

**Record source categories:**

In line three, delete "Defense Logistics Agency (DLA)."

**DGC 05****System name:**

Administrative Files on Active Psychiatric Consultants to Department of Defense (DoD) (47 FR 2544, January 18, 1982)

**Changes:****System location:**

In line two, remove "Assistant General Counsel for Fiscal Matters, OAGC(FM)" and insert "Assistant General Legal Counsel, OAGC(LC)."

*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

**Internal users, uses, and purposes:**

In line three, remove "OAGC(FM)" and insert "OAGC(LC)."

In line four, remove "Defense Logistics Agency (DLA)" and insert "Defense Investigative Service (DIS)."

**System manager(s) and address:**

Delete line one and insert "The Assistant General Legal Counsel, AGC(LC)."

**Notification procedure:**

Remove "OAGC(FM)" and insert "OAGC(LC)."

**Record access procedures:**

In line one, remove "OAGC(FM)" and insert "OAGC(LC)."

Third paragraph, line three, remove "OAGC(FM)" and insert "OAGC(LC)."

**DPA&E 02****System name:**

Administration Files for Office of the Assistant Secretary of Defense for PA&E (47 FR 2544, January 18, 1982)

**Changes:****System name:**

Delete entry under above heading and insert: "Administrative Files for Office of the Director, Program Analysis and Evaluation."

**System location:**

Delete entry under above heading and insert: "Office of the Director, Program Analysis and Evaluation, Pentagon, Washington, D.C. 20301."

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:****Internal users, uses, and purposes:**

First line, remove "OASD(PA&E)" and insert "ODPA&E."

**System manager(s) and address:**

Delete entry under above heading and insert "Office of the Director, Program Analysis and Evaluation, Room 2D321, Pentagon, Washington, D.C. 20301."

**Notification procedure:**

Remove "OASD(PA&E)" and insert "ODPA&E."

**Record access procedures:**

First line, remove "OASD(PA&E)" and insert "ODPA&E."

**DUSD P 01****System name:**

DoD Motions for Discovery of Electronic Surveillance Files (47 FR 2544, January 18, 1982)

**Changes:****System location:**

Third line, delete "Review."

**System manager(s) and address:**

Second line, delete "Review."

**Notification procedure:**

Fifth line, delete "Review."

**Record access procedures:**

Fourth line, delete "Review."

Last paragraph, fourth line, delete "Review."

**DUSD P 02****System name:**

Special Personnel Security Cases (47 FR 2544, January 18, 1982)

**Changes:****System location:**

Second line, delete "Review."

**System manager(s) and address:**

Second line, delete "Review."

**Notification procedure:**

Third line, delete "Review."

**Record access procedures:**

Third line, delete "Review."

Third last line, remove "(PR)" and insert "(P)."

**DGC 04****SYSTEM NAME:**

Industrial Personnel Security Clearance Case Files.

**SYSTEM LOCATION:**

Primary System and Decentralized Segments—Active case files, Directorate for Industrial Security Clearance Review (DISCR), Office of the Assistant General Legal Counsel, OAGC(LC), Office of the General Counsel (OGC), Department of Defense, (DoD), Pentagon, Washington, D.C. 20301.

Inactive case files, U.S. Army Investigative Records Repository, Ft. Meade, Maryland 20755.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Government contractor employees whose industrial security clearance cases were referred to the OAGC(LC), DISCR, for adjudication under Executive Order 10865, as amended by Executive Order 10909, as implemented by DoD

Directive 5220.6; these cases pertain only to the individuals who cannot be granted clearance by the Defense Industrial Security Clearance Office (DISCO), Defense Investigative Service (DIS), Columbus, Ohio.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Alphabetical card index files for identification and location of case files within the DISCR.

Individual case files include general correspondence relating to case, investigative reports prepared by various investigative agencies conducting security clearance investigations. DISCO referral recommendation, determinations of the Screening Board, Examiners and the Appeal Board, DISCR, with implementing documents, including but not limited to, Statement of Reasons (SOR) issued to individual, his answer to the SOR, transcripts of hearings and exhibits.

DISCR case correspondence files maintained by case number, including case correspondence initiated by DISCR, with individuals, employers, attorneys, congressmen and investigative agencies.

Additionally, correspondence files include copies of Screening Board determinations and Appeal Board determinations from July 1967 to date in order to furnish an index and register of administrative determinations under the Freedom of Information Act (FOIA), Pub. L. 93-502, § 552.a(2)(C) of Title 5, United States Code.

All final decisions in cases arising under DOD Directive 5220.6, since 1967, are published and indexed for public perusal. Names of applicants, witnesses, sources of information, etc., and identifying information, relative to those persons are deleted from these records to protect the privacy of persons involved.

DISCR Reader Files including DISCR-initiated correspondence, Screening Board determinations and Appeal Board determinations.

Decentralized Reader File segments of copies of Examiner's determinations and Appeal Board determinations to Department Counsel's Office and Screening Board, DISCR.

Chronological correspondence file of letters from assigned trial counsel to individuals, attorneys or counsel, and other Federal offices for hearing arrangements.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 10865, "Safeguarding Classified Information Within Industry," dated February 20, 1960, as amended by

Executive Order 10909, dated January 17, 1961, and DOD Directive 5220.6, "Industrial Personnel Security Clearance Program" dated December 20, 1976.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The purpose and use of this record system is to determine whether it is clearly consistent with the national interest to grant or continue an individual's access to classified information.

*Internal users, uses and purposes:*

DISCO, DIS, initiates investigation at request of employer and may grant but not deny clearance.

OAGC(LC), DISCR, determines individual's eligibility for security clearance and notifies the individuals, and DISCO, DIS, of final decision.

U.S. Army, JAG, U.S. Army, Claims Services, Ft. Meade, Maryland 20755 in cases where claims for reimbursement are requested by an applicant.

*External users, uses, and purposes:*

Department of Justice in cases where individual seeks Federal court review of adverse administration determinations under the Industrial Security Clearance Program.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File folders, vertical file cards.

**RETRIEVABILITY:**

Active files alphabetically by name or by case number.

Inactive files by individual's name, date and place of birth, and Social Security Number (SSN).

**SAFEGUARDS:**

Records are stored in security combination locked file containers accessible only to DISCR authorized personnel.

**RETENTION AND DISPOSAL:**

Destroyed 25 years after file is no longer active.

Primary alphabetical card index files are retained permanently in Central Office, DISCR. Alphabetical Index Cards for case control purposes in sub-offices, i.e., Screening Board, Department Counsel's Office and Appeal Board are retained during active processing of cases and then destroyed.

All Reader Files are destroyed within 60 days of issue.

**SYSTEM MANAGER(S) AND ADDRESS:**

The Assistant General Legal Counsel, AGC(LC), Directorate for Industrial Security Clearance Review (DISCR), Pentagon, Washington, D.C. 20301.

**NOTIFICATION PROCEDURE:**

Information may be obtained from: OAGC(LC), DISCR, Room 3D282, Pentagon, Washington, D.C. 20301. Telephone: 202-697-8350.

**RECORD ACCESS PROCEDURES:**

Requests from individuals should be addressed to OAGC(LC), DISCR, Room 3D282, Pentagon, Washington, D.C. 20301.

Written requests should include the individual's full name, date and place of birth, Social Security Number (SSN), and notarized signature.

The records requested and available, subject to statutory exemptions, may be made available to the record subject for review at the following locations: Directorate for Industrial Security

Clearance Review (DISCR), Office of the General Counsel, DoD, Room 3D282, Pentagon, Washington, D.C. 20301

Administrative Director, Eastern Hearing Office, DISCR, Office of the General Counsel, DoD, 26 Federal Plaza, Room 36-112, New York, New York 10007

Administrative Director, Western Hearing Office, DISCR, Office of the General Counsel, DoD, 9920 S. LaCienega Blvd., Suite 1026, Inglewood, California 90301

Administrative Director, Washington Hearing Office, DISCR, Office of the General Counsel, DoD, 710 Commonwealth Building, 1300 Wilson Blvd., Arlington, Virginia 22209

Fees for copies must be borne by the record subject or his authorized representative requesting the review of the records.

**CONTESTING RECORD PROCEDURES:**

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR Part 286b and OSD Administrative Instruction No. 81.

**RECORD SOURCE CATEGORIES:**

Defense Investigative Service (DIS); Office of the Secretary of Defense (OSD); Defense Industrial Security Clearance Office (DISCO); U.S. Army Investigative Records Repository; record subjects; attorneys or representatives.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Parts of this record system may be exempt under 5 U.S.C. 522a(k)(5).

**DGC 05****SYSTEM NAME:**

Administrative Files on Active Psychiatric Consultants to Department of Defense (DoD).

**SYSTEM LOCATION:**

Directorate for Industrial Security Clearance Review (DISCR), Office of the Assistant General Legal Counsel, OAGC (LC), Office of the General Counsel, DoD.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Psychiatric consultants who have entered into agreement with the Department of Defense to conduct psychiatric examinations of individuals applying for industrial security clearance for access to classified information required in the performance of their work for classified Government contractors.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records filed alphabetically by last name of psychiatrist, consisting of correspondence concerning agreement to conduct psychiatric examinations requested by the Government; and initiation and confirmation of security clearance issued to psychiatrists.

Current list of active DoD psychiatric consultants.

Alphabetical card index file for identification and address of active psychiatric consultants.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

DoD Directive 5220.6, "Industrial Personnel Security Clearance Program," December 20, 1976; Executive Order 10885, February 20, 1960, and Executive Order 1090, January 17, 1961.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The purpose of this system is to maintain a record of active psychiatric consultants available to conduct psychiatric examinations of individual applicants for industrial personnel security clearance in convenient geographical areas.

**Internal users, uses, and purposes:**

Psychiatric consultants having active professional service agreements with and having been granted security clearance by the Department of Defense (DoD) are used by DISCR, OAGC(LC), and Defense Industrial Security

Clearance Office (DISCO), Defense Investigative Service, (DIS), in processing requests for industrial personnel security clearance of individuals.

**External users, uses, and purposes:**

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records in file folders, vertical file cards.

**RETRIEVABILITY:**

Alphabetically by surname.

**SAFEGUARDS:**

Records are stored in security combination locked file cabinets accessible only to DISCR authorized personnel.

**RETENTION AND DISPOSAL:**

Destroy six months after agreement between consultant and DoD has been terminated.

**SYSTEM MANAGER(S) AND ADDRESS:**

The Assistant General Legal Counsel, AGC(LC), Directorate for Industrial Security Clearance Review, Pentagon, Washington, D.C. 20301.

**NOTIFICATION PROCEDURE:**

Information may be obtained from: OAGC(LC), DISCR, Room 3D282, Pentagon, Washington, D.C. 20301, Telephone: 202-697-8350.

**RECORD ACCESS PROCEDURES:**

Requests from individuals should be addressed to OAGC(LC), DISCR, Room 3D282, Pentagon, Washington, D.C. 20301.

Written requests should include the individual's full name, date and place of birth, and notarized signature.

The records requested may be made available to individuals for review at the following location: DISCR, OAGC(LC), Room 3D282, Pentagon, Washington, D.C. 20301.

**CONTESTING RECORD PROCEDURES:**

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR Part 286b and OSD Administrative Instruction No. 81.

**RECORD SOURCE CATEGORIES:**

Copy of Letter of Consent (for security clearance), DISCO Form 560, and

correspondence with individual psychiatrists.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DPA&E 02****SYSTEM NAME:**

Administrative Files for Office of the Director, Program Analysis and Evaluation.

**SYSTEM LOCATION:**

Office of the Director, Program Analysis and Evaluation, Pentagon, Washington, D.C. 20301.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All current and former military and civilian personnel employed by or assigned to PA&E since 1965.

Current and some past applicants or prospects for civilian or military jobs.

Some contractor personnel.

Other DoD or outside personnel currently or previously assigned, or under consideration, to provide support or work with PA&E.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

System contains individual application forms; biographical data; employment history; professional and military experience; schooling and academic records; performance effectiveness data; honors; awards and decorations; security forms; security clearances; security violations publications; training and career development information; telephone rosters; certain financial interest and medical history data; information used to evaluate individuals for employment, promotion, reassignment, training, retention and awards; job descriptions; letters of commendation or appreciation; overtime pay records; travel orders; certain travel vouchers; retirement application papers; tenure data; next employment information; savings bond and Combined Federal Campaign (CFC) data (current year only); and miscellaneous personnel and administrative data of like nature.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 136.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:****Internal users, uses, and purposes:**

ODPA&E—To evaluate current and prospective employees; to locate former personnel and prospects; to analyze

professional staff background; to make decisions on hiring, promotion, training, awards, or disciplinary actions; to make comparative analyses of personnel data such as turnover rates, awards, academic degrees, average age, travel, and overtime; to determine level of security access permissible; to evaluate conformance with standards of conduct rules; to evaluate contractor capabilities; to provide information on current or former personnel to authorized investigators and potential outside employers; to make campaign reports; to evaluate effectiveness of PA&E personnel operations; to input selected data to computer systems; to perform computer analyses of the data; and to prepare reports, rosters and statistical data.

**External users, uses and purposes:**

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records in file folders, biography book, computer disks, computer paper printouts, microfiche; charts.

**RETRIEVABILITY:**

Information accessed by last name of individual.

Individual user codes and passwords required to access information stored in computer.

**SAFEGURDS:**

Building employs security guards. Sensitive manually stored data kept in locked cabinets or safes and may be accessed only by authorized personnel.

Computer stored data is kept in a secure computer facility and may be accessed only by authorized, properly trained personnel who have access codes and passwords.

**RETENTION AND DISPOSAL:**

Records on current and former personnel are permanent. Travel orders, overtime authorizations and similar fiscal records kept for three years. Applicant files are screened about once a year and information outdated or no longer needed is destroyed. Campaign data for other than current year is destroyed annually.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of the Director, program Analysis and Evaluation, Room 2D321, Pentagon, Washington, D.C. 20301.

**NOTIFICATION PROCEDURE:**

Information may be obtained from: ODPA&E, Assistant for Management, Room 2D321, Pentagon, Washington, D.C. 20301, Telephone: 202-697-9189.

**RECORD ACCESS PROCEDURES:**

Requests from individuals should be addressed to: ODPA&E, Assistant for Management, Room 2D321, Pentagon, Washington, D.C. 20301.

Written request must contain full name and identification of the individual. Visitors may be required to provide identification.

**CONTESTING RECORD PROCEDURES:**

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR Part 286b, and OSD Administrative Instruction No. 81.

**RECORD SOURCE CATEGORIES:**

Current and previous employers, instructors, associates and contacts; DoD civilian and military personnel offices; DoD security offices; DoD payroll, travel and fiscal offices; Civil Service Commission; contractors; Air Force Data Services Center (AFDSC); PA&E personnel; educational institutions; and financial institutions.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**DUSDP 01**

**SYSTEM NAME:**

DoD Motions for Discovery of Electronic Surveillance Files.

**SYSTEM LOCATION:**

Primary System—Counterintelligence and Investigative Program Directorate, Office of the Deputy Under Secretary of Defense for Policy, Room 3C 290, Pentagon, Washington, D.C. 20301.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Those individuals and/or organizations on which the Department of Justice has requested information upon which to base their reply to court-approved motions for discovery of electronic surveillance.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Chronological listing for identification and location of files. Individual case files to include original and subsequent requests from the Department of Justice; file copy of memorandum to the DoD Components directing search of their records, indices, etc.; copies of DoD Components' responses to the Office of the Secretary of Defense (OSD), and

copies of OSD's responses to the Department of Justice.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 28, United States Code, Section 526, "Conduct of Litigation Reserved to Department of Justice".

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

*Internal users, uses and purposes:*

Preparation of response to Department of Justice, as well as any subsequent inquiries from that office.

*External users, uses, and purposes:*

Department of Justice's response to court-approved motion for discovery.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records in file folders.

**RETRIEVABILITY:**

Filed by year by case name.

**SAFEGUARDS:**

Records are stored in security combination lock file containers accessible only by Counterintelligence and Investigative Programs Directorate personnel.

**RETENTION AND DISPOSAL:**

Records are permanent. They are retained in active file until end of calendar year in which project is completed, held one additional year in inactive file and subsequently retired to Washington National Records Center (WNRC).

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Counterintelligence and Investigative Programs, Office of the Deputy Under Secretary of Defense for Policy, Pentagon, Washington, D.C. 20301.

**NOTIFICATION PROCEDURES:**

Information may be obtained from: Office of the Director, Counterintelligence and Investigative Programs, Office of the Deputy Under Secretary of Defense for Policy, Room 3C290, Pentagon, Washington, D.C. 20301, Telephone: 202-697-9678.

**RECORD ACCESS PROCEDURES:**

Requests from individuals should be addressed to: Director, Counterintelligence and Investigative Programs, Office of the Deputy Under Secretary of Defense for Policy, Room

3C290, Pentagon, Washington, D.C. 20301.

Written requests for information should contain the full name of the individual, date and place of birth, Social Security Number (SSN), and notarized signature.

The records requested may be made available to individuals for review at the following location: Office of the Director, Counterintelligence and Investigative Programs, Office of the Deputy Under Secretary of Defense for Policy, Room 3C290, Pentagon, Washington, D.C. 20301.

#### CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR Part 286b, and OSD Administrative Instruction No. 81.

#### RECORD SOURCE CATEGORIES:

Department of Justice formal written inquiries, and internal correspondence necessary to gather information to make replies to such inquiries.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

#### DUSDP 02

#### SYSTEM NAME:

Special Personnel Security Cases.

#### SYSTEM LOCATION:

Security Plans and Programs Directorate, Office of the Deputy Under Secretary of Defense (Policy), ODUSD(P), Washington, D.C. 20301.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals affiliated with the DoD, upon whom an investigation has been conducted by a Department of Defense (DoD) Component investigative organization authorized to conduct personnel security investigations; other investigative organizations of the Federal Government, or individuals who have been the subject of a DoD Component personnel security determination, or who have had access to DoD classified information, whenever the investigation, personnel security determination, or access involves unique circumstances having special significance with respect to DoD personnel security policy. Also, individuals for whom waivers have been granted from specific provisions of the Industrial Security Regulation (5220.22-R) and/or Industrial Security Manual (5220.22-M).

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Statements of personal history; investigative reports; adjudicative findings; intra-office memoranda; policy interpretation; memoranda recommending courses of action; legal opinions, etc.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code, Section 301.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

##### *Internal users, uses, and purposes:*

This system will be used as basis for Security Plans and Programs Directorate staff access to determine the need for overall personnel security policy revision or adjustment; to ensure that component personnel security determinations are consistent with DoD personnel security program policy; to assure that personnel security investigations conducted by the Defense Investigative Service (DIS), the National Security Agency (NSA), and the Military Departments are in compliance with DoD personnel security investigative policy; and to provide precedents for use in determining whether to grant waivers of the provisions of the Industrial Security Regulation and/or Industrial Security Manual.

##### *External users, uses, and purposes:*

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

#### RECORDS MANAGEMENT POLICIES AND PROCEDURES:

##### STORAGE:

Paper records in file folders.

##### RETRIEVABILITY:

Records are filed alphabetically by last name of the subject of the investigation or personnel security determination having special significance with respect to DoD personnel security policy. Also, records are filed alphabetically by last name of the personnel for whom waivers have been granted under the Industrial Security Program.

##### SAFEGUARDS:

Records are stored in security combination lock file containers, and are accessible only by Security Plans and Programs personnel who are properly cleared and who are the official authorized users.

#### RETENTION AND DISPOSAL:

Routine investigations are destroyed 15 years after the date of the last action. Those involving significant incidents are destroyed 25 years after the date of the last action.

#### SYSTEMS MANAGER(S) AND ADDRESS:

Director, Security Plans and Programs Directorate, Office of the Deputy Under Secretary of Defense (Policy), Pentagon, Washington, D.C. 20301.

#### NOTIFICATION PROCEDURE:

Information may be obtained from: Office of the Deputy Under Secretary of Defense (Policy), Security Plans and Programs Directorate, Room 3C277, Pentagon, Washington, D.C. 20301, Telephone: 202-697-3969.

#### RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Office of the Deputy Under Secretary of Defense (Policy), Security Plans and Programs Directorate, Room 3C277, Pentagon, Washington, D.C. 20301.

Written requests for information should contain the full name of the individual, date and place of birth, Social Security Number (SSN), and notarized signature.

The records requested may be made available to individuals for review at the following location: Security Plans and Programs Directorate, ODUSD(P), Room 3C271, Pentagon, Washington, D.C. 20301.

#### CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned are contained in 32 CFR Part 286b, and OSD Administrative Instruction No. 81.

#### RECORD SOURCE CATEGORIES:

Information is obtained from record subjects; Federal Bureau of Investigation; Office of the Secretary of Defense; Organization of the Joint Chiefs of Staff; DoD Defense Agencies; and the Military Departments, including investigative reports, inter and intra Department memoranda and letters, case analyses, memoranda for the record, and other correspondence related to the cases.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this record system may be exempt under 5 U.S.C. 552a(k)(5).

[FR Doc. 82-25638 Filed 9-18-82; 8:45 am]

BILLING CODE 3810-01-M

**Privacy Act of 1974; Deletion of System Notices****AGENCY:** Defense Department.**ACTION:** Deletion of system notices.**SUMMARY:** The Office of the Secretary of Defense proposes to delete the notice for two systems of records. This system of records is no longer being maintained.**DATES:** These deletions shall be effective October 18, 1982.**FOR FURTHER INFORMATION CONTACT:**

Norma Cook, Privacy Act Officer, ODASD(A), Room 5c-315, Pentagon, Washington, D.C. 20301. Telephone: 202/695-0970.

**SUPPLEMENTARY INFORMATION:** The Office of the Secretary of Defense (OSD) proposes to delete the system notice for system of records DWHS P02, entitled: "Job Opportunity Announcements." The records in this system are not retrieved by name or any other identifier assigned to an individual. Therefore, the system does not qualify as a system of records under the Privacy Act of 1974, Title 5 United States Code, Section 552a (Pub. L. 93-579, 88 Stat. 1896, *et seq.*).In addition OSD proposes to delete the notice for DWHS SPM001, entitled: "Application for Pentagon Parking Permits." This system of records is no longer being maintained. The OSD system notices for systems of records subject to the Privacy Act of 1974, have been published in the *Federal Register* at:FR Doc. 82-674 [47 FR 2544] January 18, 1982  
FR Doc. 82-3758 [47 FR 6462] February 12,

1982

FR Doc. 82-21537 [47 FR 34441] August 9, 1982  
FR Doc. 82-23920 [47 FR 38574] September 1, 1982

M. S. Healy,

OSD Federal Register Liaison Officer,  
Department of Defense.

September 13, 1982.

[FR Doc. 82-25638 Filed 9-18-82; 8:45 am]

BILLING CODE 3810-01-M

**DEPARTMENT OF EDUCATION****National Advisory Council on Vocational Education; Changed Meeting****ACTION:** Amendment of notice.**SUMMARY:** This document is intended to notify the general public of change in Notice of Public Meeting of the National Advisory Council on Vocational Education published September 3, 1982, on *Federal Register* page 38964.

The times, location, and agenda remain the same, except that, at the September 22, 1982 session, the hours from 9:30 to 11:30 A.M. will be closed to

the public. Discussions will be held on issues related to the selection of the Executive Director position, including the qualifications and fitness of individually identified candidates for the position. These discussions will touch upon matters that would disclose information of a personal nature, which disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. This session will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) and under exemptions (2) and (6) contained in the Government in the Sunshine Act (Pub. L. 94-409, 5 U.S.C. 552b(c) (2) and (6)).

A summary of the activities of the closed session and related matters which would be informative to the public consistent with the policy of Title 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting at the Council's offices, 425 13th Street NW, Suite 412, Washington, DC from 9:00 A.M. to 5:00 P.M. daily.

Signed at Washington, DC on September 14, 1982.

**George Wallrodt,***Acting Executive Director.*

[FR Doc. 82-25580 Filed 9-16-82; 8:45 am]

BILLING CODE 4000-01-M

**National Commission on Excellence in Education; Meetings****AGENCY:** National Commission on Excellence in Education.**ACTION:** Notice of meetings.**SUMMARY:** This notice amends the announcement of the hearings of the National Commission on Excellence in Education published in the *Federal Register* on March 4, 1982 on page 9271, and sets forth the schedule of the fifth and sixth full commission meeting. Notice of these meetings is required under Section 10(a) (2) of the Federal Advisory Committee Act.**DATES:** September 16, 1982 (8:30 a.m. until 5:00 p.m.); September 28 & 29, 1982 (8:30 a.m. until 5:00 p.m.); October 15, 1982 (8:30 a.m. until 5:00 p.m.); November 15 & 16, 1982 (8:30 a.m. until 5:00 p.m.).**LOCATIONS:**

September 16, 1982 (Hearing—EDucation &amp; Work), Auraria Higher Education Center, St. Cajetan's Center, Ninth and Lawrence Streets, Denver, Colorado.

September 28, 1982 (Full Commission Meeting), Exxon Education Foundation, Exxon Corporation, C-1 Conference Center, 1251 Avenue of the Americas, New York, New York.

September 29, 1982 (Full Commission Meeting), Marriott's Essex House, 160 Central Park South, New York, New York 10019.

October 15, 1982, Hearing—Education for the Gifted and Talented, Harvard University Graduate School of Education, Gutman Library—Conference Area, 6 Appian Way, Cambridge, Mass.

November 15 &amp; 16, 1982, Full Commission Meeting, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:**

Milton Goldberg, Executive Director, (202) 254-7920 or Betty Baten, Administrative Officer, (202) 254-7920, 1200 19th Street, N.W. Washington, D.C. 20208

The National Commission on Excellence in Education is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90-247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of advisory committees. The Commission is established to advise and make recommendations to the nation and to the Secretary of Education.

On September 16, 1982, the hearing on Education and Work will be chaired by Commission member Anne Campbell, Commissioner of Education, Nebraska, and hosted by the Education Commission of the States, Robert C. Andringa, Executive Director. In the morning, the Commission members will hear three panel discussions on such topics as education and the changing workplace, and employer needs and training programs. In the afternoon, special attention will be paid to secondary and postsecondary programs and their roles in preparing students for work.

On September 28 and September 29, the full commission will address Educational Standards.

On October 15, 1982, the hearing on Education for the Gifted and Talented will examine issues related to human intelligence as it is challenged by the educational experience.

The topic for the full Commission meeting on November 15 &amp; 16 will be published later.

In addition to the testimony the Commission receives the day of the hearings, individuals and organizations across the country are invited to submit 2-5 pages of written testimony that will assist the Commission in developing recommendations for the final report.

The records will remain open for one month following each hearing.

Testimony should be submitted to: Commission Hearings, National Commission on Excellence in Education, Washington, D.C. 20208 (202) 254-7920.

All meetings of the Commission are open to the public.

Records are kept of all Commission proceedings, and are available for public inspection at the office of the National Commission on Excellence in Education, 1200 19th Street, N.W. room 222, from the hours of 8:00 a.m. to 5:00 p.m.

Dated: September 13, 1982.

Donald J. Senese,  
Assistant Secretary for Educational Research and Improvement.

[FR Doc. 82-25499 Filed 9-16-82; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### National Petroleum Council, Coordinating Subcommittee of the Committee on Third World Petroleum Development; Meeting

Notice is hereby given that the Coordinating Subcommittee of the Committee on Third World Petroleum Development will meet in October 1982. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Third World Petroleum Development will investigate the petroleum resource potential of Third World countries and analyze those factors impacting the development of these resources. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its third meeting on Monday and Tuesday, October 4 and 5, 1982, beginning at 9:00 a.m. each day, in the Mount Vernon Room, The Madison Hotel, 15th and M Street, NW., Washington, D.C.

The tentative agenda for the Coordinating Subcommittee meeting follows:

1. Review preliminary final draft.
2. Discuss any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his

judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas, Shale and Coal Liquids, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on September 13, 1982.

Donald L. Bauer,  
Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 82-25629 Filed 9-16-82; 8:45 am]

BILLING CODE 6450-01-M

### Economic Regulatory Administration

[Docket No. ERA-FC-82-023]

### Powerplant and Industrial Fuel Use Act of 1978; Electric Utility Conservation Plans

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Notice of receipt of proposed electric utility conservation plans.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received a number of electric utility conservation plans developed and submitted for DOE approval pursuant to Section 808 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, as amended (FUA or the Act).

Pursuant to 10 CFR 508.4(b), DOE hereby gives Notice of Receipt of Proposed Conservation Plans from the electric utility owners or operators listed in the **SUPPLEMENTARY INFORMATION** section below. The publication of this notice commences a thirty (30) day public comment period during which interested persons are invited to submit written comments concerning the content of any such proposed conservation plan.

The public file for each of the listed electric utility owners or operators containing the proposed conservation plan and any other pertinent documents is available at the Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, SW.,

Room 1E-190, Washington, D.C. 20585, telephone (202) 252-6020. ERA will approve or non-approve the proposed plan of each electric utility within 120 days of the receipt of each plan.

Approval or non-approval of a conservation plan will be based on the entire record of the proceeding including any comments received during the public comment period provided herein. Notice of Approval or Non-approval of each conservation plan will be published in the **Federal Register**.

**DATE:** Written comments on any proposed conservation plan identified in the **SUPPLEMENTARY INFORMATION** section of this notice are due on or before October 18, 1982.

**ADDRESS:** Five copies of written comments shall be submitted to: Case Control Unit, Fuels Conversion Division, Forrestal Building, Room GA-093, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

The name of the subject utility and the identifying case number should be printed on the outside of the envelope and on the documents contained therein.

### FOR FURTHER INFORMATION CONTACT:

Clifford Tomaszewski, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073 F, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-1251.

Henry Garson, Esq., Acting Assistant General Counsel for Coal Regulations, Office of General Counsel, Forrestal Building, Room 6D-033, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6947.

**SUPPLEMENTARY INFORMATION:** Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA) amended the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) by adding a new section 808, entitled "Electric Utility Conservation Plan."

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980 and August 13, 1981, and which also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributable to natural gas during the four calendar quarters ending on June 30, 1981. The plan must be fully

implemented during the five year period following DOE approval.

Proposed conservation plans must be submitted to DOE on or before August 13, 1982. DOE will, within 120 days of the receipt of a proposed plan, approve each plan meeting the requirements of 10 CFR 508.8. If a proposed plan, as originally submitted, fails to meet the requirements for approval, DOE will notify the utility submitting the plan by letter, setting forth the reasons therefore, and provide a reasonable time for the submission of a modified conservation plan. If an acceptable modified plan is not submitted within the specified time period, a Notice of Non-approval will be published in the **Federal Register** together with the basis for the determination that the proposed plan fails to meet the requirements of 10 CFR 508.8. The following list of utilities have submitted proposed conservation plans to DOE for approval. Publication of this notice does not constitute approval of such plans.

Utilities	FC Case No.	Date filed
Dallas Power and Light Co., Dallas, Tex.	50736-9999-99-49	Aug. 11, 1982.
Hastings Utilities, Hastings, Neb.	51259-9999-99-49	Do.
Interstate Power Co., Dubuque, Iowa.	51403-9999-99-49	Do.
St. Joseph Light & Power Co., St. Joseph, Mo.	52786-9999-99-49	Do.
Cedar Falls Utilities, Cedar Falls, Iowa.	50467-9999-99-49	Do.
City of Bryan, Bryan, Tex.	50354-9999-99-49	Do.
City of Austin, Austin, Tex.	50135-9999-99-49	Do.
South Texas Electric Cooperative, Inc., Nursery, Tex.	52712-9999-99-49	Aug. 12, 1982
Medina Electric Cooperative, Inc., Hondo, Tex.	51825-9999-99-49	Do.
Texas Power and Light Co., Dallas, Tex.	52902-9999-99-49	Do.
Lake Worth Utilities Authority, Lake Worth, Fla.	51573-9999-99-49	Do.
Los Angeles Department of Water and Power, Los Angeles, Calif.	51691-9999-99-49	Do.
Northeast Utilities Hartford, Conn. <sup>1</sup>	53266-9999-99-49	Do.
The Empire District Electric Co., Joplin, Mo.	50904-9999-99-49	Do.
Iowa Power and Light Co., Des Moines, Iowa.	51407-9999-99-49	Do.
Wisconsin Electric Power Co., Milwaukee, Wis.	53330-9999-99-49	Do.
Niagara Mohawk Power Corp., Syracuse, N.Y.	52053-9999-99-49	Do.
General Public Utilities Corp., N.J. <sup>2</sup>	63020-9999-99-49	Do.
Lower Colorado River Authority, Austin, Tex.	51702-9999-99-49	Do.

Utilities	FC Case No.	Date filed	Utilities	FC Case No.	Date filed
The City of Winfield, Winfield, Kans.	53320-9999-99-49	Do.	Houston Lighting and Power Co., Houston, Tex.	51352-9999-99-49	Do.
Orlando Utilities Commission, Orlando, Fla.	52189-9999-99-49	Do.	Missouri Public Service Co., Kansas City, Mo.	51892-9999-99-49	Do.
Public Service Co. of Colorado, Denver, Colo.	52408-9999-99-49	Do.	Oklahoma Gas and Electric Co., Oklahoma City, Okla.	52164-9999-99-49	Do.
City Power & Light Department, Independence, Mo.	51392-9999-99-49	Do.	City of Coffeyville, Coffeyville, Kans.	50610-9999-99-49	Do.
City of Farmington, Farmington, N. Mex.	50968-9999-99-49	Aug. 13, 1982.	El Paso Electric Co., El Paso,	50868-9999-99-49	Do.
City of Vero Beach, Vero Beach, Fla.	53132-9999-99-49	Do.	Fort Pierce Utilities Authority, Fort Pierce, Fla.	51025-9999-99-49	Do.
Midwest Energy, Inc., Hays, Kans.	65034-9999-99-49	Do.	Southern Indiana Gas and Electric Co., Evansville, Ind.	52727-9999-99-49	Do.
Long Island Lighting Co., Mineola, N.Y.	51685-9999-99-49	Do.	Delmarva Power and Light Co., Wilmington, Del.	54008-9999-99-49	Do.
Nebraska Public Power District, Columbus, Nebr.	51988-9999-99-49	Do.	Commonwealth Edison Co., Chicago, Ill.	50643-9999-99-49	Do.
Detroit Edison Co., Detroit, Mich.	50782-9999-99-49	Do.	Wolverine Electric Cooperative, Inc., Big Rapids, Mich.	53341-9999-99-49	Do.
City of Clarksdale, Clarksdale, Miss.	50570-9999-99-49	Do.	Neveda Power Co., Las Vegas, Nev.	51998-9999-99-49	Do.
Florida Power and Light Co., Miami, Fla.	51008-9999-99-49	Do.	Iowa-Illinois Gas and Electric Co., Davenport, Iowa.	51406-9999-99-49	Do.
Arkansas Power and Light Co., Little Rock, Ark.	50105-9999-99-49	Do.	Carolina Power and Light Co., Raleigh, N.C.	50441-9999-99-49	Do.
Virginia Electric and Power Co., Richmond, Va.	53148-9999-99-49	Do.	Lake Superior District Power Co., Ashland, Wis.	51570-9999-99-49	Do.
City of Grand Island, Grand Island, Nebr.	51150-9999-99-49	Do.	Sunflower Electric Cooperative, Inc., Hays, Kans.	52855-9999-99-49	Do.
Consolidated Edison Co. of New York, Inc., New York, N.Y.	50653-9999-99-49	Do.	Southwestern Public Service Co., Amarillo, Tex.	52748-9999-99-49	Do.
Gainesville Regional Utilities, Gainesville, Fla.	51070-9999-99-49	Do.	Portland General Electric Co., Portland, Oreg.	52370-9999-99-49	Do.
Greenwood Utilities, Greenwood, Miss.	51168-9999-99-49	Do.	Orange and Rockland Utilities, Inc., Pearl River, N.Y.	52181-9999-99-49	Do.
Arizona Public Service Co., Phoenix, Ariz.	50101-9999-99-49	Do.	Public Service Co. of New Mexico, Albuquerque, N.Mex.	52412-9999-99-49	Do.
City of Tallahassee, Tallahassee, Fla.	52875-9999-99-49	Do.	San Diego Gas and Electric, San Diego, Calif.	52570-9999-99-49	Aug. 16, 1982.
COM Electric, Wareham, Mass.	50412-9999-99-49	Do.	City Public Service of San Antonio, San Antonio, Tex.	52567-9999-99-49	Do.
Utah Power and Light Co., Salt Lake City, Utah.	53107-9999-99-49	Do.	Idaho Power, Boise, Idaho.	51381-9999-99-49	Do.
City of Glendale, Glendale, Calif.	51121-9999-99-49	Do.	Power Authority of the State of New York, New York N.Y.	52375-9999-99-49	Do.
Central Hudson Gas and Electric Corp., Poughkeepsie, N.Y.	50484-9999-99-49	Do.	Lincoln Electric System, Lincoln, Nebr.	51649-9999-99-49	Do.
South Carolina Electric and Gas Co., Columbia, S.C.	52692-9999-99-49	Do.	Duke Power Co., Charlotte, N.C.	50816-9999-99-49	Do.
The Dayton Power and Light Co., Dayton, Ohio.	50752-9999-99-49	Do.			
Southern Company Services, Inc., Birmingham, Ala.	67042-9999-99-49	Do.			
Louisiana Power and Light Co., New Orleans, La.	51694-9999-99-49	Do.			
Brazos Electric Power Cooperative, Inc., Waco, Tex.	50318-9999-99-49	Do.			
Central Louisiana Electric Co., Pineville, La.	50490-9999-99-49	Do.			
Madison Gas and Electric Co., Madison, Wis.	51738-9999-99-49	Do.			
Consumers Power Co., Jackson, Mich.	50658-9999-99-49	Do.			

<sup>1</sup>Northeast Utilities is a holding company of Western Massachusetts Electric Company.

<sup>2</sup>General Public Utilities Corporation is a holding company of Jersey Central Power and Light Company, Metropolitan Edison Company, and Pennsylvania Electric Company.

Issued in Washington, D.C., on September 1, 1982.

Robert L. Davies,

Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-25106 Filed 9-18-82; 8:45 am]

BILLING CODE 6450-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

[ORD-FRL-2208]

**Critical Assessment Document: The Acidic Deposition Phenomenon and its Effects**
**AGENCY:** Environmental Protection Agency, Acid Precipitation Program.

**ACTION:** Notice of public meeting.

**SUMMARY:** A series of peer-review workshops will be held in Raleigh, North Carolina, on November 1 and 2, 1982, to facilitate scientific and technical evaluation of draft chapters of the *Critical Assessment Document*. The workshops, each of three to four hours and dealing with one chapter of the Document, will be held in the McKimmon Center, North Carolina State University, Raleigh, N.C. Individual workshop sessions will occur in the period from 8:00 a.m. to 9:00 p.m. on November 1 and from 7:00 a.m. to 5:30 p.m. on November 2, 1982. The public is invited to attend as observers.

**DATE:** The workshops on November 1 and 2, 1982, will be held at McKimmon Center at North Carolina State University, intersection of Western Blvd. and Gorman Street, Raleigh, N.C. Any changes in date or location will be announced in a subsequent *Federal Register* notice. On Monday, November 1, following an introductory session from 8:00 a.m. to 9:00 a.m., four workshops, on Natural and Anthropogenic Sources, Soils, Deposition Models, and Materials chapters, will be held in parallel from 9:00 a.m. until 12:30 p.m. Two afternoon sessions, on Vegetation and Aquatic Chemistry chapters, will run from 1:30 p.m. until 6:00 p.m. Two other afternoon sessions, on Atmospheric Concentration and Distribution and Transformation Processes chapters, will run from 3:00 p.m. until 6:00 p.m. An evening general session is planned from 8:00 p.m. to 9:00 p.m. On Tuesday, November 2, activities begin with a general session from 7:00 a.m. until 7:30 a.m. followed by parallel workshops from 7:30 a.m. until noon on Dry Deposition Transport Processes, Aquatic Biology, Indirect Health Effects, and Processes chapters. Three parallel afternoon sessions from 1:00 p.m. until 4:30 p.m. will consider Deposition Monitoring, Precipitation Scavenging Processes, and Economics chapters. The workshop will end with a general session from 4:30 p.m. until 5:30 p.m. The public is invited to attend as observers.

**FOR FURTHER INFORMATION CONTACT:**  
Ms. Betsy Hood, Critical Assessment Document Assistant Coordinator, EPA/

NCSU Acid Precipitation Program, Department of Botany, P.O. Box 5186, North Carolina State University at Raleigh, NC 27850. Telephone (919) 737-3520.

**SUPPLEMENTARY INFORMATION:** The *Critical Assessment Document*, developed at the request of EPA's Clean Air Science Advisory Committee and the Federal Interagency Task Force on Acid Precipitation, is being prepared through the North Carolina State Acid Precipitation Program (EPA/NCSU) and cooperating scientists. This document will be an evaluation of the state of knowledge of the acidic deposition phenomenon and its effects. The current draft of the document consists of 17 chapters dealing with atmospheric sciences (9 chapters) and effects (8 chapters) with chapter summaries plus an executive Summary.

As part of the review process, EPA/NCSU is assembling a panel consisting of its editors and contributors, EPA personnel and other scientific and technically qualified persons selected by EPA to facilitate scientific and technical evaluation of draft document chapters.

Persons wishing to attend these workshops as observers must contact Betsy Hood (see "Further Information" above) by October 8, 1982. Copies of the draft chapters will be provided to registered observers, who will have an opportunity to submit written comments, or to make a brief oral statement at the end of the meeting. Ample opportunity for public review of the revised chapters and submission of written comments will be provided when the external review draft of the entire document is submitted in February for EPA Clean Air Science Advisory Committee review. EPA will publish a notice of availability at that time.

A facilitator will chair each session. Any materials submitted or resulting from the meeting will be included in the record established for the review of the *Critical Assessment Document*.

Dated: September 10, 1982.

Courtney Riordan,

*Acting Assistant Administrator for Research and Development*

[FIR Doc. 82-25620 Filed 9-16-82; 8:45 am]

**BILLING CODE 6560-50-M**

[OPTS-51431; TSH-FRL-2208-3]

**Certain Chemicals; Premanufacture Notices**
**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the *Federal Register* of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of sixteen PMNs and provides a summary of each.

**DATES:** Close of Review Period: PMN 82-642, 82-643, 82-644, 82-645, 82-646, 82-647, 82-648, 82-649 and 82-650, December 1, 1982. PMN 82-651, 82-652, 82-653, 82-654 and 82-655, December 5, 1982. PMN 82-656 and 82-657, December 7, 1982. Written comments by: PMN 82-642, 82-643, 82-644, 82-645, 82-646, 82-647, 82-648, 82-649 and 82-650, November 1, 1982. PMN 82-651, 82-652, 82-653, 82-654 and 82-655, November 5, 1982. PMN 82-656 and 82-657, November 7, 1982.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51431]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-382-3532).

**FOR FURTHER INFORMATION CONTACT:**  
David Dull, Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-382-3729).

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the public reading room E-107.

**PMN 82-642**

*Manufacturer:* FMC Corporation.

*Chemical:* (G) Organophosphorous compound.

*Use/Production:* (S) Site-limited intermediate. Prod. range: Confidential.

*Toxicity Data:* Acute oral: > 50 mg/kg, but < 500 mg/kg; Skin irritation: Severe irritant; Eye irritation: Minimal irritant.

*Exposure:* Minimal exposure.

*Environmental Release/Disposal:* No release.

## PMN 82-643

*Manufacturer.* FMC Corporation.  
*Chemical.* (G) Organophosphorous compound.

*Use/Production.* (S) Site-limited intermediate. Prod. range: Confidential.

*Toxicity Data.* Acute oral: Males—>150 mg/kg, females—<150 mg/kg; Skin irritation: Severe irritant; Eye irritation: Extreme irritant (unwashed), severe irritant (washed).

*Exposure.* Minimal exposure.

*Environmental Release/Disposal.* No release.

## PMN 82-644

*Manufacturer.* Confidential.  
*Chemical.* (G) Alkylene ether diol.  
*Use/Production.* (S) Reaction intermediate. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture and processing: dermal, inhalation and eye, a total of 10 workers, up to 8 hrs/da, up to 80 da/yr.

*Environmental Release/Disposal.* No release. Disposal by incineration.

## PMN 82-645

*Importer.* Confidential.  
*Chemical.* (G) Condensate of formaldehyde and an organic base.

*Use/Import.* (S) Retanning agent for leather. Import range: Confidential.

*Toxicity Data.* Acute oral: 5,000 mg/kg; Skin irritation: Slight irritant; Eye irritation: Non-irritant.

*Exposure.* Use: dermal and inhalation, a total of 2 workers, up to 2 hrs/da, up to 200 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air and water. Disposal by approved landfill.

## PMN 82-646

*Importer.* Confidential.  
*Chemical.* (G) Cobalt complex-[(hydroxynitrophenyl-azo)-(substituted)phenyl pyrazolones], sodium salt.

*Use/Import.* (S) Dye for leather and paper. Import range: Confidential.

*Toxicity Data.* Acute oral: >5 g/kg; Skin irritation: Non-irritant; Eye irritation: Non-irritant.

*Exposure.* Processing, use and disposal: dermal, a total of 6 workers, up to 2 hrs/da, up to 100 da/yr.

*Environmental Release/Disposal.* Less than 100 kg/yr released to water. Disposal by incineration and approved landfill.

## PMN 82-647

*Importer.* Confidential.  
*Chemical.* (G) [(benzoquinolinyl)-(imidazolyl methylene]-indenedione derivate, mixed salt.

*Use/Import.* (S) Dye for paper. Import range: Confidential.

*Toxicity Data.* Acute oral: >5 g/kg; Acute dermal: 1.5–2 g/kg; Skin irritation: Non-irritant; Eye irritation: Moderate irritant; LC<sub>50</sub> 96 hr. (minnow): >500 mg/l; Ames Test: Negative.

*Exposure.* Processing, use and disposal: dermal, a total of 4 workers, up to 2 hrs/da, up to 60 da/yr.

*Environmental Release/Disposal.* 100–1,000 kg/yr released to water with 10–100 kg/yr to land. Disposal by biological treatment system and incineration.

## PMN 82-648

*Importer.* Confidential

*Chemical.* (G) [(benzoquinolinyl)-(imidazolyl methylene]-indenedione derivative, mixed salt.

*Use/Import.* (S) Dye for paper. Import range: Confidential.

*Toxicity Data.* Acute oral: >5 g/kg; Acute dermal: ~1.5–2 g/kg; Skin irritation: Non-irritant; Eye irritation: Moderate irritant; LC<sub>50</sub> 96 hr. (minnow): >500 mg/l; Ames Test: Negative.

*Exposure.* Processing, use and disposal: dermal, a total of 4 workers, up to 2 hrs/da, up to 60 da/yr.

*Environmental Release/Disposal.* 100–1,000 kg/yr released to water with 10–100 kg/yr to land. Disposal by biological treatment system and incineration.

## PMN 82-649

*Manufacturer.* Confidential.

*Chemical.* (G) Benzene dicarboxylic acid polyester.

*Use/Production.* (G) Open use. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential. Disposal by incineration.

## PMN 82-650

*Manufacturer.* Confidential.

*Chemical.* (G) Pentasubstituted pentanamide.

*Use/Production.* (G) Site-limited intermediate. Prod. range: 300–600 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture and use: minimal dermal, a total of 10 workers, up to 2 hrs/da, up to 20 da/yr.

*Environmental Release/Disposal.* No release.

## PMN 82-651

*Importer.* Sandoz Colors and Chemicals.

*Chemical.* (G) Metal complexed substituted aromatic salt.

*Use/Import.* (S) Industrial colorant for paper and writing ink. Import range: Confidential.

*Toxicity Data.* Acute oral: >5,000 mg/kg; Skin irritation: Non-irritant; Eye irritation: Non-irritant.

*Exposure.* Import and processing: dermal and inhalation, a total of 1 worker per plant, up to 1 hr/da max.

*Environmental Release/Disposal.* 10–100 kg/yr released to air and water. Disposal by on-site biological waste treatment.

## PMN 82-652

*Importer.* Sandoz Colors and Chemicals.

*Chemical.* (G) Metal complexed substituted aromatic salt.

*Use/Import.* (S) Industrial colorant for paper. Import range: Confidential.

*Toxicity Data.* Acute oral: >5,000 mg/kg; Skin irritation: >5,000 mg/kg; Eye irritation: Non-irritant.

*Exposure.* Import and processing: dermal, a total of 1 worker per plant, up to 1 hr/da max.

*Environmental Release/Disposal.* 10–100 kg/yr released to water. Disposal by on-site biological waste treatment.

## PMN 82-653

*Importer.* Sandoz Colors and Chemicals.

*Chemical.* (G) Metal complexed substituted aromatic salt.

*Use/Import.* (S) Industrial colorant for paper. Import range: Confidential.

*Toxicity Data.* Acute oral: >5,000 mg/kg; Skin irritation: >5,000 mg/kg; Eye irritation: Non-irritant.

*Exposure.* Import and processing: dermal, a total of 1 worker per plant, up to 1 hr/da max.

*Environmental Release/Disposal.* 10–100 kg/yr released to water. Disposal by on-site biological waste treatment.

## PMN 82-654

*Importer.* Sandoz Colors and Chemicals.

*Chemical.* (G) Mixed complexed substituted aromatic salt.

*Use/Import.* (S) Industrial colorant for paper and writing ink. Import range: Confidential.

*Toxicity Data.* Acute oral: >5,000 mg/kg; Skin irritation: Non-irritant; Eye irritation: Non-irritant.

*Exposure.* Import and processing: dermal and inhalation, a total of 1 worker per plant, up to 1 hr/da max.

*Environmental Release/Disposal.* 10–100 kg/yr released to air and water. Disposal by on-site biological waste treatment.

## PMN 82-655

*Manufacturer.* American Cyanamid Company.

**Chemical.** (G) Substituted acrylamide copolymer.

**Use/Production.** (S) Waste water flocculant. Prod. range: Confidential.

**Toxicity Data.** No data submitted.

**Exposure.** Manufacture: dermal, a total of 25 workers, up to 24 hrs/da, up to 365 da/yr.

**Environmental Release/Disposal.**

Disposal by publicly owned treatment works (POTW).

#### PMN 82-656

**Manufacturer.** Confidential.

**Chemical.** (G) Polymer of disubstituted benzenes and disubstituted alkane.

**Use/Production.** (S) Minor constituent of an article for commercial use. Prod. range: 3,000-5,000 kg/yr.

**Toxicity Data.** Acute oral: >3,000 mg/kg; Acute dermal: >1,000 mg/kg; Skin irritation: Slight irritant.

**Exposure.** Manufacture and use: dermal and inhalation, a total of 80 workers, up to 2 hrs/da, up to 80 da/yr.

**Environmental Release/Disposal.** Minimal release to air. Disposal by incineration.

#### PMN 82-657

**Manufacturer.** Confidential.

**Chemical.** (G) Sulfonated vinylic polymer.

**Use/Production.** Confidential. Prod. range: Confidential.

**Toxicity Data.** No data submitted.

**Exposure.** Manufacture and processing: a total of 35 workers, up to 4 hrs/da, up to 365 da/yr.

**Environmental Release/Disposal.** Minimal release. Disposal by POTW and approved landfill.

Dated: September 13, 1982.

Denise F. Swink,

Acting Director, Management Support Division.

[FR Doc. 82-25622 Filed 9-16-82; 8:45 am]

BILLING CODE 6560-50-M

#### [OPTS-59100; TSH-FRL-2208-2]

**Polymer of Alkyl and Heteromonocyclic Amines and An Alkanedioic Acid; Premanufacture Exemption Application**

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

**ACTION:** Notice.

**SUMMARY:** EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or

process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the *Federal Register* of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

**DATE:** Written comments by: October 4, 1982.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-59100]" and the specific TME number should be sent to:

#### 82T-2752

Documents Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW, Washington, DC 20460.

#### FOR FURTHER INFORMATION CONTACT:

David Dull, Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

#### TME 82-47

**Close of Review Period.** October 17, 1982.

**Manufacture.** Diamond Shamrock.

**Chemical.** (G) Polymer of alkyl and heteromonocyclic amines and an alkanedioic acid.

**Use/Production.** (S) Epoxy hardener. Prod. range: 10/82-6/30/83 - 10,000 kg (max).

**Toxicity Data.** No data submitted.

**Exposure.** Manufacture: dermal and inhalation, a total of 8 workers at 2 sites, up to 6-24 hrs/da, up to 4 da/yr; processing: dermal and inhalation, a total of 4 workers at 2 sites, 8-24 hrs/da, 4 da/yr.

**Environmental Release/Disposal.** Less than 10 kg/yr released to air and land with 10-100 kg/yr to water.

Dated: September 13, 1982.

Denise F. Swink,  
Acting Director, Management Support Division.

[FR Doc. 82-25621 Filed 9-16-82; 8:45 am]

BILLING CODE 6560-50-M

#### [ER-FRL-2208-6]

**Availability of Environmental Impact Statement; Filed September 7 through September 10, 1982 Pursuant to 40 CFR 1506.9**

**RESPONSIBLE AGENCY:** Office of Federal Activities, General Information 382-5075 or 382-5076

Corps of Engineers:

EIS No. 820592, Draft, COE, CA, Bel Marin Keys Development, Unit 5, 404 Permit, Marin County, Due: Nov. 19, 1982  
EIS No. 820582, Final, COE, GU, Agat Small Boat Harbor Improvements at Nimitz Beach, Agat Area, Due: Oct. 3, 1982

Department of Interior:

EIS No. 820591, Draft, FWS, AK, REG Arctic Nat'l Wildlife Refuge Coastal Plain, Oil/Gas Exploration, Due: Nov. 1, 1982

EIS No. 820577, Draft, BLM, UT, Price River Resource Area Grazing Management Program, Due: Nov. 1, 1982

EIS No. 820587, Final, BLM, CA, Sierra Planning Area Livestock Grazing Management Program, Due: Oct. 18, 1982

EIS No. 820589, Final, BLM, OR, Riley Area Grazing Management Plan, Harney County, Due: Oct. 18, 1982

Department of Transportation:

EIS No. 820578, Final, FHW, SEV, N.J., N.Y. I-287 Completion, U.S. 202 to New York Thruway/I-87, Due: Oct. 18, 1982

EIS No. 820590, Final, FHW, MT, U.S. 2 Reconstruction, Hungry Horse to West Glacier, Flathead County, Due: Oct. 18, 1982

EIS No. 820593, Draft, UMT, MD, Baltimore N. Corridor/Metro Center Transit Improvements, Baltimore County, Due: Nov. 01, 1982

Environmental Protection Agency:

EIS No. 820581, Final, EPA, DE, Rehoboth Beach Wastewater Treatment Facilities, Grant, Sussex County, Due: Oct. 18, 1982

EIS No. 820584, DSuppl, EPA, MD, West Ocean City Wastewater Treatment Facilities, Grant, Worcester County, Due: Nov. 01, 1982

EIS No. 820583, Final, EPA, FL, Tampa-Hillsborough County Area Wastewater Treatment Facilities, Grant, Due: Oct. 18, 1982

EIS No. 820589, Final, EPA, FL, Southern Region Area WWT Facilities, Grant, Palm Beach County, Due: Oct. 18, 1982

EIS No. 820588, Final, EPA, OH, Nettle Lake Area WWT System, Case Study No. 6, Grant, Williams County, Due: Oct. 18, 1982

Department of Housing and Urban Development:

EIS No. 820585, Draft, HUD, PR, Nueva Caparra Community/Comunidad Del Rio Bayamon, Mortgage Insurance, Due: Nov. 3, 1982

EIS No. 820579, Final, HUD, NM, Rio Rancho Subdivisions, Mortgage Insurance, Sandoval County, Due: Oct. 18, 1982

EIS No. 820586, Final, HUD, UT, Dixie Knolls Development, Mortgage Insurance, Washington County, Due: Oct. 18, 1982

Amended Notices:

EIS No. 820444, Draft, DOE, MT, Fort Peck Havre 230 kV Transmission Line, Approval. \*Published FR 07/09/82—Review extended, Due: Oct. 22, 1982

EIS No. 820482, DSuppl, BLM, CO, Prototype Oil Shale Leasing, Piceance Basin, Rio Blanco County. \*Published FR 07/23/82—Review extended, Due: Sept. 22, 1982

EIS No. 790707, Draft, UMT, CA, San Francisco Bay Area Transportation Terminal Expansion. \*Published FR 07/20/79—Officially withdrawn.

Dated: September 14, 1982.

Louis J. Cordia,

Acting Director, Office of Federal Activities.

[FR Doc. 82-25781 Filed 9-16-82; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CI62-46-000, et al.]

### Energy Reserves Group, Inc., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>

September 9, 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 September 24, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein.

the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price 1,000 ft <sup>3</sup>	Pressure base
CI62-46-000, D, 5/26/82	Energy Reserves Group, Inc., 217 North Water Street, P.O. Box 1201, Wichita, Kan. 67201.	Southern Natural Gas Company, Grange Field, Lawrence and Jefferson Davis Counties, Mississippi.	(?)	
CI82-368-000 (CI62-192), B, 8/23/82	Northern Natural Gas Producing Company, Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Northern Natural Gas Company, N. Harper Ranch Field, Clark County, Kansas.	(?)	
CI82-369-000, B, 8/23/82	Waco Oil and Gas Company, Inc.—G. Collins, 308 A, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Collins Run, Gilmer County, West Virginia.	(?)	
CI82-370-000, B, 8/23/82	Waco Oil and Gas Company—C. P. Snider 228 A, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Collins Run, Gilmer County, West Virginia.	(?)	
CI82-371-000, B, 8/23/82	Waco Oil and Gas Company, Inc., Waldeck, S1-148A, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Cedarville Field, Gilmer County, West Virginia.	(?)	
CI82-372-000, B, 8/23/82	I. L. Morris—B. Messenger, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Mudlick Field, Gilmer County, West Virginia.	(?)	
CI82-373-000, B, 8/23/82	I. L. Morris—Steinbeck, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Leading Creek Field, Gilmer County, West Virginia.	(?)	
CI82-374-000, B, 8/23/82	Waco Oil and Gas Company Inc.—Lynch, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Gluck Run Field, Gilmer County, West Virginia.	(?)	
CI82-375-000, B, 8/23/82	Waco Oil and Gas Company, Inc., Goff, 1, 3, 4, 5, 6, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Bull Run Field, Gilmer County, West Virginia.	(?)	
CI82-376-000, B, 8/23/82	Waco Oil and Gas Company, Inc., Goff 7, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Bull Run Field, Gilmer County, West Virginia.	(?)	
CI82-377-000, B, 8/23/82	Waco Industries—Despard Campbell, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Bull Run Field, Braxton County, West Virginia.	(?)	
CI82-378-000, B, 8/23/82	I. L. Morris & J. W. Perrill—A. B. Campbell, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Ellis Field, Gilmer County, West Virginia.	(?)	
CI82-379-000, B, 8/23/82	Waco Industries—Burke 1A, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Bull Run Field, Gilmer County, West Virginia.	(?)	
CI82-380-000, B, 8/23/82	Mack R. Worl—Atty. in-Fact, Young-Collins, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Collins Run Field, Gilmer County, West Virginia.	(?)	
CI82-381-000, B, 8/23/82	Mack R. Worl—Atty. in-Fact, Young-Simmons, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Collins Run Field, Gilmer County, West Virginia.	(?)	
CI82-382-000, B, 8/23/82	Waco Industries—S. Waldeck, 148 A M.M., 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Cedarville Field, Gilmer County, West Virginia.	(?)	
CI82-383-000, B, 8/23/82	Waco Oil and Gas Company, Inc.—M. Wyant, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, San Fork Field, Gilmer County, West Virginia.	(?)	

Docket No. and date filed	Applicant	Purchaser and location	Price 1,000 ft <sup>3</sup>	Pressure base
CI82-384-000, B, 8/23/82	Waco Oil and Gas Company Inc.—Joseph Black, 1297 N. Lewis Street, Glenville, West Virginia 26351.	Equitable Gas Company, Ellis Field, Gilmer County, West Virginia.	(?)	
CI82-385-000, A, 8/25/82	Sohio Petroleum Company, 50 Penn Place, Suite 1100, Oklahoma City, Oklahoma 73118.	Transcontinental Gas Pipe Line Corporation, Brazos Area, Block 578, Offshore Texas.	(?)	14.73
CI82-386-000, A, 8/25/82	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Tennessee Gas Pipeline Company, Eugene Island Block 24, Offshore Louisiana.	(?)	15.025
CI82-387-000, A, 8/24/82	Pennzoil Company, P.O. Box 2967, Houston, Texas 77001.	Northern Natural Gas Company, Bernstein Field, Hansford County, Texas.	(?)	14.73
CI82-388-000, A, 8/25/82	Odeco Oil & Gas Company, <i>et al.</i> Odeco Building, 1600 Canal Street, P.O. Box 61780, New Orleans, Louisiana 70161.	Tennessee Gas Pipeline Company, Eugene Island Block 24, Offshore Louisiana, Federal Domain.	(?)	15.025
CI82-389-000 (G-10369), B, 8/25/82	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Florida Gas Transmission Company, McGill Ranch, Kennedy County, Texas.	(?)	
CI82-390-000 (CI61-1439), B, 8/25/82	ARCO Oil and Gas Company, Division of Atlantic Richfield Company.	Texas Gas Transmission Corporation, Cartwright Field, Jackson County, Louisiana.	(?)	

(?) Lease on acreage in Section 24-8N-20W, Jefferson Davis County, Mississippi expired of its own terms in February, 1975.

(?) Wells plugged and abandoned and lease expired under its own terms.

(?) This well was released by Equitable as part of a court settlement and WACO wishes to sell the gas to another purchaser.

(?) Applicant is willing to accept an initial rate consistent with that prescribed by the Natural Gas Policy Act of 1978.

(?) Applicant is filing under Gas Purchase Contract dated August 10, 1982.

(?) 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 Act of 1978.

(?) Applicant is filing under Gas Purchase and Sales Agreement dated August 12, 1982.

(?) Contract was cancelled on May 20, 1979. The three tracts involved in this lease were assigned. ARCO has no remaining reserves or production.

(?) The last producing well, the T. L. Scarborough No. 1 was plugged and abandoned on January 28, 1971.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[PR Doc. 82-25409 Filed 9-16-82; 8:45 am]

BILLING CODE 6717-01-M

Issued: September 9, 1982.

FIELD NAME	PROL	PURCHASER
***** KANSAS CORPORATION COMMISSION *****		
***** GOULD OIL INC *****		
8249071 K-42-0764	15072429	08/12/82 JA: KS
8249078 K-81-312	1514523138	108-SA DAVIS #1
- GRAHAM-MICHAELIS CORP		108-ER GALLIART #1
- 8249075 K-73-0938	150576000	RECEIVED: 08/12/82 JA: KS
- GULF OIL CORPORATION		108-ER TONER #1
- 8249068 K-81-0191	150573000	RECEIVED: 08/12/82 JA: KS
- MARUEN PRODUCING CO		108-ER INSLEE #1
- 8249074 K-81-0566	150550000	RECEIVED: 08/12/82 JA: KS
- MCKELVY OPERATING CURP		108-ER REED RANCH #1
- 8249076 K-81-3207	150556000	RECEIVED: 08/12/82 JA: KS
- 8249077 K-81-0206	150556000	108-ER HARMS #b
- MULL DRILLING CO INC		108-ER R GREATHOUSE #1
- 8249073 K-82-0333	150736000	RECEIVED: 08/12/82 JA: KS
- 8249072 K-81-1247	150760000	108-ER WILLETS #2
- OLYMPIC PETROLEUM COMPANY		RECEIVED: 08/12/82 JA: KS
- 8249069 K-81-1875	150352731	108-ER WHEELOCK #2
- ROBERT F WHITE		RECEIVED: 08/12/82 JA: KS
- 8249070 K-79-1238	151150000	108-ER JESSE HARRIS #1
- OHIO DEPARTMENT OF NATURAL RESOURCES		RECEIVED: 08/12/82 JA: KS
***** APPALACHIAN EXPLORATION INC *****		
- 8249113	3410322975	RECEIVED: 08/13/82 JA: OH
- 8249114	3415123124	103 107-TF PRASSE LUMBER CO #1
- AUSTIN DEVELOPMENT CO		103 107-TF TRANSUE AND WILLIAMS UNIT #1
- 8249115A	34-7523658	RECEIVED: 08/13/82 JA: OH
- 8249115b	34-752365b D	DALESSANDRO #1
- BEREA OIL AND GAS CORPORATION		107-TF DALESSANDRO #1
- 8249116	3411924406	RECEIVED: 08/13/82 JA: OH
- BLAUSER WELL SERVICE INC		108 J & B BALL #1
- 8249127	3416725295	RECEIVED: 08/13/82 JA: OH
- 8249126	3416725394	108 DAVID D DUNBAR #2
- 8249134	3416725131	108 DAVID D DUNBAR #3
- 8249125	3416725383	108 DAVID D DUNBAR #4
- 8249124	3416725082	E GRANT RUSSELL #1
- 8249120	3416724354	E GRANT RUSSELL #2
- 8249121	3416725048	HENRY WUNDERLICH #1
- 8249122	3416725049	HENRY WUNDERLICH #2
- 8249131	3416725114	HENRY WUNDERLICH #3
- 8249133	3416725116	HOWARD L MATTACK #1
	108	HOWARD L MATTACK #2
***** CITIES SERVICE GA *****		
- 8249125	3416725383	0•0 CITIES SERVICE GA
- 8249124	3416725082	0•0 KANSAS NEBRASKA N
- 8249120	3416724354	0•0 NORTHERN NATURAL
- 8249121	3416725048	0•0 CITIES SERVICE GA
- 8249122	3416725049	0•0 KANSAS NEBRASKA N
- 8249131	3416725114	0•0 CITIES SERVICE GA
- 8249133	3416725116	0•0 NORTHERN NATURAL
	108	0•0 CITIES SERVICE GA
***** COLUMBIA GAS TRAN *****		
- 8249113	3410322975	103 107-TF PRASSE LUMBER CO #1
- 8249114	3415123124	103 107-TF TRANSUE AND WILLIAMS UNIT #1
- 8249115A	34-7523658	RECEIVED: 08/13/82 JA: OH
- 8249115b	34-752365b D	DALESSANDRO #1
- 8249116	3411924406	DALESSANDRO #1
- BLAUSER WELL SERVICE INC		RECEIVED: 08/13/82 JA: OH
- 8249127	3416725295	RECEIVED: 08/13/82 JA: OH
- 8249126	3416725394	108 DAVID D DUNBAR #2
- 8249134	3416725131	108 DAVID D DUNBAR #3
- 8249125	3416725383	108 DAVID D DUNBAR #4
- 8249124	3416725082	E GRANT RUSSELL #1
- 8249120	3416724354	E GRANT RUSSELL #2
- 8249121	3416725048	HENRY WUNDERLICH #1
- 8249122	3416725049	HENRY WUNDERLICH #2
- 8249131	3416725114	HENRY WUNDERLICH #3
- 8249133	3416725116	HOWARD L MATTACK #1
	108	HOWARD L MATTACK #2
***** COLUMBIA GAS TRAN *****		
- 8249125	3416725383	0•0 COLUMBIA GAS TRAN
- 8249124	3416725082	0•0 COLUMBIA GAS TRAN
- 8249120	3416724354	0•0 COLUMBIA GAS TRAN
- 8249121	3416725048	0•0 COLUMBIA GAS TRAN
- 8249122	3416725049	0•0 COLUMBIA GAS TRAN
- 8249131	3416725114	0•0 COLUMBIA GAS TRAN
- 8249133	3416725116	0•0 COLUMBIA GAS TRAN
	108	0•0 COLUMBIA GAS TRAN
***** COLUMBIA GAS TRAN *****		
- 8249125	3416725383	1•1 COLUMBIA GAS TRAN
- 8249124	3416725082	1•1 COLUMBIA GAS TRAN
- 8249120	3416724354	4•5 COLUMBIA GAS TRAN
- 8249121	3416725048	1•1 COLUMBIA GAS TRAN
- 8249122	3416725049	1•1 COLUMBIA GAS TRAN
- 8249131	3416725114	2•7 COLUMBIA GAS TRAN
- 8249133	3416725116	2•7 COLUMBIA GAS TRAN
	108	2•7 COLUMBIA GAS TRAN

PAGE 722

VOLUME 726

JD & U	J& UKT	API NC	SEC(1)	SEC(2)	FIELD NAME	PROD	PURCHASER
8249136		3416725137	108		HOWARD L MATLACK #3	2.7	COLUMBIA GAS TRAN
8249118		3400921992	108		W E HARPER #1	6.6	COLUMBIA GAS TRAN
8249117		3400921991	108		W E HARPER #2	8.6	COLUMBIA GAS TRAN
8249119		3400921998	108		W E HARPER #3	6.6	COLUMBIA GAS TRAN
8249123		3416725081	108		ROBERT J KUBOTA #1	3.3	COLUMBIA GAS TRAN
8249129		3416725112	108		ROBERT J KUBOTA #2	3.3	COLUMBIA GAS TRAN
8249128		3416725098	108		RUSSELL F & MARY L MCVICAR #1	1.0	COLUMBIA GAS TRAN
8249132		3416725115	108		RUSSELL F & MARY L MCVICAR #2	1.0	COLUMBIA GAS TRAN
8249130		3416725113	108		RUSSELL F & MARY L MCVICAR #3	1.0	COLUMBIA GAS TRAN
8249135		3416725136	108		RUSSELL F & MARY L MCVICAR #4	1.0	COLUMBIA GAS TRAN
8249138		3403124514	103	107-TF JA: OH	RECEIVED: 08/13/82 JA: OH	6.0	TRINWAY
-CAMERON & KINCAID		34119226126	107-TF	LEH ZINSMEISTER #1A	RECEIVED: 08/13/82 JA: OH	10.0	BLUE ROCK
-CLINTON OIL CO		34119226059	103	107-TF D BELL #1-677	RECEIVED: 08/13/82 JA: OH	10.0	OTESEGO
8249142		34119226074	123	107-TF D BELL #2-678	RECEIVED: 08/13/82 JA: OH	10.0	OTESEGO
8249143		34119225171	103	107-TF J WILSON #2A-515	RECEIVED: 08/13/82 JA: OH	10.0	CLAYTON
8249144		34119225934	103	107-TF LAYMON-WARREN UNIT	RECEIVED: 08/13/82 JA: OH	10.0	BLOOMFIELD
8249140		34119226057	103	107-TF W MUSKINGUM SCHOOL	RECEIVED: 08/13/82 JA: OH	10.0	FALLS
8249141		34119225611	103	107-TF I DA PRICE #1	RECEIVED: 08/13/82 JA: OH	12.0	FORAKER GAS CO IN
8249146A		34119225611	107-TF	I DA PRICE #1	RECEIVED: 08/13/82 JA: OH	12.0	FORAKER GAS CO IN
8249146B		34119225610	103	MARION L NELSON #1	RECEIVED: 08/13/82 JA: OH	12.0	NATIONAL GAS & OI
8249145A		34119225610	107-TF	MARION L NELSON #1	RECEIVED: 08/13/82 JA: OH	12.0	NATIONAL GAS & OI
-DERBY OIL & GAS CORP		3411522842	103	107-TF EDGELL UNIT #1	RECEIVED: 08/13/82 JA: OH	20.0	COLUMBIA GAS TRAN
8249153		3411522820	103	107-TF F & R SILVIS UNIT #1	RECEIVED: 08/13/82 JA: OH	20.0	EAST OHIO GAS CO
8249147		3411522843	103	107-TF G & V SHOOK #1	RECEIVED: 08/13/82 JA: OH	20.0	COLUMBIA GAS TRAN
8249154		3411522836	103	107-TF GOINS UNIT #1	RECEIVED: 08/13/82 JA: OH	20.0	COLUMBIA GAS TRAN
8249149		3411522838	103	107-TF LAPRAD UNIT #1	RECEIVED: 08/13/82 JA: OH	20.0	COLUMBIA GAS TRAN
8249151		3411522837	103	107-TF ROBERTS UNIT #1	RECEIVED: 08/13/82 JA: OH	20.0	COLUMBIA GAS TRAN
8249150		3411522841	103	107-TF TAYLOR #1	RECEIVED: 08/13/82 JA: OH	20.0	COLUMBIA GAS TRAN
8249152		3411522827	103	107-TF TOWNSEND #1-A	RECEIVED: 08/13/82 JA: OH	20.0	COLUMBIA GAS TRAN
-EAGLE MOUNTAIN ENERGY CORP		3411522842	103	107-TF MALTA CENTER	RECEIVED: 08/13/82 JA: OH	8.4	EAST OHIO GAS CO
8249148		3411522820	103	MALTA CENTER	RECEIVED: 08/13/82 JA: OH	2.8	EAST OHIO GAS CO
-EAST OHIO GAS CO		3411522843	103	MALTA	RECEIVED: 08/13/82 JA: OH	5.9	EAST OHIO GAS CO
8249205		3411522844	103	MALTA	RECEIVED: 08/13/82 JA: OH	2.7	EAST OHIO GAS CO
8249195	2472	3411521084	108	B & L ALLOWAY COMM #1	RECEIVED: 08/13/82 JA: OH	10.1	EAST OHIO GAS CO
8249194	2459	3411521058	108	B & L RUMMELL COMM #1	RECEIVED: 08/13/82 JA: OH	9.3	EAST OHIO GAS CO
8249185		34115121179	108	C & F BINGHAM COMM #2	RECEIVED: 08/13/82 JA: OH	6.0	EAST OHIO GAS CO
8249210		34115721324	108	C & M DESTEFANI COMM #1	RECEIVED: 08/13/82 JA: OH	4.4	EAST OHIO GAS CO
8249178	2437	3411320471	108	D & B WRIGHT COMM #1	RECEIVED: 08/13/82 JA: OH	4.6	EAST OHIO GAS CO
8249208		34115721278	108	D & J BROCKETT COMM #2	RECEIVED: 08/13/82 JA: OH	11.2	EAST OHIO GAS CO
8249150		34115721014	108	D & M WHITMER #1	RECEIVED: 08/13/82 JA: OH	7.5	EAST OHIO GAS CO
8249190	2444	34113320416	108	E & M SCHWARK #2	RECEIVED: 08/13/82 JA: OH	2.9	EAST OHIO GAS CO
8249171	2377	3411322130	108	E & M SCHWARK COMM #1	RECEIVED: 08/13/82 JA: OH	4.1	EAST OHIO GAS CO
8249187	2507	34115721046	108	F & C EVERETT #1	RECEIVED: 08/13/82 JA: OH	7.0	EAST OHIO GAS CO
8249193		34115721033	108	F & H HRYBY COMM #1	RECEIVED: 08/13/82 JA: OH	2.5	EAST OHIO GAS CO
8249192		34115721148	108	F & H GOVSDAK UNIT #1	RECEIVED: 08/13/82 JA: OH	2.3	EAST OHIO GAS CO
8249198		34113320413	108	G & B MYERS COMM #1	RECEIVED: 08/13/82 JA: OH	6.4	EAST OHIO GAS CO
8249170	2374	3400720321	108	G & E STEINEL COMM #1	RECEIVED: 08/13/82 JA: OH	7.4	EAST OHIO GAS CO
8249158		3411320388	108	H & M HAGLOCK #1	RECEIVED: 08/13/82 JA: OH		
8249167		3411320417	108		RECEIVED: 08/13/82 JA: OH		
8249172		34115721234	108		RECEIVED: 08/13/82 JA: OH		
8249206					RECEIVED: 08/13/82 JA: OH		

JD	YC	JA	OKT	API NO	U	SFC(1)	SFC(2)	FIELD NAME	FELL	SELL	PURCHASER
8249179	2437			3413320472		108		H W WISE #2	2•3	EAST OHIO GAS CO	
8249200				3415721206		108		J & A JOHNSON #A-1	6•4	EAST OHIO GAS CO	
8249201				3415721207		108		J & A JOHNSON #B-1	10•1	EAST OHIO GAS CO	
8249173	2382			3413320421		108		J & L MELTON #1	1•6	EAST OHIO GAS CO	
8249177	2424			3413320453		108		J & M JORDAN - COMM #1	2•1	EAST OHIO GAS CO	
8249176	2413			3413320433		108		J & M WINKLER COMM #1	3•3	EAST OHIO GAS CO	
8249189				3415720984		108		JOHNSON-UTZ #2	5•6	EAST OHIO GAS CO	
8249166	2440			3413320383		108		L & L SKUTLE COMM #1	9•0	THE EAST OHIO GAS	
8249188	2526			3415122158		108		L & M BORON #1	7•1	EAST OHIO GAS CO	
8249168	2364			3413320394		108		L & V ZEMAN COMM #1	5•8	EAST OHIO GAS CO	
8249163	4896			3412121483		108		OHIO POWER-COMUS #4-B	6•0	EAST OHIO GAS CO	
8249191				3415721032		108		P & C BERLANDIS COMM #1	2•9	EAST OHIO GAS CO	
8249180	2440			3413320476		108		R & E DURNAN COMM #1	1•8	EAST OHIO GAS CO	
8249202				3415721211		108		R & E WARNER #1	16•0	EAST OHIO GAS CO	
8249184				3415121139		108		R & J GEORGE #1	14•4	EAST OHIO GAS CO	
8249174				3413320426		108		R & L BURT COMM #1	6•0	EAST OHIO GAS CO	
8249164				3413320167		108		R & M TEETS #1	3•1	EAST OHIO GAS CO	
8249186				3415121126		108		R & P FEUCHT #1	2•0	EAST OHIO GAS CO	
8249209				3415121323		108		R & S LICHTI CJMM #1	4•3	EAST OHIO GAS CO	
8249183				3415121103		108		R & BATTERHELL #1	1•6	EAST OHIO GAS CO	
8249207				3415721275		108		R & M HEIRS COMM #1	6•5	EAST OHIO GAS CO	
8249203				3415721212		108		R & M HOSTETLER COMM #1	9•8	EAST OHIO GAS CO	
8249162				3412121428		108		R & M BALL #1	3•2	EAST OHIO GAS CO	
8249204				3415721223		108		R & M OLEHR COMM #1	4•0	EAST OHIO GAS CO	
8249161	3061			3411922448		108		R & M YOUNG #1	1•9	EAST OHIO GAS CO	
8249181	2453			3413321486		108		SANDY LAKE LAND CO COMM #1	2•3	EAST OHIO GAS CO	
8249182	2454			3413321487		108		SANDY LAKE LAND CO COMM #2	6•3	EAST OHIO GAS CO	
8249199				3415721155		108		T & M KANE COMM #1	10•2	EAST OHIO GAS CO	
8249160	3064			3405921089		108		UPHOLE & BRANDON #1	2•7	EAST OHIO GAS CO	
8249196	2476			3415721110		108		URFER & BRICK COMM #1	2•5	EAST OHIO GAS CO	
8249159	2428			3412922571		108		W & M GINGERICH #1	2•2	THE EAST OHIO GAS	
8249169	2373			3413320407		108		W & M SOBER COMM #1	3•6	EAST OHIO GAS CO	
8249165				3413320376		108		W & P BROCKETT COMM #1	11•0	EAST OHIO GAS CO	
8249197	2413			3415721111		108		W & P MOSS COMM #1	5•6	EAST OHIO GAS CO	
8249175				3413320427		108		W & M SIMCOX COMM #1	2•3	EAST OHIO GAS CO	
8249155				3417522361		108	RECEIVED:	08/13/82 JA: OH	16•0	COLUMBIA GAS TRAN	
8249156				3407522364		108	RECEIVED:	08/13/82 JA: OH	16•3	COLUMBIA GAS TRAN	
- ENERGY DEVELOPMENT CORP											
8249157				340721944		103	RECEIVED:	08/13/82 JA: OH	16•0	ORWELL	
- GSEARCH INC											
8249211				3409921466		103	RECEIVED:	08/13/82 JA: OH	20•0	YANKEE RESOURCES	
- GEO ENERGY INC											
8249212				3411926353		107-TF	RECEIVED:	08/13/82 JA: OH	14•0	PERRY	
- GUARDIAN MANAGEMENT INC											
8249216				3403124652		103	RECEIVED:	08/13/82 JA: OH	18•0	KEENE	
8249215				3403124651		103	RECEIVED:	08/13/82 JA: OH	16•0	CLARK	
8249220				3403124702		103	RECEIVED:	08/13/82 JA: OH	16•0	COSHOTON	
8249217				3403124668		103	RECEIVED:	08/13/82 JA: OH	16•0	RANDLE	
8249213				3403124649		103	RECEIVED:	08/13/82 JA: OH	16•0	BRINKHAVEN	
8249218				3403124689		103	RECEIVED:	08/13/82 JA: OH	16•0	TRINAY	
8249219				3403124691		103	RECEIVED:	08/13/82 JA: OH	16•0	RANDLE	
8249214				3403124650		103	RECEIVED:	08/13/82 JA: OH	16•0		

PAGE 304

VOLUME 726

JO #	J. N.	API No.	U. S. FPC (1)	S-C (2)	SELL 4/2/82	FIELD NAME	PROL	PURCHASER
-INTEGRATED PETROLEUM 8249221		COMPANY INC 34-5520362	RECEIVED: 08/13/82 103 107-TF U D S MILLER #1	JA: OH			42.0	
-J D DRILLING CO 8249223		3410522372 3410522373	RECEIVED: 08/13/82 107-DV C V & MAXINE PRICE #1 107-DV PROFFIT-BEAGLE #1			4.0 COLUMBIA GAS TRAN 7.0 COLUMBIA GAS TRAN		
-JOHN C MASON 8249241		34-7523746	RECEIVED: 08/13/82 107-TF KENNETH GERBER #1	JA: OH		25.0 COLUMBIA GAS TRAN 36.0 COLUMBIA GAS TRAN		
-KEN-TRAK VII 8249242		34-7523749	RECEIVED: 08/13/82 107-TF MOSE COBLENTZ #1	JA: OH				
-KEN-TRAK X 8249225		3410522387	RECEIVED: 08/13/82 107-TF RAYMOND FOWLER #5	JA: OH	2ND BEREAL FLOWER MISS	6.0		
-KRAMER EXPLORATION CO 8249226		341-522414	RECEIVED: 08/13/82 107-TF WILLIAM SMITH #1	JA: OH	LOWER MISSISSIPPIAN	6.0		
8249226		34-5320544	RECEIVED: 08/13/82 107-TF GILBERT #1	JA: OH	CHESHIRE	6.1 COLUMBIA GAS TRAN		
8249226		34-5320765	RECEIVED: 08/13/82 103 107-TF OHIO POWER #17	JA: OH	ADDISON	12.0 COLUMBIA GAS TRAN		
8249227		34-5320763	RECEIVED: 08/13/82 103 107-TF OHIO POWER CO #2	JA: OH	ADDISON	12.0 COLUMBIA GAS TRAN		
8249229		34-5320768	RECEIVED: 08/13/82 103 107-TF OHIO POWER CO #23	JA: OH	ADDISON	12.0 COLUMBIA GAS TRAN		
-L BOARD OIL COMPANY INC 82491378		3416726049	RECEIVED: 08/13/82 D 107-TF LAURA L BOARD #2	JA: OH	BARLOW TOWNSHIP SEC 6	4.5 COLUMBIA GAS TRAN		
-LANDPROVEST INC 8249230		3416726049	RECEIVED: 08/13/82 108 LAURA L BOARD #2	JA: OH	BARLOW TOWNSHIP SEC 6	4.5 COLUMBIA GAS TRAN		
-LEADER EQUITIES INC 8249231		34-7322632	RECEIVED: 08/13/82 107-TF KOVAC #1	JA: OH	CAMBRIDGE	50.0 COLUMBIA GAS TRAN		
-LESLIE OIL AND GAS CO INC 8249232		3410322147	RECEIVED: 08/13/82 107-TF MCLOMANS - CLIFFORD UNIT #1	JA: OH	STARR	13.0		
8249233		3410322623	RECEIVED: 08/13/82 103 107-TF WATT #1	JA: OH	SPENCER Twp	7.5 COLUMBIA GAS TRAN		
-LOHAK PETROLEUM INC 8249235		3411926227	RECEIVED: 08/13/82 107-TF BROMLEY UNIT #1	JA: OH	SPENCER Twp	7.5 COLUMBIA GAS TRAN		
8249234		3411926103	RECEIVED: 08/13/82 107-TF C FUNK #1	JA: OH	HARRISON	36.0 COLUMBIA GAS TRAN		
8249240		3411521708	RECEIVED: 08/13/82 107-TF E MAGRUDER #1	JA: OH	HARRISON	24.0 COLUMBIA GAS TRAN		
8249238		3413322881	RECEIVED: 08/13/82 107-TF HOPWOOD UNIT #2	JA: OH	MESOPOTAMIA	18.0 EAST OHIO GAS CO		
8249239		3411521706	RECEIVED: 08/13/82 107-TF J MILLER #2	JA: OH	HIRAM	24.0 COLUMBIA GAS TRAN		
8249237		3413322865	RECEIVED: 08/13/82 107-TF K REID UNIT #1	JA: OH	MESOPOTAMIA	16.0 EAST OHIO GAS CO		
8249236		3411926286	RECEIVED: 08/13/82 107-TF M SWINGLE #1	JA: OH	HIRAM	36.0 COLUMBIA GAS TRAN		
-M B OPERATING CO INC 8249249		3415723210	RECEIVED: 08/13/82 108 A FISH #1	JA: OH	HARRISON	6.0 REPUBLIC STEEL CO		
8249249		3421921282	RECEIVED: 08/13/82 108 BETTINGER U #1	JA: OH	HARRISON	11.0 REPUBLIC STEEL CO		
8249248		3415721596	RECEIVED: 08/13/82 108 EWING-CHESLOCK #1	JA: OH	MESOPOTAMIA	13.8 REPUBLIC STEEL CO		
8249245		3415122640	RECEIVED: 08/13/82 108 FOGLE #1	JA: OH	HIRAM	3.8 REPUBLIC STEEL CO		
8249247		3415721573	RECEIVED: 08/13/82 108 H & C BURTON #1	JA: OH	MESOPOTAMIA	29.2 REPUBLIC STEEL CO		
8249246		3415122965	RECEIVED: 08/13/82 108 J & C BLEND #1-A	JA: OH	HIRAM	5.3 REPUBLIC STEEL CO		
8249244		3415122532	RECEIVED: 08/13/82 108 JON GATAUX U #3	JA: OH	HIRAM			
-NEW FRONTIER EXPLORATION INC 8249253		3415123693	RECEIVED: 08/13/82 103 107-TF C BISHOP #1	JA: OH	NIMISHILLEN	18.0 YANKEE RESOURCES		
8249254		3415123694	RECEIVED: 08/13/82 103 107-TF C BISHOP #2	JA: OH	NIMISHILLEN	18.0 YANKEE RESOURCES		
8249251		3406720544	RECEIVED: 08/13/82 103 107-TF D HOST #2	JA: OH	MONROE	18.0 TENNECO INC		
8249250		3405923168	RECEIVED: 08/13/82 103 107-TF E WEBER #1	JA: OH	LIBERTY	16.0		
8249252		3410322583	RECEIVED: 08/13/82 103 107-TF LANDTREK PARTNERSHIP #3	JA: OH	WADSWORTH	18.0 YANKEE RESOURCES		
8249255		3415723723	RECEIVED: 08/13/82 103 107-TF M LEHIGH #1	JA: OH	MILL	16.0 YANKEE RESOURCES		
8249256		3415723724	RECEIVED: 08/13/82 103 107-TF M LEHIGH #2	JA: OH	MILL	18.0 YANKEE RESOURCES		
-NOBLE OIL CORP 8249259		3413322705	RECEIVED: 08/13/82 107-TF DER #1	JA: OH	PALMYRA	26.0 GENERAL ELECTRIC		

JD No.	API No.	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8249262	3415123557	107-TF		MOLEDO-RAFFERTY #2	YANKEE RESOURCES	20.0	
8249258	341326003	107-TF		POWERS #3	REPUBLIC STEEL CO	20.0	
8249257	341325990	107-TF		POWERS #4	REPUBLIC STEEL CO	20.0	
8249260	3413322707	107-TF		SHARI-JODI #1	GENERAL ELECTRIC	20.0	
8249261	3413322708	107-TF		SHARI-JODI #2	GENERAL ELECTRIC	20.0	
-OHIO OIL & GAS CO		RECEIVED:	08/13/82	JA: OH			
8249266	3415522027	107-TF		BEDLION #1	COLUMBIA GAS TRAN	20.0	
8249268	3415522644	107-TF		KOHLMORGAN #1	COLUMBIA GAS TRAN	20.0	
8249269	3415522055	107-TF		LASTER #1	COLUMBIA GAS TRAN	20.0	
8249267	3415522029	107-TF		PALMER #1	COLUMBIA GAS TRAN	20.0	
8249265	3415522021	107-TF		PHILBRICK #1	COLUMBIA GAS TRAN	20.0	
8249270	3415522130	107-TF		RHODES #2	COLUMBIA GAS TRAN	20.0	
8249271	3415522148	107-TF		ROOKS #1	COLUMBIA GAS TRAN	20.0	
8249264	3415521915	107-TF		TORUK #1	COLUMBIA GAS TRAN	20.0	
-ONEAL PETROLEUM INC		RECEIVED:	08/13/82	JA: OH			
8249263	3425922099	0	108	D SHRIVER #2	C. C. C.	6.0	
-OXFORD OIL CO		RECEIVED:	08/13/82	JA: OH			
8249273	3416923249	107-TF		HAROLD THOMPSON #1	CRESTON RANDLE	16.0	
8249272	3423124575	107-TF		PAUL ROBINSON #2		11.0	
-PEERLESS / TRANSATLANTIC OHIO 82		RECEIVED:	08/13/82	JA: OH			
8249277	3420721991	107-TF		CHUTAS #P-1	COLEBROOK	27.0	EAST OHIO GAS CO
8249275	3420721986	107-TF		JANOWITZ #P-1	COLEBROOK	27.0	EAST OHIO GAS CO
8249274	3420721984	107-TF		PRINDLE #P-1	COLEBROOK	28.0	EAST OHIO GAS CO
8249276	3420721989	107-TF		STINSON #P-1	COLEBROOK	26.0	
-POMINEX INC		RECEIVED:	08/13/82	JA: OH			
8249278	3413322773	103	137-TF	NEISS #2	FREEDOM	16.0	
-POSTON OPERATING CO INC		RECEIVED:	08/13/82	JA: OH			
8249282	3425326615	107-TF		BRIGGS & WHITE #1	CHESTER HEMLOCK	1.3	COLUMBIA GAS TRAN
8249285	3412724883	107-TF		C & P EMBREY #3	CHESTER HEMLOCK	2.2	COLUMBIA GAS TRAN
8249284	3412724505	107-TF		C & P EMBREY #4	CHESTER HEMLOCK	2.2	COLUMBIA GAS TRAN
8249280	3425320488	107-TF		E & P THOMPSON #2	CHESTER HEMLOCK	4.4	COLUMBIA GAS TRAN
8249281	3425320562	107-TF		E & P THOMPSON #3	CHESTER HEMLOCK	4.9	COLUMBIA GAS TRAN
8249279	3425304870	107-TF		OHIO ELECTRIC COMPANY #1	CHESTER HEMLOCK	3.3	COLUMBIA GAS TRAN
8249283	3425320625	107-TF		OHIO POWER COMPANY #1	CHESTER HEMLOCK	2.0	COLUMBIA GAS TRAN
-QUAKER STATE OIL REFINING CORP		RECEIVED:	08/13/82	JA: OH			
8249287	3421921574	103	137-TF	A & I SCHANDEL UNIT #1	MINERVA	3.7	
8249286	3421921552	103	137-TF	H J SCHANDEL UNIT #1	MINERVA	5.1	
-QUINTIN LITTLE CO		RECEIVED:	08/13/82	JA: OH			
8249288	3420721576	107-TF		KENYON-LATUK #1	JEFFERSON	7.0	
-REPUBLIC ENERGY INV CORP 80-II		RECEIVED:	08/13/82	JA: OH			
8249290	3425320592	107-TF		HALLIDAY-SHEETS #1	CHESTER HEMLOCK	1.4	COLUMBIA GAS TRAN
8249291	3425320593	107-TF		HALLIDAY-SHEETS #2	CHESTER HEMLOCK	1.4	COLUMBIA GAS TRAN
8249289	3425320591	107-TF		HALLIDAY-SHEETS #4	CHESTER HEMLOCK	1.4	COLUMBIA GAS TRAN
-ROVI RESOURCES CORP		RECEIVED:	08/13/82	JA: OH			
8249296	3411521932	107-TF		HANSON #1	BLOOM	11.0	TENNESSEE GAS PIP
8249294	3411521933	107-TF		HANSON #2	BLOOM	11.0	TENNESSEE GAS PIP
8249293	3411521929	107-TF		HANSON #3	BLOOM	11.0	TENNESSEE GAS PIP
8249292	3411521928	107-TF		HANSON #4	BLOOM	11.0	TENNESSEE GAS PIP
8249295	3411521931	107-TF		HANSON #5	BLOOM	11.0	TENNESSEE GAS PIP
-ROYAL PETROLEUM 81-II	34 5320769	RECEIVED:	08/13/82	JA: OH			
8249297	34 5320769	107-TF		HALLIDAY-SHEETS #7	CHESTER HEMLOCK	1.4	COLUMBIA GAS TRAN
-ROYAL PETROLEUM 81-I	341522135	RECEIVED:	08/13/82	JA: OH			
8249301	341522135	107-TF		GENHEIMER #1	SALISBURY	6.5	COLUMBIA GAS TRAN

PAGE 606

VOLUME 726

JD NO	JA LKT	API NO	SEC (L)	SEC (L)	WELL NAME	FIELD NAME	PROC PURCHASER
8249302		3410522136	107-TF		HOYT #1	U-5 COLUMBIA GAS TRAN	
8249298		3410522016	107-TF		HOYT #2	6-5 COLUMBIA GAS TRAN	
8249303		3410522137	107-TF		HOYT #3	6-5 COLUMBIA GAS TRAN	
8249299		3410522133	107-TF		ROSS #1	6-8 COLUMBIA GAS TRAN	
8249300		3410522134	107-TF		ROSS #2	6-8 COLUMBIA GAS TRAN	
-TIGER OIL INC			RECEIVED:	08/13/82	JA: OH		
8249304		3412122160	107-TF		JAMES MOORE #1	6-0 COLUMBIA GAS TRAN	
-VANLOCO INC			RECEIVED:	08/13/82	JA: OH		
8249305		3410322766	103	107-TF	KLOPP #2	2C-D	
-WILLS CREEK LTD			RECEIVED:	08/13/82	JA: OH		
8249306		3403124691	103	107-TF	GUTHRIE WC-#1	RANDLE	18-0
*****OKLAHOMA CORPORATION COMMISSION*****							
-ATLAS OIL INC		3508321976	RECEIVED:	08/12/82	JA: OK		
8249019	17748		1C2-2	OLIVER 1-5 LEASE		WEST GUTHRIE	54-8 EASON OIL CO
-BECK PRODUCTION CO			RECEIVED:	08/12/82	JA: OK		
8249055	15562	3504921647	103	MANDY #1		WHITEBEAD	0-0 WARREN PETROLEUM
8249056	15563	3504921798	103	MITZI #1		WHITEBEAD	0-0 WARREN PETROLEUM
-BRISCOE OIL CO			RECEIVED:	08/12/82	JA: OK		
8249038	14234	3507300003	103	BRISCOE-MILLER 2-2		C-NE SW SEC 2-17N-8W	35-0 TESORO CRUDE OIL
-CENTRAL CALIFORNIA OIL CO			RECEIVED:	08/12/82	JA: OK		
8249061	15687	3511123014	103	HENRY J #3		WEST BALD HILL	0-0 PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	08/12/82	JA: OK		
8249042	15550	3509300000	103	GAY-ALLSPACH #2		EAST CHANEY DELL	50-0 CHAMPLIN PETROLEU
-CHARLES HILL JR			RECEIVED:	08/12/82	JA: OK		
8249035	14075	3506321269	102-2	WILSON #2		CITRA	365-0 ARKANSAS LOUISIAN
-CUMMINGS OIL CO			RECEIVED:	08/12/82	JA: OK		
8249051	15491	3515121225	102-4	GERLOFF #1-18		NW AVARD	0-0
-CURTIS PRYOR			RECEIVED:	08/12/82	JA: OK		
8249031	14377	3503120868	102-2	LLOYD COKER #1		EAST HULEN	105-0 NATURAL GAS OPERA
-DAL TEX OIL CO INC			RECEIVED:	08/12/82	JA: OK		
8249046	17743	3514321624	102-2	FITZPATRICK #1		MOUNDS DISTRICT	159-0 PHILLIPS PETROLEU
-ECC OIL CO			RECEIVED:	08/12/82	JA: OK		
8249037	14205	35117523308	102-2	GLASS SA SW/4 SW/4		LENAPAH	55-0 OKAN GAS CO
-G. W. SULLIVANT			RECEIVED:	08/12/82	JA: OK		
8249021	20049	3508321264	103	ANNA B #1		NORTH HULL	6-6 EASON OIL CO
		3508321292	103	CLARA #1		NORTH HULL	4-0 EASON OIL CO
8249020	20748	3508321163	103	MARY ANN #1		NORTH HULL	5-8 EASON OIL CO
-GEORGE P POST DBA POST PETROLEUM CO			RECEIVED:	08/12/82	JA: OK		
8249060	15577	3513921537	103	LUNCEFORD #1		DOMBREY	0-0 PHILLIPS PETROLEU
-GULF OIL CORPORATION			RECEIVED:	08/12/82	JA: OK		
8249065	15257	3501722211	102-4	COBB-CARTER NO 1-13		YUKON SOUTH	12-0 CONOCO INC
-HARPER OIL COMPANY			RECEIVED:	08/12/82	JA: OK		
8249047	17752	3512921665	102-2	LEDDY #1		EAST ROLL	127-0 DELHI GAS PIPELIN
-HESTON OIL CO			RECEIVED:	08/12/82	JA: OK		
8249052	15554	3510920525	103	QUILLIN #22-3		WITCHER	0-0 GARFIELD GAS GATH
-HPC INC			RECEIVED:	08/12/82	JA: OK		
8249041	15549	3501722147	103	ALLEN MOFFET #1		SOUTH REEDING	7-0 PHILLIPS PETROLEU
-JET OIL COMPANY			RECEIVED:	08/12/82	JA: OK		
8249059	15569	350832154	103	WEINKAUF "B" #1		ELKHORN	4-0 EASON OIL CO
-JOE COURSEY JR			RECEIVED:	08/12/82	JA: OK		
8249048	17775	3514301030	102-2	C W ROSS JR #1		COLLINSVILLE	36-5 DIAMOND S GAS SYS



VOLUME 726

PAGE 608

JD NO.	JA	JKT	ADT NO	SPC(1)	SPC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8249102			4718505C54	103		CANARY #913		6.0	COLUMBIA GAS TRAN
8249104			4710500899	107-DV		HOFFMAN #908		6.0	COLUMBIA GAS TRAN
8249105			4710500895	107-DV		HOFFMAN #909		6.0	COLUMBIA GAS TRAN
8249106			4718505D69	103		JACKSON #907		6.0	COLUMBIA GAS TRAN
8249107			4785050690	107-DV		JACKSON #907		6.0	COLUMBIA GAS TRAN
8249108			4710500940	107-DV		JACKSON #914		6.0	COLUMBIA GAS TRAN
8249108			4710500884	103		JOY #955		6.0	COLUMBIA GAS TRAN
8249109			4710500884	107-DV		JOY #955		6.0	COLUMBIA GAS TRAN
8249109			4710500896	107-DV		MC CAULEY #911		6.0	COLUMBIA GAS TRAN
8249109			4710500911	107-DV		MC CAULEY #947		6.0	COLUMBIA GAS TRAN
8249108			4710500886	103		MCGEE #902		6.0	COLUMBIA GAS TRAN
8249097			4710500886	107-DV		MCGEE #902		6.0	COLUMBIA GAS TRAN
8249097			4710500888	107-DV		ROBINSON #912		6.0	COLUMBIA GAS TRAN
8249098			4710500888	107-DV		ROBINSON #912		6.0	COLUMBIA GAS TRAN
8249091			47105C006	107-DV		VALENTINE #941		6.0	COLUMBIA GAS TRAN
8249079			4710500883	103		WELCH #901		6.0	COLUMBIA GAS TRAN
8249087			4710500883	107-DV		WELCH #901		6.0	COLUMBIA GAS TRAN
8249086			47105C0910	107-DV		WELCH #945		6.0	COLUMBIA GAS TRAN
*CARSON PETROLEUM CORP			RECEIVED:	08/12/82	JA: WV				
8249102			4701723026	103		DROPPLEMAN #3	ST. CLAIR	25.0	COLUMBIA GAS TRAN
			RECEIVED:	08/12/82	JA: WV				
			4708504947	107-DV		KMOS #4		42.6	
			4708504877	107-DV		BALL #1A		58.8	CONSOLIDATED GAS
			4708504978	107-DV		CLAYTON #1A		66.0	
			4708504904	107-DV		PRUNTY #1		24.6	
			4708502515	103		GOLDIE C BARTLETT WN-AA-22	CLAY	2.1	CONSOLIDATED GAS
			4708703511	107-DV		HUFFMAN #2 C47-087-3511			
			4708703511	103		AMMA=LOONEYVILLE		0.0	COLUMBIA GAS TRAN
			4708502624	103		EAGLE DISTRICT		15.0	CONSOLIDATED GAS
			4708703511	103		JAMES S HARBERT #1			
			4708703511	103		OCEANA		50.0	CONSOLIDATED GAS
			4708703511	103		SALT LICK		26.0	CONSOLIDATED GAS
			4708703511	103		GLADYS BULL			
			4708703511	103		ARLINGTON SHULTZ #3		12.0	COLUMBIA GAS TRAN
			4708703511	103		GEORGIA PACIFIC #8		50.0	COLUMBIA GAS TRAN
			4708703511	103		BIG CREEK		50.0	BIG CREEK
			4708703511	103		POCAHONTAS MINING CO #3			
			4708703511	103		SLAB FORK			
			4710900864	103		Y & O COAL COMPANY 86-S-277			

Kenneth F. Plumb,  
Secretary.[FR Doc. 82-25407 Filed 9-10-82; 8:45 am]  
BILLING CODE 6717-01-C

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 9, 1982.

JD NO	JA	DET	ACT	INC	D SEC(1)	SEC(2)	WELL	NAME	FIELD NAME	PROD	PURCHASER
***** LOUISIANA OFFICE OF CONSERVATION *****											
*****											
*****											
-AMOCO PRODUCTION CO			1701723325		RECEIVED:	08/16/82	JA: LA	GREENWOOD-WASKOM	220.0	ARKANSAS-LOUISIANA	
8249380	81-1650		1701723325	102-4		FRED WAPPLER "H" #1		MOORE-SAMS	292.0	TEXAS GAS TRANSMI	
8249447	82-3426		1701723280	107-DP		J G BEAUD #1 18,100	TUSC RA SUU				
-ARKLA EXPLORATION COMPANY					RECEIVED:	08/16/82	JA: LA	TIGERS RIDGE FIELD	550.0	SOUTHERN NATURAL	
8249502	82-2445		17017522879	102-2		DELACROIX #7					
-BETHLEH PRODUCTION CORP					RECEIVED:	08/16/82	JA: LA	MONROE	3.3	IMC PIPELINE CO 1	
8249409	82-2060		1737321767	108		FIDDLER #1		MONROE GAS FIELD	4.5	IMC PIPELINE CO 1	
8249478	82-2059		17017321765	108		MAE POWELL #1					
-CAPITAL GAS INC					RECEIVED:	08/16/82	JA: LA	MONROE	3.0	IMC PIPELINE CO 1	
8249395	82-2017		17017321818	108		WILLIAMS #1					
-CEKA GAS CORP					RECEIVED:	08/16/82	JA: LA	MONROE GAS FIELD	6.0	INTERNATIONAL MIN	
8249485	82-2173		1711121993	108		HSC #9					
-CHARLES B BICE					RECEIVED:	08/16/82	JA: LA	CHICKASAW CREEK	51.0	TEXAS GAS TRANSMI	
8249522	81-2868		17055922130	103		PIONEER NATURAL GAS B #2					
-COCKRELL CORPORATION					RECEIVED:	08/16/82	JA: LA	PATTERSON	5000.0	SOUTHERN NATURAL	
*8249430	82-2280		1710121003	107-DP		C CREMALDI #2 P A DB-3 RC SU					
-COLUMBIA PETROLEUM CORP					RECEIVED:	08/16/82	JA: LA	RED RIVER-BULL BAYOU	6.0	LOUISIANA INTRAST	
8249400	82-1249		170310255	108		WEMBLE A #12 SERIAL #90348					
-CORNELL OIL CO					RECEIVED:	08/16/82	JA: LA	SOUTH RICEVILLE	750.0	TEXAS EASTERN TRA	
8249448	82-3423		1731711321	107-DP		CARL D CURTIS #1					
-COTTON PETROLEUM CORPORATION					RECEIVED:	08/16/82	JA: LA	WILDCAT	0.0	TRANSCONTINENTAL	
8249443	82-3411		1711321182	107-DP		ROSELLA SARVER #1					
-CRYSTAL OIL COMPANY					RECEIVED:	08/16/82	JA: LA	ARKANA	65.3	ARKANSAS LOUISIAN	
8249434	82-2988		1701521369	102-4		107-TF HAY RA SU C HALL #1		MONROE	7.0	IMC PIPELINE CO 1	
-CUSTER K PRIMOS					RECEIVED:	08/16/82	JA: LA				
8249505	82-0864		1711102215	108		HOWARD ESTATE #4					
-DALECO RESOURCES					RECEIVED:	08/16/82	JA: LA				
8249402	82-2045		1706720695	108		COX #1 147632		MONROE GAS FIELD	2.0	MID LOUISIANA GAS	
8249401	82-2244		1707320609	108		GREGORY FARLEY #1 146639		MONROE GAS	6.0	MID LOUISIANA GAS	
8249398	82-2031		1706720666	108		HALTERMAN #1 146415		MONROE GAS	0.1	MID LOUISIANA GAS	
8249397	82-2132		1706720667	108		HALTERMAN #2 146416		MONROE GAS	0.1	MID LOUISIANA GAS	
8249399	82-2105		1706720635	108		JOHNSTON #1 145614		MONROE GAS	1.5	MID LOUISIANA GAS	
8249381	82-2106		1706720651	108		MARTIN #1 146020		MONROE GAS FIELD	2.5	MID LOUISIANA GAS	
8249396	82-2133		1706720668	108		MC NABB #1 146417		MONROE GAS FIELD	0.1	MID LOUISIANA GAS	
8249412	82-2046		1706721636	108		WILLIAMS #1 173150		MONROE GAS	1.0	MID LOUISIANA GAS	
8249411	82-2147		1706721637	108		WILLIAMS #2 173151		MONROE GAS	1.0	MID LOUISIANA GAS	
8249410	82-2148		1706720655	108		WILLIAMS #4 146022		MONROE GAS	3.0	MID LOUISIANA GAS	
-DOME PETROLEUM CORP					RECEIVED:	08/13/82	JA: LA				
8249313	82-2105		1701106995	102-4		ATLANTIC RICHFIELD - SINCL FEE #1 FIELDS					
8249312	82-2106		1711120005	102-4		ATLANTIC RICHFIELD - SINCL FEE #3 FIELDS					
8249315	82-2107		1711120016	102-4		ATLANTIC RICHFIELD - SINCL FEE #4 FIELDS					

JD NO.	JA UKT	API NO.	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD.	PURCHASER
8249311	82-2108	1701120198	102-4		ATLANTIC RICHFIELD - SINCL FEE #7	FIELDS	1825.0	LOUISIANA INTRAST
8249310	82-2109	1701120188	102-4		ATLANTIC RICHFIELD - SINCL FEE #8	FIELDS	0.0	LOUISIANA INTRAST
8249309	82-2116	1701120120	102-4		BOISE SOUTHERN #1	FIELDS	164.0	LOUISIANA INTRAST
8249308	82-2177	170112175	102-4		BOISE SOUTHERN #2	FIELDS	1715.0	LOUISIANA INTRAST
8249314	82-2178	1701120020	102-4		BOISE SOUTHERN #3	FIELDS	1715.0	LOUISIANA INTRAST
8249307	82-2075	1701120361	102-4		SMITH ESTATES #1	FIELDS	164.0	LOUISIANA INTRAST
-EDWIN L COX			RECEIVED:	08/16/82	JA: LA			
8249499	82-0311	1705721817	103		COX-STATE LEASE 328 #3	LAKE LONG	365.0	COLUMBIA GAS TRAN
-ENTEX PETROLEUM INC			RECEIVED:	08/16/82	JA: LA			
8249529	82-0288	1705721648	103		R C PLATER #4	THIBODEAUX	730.0	TRANSCONTINENTAL
-EQUITABLE PETROLEUM CORP			RECEIVED:	08/16/82	JA: LA			
8249390	81-1645	1710922339	102-4		CONTINENTAL LAND & FUR CO #1	ST PAUL BAYOU FIELD	175.0	TRANSCONTINENTAL
-EXXON CORPORATION			RECEIVED:	08/16/82	JA: LA			
8249530	82-0089	1735721875	103		EXXON FEE B #26	BULLY CAMP	6.0	TENNESSEE GAS PIP
8249394	81-1887	1704520619	102-4		PETIT ANSE CO #71	AVERY ISLAND	50.0	COLUMBIA GAS TRAN
8249385	81-2602	1772520261	102-2		S L 6894 A #11	MAIN PASS BLOCK 74	125.0	UNITED GAS PIPE L
-FRANKS & PETROFUND INC			RECEIVED:	08/16/82	JA: LA			
8249527	82-0387	17101320511	103		HENRY SALTER #1-ALT HOSS B SUDD	WEST BRYCELAND	195.0	LOUISIANA GAS PUR
-GATOR HAWK GAS CO			RECEIVED:	08/16/82	JA: LA			
8249457	82-2334	1707321785	108		BANKS #1	MONROE	6.0	IMC PIPELINE CO
8249455	82-2227	1707321630	108		HEMPHILL #1	MONROE	12.0	IMC PIPELINE CO
8249454	82-2328	17107321631	108		HEMPHILL #2	MONROE	12.0	IMC PIPELINE CO
8249453	82-2329	1707321707	108		HEMPHILL #4	MONROE	3.0	IMC PIPELINE CO
-GLEND A PETROLEUM CORP			RECEIVED:	08/16/82	JA: LA			
8249405	82-2166	17107321557	108		PENN201L 20 #1 S/N 170959	MONROE	12.0	UNITED GAS PIPEL
8249406	82-2167	1707321558	108		PENN201L 20 #2 S/N 170960	MONROE	12.0	UNITED GAS PIPEL
8249407	82-2168	1707321577	108		PENN201L 20 #3 S/N 171090	MONROE	12.0	UNITED GAS PIPEL
8249408	82-2163	1707321499	108		PENN201L 28 #1 S/N 170616	MONROE	12.0	UNITED GAS PIPEL
8249403	82-2164	1707321560	108		PENN201L 28 #19 S/N 170962	MONROE	11.0	UNITED GAS PIPEL
8249404	82-2165	1707321561	108		PENN201L 28 #20 S/N 170963	MONROE	12.0	UNITED GAS PIPEL
-GOLDSBERRY OPERATING CO INC			RECEIVED:	08/16/82	JA: LA			
8249391	81-2080	1708120398	102-4		OHRT #1	GAHAGAN	54.8	LOUISIANA INTRAST
-GULF OIL CORPORATION			RECEIVED:	08/16/82	JA: LA			
8249516	82-1259	1707522878	103		S L 195 QQ #83	NORTH BLACK BAY	16.5	SOUTHERN NATURAL
-HAGMAN OIL & REFINING CO			RECEIVED:	08/16/82	JA: LA			
8249392	81-2071	1705320654	102-4		SL 7332 #4	QUARANTINE BAY	33.0	UNITED GAS PIPEL
-HERBST RESOURCES INC			RECEIVED:	08/16/82	JA: LA			
8249458	82-1997	170730000	108		GENERAL FARMS #1 166667	CHINA FIELD	C-6	CONOCO INC
-HUGGS INCORPORATED			RECEIVED:	08/16/82	JA: LA			
8249521	82-0823	17027272748	102-4		POTTS #1	MONROE GAS ROCK	4.9	MID LOUISIANA GAS
-IMC EXPLORATION COMPANY			RECEIVED:	08/16/82	JA: LA			
8249480	82-2041	1707321811	108		POTTS #3	MONROE GAS ROCK	1.2	MID LOUISIANA GAS
-IMC EXPLORATION COMPANY			RECEIVED:	08/16/82	JA: LA			
8249501	82-0387	1706120162	103		LORAINE HOWARD ESTATE #1	TERRYVILLE	14.0	IMC PIPELINE CO
8249469	82-2036	1711102240	108		OLIN GAS TRANSMISSION CO #14	MONROE	27.0	LOUISIANA GAS INT
8249470	82-2037	1711121627	108		OLIN GAS TRANSMISSION CO #67	MONROE	26.0	IMC PIPELINE CO
8249471	82-2038	1711122755	108		OLIN GAS TRANSMISSION CO #75	MONROE	18.0	IMC PIPELINE CO
8249477	82-2039	1711123427	108		OLIN GAS TRANSMISSION CO #85	MONROE	21.0	IMC PIPELINE CO
8249481	82-2043	1711123429	108		OLIN GAS TRANSMISSION CO #91	MONROE	6.0	IMC PIPELINE CO
8249472	82-2142	1711122756	108		U S GOVERNMENT #2	MONROE	4.0	IMC PIPELINE CO
-INDEPENDENT EXPLORATION CO			RECEIVED:	08/16/82	JA: LA			
8249379	81-1985	1711321030	102-4		MARK BROUSSARD #1	ERATH	19.0	IMC PIPELINE CO
								325.0 LOUISIANA INTRAST

JD NO	JA DKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-KERR-MCGEE CORPORATION 8249384	81-2603	1772620225	RECEIVED:	08/16/82	JA: LA	BRETON SOUND BLOCK 20	530.0	SOUTHERN NATURAL
8249517	82-0300	1772620246	103	S L 2000 #59		BRETON SOUND BLOCK 20	136.2	SOUTHERN NATURAL
8249498	82-1301	1772620246	103	S L 2326 #46-D		BRETON SOUND BLOCK 20	24.9	SOUTHERN NATURAL
-KILROY CO OF TEXAS A249378	81-2073	1710922214	RECEIVED:	08/16/82	JA: LA	TERREBONNE PARISH SCHOOL BOARD #1	548.0	LOUISIANA INTRAST
A249393	81-2072	1710922214	102-4	TERREBONNE PARISH SCHOOL BOARD #1-D		BAYOU SAUVEUR	368.0	LOUISIANA INTRAST
-LANKFORD & NANCE 8249431	82-2202	171123351	RECEIVED:	08/16/82	JA: LA	MONROE	16.0	MID-LOUISIANA GAS
8249461	82-2121	171123215	108	EXXON #1		MONROE	12.0	TEXAS GAS TRANSMI
8249456	82-2120	171123189	108	FROST #2		MONROE	14.0	TEXAS GAS TRANSMI
8249459	82-2119	171123164	108	J W LANKFORD #1		MONROE	14.0	TEXAS GAS TRANSMI
-MARSHALL EXPLORATION INC 8249479	82-2050	1703121453	RECEIVED:	08/16/82	JA: LA	BENSON 1875	150.0	SABINE-DESOTO PIP
-MAY PETROLEUM INC 8249444	82-3390	1705520219	102-4	FRANK MATTHEWS "A" #1		SCOTT	547.5	
-MCELROY DRILLING CO INC 8249492	82-1492	1706721051	RECEIVED:	08/16/82	JA: LA	NEILSON FAULK #1 BOLMEX 3 RA SUA		
8249438	82-1493	1706721230	108	J W PERRY #1 S/N 157156		MONROE	3.0	IMC PIPELINE CO 1
8249494	82-1400	1706720004	108	J W PERRY #2 S/N 160881		MONROE	3.0	IMC PIPELINE CO 1
8249493	82-1401	1706720605	108	LILLIE DAVIS #1 S/N 143935		MONROE	3.0	IMC PIPELINE CO 1
-MCRAE EXPLORATION INC 8249500	82-3515	1711123267	RECEIVED:	08/16/82	JA: LA	LILLIE DAVIS #2 S/N 143936		
8249414	82-0316	1711123265	102-2	COLLINGSWORTH #1 M HOSS RA SUD		MONROE GAS	6.0	LOUISIANA GAS INT
8249524	82-0318	1711123435	102-2	U HOSS RA SUA BEARDEN NO 3		MONROE GAS	0.0	LOUISIANA GAS INT
-MID LOUISIANA GAS COMPANY 8249428	82-2194	1711100000	RECEIVED:	08/16/82	JA: LA	WALLACE #2 U HOSS RA SUC	0.0	LOUISIANA GAS INT
8249429	82-2195	1711123088	108	MLGC FEE GAS #1028		MONROE GAS	8.5	MID LOUISIANA GAS
8249484	82-2169	1711123121	108	MLGC FEE GAS #1043		MONROE GAS FIELD	9.1	MID LOUISIANA GAS
8249482	82-2170	1711123153	108	MLGC FEE GAS #1052		MONROE GAS FIELD	11.0	MID LOUISIANA GAS
8249474	82-2171	1711123248	108	MLGC FEE GAS #1060		MONROE GAS FIELD	13.1	MID LOUISIANA GAS
8249476	82-2172	1711123252	108	MLGC FEE GAS #1064		MONROE GAS FIELD	12.9	MID LOUISIANA GAS
8249504	82-1224	1711101924	108	MLGC FEE GAS #269		MONROE GAS FIELD	5.7	MID LOUISIANA GAS
8249509	82-1225	1711101539	108	MLGC FEE GAS #279		MONROE GAS FIELD	16.2	MID LOUISIANA GAS
8249508	82-1226	1711101979	108	MLGC FEE GAS #333		MONROE GAS FIELD	10.0	MID LOUISIANA GAS
8249510	82-1227	1711101522	108	MLGC FEE GAS #413		MONROE GAS FIELD	6.2	MID LOUISIANA GAS
8249511	82-1228	1711101565	108	MLGC FEE GAS #491		MONROE GAS FIELD	5.2	MID LOUISIANA GAS
8249512	82-1229	1711101559	108	MLGC FEE GAS #492		MONROE GAS FIELD	4.8	MID LOUISIANA GAS
8249513	82-1230	1711100337	108	MLGC FEE GAS #494		MONROE GAS FIELD	20.4	MID LOUISIANA GAS
8249495	82-1231	1711101137	108	MLGC FEE GAS #501		MONROE GAS FIELD	3.6	MID LOUISIANA GAS
8249475	82-2174	1711121680	108	MLGC FEE GAS #760		MONROE GAS FIELD	20.0	MID LOUISIANA GAS
8249486	82-2179	1711121836	108	MLGC FEE GAS #768		MONROE GAS FIELD	16.5	MID LOUISIANA GAS
8249488	82-2181	1711121844	108	MLGC FEE GAS #778		MONROE GAS FIELD	17.8	MID LOUISIANA GAS
8249418	82-2182	1711121846	108	MLGC FEE GAS #780		MONROE GAS FIELD	18.8	MID LOUISIANA GAS
8249417	82-2183	1711121852	108	MLGC FEE GAS #786		MONROE GAS FIELD	20.1	MID LOUISIANA GAS
8249421	82-2184	1711121866	108	MLGC FEE GAS #799		MONROE GAS FIELD	16.5	MID LOUISIANA GAS
8249519	82-0806	1707321415	108	MLGC FEE GAS #8		MONROE GAS FIELD	14.8	MID LOUISIANA GAS
8249487	82-2185	1711121867	108	MLGC FEE GAS #800		MONROE GAS FIELD	19.5	MID LOUISIANA GAS
8249420	82-2186	1711121892	108	MLGC FEE GAS #822		MONROE GAS FIELD	15.1	MID LOUISIANA GAS
8249419	82-2187	1711121959	108	MLGC FEE GAS #829		MONROE GAS FIELD	14.2	MID LOUISIANA GAS
8249425	82-2188	1711121979	108	MLGC FEE GAS #843		MONROE GAS FIELD	21.3	MID LOUISIANA GAS
8249424	82-2189	1711121983	108	MLGC FEE GAS #847		MONROE GAS FIELD	21.1	MID LOUISIANA GAS
8249423	82-2190	1711121987	108	MLGC FEE GAS #848		MONROE GAS FIELD	19.4	MID LOUISIANA GAS

VOLUME 727

VOLUME

PAGE 604

JD NO.	JA UKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
8249422	82-2191	1711121989	108		MLGC FEE GAS #850	MONROE GAS FIELD	16.8	MID LOUISIANA GAS
8249426	82-2192	1711122590	108		MLGC FEE GAS #939	MONROE GAS FIELD	17.5	MID LOUISIANA GAS
8249427	82-2193	1711122685	108		MLGC FEE GAS #962	MONROE GAS FIELD	19.3	MID LOUISIANA GAS
-MITCHELL ENERGY CORPORATION		RECEIVED:	08/16/82	JA: LA				
-NATOMAS NORTH AMERICA INC	81-2681	1704220160	103		DAVIS BROS SHAREHOLDERS #1	COTTON VALLEY (BODCAW	273.0	LOUISIANA GAS PUR
-8249433	82-2819	1708720207	107-DP		STATE LEASE 7951 #1 WELL	FORT PIKE 3930	2226.0	UNITED GAS PIPE L
-B MOBLEY JR		RECEIVED:	08/16/82	JA: LA				
-8249377	81-2077	1711123044	102-4		C J BOLLIER #1	CORNEY BAYOU 2892	425.0	MISSISSIPPI RIVER
-PEL-TEX OIL COMPANY INC	81-2525	1710922454	102-4		S L 7752 #3	MOSQUITO BAY	360.0	TRANSCONTINENTAL
-PELICAN DRILLING		RECEIVED:	08/16/82	JA: LA				
-8249466	82-2013	1707321710	108		CULPEPPER #2	MONROE	0.0	IMC PIPELINE CO I
-8249468	82-2014	1707321711	108		CULPEPPER #3	MONROE	0.0	IMC PIPELINE CO I
-8249467	82-2015	1707321823	108		CULPEPPER #4	MONROE	0.0	IMC PIPELINE CO I
-8249452	82-2216	1707321824	108		CULPEPPER #5	MONROE	0.0	IMC PIPELINE CO I
-PELICAN PRODUCING CO		RECEIVED:	08/16/82	JA: LA				
-8249464	82-2001	1717723414	108		HANDY HEIRS #2	MONROE	10.0	PETRO-LEWIS FUNDS
-8249465	82-2000	1711123407	108		STUBBS #2	MONROE	11.0	PETRO-LEWIS FUNDS
-8249462	82-1998	1711123402	108		UNION PRODUCING CO #1	MONROE	21.0	PETRO-LEWIS FUNDS
-8249463	82-1999	1711123406	108		UNION PRODUCING CO #3	MONROE	21.0	PETRO-LEWIS FUNDS
-PHILLIPS PETROLEUM COMPANY		RECEIVED:	08/16/82	JA: LA				
-8249491	82-1378	1703120473	108		NAB #1	SPIDER	16.0	SOUTHERN NATURAL
-PIONEER PRODUCTION CORPORATION		RECEIVED:	08/16/82	JA: LA				
-8249416	82-0406	1708120400	102-2		CROWN ZELLERBACH #1 TROY RA SUB	MARTIN	0.0	UNITED GAS PIPE L
-POGO PRODUCING COMPANY	81-2998	1772620220	102-2		RECEIVED:	BRETON SOUND BLOCK 2	850.0	UNITED GAS PIPE L
-PRIMOS PRODUCTION CO		RECEIVED:	08/16/82	JA: LA				
-8249376	82-1384	1711121717	108		GRAYLING #14	MONROE	55.2	UNITED GAS PIPE L
-8249525	82-0753	1711123170	103		PETRO LEWIS FROST LUMBER #75	MONROE	14.4	PETRO-LEWIS FUNDS
-8249449	82-1387	1711122446	108		PETRO-LEWIS FROST LUMBER #6	MONROE	38.6	PETRO-LEWIS FUNDS
-8249526	82-0752	1711123033	103		PETRO-LEWIS FROST LUMBER #65	MONROE	14.4	PETRO-LEWIS FUNDS
-8249528	82-0754	1711123171	103		PETRO-LEWIS FROST LUMBER #76	MONROE	16.4	PETRO-LEWIS FUNDS
-8249451	82-1388	1711122787	108		PETRO-LEWIS IMPERIAL #1	MONROE	44.1	PETRO LEWIS FUNDS
-8249432	82-2285	1711123303	108		PETRO-LEWIS UNION POWER #25	MONROE	23.9	PETRO-LEWIS FUNDS
-8249442	82-2286	1711123207	108		PETRO-LEWIS UNION POWER #26	MONROE	47.9	PETRO-LEWIS FUNDS
-8249441	82-2287	1711123211	108		PETRO-LEWIS UNION POWER #30	MONROE	44.0	PETRO-LEWIS FUNDS
-8249440	82-2288	1711123212	108		PETRO-LEWIS UNION POWER #31	MONROE	44.0	PETRO-LEWIS FUNDS
-PRIMOS-PENNZOIL JV		RECEIVED:	08/16/82	JA: LA				
-8249450	82-1386	1706721626	108		FEE 71 #3	MONROE	21.2	UNITED GAS PIPE L
-PRIMOS-TOMLINSON	82-1385	1711122692	108		GRAYLING #16	MONROE	5.5	UNITED GAS PIPE L
-8249460	82-2018	1707321767	108		RECEIVED:	CORDELL #1	2.0	IMC PIPELINE CO I
-QUINTANA PETROLEUM CORP		RECEIVED:	08/16/82	JA: LA				
-8249446	82-3412	1703121107	107-DP		J N ZIMMERMAN #1	RAYNE	600.0	TEXAS GAS TRANSMI
-RICHARD T PERRY	82-1569	1771120256	107-DP		SL 8010 #1	SHIP SHOAL BLOCK 15	4000.0	
-8249436	82-3389	1711120820	108		ROBERTS #1	MONROE GAS	10.0	IMC PIPELINE CO I
-SHELL OIL CO	82-1394	1711120821	108		ROBERTS #2	MONROE GAS	10.0	IMC PIPELINE CO I
-8249382	81-2551	1701120383	102-3		RECEIVED:	ROBERTS #2	11.0	MID-LOUISIANA GAS
-SUN OIL COMPANY (DELAWARE)		RECEIVED:	08/16/82	JA: LA				
-8249473	82-2156	1721900000	108		A KOHLER #1 N STARKS FLD	NORTH STARKS	11.0	UNITED GAS PIPE L
						BECKWITH CREEK		

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8249439	82-2981	1703120010	108-ER		JENKINS D/601	MANSFIELD	0-0	J-W OPERATING CO
8249523	82-0636	1703121543	102-2		LELONG #13	RED RIVER	275-0	LOUISIANA INTRAST
-SUPERIOR OIL CO		1710922070	102-4		RECEIVED: 08/16/82 JA: LA	SUNRISE	1500-0	UNITED GAS PIPEL
-TEDCO	81-1644		108		RECEIVED: 08/16/82 JA: LA		4-0	IMC PIPELINE CO
8249496	82-1233	1706720969	108		PERRY HEIRS #10	MONROE	3-0	IMC PIPELINE CO
8249514	82-1234	1706720970	108		PERRY HEIRS #11	MONROE	4-0	IMC PIPELINE CO
8249515	82-1235	1706720971	108		PERRY HEIRS #12	MONROE	4-0	IMC PIPELINE CO
8249507	82-1222	1706720962	108		PERRY HEIRS #7	MONROE	4-0	IMC PIPELINE CO
8249506	82-1223	1706720961	108		PERRY HEIRS #8	MONROE	4-0	IMC PIPELINE CO
8249497	82-1232	1706720968	108		PERRY HEIRS #9	MONROE	3-0	IMC PIPELINE CO
-TEE OPERATING CO			102-4		RECEIVED: 08/16/82 JA: LA	IBERIA	844-0	MICHIGAN WISCONS
8249489	82-1243	1704520688	102-4		RECEIVED: 08/16/82 JA: LA	BATEMAN LAKE	190-0	CITY OF MORGAN CI
-TEXACO INC	82-0270	1710121026	103		WKL #45-ALT SUN STATE RSW-1B SUA	BATEMAN LAKE	292-0	CITY OF MORGAN CI
8249518	82-0270	1710121144	103		WKL 51 BAL A-1 RSE-2 SU	AVERY ISLAND	350-0	LOUISIANA INTRAST
-TEXAS CRUDE INC	81-2720		102-4		RECEIVED: 08/16/82 JA: LA	LAKE ENFERMER	1080-0	
8249445	82-3389	1704520555	107-DP		PETIT ANSE #5			
-TEXAS GAS EXPLORATION CORP			102-4		RECEIVED: 08/16/82 JA: LA	RUTH D CLOW #2		
8249413	81-1392	1705721741	107-4		RECEIVED: 08/16/82 JA: LA	DHU DOWLING 30-2	109-5	SUGAR BOWL GAS CO
-UNION TEXAS PETROLEUM			107-TF		RECEIVED: 08/16/82 JA: LA	WILLAMETTE 31 #1	182-5	SUGAR BOWL GAS CO
8249388	81-2817	1706120224	107-TF		RECEIVED: 08/16/82 JA: LA	TERRYVILLE		
8249387	81-2816	1706120210	107-TF		RECEIVED: 08/16/82 JA: LA	TERRYVILLE		
-W B MCCARTER JR INC			102-4		P BOURGEOIS PLAN 3 RA SUA	LOISEL	365-0	SOUTHERN NATURAL
8249503	82-1122	1704520632	102-4		RECEIVED: 08/16/82 JA: MS			
*****	MISSISSIPPI OIL & GAS BOARD				RECEIVED: 08/13/82 JA: MS	DEXTER	730-0	SOUTHERN NATURAL
*****	*****				RECEIVED: 08/13/82 JA: #1			
*****	*****				RECEIVED: 08/13/82 JA: MT	RIDGELAWN	19-0	MONTANA DAKOTA UT
*****	*****				RECEIVED: 08/13/82 JA: MT	RIDGELAWN	19-0	MONTANA DAKOTA UT
*****	*****				RECEIVED: 08/13/82 JA: MT	COLORED CANYON	26-0	PHILLIPS PETROLEU
*****	*****				RECEIVED: 08/13/82 JA: MT	COLORED CANYON	26-0	PHILLIPS PETROLEU
*****	*****				RECEIVED: 08/13/82 JA: MT	RIDGELAWN	34-0	MONTANA DAKOTA UT
*****	*****				RECEIVED: 08/13/82 JA: MT	RIDGELAWN	34-0	MONTANA DAKOTA UT
*****	*****				RECEIVED: 08/13/82 JA: MT	WILDCAT	16-2	
*****	*****				RECEIVED: 08/13/82 JA: MT	RED BANK	11-0	MONTANA-DAKOTA UT
*****	*****				RECEIVED: 08/13/82 JA: MT	RED BANK	29-2	MONTANA-DAKOTA UT
*****	*****				RECEIVED: 08/13/82 JA: MT	FORT GILBERT	0-0	
*****	*****				RECEIVED: 08/13/82 JA: MT	FORT GILBERT	0-0	
*****	*****				RECEIVED: 08/13/82 JA: MT	FORT GILBERT	0-0	
*****	*****				RECEIVED: 08/13/82 JA: MT	DETINNE #1-17		
*****	*****				RECEIVED: 08/13/82 JA: MT	DETINNE #1-18		
*****	*****				RECEIVED: 08/13/82 JA: MT	CUT BANK	196-6	MONTANA POWER CO
*****	*****				RECEIVED: 08/13/82 JA: MT	CUT BANK	162-0	MONTANA POWER CO
*****	*****				RECEIVED: 08/13/82 JA: MT	CUT BANK	72-0	MONTANA POWER CO

PAGE 406

VOLUME 727

JD NO	JA	JKT	API NO	D	SEC(1)	SEC (2)	WELL NAME	FIELD NAME	VOLUME	PAGE	PURCHASER
8249347	8-81-147		2510121792	103			STATE OF MONTANA #2		36.0	MONTANA POWER CO	
8249344	8-81-148		2510121756	103	W H KIEHLBAUCH	#1	CUT BANK	CUT BANK	216.0	MONTANA POWER CO	
8249345	8-81-145		2510121791	103	W H KIEHLBAUCH	#2	CUT BANK	CUT BANK	140.0	MONTANA POWER CO	
-GULF OIL CORPORATION				RECEIVED:	08/13/82	JA: MT	UNDESIGNATED		8.0		
-LUFF EXPLORATION CO	8-81-153		2508321351	102-2	MABLE DEMING	1-12-4C	RECEIVED:	08/13/82	JA: MT	TRUE OIL CO	
-SANTA FE ENERGY PRODUCTS CO	8-81-159		2508321431	103	GLATTER	#2-25	RECEIVED:	08/13/82	JA: MT	67.0	NORTH SIOUX PASS
8249360	8-81-120		2509121311	102-4	STATE 16	#12	RECEIVED:	08/13/82	JA: MT	18.0	RAYMOND PHILLIPS PETROLEUM
***** NEW MEXICO DEPARTMENT OF ENERGY & MINERALS *****											
-BELCO PETROLEUM CORPORATION			3001521869	108	JONES COMM	#1	WILDCAT		0.0	LLANO INC	
-GULF OIL CORPORATION			3002527776	103	LEA "LL"	STATE #2	RECEIVED:	08/13/82	JA: NM	0.0	CONOCO INC
-SUN EXPLORATION & PRODUCTION CO			3002500000	108	S R COOPER	#2	JALMAT		0.02	EL PASO NATURAL G	
8249367			3002500000	108	/	STATE A/A/C-1 #71	LANGLIE MATTIX		12.0	EL PASO NATURAL G	
8249368			3002500000	108	/	STATE A/A/C-1 #92	LANGLIE MATTIX		14.0	PHILLIPS PETROLEUM	
-WARREN PETR CO A DIV OF GULF OIL CO			3002504923	108	WA RAMSAY (NCT-A)	#22	EUMONT		8.0	EL PASO NATURAL G	
8249370			3002504979	108	WA RAMSAY (NCT-A)	#29	EUMONT		4.07	EL PASO NATURAL G	
8249371											
***** OKLAHOMA CORPORATION COMMISSION *****											
-AMOCO PRODUCTION CO			3513921139	108	DRAPER GAS UNIT	#2	GUYNON - HUGOTON (CHA		18.0	PHILLIPS PETROLEUM	
8249318	15766		3509321922	103	KEPNER UNIT	#4	N E CEDARDALE (CHESTE		60.0	MICHIGAN WISCONSIN	
-BARUCH-FOSTER CORP	15571			RECEIVED:	08/13/82	JA: OK	WEST SHAMROCK		20.0	CITIES SERVICE GA	
8249342	15580		3503723540	103	WOODROW CHILDERS	"D"-1	RECEIVED:	08/13/82	JA: OK	3.0	EXXON CO USA
-BLAIK OIL COMPANY				RECEIVED:	08/13/82	JA: OK	SOONER TREND				
8249338	15570		3504722929	103	MORAVEC	#2	RECEIVED:	08/13/82	JA: OK	37.0	SUN GAS CO
-C & J TRUCKS INC				RECEIVED:	08/13/82	SALLY #1	E CARNEY				
8249326	13177		3508121389	102-2			RECEIVED:	08/13/82	JA: OK	0.0	CHAMPLIN PETROLEUM
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	08/13/82	MINNIE HILT #2	E CHANEY DELL				
8249331	15586		3509300000	103			RECEIVED:	08/13/82	JA: OK	0.0	UNITED GAS PIPELINE
-COTTON PETROLEUM CORPORATION				RECEIVED:	08/13/82	CADE ESTATE #1	LENORA MORROW				
8249337	19606		3501521318	107-DP			RECEIVED:	08/13/82	JA: OK	16.0	AMINOIL USA INC
-COX EDWIN L & BERRY R				RECEIVED:	08/13/82	STATE HOYT #1					
8249334	15920		3504300000	108			RECEIVED:	08/13/82	JA: OK	0.0	EL PASO NATURAL G
-DEEP GAS EXPLORATION CO			3501521394	107-DP			RECEIVED:	08/13/82	JA: OK	0.0	SWAB CORP
8249316	20260			RECEIVED:	08/13/82	JONES #1	EDWARD KEITH		30.0	MANN INDUSTRIES I	
-EAGLE OIL CO				RECEIVED:	08/13/82	JA: OK					
8249336	17709		3510721134	102-4	BAILEY #6		LAVERNE		117.0	NORTHERN NATURAL	
-EDWARD KEITH				RECEIVED:	08/13/82	SITTON #1					
8249324	13976		3503120779	103	CARSON #1		SOUTH HAYWARD		42.0		
-J M HUBER CORPORATION			3500700000	108	BAKER #1		SOONER TREND		237.3	ARKANSAS LOUISIAN	
8249333	15919			RECEIVED:	08/13/82	JA: OK					
-KETAL OIL PRODUCING CO				RECEIVED:	08/13/82	JA: OK					
8249330	15585		3504722875	103	BAKER #1						
-LRF CORP				RECEIVED:	08/13/82	JA: OK					
8249329	15583		3501100000	103							

JD NO.	JA. JK/T	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8249343	15582	3506120394	103		WITHROW #2	-----	-----	-----
-LUBELL OIL CO		3512120694	108	RECEIVED:	08/13/82	JA: OK	275.9	ARKANSAS LOUISIAN
8249317	15689			RECEIVED:	LUBELL #1-29 THORNAL		9.0	ARKANSAS-LOUISIAN
-MOBIL OIL CORP				RECEIVED:	08/13/82	JA: OK		
8249332	15814	3501921684	108	RECEIVED:	WALTER NEUSTADT #28		11.8	LONE STAR GAS CO
-NATURAL GAS ANADARKO INC				RECEIVED:	08/13/82	JA: OK		
8249335	17411	350722264	102-4	RECEIVED:	V-BAR 1-27		286.0	TRANSWESTERN PIPE
-OIL & GAS LOGISTICS INC				RECEIVED:	08/13/82	JA: OK		
8249321	15798	3503700000	103	RECEIVED:	ALDRIDGE #2		97.2	PHILLIPS PETROLEU
8249320	15796	3503700000	103	RECEIVED:	ALDRIDGE #5		20.7	PHILLIPS PETROLEU
-PETRO-LEWIS CORPORATION				RECEIVED:	08/13/82	JA: OK		
8249322	13870	3507300000	108	RECEIVED:	ALTA 35-1		60.3	EXXON CORP
8249323	13871	3504700000	108	RECEIVED:	NORA-FRANK 26-1		4.0	EXXON CORP
8249328	13869	3507300000	108	RECEIVED:	RICHARDSON 34-1		5.6	PARTNERSHIP PROPE
-RAMEY DRILLING CO				RECEIVED:	08/13/82	JA: OK		
8249325	16793	3514300000	108	RECEIVED:	JENKINS #1 143 20410		0.0	PHILLIPS PETROLEU
-RED EAGLE OIL CO				RECEIVED:	08/13/82	JA: OK		
8249340	15575	350932355	103	RECEIVED:	JENSEN #1		128.0	PIONEER GAS PRODU
8249341	15576	3501121645	103	RECEIVED:	SAM #1		206.0	PHILLIPS PETROLEU
-RICKS EXPLORATION CO				RECEIVED:	08/13/82	JA: OK		
8249327	13240	3504520918	102-4	RECEIVED:	NEW 13A		106.0	PHILLIPS PETROLEU
-T F HODGE				RECEIVED:	08/13/82	JA: OK		
8249319	15774	3504700000	108	RECEIVED:	HELEN OVEN #1		27.0	CHAMPLIN PETROLEU
NORTH ENID								
***** UTAH DIVISION OF OIL, GAS, & MINING *****								
-BELCO PETROLEUM CORPORATION				RECEIVED:	08/16/82	JA: UT		
8249374	K-111-17	4304730611	107-TF	RECEIVED:	STAGECOACH 18-17			
-BON VALLEY PETROLEUM INC				RECEIVED:	08/13/82	JA: UT		
8249366	K-116-2	4301330609	107-DP	RECEIVED:	WISSE #1-2821		240.3	GARY ENERGY CORP
-WAINGOCO OIL & GAS CO				RECEIVED:	08/13/82	JA: UT		
8249365	K-137-3	4304731173	103	RECEIVED:	PRESCOTT 1-3521		60.0	GARY ENERGY CORP

OTHER PURCHASERS  
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VOLUME NO : 727  
MONTEREY PIPELINE CO

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-25498 Filed 9-16-82 8:45 am]  
BILLING CODE 6777-01-C

3249433

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 9, 1982.

JD NO	JA-DKT	API NO	U SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
***** TEXAS RAILROAD COMMISSION *****								
***** ADA OIL EXPLORATION CORP *****								
8249571	F-03-047688	4247700000	RECEIVED:	08/18/82	JA: TX	GIDDINGS	0.0 PHILLIPS PETROLEUM	
8249566	F-03-047100	4247700000	102-2	WATFORD #1		GIDDINGS	18.5 PHILLIPS PETROLEUM	
-AKERS AND FULTZ INC			102-2	WILKENING #1				
8249746	F-09-055033	4223732437	RECEIVED:	08/18/82	JA: TX	MARINA-MAG (CONGLOMERATE)	1.8 CITIES SERVICE GA	
		108	J D CRAFT #20	#80345		MARINA-MAG (CONGL)	3.7 CITIES SERVICE GA	
		108	ROY CHERRYHOMES D-4	#74536		MARINA-MAG CONGLOMERATE	5.1 CITIES SERVICE GA	
8249711	F-09-054942	4223731953	108	ROY CHERRYHOMES D-7	#75732	MARINA-MAG (CONGL)	7.7 CITIES SERVICE GA	
8249712	F-09-054944	4223732119	108	ROY CHERRYHOMES F-3	#76366	MARBLE FALLS (CONGLOM	16.6 SOUTHWESTERN GAS	
8249744	F-09-055031	4223732042	108	W R RICHARDS 1 #21585				
8249745	F-09-055032	4223700000	108	RECEIVED:	08/18/82	JA: TX	SPRABERRY (TREND AREA	0.0 EL PASO NATURAL G
		103	BRADEN #1					
-AMOCO PRODUCTION CO			RECEIVED:	08/18/82	JA: TX	BLOCK 27 (TUBB)	23.3 DELHI GAS PIPELINE	
8249671	F-08-053787	4210350711	108	ELL LONG #13-U		MILLER (ELLENBURGER)	295.0 AMOCO GAS CO	
8249567	F-7C-047239	4210510242	107-PE	MILLER RANCH GAS UNIT #1				
-ANDERSON PETROLEUM INC			RECEIVED:	08/18/82	JA: TX	UZONA (CANYON SAND)	50.0 ANDERSON PIPELINE	
8249560	F-7C-046201	4210532223	107-TF	JOHN MITCHELL ESTATE #A# 1-55				
-ANDOVER OIL COMPANY			RECEIVED:	08/18/82	JA: TX	BLOCKER (COTTON VALLE	200.0 SOUTHWEST GATHERI	
8249650	F-05-052837	4220330791	102-2	107-TF H U BOLDING GAS UNIT WELL #1				
-ARCO OIL AND GAS COMPANY			RECEIVED:	08/18/82	JA: TX	GEORGE FOUNDATION #2		
8249822	F-13-055180	4215731161	102-4	GEORGE FOUNDATION #2				
8249542	F-7C-039844	4243532486	103	107-TF THOMSON 1-A				
-AUBREY C BLACK			RECEIVED:	08/18/82	JA: TX	SAWYER (CANYON)	1825.0 TEXAS EASTERN TRA	
8249660	F-14-053299	4204731076	103	CANTU DE LUNA #1			54.0 EL PASO NATURAL G	
-B & B ENTERPRISES			RECEIVED:	08/18/82	JA: TX	LAALAMEDA (FRIO 6850)	100.0 PAISANO TRANMISS	
8249559	F-19-046104	4223700000	102-2	CONNIE WILTON #1 RRC #19160				
-BINK INC			RECEIVED:	08/18/82	JA: TX	JACK COUNTY REGULAR	21.9 SOUTHWESTERN GAS	
		103	ANN LEASE #2			PANHANDLE-GRAY	180.0 GETTY OIL CO	
-BURNS PETROLEUM			RECEIVED:	08/18/82	JA: TX	CRUM (MARBLE FALLS)	55.0 SOUTHWESTERN GAS	
8249824	F-19-055187	4223734127	102-4	ALLAR CO #1		CRUM (MARBLE FALLS)	70.0	
8249823	F-19-055186	4223734127	102-4	GAHAGAN "A" #1		LAZY "B" (STRAWN)	25.0 FAGADAU ENERGY CO	
8249825	F-19-055199	4217732374	103	GARRETT "B" #4				
-C F LAWRENCE & ASSOC INC			RECEIVED:	08/18/82	JA: TX	HOWARD DRAW (GRAYBURG	10.3 APACHE GAS CORP	
8249743	F-7C-055025	4210500000	108	TODD "A" #1 74340				
-CASHCO OIL CO			RECEIVED:	08/18/82	JA: TX	MARTINS PRAIRIE (SUB	0.0 LONE STAR GAS CO	
8249581	F-03-048616	4210530311	102-2	MEDLAND ESTATE #1				
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	08/18/82	JA: TX	CONGER SW (PENN)	0.0 INTERNRTH INC	
8249670	F-18-053689	424331124	103	D L GLASS #7				
-CHARLES HALE			RECEIVED:	08/18/82	JA: TX	LEDBETTER #3		
8249628	F-18-051200	4205933105	103	THOMAS #1 (90662)		CALLAHAN COUNTY REGUL	2.0 BENGAL GAS TRANSM	
-CHARLES M CHILDERS			RECEIVED:	08/18/82	JA: TX			
8249536	F-7B-035271	4236731964	103	WILLSAP			148.0 LONE STAR GAS CO	

JD NO	JA UKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
-CHASE OIL & GAS INC 8249573 F-05-047915		4234930000	102-4	L M JAMES #2 RRC ID #77532	JA: TX		
-CHEVRON U S A INC 8249829 F-8A-055193		4241532177	103	RECEIVED: 08/18/82	KELLY - SNYDER	13-0	EL PASO NATURAL G
8249828 F-8A-C55192		4241532198	103	SACROC UNIT #146-5	KELLY - SNYDER	46-0	EL PASO NATURAL G
8249830 F-8A-C55194		4241532166	103	SACROC UNIT #148-6	KELLY - SNYDER	22-0	EL PASO NATURAL G
8249831 F-8A-C55195		4241532151	103	SACROC UNIT #169-6	KELLY - SNYDER	28-0	EL PASO NATURAL G
8249832 F-8A-C55196		4241532187	103	SACROC UNIT #71-6	KELLY - SNYDER	62-0	EL PASO NATURAL G
-CIRCLE SEVEN PRODUCTION CO 8249656 F-19-052976		4223734379	102-4	SACROC UNIT #8-9	KELLY - SNYDER	6-0	LONE STAR GAS CO
-CLAYTON W WILLIAMS JR 8249648 F-11-052801		4249300000	102-2	RECEIVED: 08/18/82 JA: TX	MIGL (5150)	6-0	LONE STAR GAS CO
-CONOCO INC 8249689 F-19-C54261		4222700000	108	RECEIVED: 08/18/82 JA: TX	SUTL (AUSTIN)	6-0	VALERO TRANSMISSI
8249690 F-28-054262		420300000	108	60 O CHALK -B- #6 ID #02686	HOWARD-GLASSCOCK	6-1	PHILLIPS PETROLEU
8249801 F-10-055126		4206500000	108	MUNGERNIX #25 ID #10694	FUHRMAN-MASCHO	C-9	PHILLIPS PETROLEU
8249577 F-14-048104		4247933159	102-2	107-TF VAGUILLAS RANCH "A" #15	WEST PANHANDLE	17-0	CITIES SERVICE GA
-CONVENT OIL CORP 8249640 F-14-052348		4200700000	103	RECEIVED: 08/18/82 JA: TX	VAGUILLAS RANCH (GATO	500-0	E I DUPONT DENEMO
-COSTA RESOURCES INC 8249620 F-8-050839		4210332843	103	STATE TRACT 82 #1	GOOSE ISLAND (D-2)	0-0	VALLEY PIPELINES
-DELTA DRILLING CO 8249616 F-06-05677		4236500000	102-2	RECEIVED: 08/18/82 JA: TX	COSTA (CLEARFORK UPPE	0-0	PERRY GAS PROCESS
8249616 F-06-05670		4236500000	103	107-TF VADA BEAN "26" #4	CARTHAGE (CV)	6-0	NATURAL GAS PIPEL
8249585 F-7C-049138		4210500000	103	107-TF VADA BEAN "26" #4	CARTHAGE (CV)	C-0	NATURAL GAS PIPEL
-DEMINEX U.S. OIL CO 8249551 F-7B-052869		4225331424	103	RECEIVED: 08/18/82 JA: TX	OZONA (CANYON SAND)	6-0	INTERNORTH INC
8249552 F-7B-052884		4225331768	103	DUGAN A #5	CRESLENN (UPPER STRAW	17-5	DENACO INC
8249553 F-7B-C52886		4225330000	103	DUGAN A #7	CRESLENN (UPPER STRAW	4-2	DENACO INC
-DEVILS RIVER OIL & GAS 8249666 F-7B-053426		4204932727	103	RECEIVED: 08/18/82 JA: TX	CRESLENN (UPPER STRAW	2-0	DENACO INC
8249665 F-7B-053425		4204932726	103	NEVA SEWARD A-1	BROWN COUNTY REGULAR	20-0	ODESSA NATURAL CO
8249664 F-7B-053424		4204932728	103	NEVA SEWARD B-1	BROWN COUNTY REGULAR	106-0	ODESSA NATURAL CO
8249663 F-7B-053423		4204932725	103	NEVA SEWARD C-1	BROWN COUNTY REGULAR	54-0	ODESSA NATURAL CO
-DIONO SHAMROCK CORPORATION 8249599 F-13-049615		4221100000	103	RECEIVED: 08/18/82 JA: TX	BROWN COUNTY REGULAR	366-0	ODESSA NATURAL CO
8249578 F-13-048367		4221131400	103	CHARLES BROWN #13	CANADIAN SE	0-0	INTERNORTH INC
-DONCO PETROLEUM INC 8249533 F-06-033502		4240130978	102-4	RECEIVED: 08/18/82 JA: TX	J T BROWN ET AL "B" 219 # 8	0-0	INTERNORTH INC
-EGAN-WILSON PETROLEUM INC 8249532 F-04-032282		4235500000	102-4	107-TF HERGESHEIMER UNIT #1 WELL #1	HENDERSON SOUTH (COTT	6-0	INTERNORTH INC
-EL PASO NATURAL GAS COMPANY 8249598 F-10-049577		4221130262	108	RECEIVED: 08/18/82 JA: TX	BALZER (11600)	55-0	VALLEY PIPE LINES
8249599 F-10-049577		4221130262	108	CAMPBELL #1	S E MENDOTA UPPER MOR	65-1	EL PASO NATURAL G
8249524 F-7C-051137		4243532596	103	107-TF DAVIS B #4	SONORA CANYON UPPER	83-0	EL PASO NATURAL G
8249525 F-7C-051138		4243532587	103	107-TF DAVIS C #3	SONORA CANYON UPPER	92-0	EL PASO NATURAL G
8249526 F-7C-051139		4243532588	103	107-TF DAVIS C #5	SONORA CANYON UPPER	92-0	EL PASO NATURAL G
8249527 F-7C-051140		4243532589	103	107-TF DAVIS C #6	SONORA CANYON UPPER	92-0	EL PASO NATURAL G
8249549 F-10-052829		4208731686	108	HENDERSON #2	PANHANDLE - EAST	22-3	EL PASO NATURAL G
8249566 F-10-054500		4208726144	108	LEDBETTER #1	PANHANDLE EAST	19-1	EL PASO NATURAL G
-ENSENICH EXPLORATION INC 8249642 F-19-052407		422370000	103	RECEIVED: 08/18/82 JA: TX	BOONSVILLE (BCG)	100-0	LONE STAR GAS CO
8249636 F-09-051890		4249732350	103	BELLE ALSTOT #5	BOONSVILLE (BCG)	0-0	LONE STAR GAS CO
8249609 F-09-049915		4249732239	103	C M B UNIT 14 #2	BOONSVILLE (BCG)	260-0	LONE STAR GAS CO
				CRAFT WATER BOARD UNIT 12 #2			

VOLUME 728

PAGE 203

JD NO	JA OCT	APT NO	SEC(12)	WELL NAME	FIELD NAME	PROD	PURCHASER
8249604	F-7C-049777	4243532550	103	107-TF G W STEWART #5	DICKINSON NORTH (FRI)	401.0	LONE STAR GAS CO
8249605	F-95-049779	4221300000	103	J MAGERS #2-LT	LIVINGSTON (WILCOX)	6.0	LONE STAR GAS CO
"EXCELSIOR OIL CORP		RECEIVED:	08/18/82	JA: TX	BROWNLEE N (5000)	801.0	SOUTHERN GAS PIPE
8249606	F-06-049861	4245900000	103	107-TF O L RUTLEDGE GAS UNIT #1-2	FULLERTON CLEARFORK UNIT	2025	PHILLIPS PETROLEUM
8249609	F-05-049458	4221300000	103	W C TOMPKINS HEIRS #1-97614	FULLERTON CLEARFORK UNIT	3029	PHILLIPS PETROLEUM
"EXXON CORPORATION		RECEIVED:	08/18/82	JA: TX	FULLERTON CLEARFORK UNIT	519	PHILLIPS PETROLEUM
8249720	F-08-054963	4213533868	103	AUGUSTA BARROW #22	FRASS (TONKAWA)	11.0	TRANSWESTERN PIPE
8249750	F-03-055042	4216730837	103	BAYOU DEVELOPMENT CO B #17	SAND HILLS (TUBB)	60.0	EL PASO NATURAL G
8249802	F-03-055130	4237330525	103	C B GRANBURY A/C 4 #84	SAND HILLS (TUBB)	46.5	HOUSTON PIPELINE
8249804	F-04-055133	4224931362	102-4	E M BROWNLEE #5 092956	FULLERTON CLEARFORK UNIT	13.2	UNITED TEXAS TRAN
8249863	F-08-054358	420033044	103	FULLERTON CLEARFORK UNIT #2025	FULLERTON	15.0	SOUTHERN GAS PIPE
8249864	F-08-054534	4200333136	103	FULLERTON CLEARFORK UNIT #3029	FULLERTON	15.0	PHILLIPS PETROLEUM
8249692	F-08-054557	4200332942	103	FULLERTON CLEARFORK UNIT #519	FULLERTON	15.0	PHILLIPS PETROLEUM
8249682	F-10-053923	4229531148	103	HENRY FRASS JR B #5	FRASS (TONKAWA)	11.0	TRANSWESTERN PIPE
8249677	F-08-053857	421032872	103	J B TUBB A/C 1 261L	SAND HILLS (TUBB)	60.0	EL PASO NATURAL G
8249679	F-08-053869	421032841	103	J B TUBB A/C1 #261U	SAND HILLS (TUBB)	80.0	EL PASO NATURAL G
8249676	F-08-053855	421032841	103	J B TUBB A/C2 #265U	SAND HILLS (MC KNIGHT)	10.0	EL PASO NATURAL G
8249684	F-18-054063	421032827	103	J C TUBB A/C 2 #264U	SAND HILLS (MC KNIGHT)	3.0	EL PASO NATURAL G
8249716	F-04-054952	4227331641	102-4	K R BORREGOS 573 (099355)	BORREGOS (ZONE N-23 N 1484.0)	1484.0	ARMCO STEEL CORP
8249691	F-08-054355	420033099	103	MEANS/SAN ANDRES UNIT #2560	MEANS	15.0	PHILLIPS PETROLEUM
8249681	F-18-053918	420033074	103	MEANS/SAN ANDRES UNIT #1626	MEANS	15.0	PHILLIPS PETROLEUM
8249704	F-8A-054651	4216532261	103	ROBERTSON CLEARFORK UNIT #8103	ROBERTSON N (CLEARFOR	15.0	PHILLIPS PETROLEUM
8249719	F-08-054961	4222732721	102-4	S WALDRON #2	MOORE (DEEP FSLM)	20.0	PHILLIPS PETROLEUM
"FARGO TRADING CO INC		RECEIVED:	08/18/82	JA: TX	LASARA (4300)	421.0	TENNESSEE GAS PIPE
8249647	F-04-052755	4244890000	102-4	YURRIA CATTLE COMPANY #2	MAXINE EAST (9700)	146.0	UNITED TEXAS TRAN
"FLYNN ENERGY CORP		RECEIVED:	08/18/82	JA: TX	RACHAL (FRI) 6860	600.0	TRANSCONTINENTAL
8249586	F-02-049206	4222970003	102-4	HERRING RANCH 67-1 #1	CAL SOUTH (CANYON)	32.2	CRA INC
"FOREST OIL CORPORATION		RECEIVED:	08/18/82	JA: TX	LAREDO-LOBO	292.0	DELHI GAS PIPELIN
8249645	F-14-052630	4200473093	102-4	ALMA BAYARENA #1	ROBERTSON-GRIFFIN (GR	126.0	UNION TEXAS PETRO
"FORTUNE PRODUCTION CO		RECEIVED:	08/18/82	JA: TX	GIDDINGS (AUSTIN CHAL	6.0	CLAJON GAS CO
8249782	F-7C-055681	4223531931	103	MURPHY #1221" #4	SCALING RANCH SOUTH 6	6.0	FAGADAU ENERGY CO
"FRED S HOPSON		RECEIVED:	08/18/82	JA: TX	ROBERTSON-GRIFFIN "C" #4	6.0	FERGUSON CROSSING
8249685	F-24-054154	4247900000	102-2	107-TF C P CANTU JR	ROBERTSON-GRIFFIN "C" #4	6.0	UNITED GAS PIPELI
"FRENCH M ROBERTSON OIL CO		RECEIVED:	08/18/82	JA: TX	ROBERTSON-GRIFFIN "C" #4	6.0	FERGUSON CROSSING
8249708	F-7B-054781	4200332792	103	KINDER #1 - RRC #22214	ROSENBERG (FRI) 5220	329.0	HOUSTON PIPELINE
"GENERAL PRODUCTION CORP		RECEIVED:	08/18/82	JA: TX	JAMESON NORTH (STRAWN	6.0	SUN OIL CO
8249639	F-03-052332	4244770003	103	M A GIESSENSCHLAG #1	JAMESON NORTH (STRAWN	6.0	SUN OIL CO
"GERALD STEINBERGER		RECEIVED:	08/18/82	JA: TX	JAEHW JAMESON "B" #2 27324	906.0	TEXAS EASTERN TRA
8249742	F-09-056022	4207732609	103	BLACKWOOD #2 (ID N/A)	JAEHW JAMESON "C" #2 26464	1.5	CABOT CORP
"GETTY OIL COMPANY		RECEIVED:	08/18/82	JA: TX	CLARA NEAL #1	2.0	CABOT CORP
8249568	F-03-047381	4275100000	102-2	M A GIESSENSCHLAG #1	CLARA NEAL #1	2.0	CABOT CORP
8249561	F-05-046425	4236500000	103	107-TF MAE SEALY UNIT #4	ESTES E W #4179	1.0	WARD-ESTES NORTH
8249614	F-03-050456	4215731290	102-4	108	ESTES E W #181	1.0	WARD-ESTES NORTH
"GRAHAM ENERGY LTD		RECEIVED:	08/18/82	JA: TX	ESTES E W #182	1.0	WARD-ESTES NORTH
8249817	F-08-055170	4235331069	103	JAHEW JAMESON "B" #2 27324	FANNETT	45.0	TEXAS EASTERN TRA
8249816	F-3-055169	4235331078	103	JAHEW JAMESON "C" #2 26464	CLARA NEAL #1	1.5	CABOT CORP
"GULF OIL CORPORATION		RECEIVED:	08/18/82	JA: TX	CLARA NEAL #1	1.5	CABOT CORP
8249833	F-03-055211	4224531168	103	C W BURRELL #46	ESTES E W #182	1.0	CABOT CORP
8249574	F-7C-047975	4244613163	102-2	CLARA NEAL #1	ESTES E W #182	1.0	CABOT CORP
8249761	F-08-055057	4247510079	108	CLARA NEAL #1	ESTES E W #182	1.0	CABOT CORP
8249757	F-08-055053	4247510081	108	CLARA NEAL #1	ESTES E W #182	1.0	CABOT CORP
8249753	F-08-055049	4247510082	108	CLARA NEAL #1	ESTES E W #182	1.0	CABOT CORP

JD. NO.	JA. JKT	ABJ. NO.	U. SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL.	PURCHASER
8249755	F-08-055051	4247501297	108		ESTES E W #25	WARD-ESTES NORTH	1.0	CABOT CORP
8249759	F-08-055055	4247501298	108		ESTES E W #26	WARD-ESTES NORTH	1.0	CABOT CORP
8249756	F-08-055052	4247501283	108		ESTES E W #3	WARD-ESTES NORTH	1.0	CABOT CORP
8249754	F-08-055061	4247510797	108		ESTES W #84	WARD-ESTES NORTH	1.0	CABOT CORP
8249750	F-08-055102	4213500000	103		GOLDSMITH SAN ANDRES UNIT #1364	GOLDSMITH SAN ANDRES UNIT 1-168	1.0	PHILLIPS PETROLEUM
8249756	F-08-055115	4213500582	108		GOLDSMITH SAN ANDRES UNIT 1-278	GOLDSMITH SAN ANDRES UNIT 1-278	2.0	PHILLIPS PETROLEUM
8249754	F-08-055113	4213500688	108		GOLDSMITH SAN ANDRES UNIT 1-329	GOLDSMITH SAN ANDRES UNIT 1-329	1.0	PHILLIPS PETROLEUM
8249769	F-08-055101	4213531186	108		GOLDSMITH SAN ANDRES UNIT 1-334	GOLDSMITH SAN ANDRES UNIT 1-334	2.0	PHILLIPS PETROLEUM
8249798	F-08-055117	4213531379	108		GOLDSMITH SAN ANDRES UNIT 2-38	GOLDSMITH SAN ANDRES UNIT 2-38	4.0	PHILLIPS PETROLEUM
8249795	F-08-055114	4213502497	108		GOLDSMITH SAN ANDRES UNIT 3-6	GOLDSMITH SAN ANDRES UNIT 3-6	3.0	PHILLIPS PETROLEUM
8249797	F-08-055116	4213531349	108		HUTCHINGS STOCK ASSN #1003	WARD-ESTES NORTH	1.0	CABOT CORP
8249721	F-08-054974	4247530898	108		HUTCHINGS STOCK ASSN #1059	WARD-ESTES NORTH	1.0	CABOT CORP
8249770	F-08-05567	4247532017	108		HUTCHINGS STOCK ASSN #145	WARD-ESTES NORTH	1.0	CABOT CORP
8249735	F-08-054987	4247502044	108		HUTCHINGS STOCK ASSN #146	WARD-ESTES NORTH	1.0	CABOT CORP
8249725	F-08-054978	4247602645	108		HUTCHINGS STOCK ASSN #232	WARD-ESTES NORTH	1.0	CABOT CORP
8249724	F-08-054977	4247502235	108		HUTCHINGS STOCK ASSN #268	WARD-ESTES NORTH	2.0	CABOT CORP
8249724	F-08-055078	4247501809	108		HUTCHINGS STOCK ASSN #298	WARD-ESTES NORTH	1.0	CABOT CORP
8249761	F-08-054983	4247502300	108		HUTCHINGS STOCK ASSN #329	WARD-ESTES NORTH	2.0	CABOT CORP
8249750	F-08-055056	4247502332	108		HUTCHINGS STOCK ASSN #336	WARD-ESTES NORTH	1.0	CABOT CORP
8249760	F-08-054981	4247502339	108		HUTCHINGS STOCK ASSN #342	WARD-ESTES NORTH	1.0	CABOT CORP
8249732	F-08-054985	4247502345	108		HUTCHINGS STOCK ASSN #352	WARD-ESTES NORTH	2.0	CABOT CORP
8249758	F-08-055054	4247502355	108		HUTCHINGS STOCK ASSN #353	WARD-ESTES NORTH	2.0	CABOT CORP
8249778	F-08-055075	4247502356	108		HUTCHINGS STOCK ASSN #362	WARD-ESTES NORTH	1.0	CABOT CORP
8249729	F-08-054982	4247502365	108		HUTCHINGS STOCK ASSN #368	WARD-ESTES NORTH	1.0	CABOT CORP
8249766	F-08-055063	4247502371	108		HUTCHINGS STOCK ASSN #377	WARD-ESTES NORTH	1.0	CABOT CORP
8249774	F-08-055071	4247502380	108		HUTCHINGS STOCK ASSN #402	WARD-ESTES NORTH	1.0	CABOT CORP
8249731	F-08-054984	4247502405	108		HUTCHINGS STOCK ASSN #416	WARD-ESTES NORTH	1.0	CABOT CORP
8249735	F-08-054999	4247502356	108		HUTCHINGS STOCK ASSN #421	WARD-ESTES NORTH	1.0	CABOT CORP
8249770	F-08-055077	4247502367	108		HUTCHINGS STOCK ASSN #430	WARD-ESTES NORTH	2.0	CABOT CORP
8249780	F-08-055077	4247502433	108		HUTCHINGS STOCK ASSN #55	WARD-ESTES NORTH	1.0	CABOT CORP
8249763	F-08-055066	4247501961	108		HUTCHINGS STOCK ASSN #564	WARD-ESTES NORTH	1.0	CABOT CORP
8249726	F-08-054979	4247502363	108		HUTCHINGS STOCK ASSN #585	WARD-ESTES NORTH	5.0	CABOT CORP
8249762	F-08-055059	4247502419	108		HUTCHINGS STOCK ASSN #646	WARD-ESTES NORTH	1.0	CABOT CORP
8249775	F-08-055072	4247502376	108		HUTCHINGS STOCK ASSN #664	WARD-ESTES NORTH	2.0	CABOT CORP
8249777	F-08-055074	4247510737	108		HUTCHINGS STOCK ASSN #738	WARD-ESTES NORTH	1.0	CABOT CORP
8249776	F-08-055073	4247511063	108		HUTCHINGS STOCK ASSN #752	WARD-ESTES NORTH	2.0	CABOT CORP
8249723	F-08-054976	4247530009	108		HUTCHINGS STOCK ASSN #753	WARD-ESTES NORTH	1.0	CABOT CORP
8249734	F-08-054989	4247511152	108		HUTCHINGS STOCK ASSN #761	WARD-ESTES NORTH	1.0	CABOT CORP
8249773	F-08-055070	4247510189	108		HUTCHINGS STOCK ASSN #762	WARD-ESTES NORTH	2.0	CABOT CORP
8249769	F-08-055066	4247511146	108		HUTCHINGS STOCK ASSN #775	WARD-ESTES NORTH	1.0	CABOT CORP
8249771	F-08-055068	4247530049	108		HUTCHINGS STOCK ASSN #776	WARD-ESTES NORTH	2.0	CABOT CORP
8249722	F-08-054975	4247511219	108		HUTCHINGS STOCK ASSN #789	WARD-ESTES NORTH	1.0	CABOT CORP
8249779	F-08-055075	4247511063	108		HUTCHINGS STOCK ASSN #793	WARD-ESTES NORTH	1.0	CABOT CORP
8249765	F-08-055062	4247530547	108		HUTCHINGS STOCK ASSN #794	WARD-ESTES NORTH	1.0	CABOT CORP
8249736	F-08-055000	4247530760	108		HUTCHINGS STOCK ASSN #877	ESTES BLOCK 34 (PENN)	3.0	CABOT CORP
8249777	F-03-055094	4247531201	103		HUTCHINGS STOCK ASSN #964	WARD-ESTES NORTH	1.0	CABOT CORP
8249710	F-08-054905	4249501369	108		HUTCHINGS STOCK ASSN #964	FANNETT	62.0	TEXAS EASTERN TRA
8249771	F-08-054904	424950147	108		HUTCHINGS STOCK ASSN #964	KEYSTONE (COLBY)	2.0	CABOT CORP
8249704	F-08-054904	424950147	108		HUTCHINGS STOCK ASSN #964	KEYSTONE (COLBY)	1.0	CABOT CORP
8249754	F-08-055050	4249503938	108		HUTCHINGS STOCK ASSN #964	KEYSTONE (SILURIAN)	1.0	CABOT CORP
8249786	F-03-055093	4224531197	103		HUTCHINGS STOCK ASSN #964	FANNETT	37.0	TEXAS EASTERN TRA

JD NO.	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-HAMILTON BROTHERS OIL CO			RECEIVED:	08/18/82	JA: TX			
8249535 F-10-034240	4221131191	102-4	GEORGE #1			WASHITA CREEK (GRANIT	350.0	PANHANDLE EASTERN
8249737 F-01-05505	4217731268	102-2	MANFORD-COLE UNIT 2 #1			COST (AUSTIN CHALK)	13.0	VALERO TRANSMISSI
-HCW DRILLING PARTNERSHIP 75		RECEIVED:	08/18/82	JA: TX		ABELL (DEVONIAN)	16.3	NORTHERN GAS PROD
8249563 F-03-47030	4210332704	103	ABELL DEVONIAN UNIT #30			SCHALEEN (8565) FIEL	547.5	TENNESSEE GAS PIP
-HERITAGE OPERATING CO INC		RECEIVED:	08/18/82	JA: TX		OAK HILL (COTTON VALL	0.0	O.G DELHI GAS PIPELIN
8249613 F-04-056278	4221531127	102-4	HALE SCHALEBEN #1			OAK HILL (COTTON VALL	0.0	O.G DELHI GAS PIPELIN
-HILL INTERNATIONAL PRODUCTION CO		RECEIVED:	08/18/82	JA: TX		RAVEN CREEK (STRAUN)	28.0	SID RICHARDSON CA
8249548 F-06-041922	4240100000	103	107-TF JOHN G MINOR #2			PANHANDLE MOORE WR	0.0	PANHANDLE EASTERN
-HILL PRODUCTION CO		RECEIVED:	08/18/82	JA: TX		HEALEY (YEGUA 4824) {	37.0	FERGUSON CROSSING
8249547 F-06-041386	4240100000	103	107-TF MAUDE LAIRD #2			AGUA DULCE (8340) (PR	426.0	HOUSTON PIPE LINE
-HLH PETROLEUM CORP		RECEIVED:	08/18/82	JA: TX		GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8249678 F-7A-053861	4215131500	103	J W WICKHAM #2212			GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-HUF OILS	F-10-049686	4234134636	103	BRENT 66-4	JA: TX	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-HUGHES & HUGHES	F-02-054181	42252531268	102-4	JUDITH M HEALEY #3		GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8249668 F-34-053532	42355331374	102-4	TEXAS SCOTTISH RITE HOSPITAL #A# 2			GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-HUMBLE EXPLORATION CO INC		RECEIVED:	08/18/82	JA: TX		GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8249551 F-03-043678	4214900000	102-2	AMELIA #1			GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8249556 F-03-047049	4214900000	102-2	EMILY BUSH MOORE #1			GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8249552 F-03-043691	4214900000	102-2	HEATHER DAWN #1			GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8249554 F-03-047045	4247700000	102-2	JACQUENETTA #1			GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8249562 F-03-046981	4228731054	102-4	MARGARET GREGORY #1			GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-INDIAN WELLS OIL CO		RECEIVED:	08/18/82	JA: TX		PROBANDT (CANYON)	0.0	INTERNORTH INC
8249661 F-7C-053405	4223531685	102-2	RICHEY 54A-7			GOOSE ISLAND (D-1)	115.0	VALLEY PIPE LINES
-INTEGRAL ENERGY CORP		RECEIVED:	08/18/82	JA: TX		PANHANDLE	22.0	COLORADO INTERSTA
8249550 F-04-042054	4232100000	103	STATE TRACT 84 #3			PANHANDLE	22.0	COLORADO INTERSTA
-J M HUBER CORPORATION		RECEIVED:	08/18/82	JA: TX		PANHANDLE	40.0	COLORADO INTERSTA
8249819 F-12-055172	4223331375	103	BRYAN MAYFIELD UNIT #9-27			PANHANDLE	25.0	COLORADO INTERSTA
8249818 F-12-055171	4223331376	103	BRYAN MAYFIELD UNIT #9-28			PANHANDLE		
8249821 F-10-055175	4223331325	103	HODGES #11			PANHANDLE		
8249820 F-10-055174	4223331326	103	HODGES #11			PANHANDLE		
-J REX REYNOLDS		RECEIVED:	08/18/82	JA: TX		HANKAMEK SOUTH (U-F-2	300.0	DOW CHEMICAL CO
8249544 F-03-041015	4207131128	103	SCHOENJAHN #1T			DUDLEY EAST (DEVONIAN	35.0	LINK SYSTEMS INC
-JACKSON EXPLORATION INC		RECEIVED:	08/18/82	JA: TX		DUDLEY EAST (DEVONIAN	35.0	LINK SYSTEMS INC
8249700 F-7C-054569	4210533243	102-4	P C PERNER "A" #1			ORANGE HILL SOUTH (YE	180.0	SEAGULL PIPELINE
8249701 F-7C-054575	4210533454	102-4	P C PERNER "A" #2			SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
-JHI INC		RECEIVED:	08/18/82	JA: TX		GIDDINGS (AUSTIN CHAL	0.0	
8249555 F-23-045617	4208931271	102-4	O C HILLBOLDT A-1			WILDCAT	0.0	SUN GAS CO
-JOHN L COX		RECEIVED:	08/18/82	JA: TX		JO-MILL (SPRABERRY)	15.0	GETTY OIL CO
8249591 F-7C-049463	4246131874	123	NEAL #40-38" #2			HOOKER CREEK (NAVARRO	40.1	FERGUSON CROSSING
-KILLAM & HURD LTD		RECEIVED:	08/18/82	JA: TX		STEPHENS COUNTY REGUL	0.0	PETROLEUM CORP OF
8249588 F-23-049388	4205132073	102-2	SKRIVANEK #2					
-L TEXAS PETROLEUM INC		RECEIVED:	08/18/82	JA: TX				
8249594 F-04-049541	4224731317	102-4	VARN-MESTENA #2					
-LACY & BYRD INC		RECEIVED:	08/18/82	JA: TX				
8249707 F-8A-054689	4211531689	103	STEWART #2 RRC #63291					
-LAMBERT HOLLUB DRILLING CO		RECEIVED:	08/18/82	JA: TX				
8249751 F-13-055043	4205132197	102-4	FARMER #3					
-LESTER CLARK		RECEIVED:	08/18/82	JA: TX				
8249784 F-7B-055086	424293323	103	CLARK-BLACK BROTHERS #19					
-LHG RESOURCES INC		RECEIVED:	08/18/82	JA: TX				

JD. NO.	JA. & CT	API NO.	U. SEC(L.)	SEC(2)	WELL NAME	FIELD NAME	PROD.	PURCHASER	PAGE	
8249752	F-7B-C55048	4242933021	103		EDDLEMAN #1			54.5 WARREN PETROLEUM	726	
-LONDON PETROLEUM CORP	F-09-055034	42449732225	RECEIVED:	08/18/82	JA: TX	BOONSVILLE (BEND CONG	200.0	CITIES SERVICE CO		
-LORDSTONE CORP	F-03-054664	4204130755	103	A R CARTER "A"	#2	KURTEN (BUDA)	73.0	FURGEON CROSSING		
-LOUIS A NEWITT	F-03-04174	4208900000	102-2	TRIULO #1		LYDIA	90.0	LONE STAR GAS CO		
-M J G INC	F-02-053816	4217500000	102-4	EDGAR J PAPP 1-C		WEESATCHE WEST (SLICK	116.0	UNITED GAS PIPEL		
-MARSHALL EXPLORATION INC	F-06-045815	4220330889	103	MARY SCHMIDT WELL #1		GOOCH (TRAVIS PEAK)	350.0	TEXAS EASTERN TRA		
8249557	F-06-049309	4236531373	RECEIVED:	08/18/82	JA: TX	CARTHAGE (COTTON VALL	250.0	UNITED GAS PIPEL		
8249587	F-06-049570	4236531386	103	107-TF PIERCE ESTATE #1		BELLE BOWER	180.0	TENNESSEE GAS PIP		
-MAY PETROLEUM INC	F-10-053029	42221131419	103	WERNER SAWMILL #3		CANADIAN S E (DOUGLAS	109.5			
-MCFARLANE OIL CO INC	F-02-056036	4246931828	RECEIVED:	08/18/82	JA: TX	PLACEDO FIELD	6.0	TENNECO CHEMICALS		
8249748	F-02-056036	4246931828	103	PICKERING & ROOS #35		ANTELOPE SE (MARBLE F	200.0	LONE STAR GAS CO		
-MCMAHON BULLING DRLG CO	F-09-053530	4223700600	102-4	ROUNDSAVILLE #1		MARMAC (MARBLE FALLS)	327.0	SOUTHWESTERN GAS		
-MIN-TEX EXPLORATION CORP	F-73-049493	4236732171	102-4	BERKLEY-WATERS #1 (C99129)		BOONSVILLE (BEND CONG	122.0	NATURAL GAS PIPEL		
-MITCHELL ENERGY CORPORATION	F-19-053794	4249732362	RECEIVED:	08/18/82	JA: TX	MORGAN MILL (MARBLE F	1.6	SOUTHWESTERN GAS		
8249617	F-19-050696	4249700600	108	BOYD TOWNSITE #1 #42604		MORGAN MILL (MARBLE F	2.7	SOUTHWESTERN GAS		
8249815	F-7B-055156	4214300040	108	CHARLES F KEITH #2 #082083		MORGAN MILLS (MARBLE	0.0	SOUTHWESTERN GAS		
8249814	F-7B-055155	4214300040	108	CHARLES F KEITH #3 #082132		MORGAN MILLS (MARBLE	5.3	NATURAL GAS PIPEL		
8249813	F-7B-055154	4222160000	108	HUFFESTUTLER #1 #085027		BOONSVILLE (BEND CONG	10.3	SOUTHWESTERN GAS		
8249672	F-19-053794	4249732362	103	JACK DALY UNIT 7-42		MCINTOSH (BIG SALINE)	12.0	NATURAL GAS PIPEL		
8249819	F-7B-055146	4222150000	108	W PEVELER #2 #093534		MORGAN MILL (MARBLE F	5.9	SOUTHWESTERN GAS		
8249815	F-7B-055152	4214300000	108	O C WINSLETT #1 #063790		JERMYN WEST (CADDY)	8.0	SOUTHWESTERN GAS		
8249843	F-09-052503	4223734112	102-4	OLIVER LOVING #6		MORGAN MILL (MARBLE F	1.9	SOUTHWESTERN GAS		
8249799	F-7B-055123	4214300030	108	PARKY RANCH #10 #063788		MORGAN MILL (MARBLE F	1.5	SOUTHWESTERN GAS		
8249800	F-7B-055123	4214300030	108	PARKY RANCH #4 #C8C585		MORGAN MILL (MARBLE F	1.5	SOUTHWESTERN GAS		
8249808	F-7B-055147	4214300060	108	PARKY RANCH #6 #C65711		MORGAN MILL (MARBLE F	10.0	SOUTHWESTERN GAS		
8249807	F-7B-055146	4214300060	108	PARKY RANCH #8 #063789		MORGAN MILL (MARBLE F	4.6	SOUTHWESTERN GAS		
8249808	F-7B-055146	4214300060	108	R T DRAKE #3 #080928		MORGAN MILL (MARBLE F	7.3	SOUTHWESTERN GAS		
8249810	F-7B-055149	4214300060	108	R T DRAKE A #1 #C84181		BOONSVILLE (BEND CONG	462.0	NATURAL GAS PIPEL		
8249812	F-7B-055153	4214300030	103	T C W B #33 LT		PEGASUS (SPRABERRY)	6.4	EL PASO NATURAL G		
8249623	F-09-056116	424973229	103	RECEIVED:	08/18/82	LEVELLAND	4.4	AMOCO PRODUCTION		
-MOBIL PROG TEXAS & NEW MEXICO INC	F-7C-056037	4246131892	103	AMERICAN REPUBLIC A #5		BARNHART SOUTH (ELLEN	26.0			
8249749	F-8A-055095	4221933521	103	NORTH CENTRAL LEVELLAND UNIT #358		BOONSVILLE (BEND CONG	120.0	NATURAL GAS PIPEL		
-MONSANTO COMPANY	F-07-053905	4238332192	RECEIVED:	08/18/82	JA: TX	CINDY ANN (AUSTIN CHA	365.0	UNITED TEXAS TRAN		
-MOTE RESOURCES INC	F-09-0550769	4249732271	103	RECEIVED:	08/18/82	JA: TX	WADSWORTH S (11,200)	100.0	HOUSTON PIPE LINE	
8249619	F-09-0550769	4249732271	103	DENISON #1		SEHLKE UNIT #1	192.2			
-MURPHY H BAXTER	F-01-054626	424933176	102-4	RECEIVED:	08/18/82	JA: TX	CORNELIUS #3	102-4		
-NORTH AMERICAN ROYALITIES INC	F-03-048921	4232160060	RECEIVED:	08/18/82	JA: TX	RECEIVED:	08/18/82	JA: TX		
*NUCORP ENERGY INC	F-13-051552	42228733907	102-2	SEHLKE UNIT #1		SEHLKE UNIT #1	102-2			
-PARKER & PARSLEY INC	F-18-053120	4231732478	RECEIVED:	08/18/82	JA: TX	RECEIVED:	08/18/82	JA: TX		
-PENNZOIL PRODUCING COMPANY			103	MAISON #1		MAISON #1	103			
			RECEIVED:	08/18/82	JA: TX	RECEIVED:	08/18/82	JA: TX		

VOLUME 728 PAGE 007

JD NO	JA OKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8249610	F-14-053020	4235531971	102-4	E A KINSEY #B-4				
-PHARAOH & ASSOCIATES INC	F-18-047892	4214931050	102-2	K C HINZE #1	RECEIVED: 08/18/82 JA: TX	AGUA DULCE (YAHUDE EA	281.0	UNITED GAS PIPE L
-PHILLIPS PETROLEUM COMPANY	F-18-05109	4249531274	108	BASH #13	RECEIVED: 08/18/82 JA: TX	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
8249629	F-10-051406	4222731532	108	BELLAM #12		KEYSTONE (COLBY)	1.0	SID RICHARDSON GA
8249608	F-10-049878	4217931111	103	BRALLEY A #2		TATAN EAST (HOWARD)	1.0	GETTY OIL CO
*8249602	F-10-049747	4223500000	103	CASSIE #3		PANHANDLE GRAY	0.0	
8249537	F-10-035486	4219530782	103	CHILDEERS #7		PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
8249558	F-10-045841	4229531094	103	COFFIN #2		HANSFORD MISSISSIPPI	0.0	INTERNORTH INC
8249607	F-10-049878	4217931068	103	CRUISE D #3		BRADFORD CLEVELAND	0.0	PANHANDLE EASTERN
8249703	F-18-054598	4219304514	108	DOROTHY #2		PANHANDLE GRAY	0.0	
8249549	F-10-041950	4242100300	108	EMBAR G #16		EMBAR (PERMIAN)	23.0	EL PASO NATURAL G
8249641	F-10-052390	4217900000	103	EZRA #1		TEXAS HUGOTON	0.0	MICHIGAN WISCONSIN
8249570	F-10-047545	4223331277	102-4	HUSTED #4		PANHANDLE GRAY	0.0	
8249631	F-10-051408	4223331345	103	IVY A #4		HUTCHINSON NORTH (MIS	0.0	
8249618	F-10-05758	4217900000	103	J M SANFORD #3		PANHANDLE GRAY	0.0	EL PASO NATURAL G
8249622	F-10-051069	4217900000	103	KEAHY A #2		PANHANDLE HUTCHINSON	0.0	
8249615	F-10-053665	4234100000	108	PHIL-PAPA UNIT 6-2		PANHANDLE GRAY	0.0	
8249791	F-18-058104	4200333176	103	PORTER PITTMAN #2		PANHANDLE MOORE	0.0	EL PASO NATURAL G
*8249630	F-10-051407	4223331346	103	TEXAS UNIVERSITY A #5		FURHMAN MASCHO	12.0	
-R LACY INC				YAKE G #14		PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
8249698	F-16-054561	4236531357	103	RECEIVED: 08/18/82 JA: TX		CARTHAGE (JAMES LIME)	14.0	WESTERN GAS CORP
8249554	F-7C-045604	4209530556	102-4	ELLA SMITH UNIT 1 WELL 5		WILDCAT	27.5	LONE STAR GAS CO
8249633	F-7C-051770	4209530586	102-4	SMITH LAND & CATTLE CO #1 RRC #N/A		PAINT ROCK SW (GARDNE	27.5	LONE STAR GAS CO
-RALPH L WAY INC				SMITH LAND & CATTLE CO #4 RRC #N/A		FARMER (SAN ANDRES)	3.0	INTERNORTH INC
8249638	F-7C-051954	4236331885	103	RECEIVED: 08/18/82 JA: TX		GIDDINGS (AUSTIN CHAL	6.0	PHILLIPS PETROLEU
-RETAMCO INC				UNIVERSITY #8 #6		GIDDINGS (BUDA)	19.7	PHILLIPS PETROLEU
8249654	F-03-052966	4214930939	102-2	RECEIVED: 08/18/82 JA: TX		WEST PANHANDLE FIELD	100.0	NATURAL GAS PIPEL
8249655	F-03-052967	4214930974	102-2	E T ZOCH #1		NORRIS	365.0	PHILLIPS PETROLEU
-ROY FARRELL				LURENZ UNIT #1				
8249553	F-11-045361	4216530794	108-ER	RECEIVED: 08/18/82 JA: TX				
-SAGE DRILLING CO INC				C L CULVER #1A (RRRC ID NA)				
8249592	F-10-049472	4235731187	102-4	RECEIVED: 08/18/82 JA: TX				
-SAGE ENERGY CO				NORRIS #1				
8249738	F-7C-055018	423830' C63	103	RECEIVED: 08/18/82 JA: TX				
8249739	F-7C-055019	4238300000	103	UNIVERSITY 4-A #5 RRC #07703		FARMER (SAN ANDRES)	3.2	INTERNORTH INC
8249646	F-03-052710	4205132166	102-2	UNIVERSITY 4-A #6 RRC #07703		FARMER (SAN ANDRES)	1.6	INTERNORTH INC
-SANTA FE-WINDSOR PRODUCING CO				WEGNER #1 RRC #		GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8249699	F-03-054563	4228731244	102-2	RECEIVED: 08/18/82 JA: TX		GIDDINGS (AUSTIN CHAL	319.0	PERRY PIPELINE CO
-SAXON OIL COMPANY				PLACKE #4				
8249662	F-7C-053421	4246100300	103	RECEIVED: 08/18/82 JA: TX		SPRABERRY (TREND AREA	0.0	MOBIL PRODUCING T
-SEAGO OIL INC				HANKS "B" #1				
8249695	F-09-054497	4233731886	102-4	RECEIVED: 08/18/82 JA: TX		HAXANNE (VIOLA MISS)	72.0	LONE STAR GAS CO
-SHELL OIL CO				NABORS #1		OWNBY	16.8	AMOCO PRODUCTION
8249803	F-3A-055131	4250131916	103	RECEIVED: 08/18/82 JA: TX		CISCO (CONGL 3600)	186.0	ENSERCH EXPLORATI
-SNOW OIL CO				OWNBY (SAN ANDRES)		CALVIN (DEAN)	21.9	EL PASO NATURAL G
8249713	F-7B-054946	4213333731	102-4	RECEIVED: 08/18/82 JA: TX		FLINT ESTATE #7	12.0	VALERO TRANSMISSI
-SOHIO PETROLEUM CO				RECEIVED: 08/18/82 JA: TX				
8249718	F-7C-054966	4217331278	103	RECEIVED: 08/18/82 JA: TX				
-SOUTHLAND ROYALTY CO				RECEIVED: 08/18/82 JA: TX				
8249697	F-08-054556	4243131111	103	RECEIVED: 08/18/82 JA: TX				

JD NO	UF/LKT	PER NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-SUN EXPLORATION & PRODUCTION CO 8249669 F-34-C53679 4204731588			RECEIVED:	08/18/82	JA: TX			
8249674 F-33-053823 4207131316	102-4	0 J SULLIVAN #14L						
8249675 F-04-C53824 4242731411	103	J E JACKSON #5						
-SUPERIOR OIL CO 8249582 F-03-C48697 422873107v	103	WEIL BROS #44						
-TASCOSA PRODUCTION CO 8249569 F-1-C-047442 42233001-v0	102-2	08/18/82 JA: TX						
-TEE OPERATING CO 8249635 F-01-051887 4226331789	102-4	W DAWSON UNIT #1						
-TEXACO INC 8249632 F-CR-051701 4210931553	102-4	08/18/82 JA: TX						
8249687 F-18-054163 4214931623	102-4	CULBERSON "X" FEE #2						
F-13-049556 4226131392	102-4	CULBERSON "X" FEE #5						
82496912 F-18-050256 4232931052	102-4	J V LINSOMB "A" FEE #1						
8249714 F-7C-054949 4245100000	106	MIDLAND "A" FEE #2						
8249686 F-3A-054162 4216532354	103	N G KENT "B" NCT-3 #4						
8249686 F-3A-054162 4216532354	103	ROBERTSON UNIT #45						
8249556 F-13-047577 42451487	102-4	ROBERTSON UNIT #45						
F-18-049407 4244311100	103	SANDERS G/U #1						
8249584 F-68-049041 4243131098	103	STERLING "H" FEE #3						
8249715 F-98-05495/ 4232900000	108	STERLING "U" FEE #1						
-TEXAS GENERAL PETROLEUM CORP 8249783 F-02-055083 4229732637	102-4	TXL "H" NCT-2 #3						
-TEXAS OIL & GAS CORP 8249546 F-12-041225 4228531596	102-4	08/18/82 JA: TX						
-THOMPSON OPERATING CO 8249694 F-17-054408 4235570000	108	E B BAKER #1						
-THROCKMORTON GAS SYSTEMS 8249539 F-7B-037135 4244731808	102-4	08/18/82 JA: TX						
8249540 F-7B-037136 4244732397	102-4	GARNER #1						
8249541 F-7B-037137 4244732098	102-4	08/18/82 JA: TX						
-TXO PRODUCTION CORP 8249637 F-7C-051904 4246131679	102-4	NITSCHKE - TEXAS RRC #28311 #121						
8249603 F-36-049772 4217730462	102-4	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	MORRISON #1-B 14821						
8249596 F-06-049566 4241900000	102-4	MORRISON #2-B 14821						
8249611 F-3-05-0322 4228900000	102-4	MORRISON #3-B 14821						
8249634 F-05-051848 4216130717	103	MONAHAN A #1						
8249637 F-7C-051904 4246131679	102-4	DAMRON "D" #1						
8249603 F-36-049772 4217730462	102-4	DIXON "A" #2						
8249702 F-10-054591 4229531134	103	HAMKER #1						
8249596 F-06-049566 4241900000	102-4	HOOPER #1-C						
8249611 F-3-05-0322 4228900000	102-4	MONAHAN A #1						
8249634 F-05-051848 4216130717	103	107-TF OWENS "C" #1						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	102-4	DANA HELLEN #2						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						
8249596 F-06-049566 4241900000	102-4	GOLD-ZAPP						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	DOZIER-BROCKMAN #3						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	102-4	RUSSELL #1 01353						
8249702 F-10-054591 4229531134	103	RUSSELL #2 01353						
8249596 F-06-049566 4241900000	102-4	08/18/82 JA: TX						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	08/18/82 JA: TX						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	103	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						
8249596 F-06-049566 4241900000	102-4	08/18/82 JA: TX						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	08/18/82 JA: TX						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	103	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						
8249596 F-06-049566 4241900000	102-4	08/18/82 JA: TX						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	08/18/82 JA: TX						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	103	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						
8249596 F-06-049566 4241900000	102-4	08/18/82 JA: TX						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	08/18/82 JA: TX						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	103	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						
8249596 F-06-049566 4241900000	102-4	08/18/82 JA: TX						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	08/18/82 JA: TX						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	103	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						
8249596 F-06-049566 4241900000	102-4	08/18/82 JA: TX						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	08/18/82 JA: TX						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	103	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						
8249596 F-06-049566 4241900000	102-4	08/18/82 JA: TX						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	08/18/82 JA: TX						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	103	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						
8249596 F-06-049566 4241900000	102-4	08/18/82 JA: TX						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	08/18/82 JA: TX						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	103	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						
8249596 F-06-049566 4241900000	102-4	08/18/82 JA: TX						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	08/18/82 JA: TX						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	103	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						
8249596 F-06-049566 4241900000	102-4	08/18/82 JA: TX						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	08/18/82 JA: TX						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	103	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						
8249596 F-06-049566 4241900000	102-4	08/18/82 JA: TX						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	08/18/82 JA: TX						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	103	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						
8249596 F-06-049566 4241900000	102-4	08/18/82 JA: TX						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	08/18/82 JA: TX						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	103	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						
8249596 F-06-049566 4241900000	102-4	08/18/82 JA: TX						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	08/18/82 JA: TX						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	103	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						
8249596 F-06-049566 4241900000	102-4	08/18/82 JA: TX						
8249611 F-3-05-0322 4228900000	103	08/18/82 JA: TX						
8249634 F-05-051848 4216130717	103	08/18/82 JA: TX						
8249637 F-7C-051904 4246131679	102-4	08/18/82 JA: TX						
8249603 F-36-049772 4217730462	103	08/18/82 JA: TX						
8249702 F-10-054591 4229531134	103	08/18/82 JA: TX						

VOLUME 728 PAGE 009

JD NO.	JA BKT	API NO	U SEC(1)	SLC(2)	WELL NAME	FIELD NAME	PROD - PURCHASER
-WCS PETROLEUM INC 8249583 F-03-053986		4228731231	RECEIVED:	08/18/82 102-2	JA: TX LEON TOUBIN #1	GIDDINGS (AUSTIN CHAL	0.0 FERGUSON CROSSING
-WHITEY & YOCHAN OIL CO 8249717 F-7C-C54958		4238331759	RECEIVED:	08/18/82 103	JA: TX SCOTT B #1	JOHN SCOTT (GRAYBURG)	2.5 NEW ENERGY CO
-WILLIAMS PETROLEUM CO 8249534 F-59-033819		4267700050	RECEIVED:	08/18/82 103	JA: TX DEBRELLA CARTER #1	WATSON	100.0 SANFORD P FAGADAU
-WOLFL & MAGEE INC 8249575 F-03-048001		4210530129	RECEIVED:	08/18/82 102-4	JA: TX CARTER BROS GAS UNIT #2	DAMASCUS (WOODBINE	93 720.0
8249576 F-03-048302		4237300001	RECEIVED:	08/18/82 102-4	JA: TX CARTER BROS GAS UNIT #3	DAMASCUS (SEAMANS)	72L.0
-WORLD PRODUCERS INC 8249805 F-19-055135		4223733943	RECEIVED:	08/18/82 103-4	JA: TX WILTON (STRAWN LO)		14.0 SOUTHWESTERN GAS
-ZENITH EXPLORATION COMPANY 8249538 F-11-036249		4216331849	RECEIVED:	08/18/82 103	JA: TX ESTHER BERRY #5	BERRY (FRIO)	56.0 TRANSCO CO

## OTHER PURCHASERS VOLUME NO :728

8249583	DOW CHEMICAL CO
8249602	PANHANDLE EASTERN PIPELINE CO
8249615	PANHANDLE EASTERN PIPELINE CO
8249630	PANHANDLE EASTERN PIPELINE CO
8249631	PANHANDLE EASTERN PIPELINE CO
8249716	E I DUPONT DE NEMOURS & CO INC
8249782	LONE STAR GAS CO

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (\*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the

extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the *Federal Register*.

Categories within each NGPA 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 on shore reservoir  
102-5: New reservoir on old OCS lease  
Section 107-DP: OCS 15,000 feet or deeper

107-FB: 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. 82-25469 Filed 9-16-82; 8:45 am]

BILLING CODE 6717-01-M

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 9, 1982.

JD No.	WA LKT	API No.	0 SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
*****							
KANSAS CORPORATION COMMISSION							
-ANADARKO PRODUCTION COMPANY			RECEIVED:	08/16/82	JA: KS		
8249888 K-32-073J	151173020593	102-4	CROW B #1		SHUCK		
8249890 K-82-0710	151173020583	102-4	HITCH "J" #1		SHUCK		
8249889 K-82-049J	151173020557	102-4	HITCH G #7		SHUCK		
-PETRO-DYNAMICS CORP		RECEIVED:	08/16/82	JA: KS	ERSKINE		
8249891 K-82-0725	1591921340	102-4	ERSKINE #1		ERSKINE		
*****							
MICHIGAN DEPARTMENT OF NATURAL RESOURCES							
-NORTHERN MICHIGAN EXPLORATION CO		RECEIVED:	08/16/82	JA: MI	CHARLTON #6*	128.0	CONSUMERS POWER C
8249852	2113735209	102-4	ZEIMET-HIGGINS-STATE-CHARLTON #1-6		CHARLTON #6*		
*****							
MONTANA BOARD OF OIL & GAS CONSERVATION							
-CONSOLIDATED OIL & GAS INC		RECEIVED:	08/16/82	JA: MT	FORT GILBERT	0.0	
8249856 9-81-175-A	25038321424	103	SWANBY #1		RED BANK	14.2	MONTANA DAKOTA UT
-DOME PETROLEUM CORP		RECEIVED:	08/16/82	JA: MT	RED BANK	8.0	MONTANA-DAKOTA UT
8249859 9-81-166	25038521240	102-1	DETIERENNE #1-20		RED BANK	32.0	MONTANA POWER CO
8249857 9-81-174	25038521243	102-2	PANASUK #3		LEROY	6.7	MONTANA POWER CO
-FUEL RESOURCES DEVELOPMENT CO		RECEIVED:	08/16/82	JA: MT	LEROY		
8249860 9-81-177	2503522190	102-2	J-33-24-18-N		BONDOIN	16.0	KANSAS-NEBRASKA N
8249853 9-81-178	2505022058	102-2	J-9-24-18-N		DIVIDE	9.1	PHILLIPS PETROLEUM
-MIDLANDS GAS CORPORATION		RECEIVED:	08/16/82	JA: MT	DRY CREEK	100.0	MONTANA POWER CO
8249854 9-81-181	2507121697	102-2	SETZER #1833				
-ORBIT VENTURES INC		RECEIVED:	08/16/82	JA: MT			
8249858 9-81-176	2509121392	102-2	L W ROSTAD #1-22				
-TEXAS OIL & GAS CORP		RECEIVED:	08/16/82	JA: MT			
8249855 9-81-173	2500921136	103	PAPEZ #1				
*****							
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
-EL PASO NATURAL GAS COMPANY		RECEIVED:	08/16/82	JA: NM	BLANCO - MESA VERDE	19.0	EL PASO NATURAL G
8249868	3004506142	108	CUCCIA COM B #4		AZTEC - FRUITLAND	21.0	EL PASO NATURAL G
8249867	300450763C	108	SCHULTZ COM F #11		BALLARD - PICTURED CL	15.0	EL PASO NATURAL G
8249861	3004505721	108	THOMPSON A #1		BALLARD - PICTURED CL	13.0	EL PASO NATURAL G
8249871	3004505759	108	THOMPSON B #1		SOUTH BLANCO - PICTUR	21.0	EL PASO NATURAL G
8249869	3004506771	108	TURNER B COM G #12				
-GULF OIL CORPORATION		RECEIVED:	08/16/82	JA: NM	ATOKA SAN ANDRES UNIT #105	C-3	PHILLIPS PETROLEUM
8249881	3002500304	108	ATOKA SAN ANDRES UNIT #134		ATOKA SAN ANDRES UNIT #134	C-2	PHILLIPS PETROLEUM
8249880	3002500281	108	ATOKA SAN ANDRES UNIT #155		ATOKA SAN ANDRES UNIT #155	C-1	PHILLIPS PETROLEUM
8249879	3001500225	108					

JD NO.	JA DAT	API NO.	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER	
8249877		3002308582	108		JALMAT FIELD	YATES SAND UNIT #111	0.2	PHILLIPS PETROLEUM	
8249878		3002208613	108		JALMAT FIELD	YATES SAND UNIT #134	0.7	PHILLIPS PETROLEUM	
8249883		3001520421	108	"D"	JONES #5		1.1	PHILLIPS PETROLEUM	
8249887		3002511531	108		STUART LANGLIE-MATTIX UNIT	#121	0.2	EL PASO NATURAL GAS	
8249882		3002511530	108		STUART LANGLIE-MATTIX UNIT	#122	0.3	EL PASO NATURAL GAS	
CHICKS OIL & GAS INC			RECEIVED:	102-4	08/16/82	JA: NM			
		3000320165			DANA STATE #1	RUSTY GALLUP	37.0	EL PASO NATURAL GAS	
MOBIL PROD TEXAS & NEW MEXICO INC		3000510174	RECEIVED:	08/16/82	JA: NM	BLINEBRY-GAS	21.7	NORTHERN NATURAL	
		3000506869	108		BRUNSON ARG #1-T	EUMONT QUEEN-GAS	20.2	NORTHERN NATURAL	
PHILLIPS PETROLEUM COMPANY			RECEIVED:	08/16/82	JA: NM	VACUUM 6B/SA	2.0	EL PASO NATURAL GAS	
		3002502144	108		E O CARSON #4	VACUUM GLORIETA	4.0	EL PASO NATURAL GAS	
8249863		3002521080	RECEIVED:	08/16/82	JA: NM	DRINKARD & BLINEBRY	6.9	GETTY OIL CO	
SHELL OIL CO			108		STATE SEC 2	BASIN	89.0	GAS CO OF NEW MEX	
8249886		3002600000	RECEIVED:	08/16/82	JA: NM	SATEGNA #2-E	500.0	EL PASO NATURAL GAS	
SOUTHLAND ROYALTY CO			103		08/16/82	BASIN	6.1	EL PASO NATURAL GAS	
8249885		3001524060	RECEIVED:	08/16/82	JA: NM	FIELDS 2E	2.7	EL PASO NATURAL GAS	
TENNECO OIL COMPANY			103		08/16/82	JA: NM	1.9	EL PASO NATURAL GAS	
THRESHOLD DEVELOPMENT CO		3004525271	RECEIVED:	08/16/82	JA: NM	CONOCO #7	5.6	EL PASO NATURAL GAS	
W. A. MONCRIEF JR		3001523933	102-4		STATE #10	UNDERS TURKEY TRACK MO	10.0	COCO INC	
WARREN PETR CO A DIV OF GULF OIL CO		3001500000	RECEIVED:	08/16/82	JA: NM	CROOKED CREEK #A STATE COM #1			
8249871		3002206974	108		08/16/82	JA: NM	BALDRIDGE CANYON UNDE	0.0	
8249864		3002506968	108		CENTRAL DRINKARD UNIT #144	DRINKARD	6.1	EL PASO NATURAL GAS	
8249865		3002504902	108		CENTRAL DRINKARD UNIT #145	DRINKARD	2.7	EL PASO NATURAL GAS	
8249866		3002504803	108		W A RAMSAY (NCT-A) #38	EUMONT	1.9	EL PASO NATURAL GAS	
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION			102-4		W A RAMSAY (NCT-A) #39	EUMONT	5.6	EL PASO NATURAL GAS	
ABARTA OIL & GAS INC			RECEIVED:	08/16/82	JA: NY	ABARTA B61-009 OFFHAUS			
		3102916954	1C3		08/16/82	JA: NY	LAKESHORE	6.0	NATIONAL FUEL GAS
		3102916978	103		ABARTA E81-2010 (SCCUT TH)	HAMBURG	0.0	NATIONAL FUEL GAS	
BEREA OIL AND GAS CORPORATION			RECEIVED:	08/16/82	JA: NY	DRINKARD	11.0	COLUMBIA GAS TRAN	
		3101316385	103		H CRUMP UNIT #1	RIPLEY-MINA	10.0	NATIONAL FUEL GAS	
CHAUTAUQUA ENERGY INC			RECEIVED:	08/16/82	JA: NY	CONLEY #1	10.0	NATIONAL FUEL GAS	
		3101316584	103		DOHLER #1	LAKE PLAIN	10.0	NATIONAL FUEL GAS	
ELENAPE MANAGEMENT ASSOCIATES INC		3101315983	103		08/16/82	JA: NY	LAKE PLAIN	0.0	COLUMBIA GAS TRAN
		3101314792	107-TF		ROCKEY #3161	LAKE SHORE	20.0	NEW JERSEY NATURAL GAS	
ELENAPE RESOURCES CORP			RECEIVED:	08/16/82	JA: NY	LRC #83 - G P MANCUSO #1	20.0	NEW JERSEY NATURAL GAS	
		3105116191	103		LRC #84 - H W STEIN #1	CALEDONIA	20.0	NEW JERSEY NATURAL GAS	
		3105116194	103		LRC #85 - W A NIXON #1	CALEDONIA	20.0	NEW JERSEY NATURAL GAS	
		3105116188	103		LRC #90 - W A NIXON #2	CALEDONIA	20.0	NEW JERSEY NATURAL GAS	
		3105116189	103		LRC #91 - H & R SIN CLAIR #1	WILDCAT	20.0	NEW JERSEY NATURAL GAS	
RICHARDSON PETROLEUM CORP			RECEIVED:	08/16/82	JA: NY	S & M GREY #1	12.0	NATIONAL FUEL GAS	
		3100317616	103		08/16/82	JA: NY	INDEPENDENCE		
TEMPLETON ENERGY INC			RECEIVED:	08/16/82	JA: NY	A SWANSON UNIT #560	12.0	COLUMBIA GAS TRAN	
		3101313768	107-TF		P BECK UNIT #578	LAKESHORE	185.0	COLUMBIA GAS TRAN	
		3101313780	107-TF		R MANSFIELD UNIT #584	LAKESHORE	12.0	COLUMBIA GAS TRAN	
		3101314547	107-TF						

VOLUME 729 PAGE 003

JD NO.	JA UKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TRAHAN PETROLEUM INC 8249851 2361		3101315581	RECEIVED:	08/16/82	JA: NY	MARVIN WELLMAN #3	36.0	COLUMBIA GAS TRAN
8249850 2363		3101312512	107-TF			MILTON WOOLLEY-NY	36.0	COLUMBIA GAS TRAN
-WARNER BROTHERS WELL DRILLING INC 8249839 3661		3102913947	RECEIVED:	08/16/82	JA: NY	#43 31-013-12512	LEON	
			108			R. K. ZIMMERMAN-RF KRAATZ		AKRON
***** WEST VIRGINIA DEPARTMENT OF MINES *****								
-ALLEGHENY LAND & MINERAL COMPANY 8249998		4708300390	RECEIVED:	08/16/82	JA: WV	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8249983		103	A-954			MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8249982		103	A-975			WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8249999		103	A-982			UNION DISTRICT	0.0	CONSOLIDATED GAS
8249997		103	A-989			FREEMAN'S CREEK DISTRICT	0.0	CONSOLIDATED GAS
-BOW VALLEY PETROLEUM INC 8249995		4710500699	RECEIVED:	08/16/82	JA: WV	CLAY DISTRICT	0.0	COLUMBIA GAS TRAN
8249994		103	HOFFMAN #908			CLAY DISTRICT	0.0	COLUMBIA GAS TRAN
8249990		103	JACKSON #914			BURNING SPRINGS DISTR	0.0	COLUMBIA GAS TRAN
8249992		103	MCCAULEY #947			BURNING SPRINGS DISTR	0.0	COLUMBIA GAS TRAN
8249993		103	MCGEE #943			BURNING SPRINGS DISTR	0.0	COLUMBIA GAS TRAN
8249991		103	VALENTINE #941			CLAY DISTRICT	0.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP 8249973		4710500910	RECEIVED:	08/16/82	JA: WV	BURNING SPRINGS DISTR	0.0	COLUMBIA GAS TRAN
8249974		103	A-991					
8249978		103	A-954					
8249975		103	A-975					
8249977		103	A-982					
8249996		103	A-989					
8249981		103	A-991					
8249980		103	A-991					
8249979		103	A-991					
8249976		103	A-991					
-CHASE PETROLEUM 8249958		4703903574	RECEIVED:	08/16/82	JA: WV	JEFFERSON	25.0	TENNESSEE GAS PIP
8249974		103	BERRY HILLS #3			WASHINGTON	10.0	TENNESSEE GAS PIP
8249978		103	BERRY HILLS #3			WASHINGTON	7.0	TENNESSEE GAS PIP
8249975		103	MALLORY #1			WASHINGTON	40.0	TENNESSEE GAS PIP
8249977		103	P. J. GEORGE #1			BARKERS RIDGE	50.0	CONSOLIDATED GAS
8249996		103	POCAHONTAS LAND CORP I-15			BARKERS RIDGE	50.0	CONSOLIDATED GAS
8249981		102-2	POCAHONTAS LAND CORP I-18			BARKERS RIDGE	50.0	CONSOLIDATED GAS
8249980		102-2	POCAHONTAS LAND CORP I-22			BARKERS RIDGE	35.0	CONSOLIDATED GAS
8249979		102-2	POCAHONTAS LAND CORP I-27			BARKERS RIDGE	35.0	CONSOLIDATED GAS
8249976		103	W. E. PITTMAN #1			WASHINGTON	34.0	TENNESSEE GAS PIP
-CHASE PETROLEUM 8249958		4704103047	RECEIVED:	08/16/82	JA: WV			
8249964		103	ALLMAN #1					
8249950		107-DV						
8249967		103	CARNEY #1					
8249949		107-DV	CARNEY #1					
8249948		103	CHARLES PRIMM #2					
8249949		107-DV	DENOBEL #1					
8249948		103	DENOBEL #1					
8249948		103	CAMPBELL #1					
8249955		103	CARNEY #1					
8249963		107-DV	CARNEY #1					
8249953		103	CHARLES PRIMM #2					
8249953		103	ICIE JONES #1					
8249956		103	JAMES #1					
8249956		103	KRAUS #1					
8249957		103	KRAUS #1					
8249961		107-DV	LEMLEY #1					
8249972		107-DV	LEWIS #3					
8249948		103	LEWIS #3					
8249969		107-DV	LEWIS #3					

JD NO.	JA DKT	D SEC(1)	D SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8249987		4708505162	103	MCCABE #2	UNION DISTRICT	16.0	
8249960		4701703020	103	PRIMM #3	UNION	15.0	
8249952		4709702167	103	SIMONS #1	WARREN DISTRICT	10.0	
8249971		4709702167	107-0V	SIMONS #1	* SKIN CREEK DISTRICT	10.0	
8249954		4704103050	103	STRADER #1	SKIN CREEK DISTRICT	10.0	
8249966		4704103050	107-0V	STRADER #1	COURTHOUSE DISTRICT	20.0	
8249959		4704103081	103	THORN LINGER #1	COURTHOUSE DISTRICT	20.0	
8249965		4704103081	107-0V	RECEIVED:	08/16/82 JA: WV	0.0	CONSOLIDATED GAS
-ENERGY UNLIMITED INC		4707300920	108	RECEIVED:	08/16/82 JA: #2	0.0	CONSOLIDATED GAS
8249985		4707300921	108	NORRIS #1	GRANT DISTRICT	0.0	
-TERRY GAS CO		4701100496	108	UNION	NORRIS #1	0.0	
8249984		4701303220	108	RECEIVED:	08/16/82 JA: WV	0.0	GAS SUPPLY CORP
-UNITED PETRO LTD		4701303220	108	RANDY FRY	RUSH RUN	6.0	CONSOLIDATED GAS
8249947		4701303219	108	RONNIE MARGOLIS #1	RUSH RUN	6.0	CONSOLIDATED GAS
8249946		4701303202	108	W V A PULP & PAPER CO #1	RUSSETT	6.0	CONSOLIDATED GAS
8249944		4701303203	108	W V A PULP & PAPER CO #2	RUSSETT	6.0	CONSOLIDATED GAS
8249945		4701303203	108	RECEIVED:	08/16/82 JA: WV	0.0	CONSOLIDATED GAS
-YALE OIL ASSOCIATION INC		47070701678	163	W W KELLY #2	SALT LICK	0.0	CONSOLIDATED GAS
8249943				*****	*****	*****	*****
***** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, CASPER, WY				*****	*****	*****	*****
-FALCON-COLORADO EXPLORATION INC		RECEIVED:	08/17/82 JA: MT	5	BONDOIN	1.0	MONTANA-DAKOTA UT
8249916 M34-2		2510521199	103	FEDERAL 29-1	BONDOIN	1.4	MONTANA-DAKOTA UT
8249915 M33-2		2510521198	103	FEDERAL 29-2	BONDOIN	1.6	MONTANA-DAKOTA UT
8249914 M32-2		2510521196	103	FISHER 21-1	SWANSON CREEK		
-MIDLANDS GAS CORPORATION		RECEIVED:	08/17/82 JA: MT	5	BONDOIN	22.0	KANSAS-NEBRASKA N
8249892 M 360-1		2507121349	108	333432 #1 3342	BONDOIN		
-APACHE CORPORATION		RECEIVED:	08/17/82 JA: ND	5	BUCKHORN	70.8	KOCH HYDROCARBON
8249895 ND575-1		3300703689	102-2	FEDERAL #2-2	BUCKHORN	98.5	KOCH HYDROCARBON
8249914 ND574-1		3307070573	102-2	FEDERAL #3-1	BUCKHORN		
8249894 ND49-2		33007070738	102-2	RECEIVED:	08/17/82 JA: ND	5	T R FIELD
-GETTY OIL COMPANY		33007070738	102-2	MYSTERY CREEK 1-11F	SCAIRT WOMAN	18.0	KOCH HYDROCARBON
8249929 ND49-2		3300530135	102-2	RECEIVED:	08/17/82 JA: ND	5	SCAIRT WOMAN
-LAOD PETROLEUM CORPORATION		3300530135	102-2	DUNCAN-FEDERAL #30-5	MONDAK	215.0	KOCH HYDROCARBON
8249917 ND37-2		3300530135	102-4	RECEIVED:	08/17/82 JA: ND	5	52.5 MONTANA DAKOTA UT
-SHELL OIL CO		3305301282	102-4	USA 13-14-65	MONDAK		
8249893 ND 503-1		3305301282	102-4	RECEIVED:	08/17/82 JA: ND	5	14.6 WESTERN GAS PROCE
-TENNECO OIL COMPANY		330070639	102-2	MOHR USA 4-13	BIG STICK		
8249933 ND53-2		330070639	103	RECEIVED:	08/17/82 JA: WV	5	
-AMOCO PRODUCTION CO		4902920772	103	LITTLE BUFFALO BAS	LITTLE BUFFALO BASIN	15.0	AMOCO PRODUCTION
8249934 W 54-2		4902920772	103	LITTLE BUFFALO BAS	LITTLE BUFFALO BASIN	15.0	AMOCO PRODUCTION
8249936 W 56-2		4902920772	103	LITTLE BUFFALO BAS	LITTLE BUFFALO BASIN	15.0	AMOCO PRODUCTION
8249935 W 55-2		4902920772	103	LOST SOLDIER UNIT #113 (TENSLEEP)	LOST SOLDIER - TENSLE	11.0	NORTHERN GAS CO
8249936 W 56-2		4902920772	103	LOST SOLDIER UNIT #114 (TENSLEEP)	LOST SOLDIER - TENSLE	15.7	NORTHERN GAS CO
8249901 W 15-2		49035721304	103	LOST SOLDIER UNIT #115 (TENSLEEP)	LOST SOLDIER - TENSLE	6.9	NORTHERN GAS CO
8249902 W 16-2		49035721240	103	LOST SOLDIER UNIT #139 (MADISON)	LOST SOLDIER - MADISO	1.0	NORTHERN GAS CO
8249903 W 17-2		49035721239	103	LOST SOLDIER UNIT #140 (MADISON)	LOST SOLDIER - MADISO	2.6	NORTHERN GAS CO
8249940 W 60-2		49035721713	103	LOST SOLDIER UNIT #91 (TENSLEEP)	LOST SOLDIER - TENSLE	3.6	NORTHERN GAS CO
8249939 W 59-2		49035721714	103	LOST SOLDIER UNIT #92 (TENSLEEP)	LOST SOLDIER - TENSLE	5.0	NORTHERN GAS CO
8249896 W 11-2		49035720910	103	LOST SOLDIER UNIT #93 (TENSLEEP)	LOST SOLDIER - TENSLE	2.0	NORTHERN GAS CO
8249897 W 11-2		49035720911	103	LOST SOLDIER UNIT #96 (TENSLEEP)	LOST SOLDIER - TENSLE	11.3	NORTHERN GAS CO
8249898 W 12-2		49035720912	103				
8249899 W 13-2		49035720914	103				

PAGE 005

VOLUME 729

JD NO	JA DKT	API NO	U SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8249900	W-14-2	4903720915	103		LOST SOLDIER UNIT #97 (TENSLEEP)	LOST SOLDIER - TENSLEE	3.2	NORTHERN GAS CO
8249941	W 61-2	4902320424	103		SHUTE CREEK UNIT #8 (DAKOTA)	SHUTE CREEK - DAKOTA	22.0	
8249937	W 57-2	4900720598	103		SOUTH BAGGS UNIT #26	BAGGS DEEP FIELD-MORG	220.0	
8249938	W 58-2	4900720598	107-DP		SOUTH BAGGS UNIT #26	BAGGS DEEP FIELD-MORG	220.0	
8249905	W20-2	4903721634	103		WERTZ ABC UNIT #59 (TENSLEEP)	WERTZ - TENSLEEP	24.8	NORTHERN GAS CO
8249906	W21-2	4903721780	103		WERTZ ABC UNIT #66 (TENSLEEP)	WERTZ - TENSLEEP	12.0	NORTHERN GAS CO
-CITIES SERVICE COMPANY								
8249922	W42-2-T	4903721136	107-TF		RECEIVED: 08/17/82 JA: WY 5	WILDROSE	38.9	CITIES SERVICE GA
8249912	W33-2	4900525875	102-2		RECEIVED: 08/17/82 JA: WY 5	PUMPKIN BUTTES	12.8	
-DAVIS OIL COMPANY								
8249913	W31-2	4900525918	103		RECEIVED: 08/17/82 JA: WY 5	PORCUPINE	114.8	BIG HORN FRACTION
8249927	W47-2	4900525799	103		RECEIVED: 08/17/82 JA: WY 5	E HILIGHT	31.6	PHILLIPS PETROLEU
8249928	W48-2	4900526131	103		RECEIVED: 08/17/82 JA: WY 5	DEVELOPMENT	3.2	PHILLIPS PETROLEU
8249910	W27-2	4904521592	103		RECEIVED: 08/17/82 JA: WY 5	WILDCAT	6.0	PHILLIPS PETROLEU
8249925	W45-2	4900526096	103		RECEIVED: 08/17/82 JA: WY 5	NORTH HIGHLIGHT	26.6	PHILLIPS PETROLEU
8249926	W46-2	4900526082	103		RECEIVED: 08/17/82 JA: WY 5	HILIGHT	21.0	PHILLIPS PETROLEU
8249923	W43-2	4900525999	103		RECEIVED: 08/17/82 JA: WY 5	DEVELOPMENT	29.4	BIG HORN FRACTION
8249942	W 62-2	4900921918	103		RECEIVED: 08/17/82 JA: WY 5	WILDCAT	20.0	PHILLIPS PETROLEU
8249924	W44-2	4904521701	103		RECEIVED: 08/17/82 JA: WY 5	TODD	13.8	PHILLIPS PETROLEU
-GETTY OIL COMPANY								
8249932	W52-2	4900921966	102-2		RECEIVED: 08/17/82 JA: WY 5	SCOTT	75.0	PHILLIPS PETROLEU
8249931	W51-2	4900921789	102-2		RECEIVED: 08/17/82 JA: WY 5	SCOTT	100.0	PHILLIPS PETROLEU
-HPC INC								
8249907	W23-2	4900525681	102-2		RECEIVED: 08/17/82 JA: WY 5	COLLINS	1.0	WESTERN GAS PROCE
-OHIO PETROLEUM CO								
8249921	W41-2	4901920553	103		RECEIVED: 08/17/82 JA: WY 5	JEPSON DRAW	144.6	PHILLIPS PETROLEU
8249920	W40-2	4901920617	103		RECEIVED: 08/17/82 JA: WY 5	FEDERAL #5-13	36.0	PHILLIPS PETROLEU
8249918	W38-2	4901920406	103		RECEIVED: 08/17/82 JA: WY 5	FEDERAL #5-5	0.0	PHILLIPS PETROLEU
8249919	W39-2	4901920412	103		RECEIVED: 08/17/82 JA: WY 5	FEDERAL #6-A	0.0	PHILLIPS PETROLEU
-TEXAS AMERICAN OIL CORP								
8249908	W 25-2	4902920984	102-2		RECEIVED: 08/17/82 JA: WY 5	JEPSON DRAW	791.3	TENNESSEE GAS PIP
8249909	W 26-2	4902920984	103		RECEIVED: 08/17/82 JA: WY 5	MEETEETSE 21-1	791.3	TENNESSEE GAS PIP
-TRUE OIL COMPANY								
8249930	W50-2	4900320364	108		RECEIVED: 08/17/82 JA: WY 5	MEETEETSE 21-1	14.0	MONTANA-DAKOTA UT
-WOODS PETROLEUM CORPORATION								
8249911	W28-2	4900526287	103		RECEIVED: 08/17/82 JA: WY 5	EMBLEM	1.0	WESTERN GAS PROCE
8249904	W18-2	4900525850	103		RECEIVED: 08/17/82 JA: WY 5	PINE TREE	1.0	WESTERN GAS PROCE
- PINE TREE UNIT 5-31								
- PINE TREE UNIT 6-24								

## OTHER PURCHASERS

VOLUME NO :729

8249841	ELIZABETHTOWN	GAS CO
8249842	ELIZABETHTOWN	GAS CO
8249843	ELIZABETHTOWN	GAS CO
8249844	ELIZABETHTOWN	GAS CO
8249845	ELIZABETHTOWN	GAS CO

Kenneth F. Plumb,  
Secretary.

**Office of Hearings and Appeals****Issuance of Proposed Decision and Order; Week of August 23 Through August 27, 1982**

During the week of August 23 through August 27, 1982, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of the proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave. NW, Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated: September 13, 1982.

George B. Brezny,  
Director, Office of Hearings and Appeals.

State of Connecticut, Hartford, Connecticut,  
HEE-0032, conservation

The State of Connecticut filed an Application for Exception from the provisions of 10 CFR Part 455. The exception request, if granted, would permit Connecticut to use 45% (instead of 15%) of the federal funds allocated for conservation programs for schools and hospitals in Cycle IV of the DOE Institutional Building Grant Program for technical assistance programs. On August 27, 1982, the Department of Energy issued a Proposed Decision and Order which determined that

the exception request be denied.

[FR Doc. 82-25604 Filed 9-18-82; 8:45 am]

BILLING CODE 6450-01-M

**FEDERAL RESERVE SYSTEM****Agency Forms Under Review**

September 10, 1982.

**Background**

When executive departments and agencies proposed public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act [44 U.S.C. Chapter 35]. Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the *Federal Register*, but occasionally the public interest requires more rapid action.

**List of Forms Under Review**

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the *Federal Register*. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appears below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

**FOR FURTHER INFORMATION CONTACT:**  
Federal Reserve Board Clearance  
Officer—Cynthia Glassman—Division

of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829).

**OMB Reviewer**—Richard Sheppard—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880).

**Request for Extension Without Revision**

**1. Report title:** Monthly Bankers' Acceptance Survey.

**Agency form number:** FR 2006.

**Frequency:** Monthly.

**Reporters:** Commercial banks, U.S. branches and agencies of foreign banks and Edge Act Corporations whose bankers' acceptances are traded in the New York market.

**SIC Code:** 602, 605.

**Small businesses** are not affected.

**General description of report:** approximately 4,080 responses; approximately 27,744 hours needed to complete the form on an annual basis; average response time of 6.8 hours; respondent's obligation to reply is voluntary; a pledge of confidentiality is promised; cost to the public is approximately \$416,160 annually; cost to the Federal Government is approximately \$11,450; 1 form submitted for approval; the report is not being reviewed under Section 3504(h) of Pub. L. 96-511.

Data obtained from this survey are used to construct estimates of monetary aggregates and bank credit. These data are also needed to monitor developments in the acceptance market for analytical and monetary policy purposes.

**2. Report title:** Weekly Report of Assets and Liabilities for Large U.S. Branches and Agencies of Foreign Banks.

**Agency form number:** FR 2069.

**Frequency:** Weekly.

**Reporters:** U.S. branches and agencies of foreign banks with assets of \$750 million or more as of 6/30/80.

**SIC code:** 605 pt.

**Small businesses** are not affected.

**General description of report:** approximately 2,548 responses; approximately 8,918 hours needed to complete the form on an annual basis; average response time of 3.5 hours; respondent's obligation to reply is voluntary; a pledge of confidentiality is promised; cost to the public is approximately \$133,770 annually; cost to the Federal Government is approximately \$54,475; 1 form submitted

for approval; the report is not being reviewed under Section 3504(h) of Pub. L. 96-511.

The report provides current information on credit developments and sources of funds at U.S. branches and agencies of foreign banks. The data are used to analyze current banking and monetary conditions.

3. Report title: Quarterly Reports of International Banking Facilities.

Agency form numbers: FR 2073 a, b, c; 2074; 2075.

Frequency: Quarterly.

Reporters: International Banking Facilities established by U.S. depository institutions, U.S. branches and agencies of foreign banks or Edge Act Agreement Corporations.

SiC code: 602 pt; 605 pt.

Small businesses are not affected.

General description of reports: approximately 1,444 responses; approximately 1,640 hours needed to complete the form on an annual basis; average response time of approximately 1 hour; respondent's obligation to reply is mandatory (12 U.S.C. 248(a), 3105(h), 602, 625); a pledge of confidentiality is not promised; cost to the public is approximately \$32,800 annually; cost to the Federal Government is approximately \$110,464; 5 forms submitted for approval; the reports are not being reviewed under section 3504(h) of Pub. L. 96-511.

The reports provide information needed by the Federal Reserve to monitor International Banking Facilities (IBFs). These reports enable the user to adjust the establishing entity's consolidated Report of Condition information for IBF assets and liabilities.

Board of Governors of the Federal Reserve System, September 10, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-25623 Filed 9-18-82; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control

Cooperative Agreement Program for Occupational Health and Safety Surveillance; National Institute for Occupational Safety and Health; Public Health Service; Centers for Disease Control

#### Correction

In FR Doc. 82-23934 beginning on page 38424 in the issue of Tuesday, August 31, 1982, make the following corrections:

1. On page 38426, middle column, in the second full paragraph under

*Application Procedure*, the room number in the address now given as "Room 125" should have read "Room 124".

2. In the next column, under *Schedule for Receipt and Review of Applications*, the dates for Initial Review Group now reading "December 1982 or January 1982" should have read "December 1982 or January 1983", and the date for Earliest Award Date now reading "April 1982" should have read "April 1983".

BILLING CODE 1505-01-M

### Neurotoxicity of Straight-Chain Carbon Compounds; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available.

Date: September 29, 1982

Time: 10:30 a.m. to 4:00 p.m.

Place: Robert A. Taft Laboratories, 4676 Columbia Parkway, Room B38, Cincinnati, Ohio 45226

Purpose: This meeting is intended to review an intramural research project to evaluate the comparative neurotoxicity of selected carbon-based compounds varying in chemical structure and functional characteristics. Neurobehavioral tests of nerve conduction, reflex responding, and general excitability of the central nervous system will be used in a laboratory investigation of animals exposed to the selected compounds in both subchronic and acute schedules. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information may be obtained from: John Russo, Ph. D., Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: (513) 684-8383.

Dated: September 9, 1982.

William H. Foege, M.D.,  
Director, Centers for Disease Control.

[FR Doc. 82-25625 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-19-M

### Cooperative Agreements; Preventive Health Services-Tuberculosis Control; Availability of Funds for Fiscal Year 1982

The Centers for Disease Control (CDC) announces the availability of funds in Fiscal Year 1982 for Cooperative Agreements for Tuberculosis Control Programs, Catalog

of Federal Domestic Assistance Number 13.283. This program is authorized by Section 317(a) of the Public Health Service Act (42 U.S.C. 247b), as amended. Regulations governing programs for preventive health services are codified at 42 CFR Part 51b. Subpart A contains general provisions relating to these programs. A new subpart governing tuberculosis control programs is being developed.

Eligible applicants for this program are the official public health agencies of State and local governments, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and American Samoa. However, because of the limited funds available in Fiscal Year 1982, awards will be limited to support of programs in high-priority urban areas with a city of at least 250,000 population which have reported an average of more than 250 new cases of tuberculosis per year over the past 2 years and had an incidence rate greater than the national tuberculosis incidence rate reported in 1981 (11.9 per 100,000 population) during each of the past 2 years.

Applications meeting these requirements will be evaluated and priority for funding of new projects established, based upon the following factors: (1) The total number of cases reported in the past 2 years; (2) the number of bacteriologically confirmed cases reported in the past 2 years; (3) the bacteriologically substantiated incidence of disease reported during the past 2 years; (4) the number of tuberculosis cases among children under 15 years of age; (5) the community impact of tuberculosis among individuals who were born in countries with high rates of tuberculosis; (6) the prevalence of drug resistant tuberculosis within the area; (7) a significant increase in tuberculosis morbidity within the past 2 years; and (8) the overall potential effectiveness of the applicant's plan of operation in meeting the objectives of the proposed project. These factors were chosen to establish the extent of an area's tuberculosis problem and to incorporate the intent of Congress for expenditure of these funds.

#### Purpose and Cooperative Activities

##### A. Purpose

The national goal in tuberculosis control is to reestablish an annual reduction of reported tuberculosis cases of at least 5 percent. The minimum

short-term objectives needed to meet this goal include:

1. At least 75 percent of all initially infectious patients will become noninfectious (convert their sputum from positive to negative) within 3 months of starting treatment and at least 95 percent will become noninfectious within 6 months.
2. At least 90 percent of all reported cases of tuberculosis will complete an American Thoracic Society/Centers for Disease Control (ATS/CDC) recommended regimen of antituberculosis drug therapy.

At least 95 percent of all close contacts to infectious cases will receive examinations, with at least 95 percent of all those under 15 years of age and 75 percent of all infected persons over 15 years of age placed on preventive treatment.

4. For close contacts and recently infected individuals placed on preventive therapy, at least 90 percent of those persons under 15 years of age and 75 percent of those persons who are infected and over 15 years of age will complete a recommended course of preventive therapy.

#### *B. Cooperative Activities*

The collaborative and programmatic involvement of CDC and recipients of funds is as follows:

##### *1. Recipient Public Health Agency Activities.*

a. Improvement in the reporting of all tuberculosis cases, suspects, and significant laboratory results by health care providers and laboratories in both the public and private sectors and the analysis of reporting trends. Implementation of updated public health record systems needed to monitor the current care status of patients, suspects, contacts, and high-risk infected persons in the community.

b. Deployment of outreach personnel for followup of patients and their contacts and application or intensification of directly administered daily or intermittent drug treatment.

c. Tuberculosis diagnostic, treatment, and prevention services that are available and effectively adapted to the characteristics of tuberculosis population subgroups. Implementation of special approaches to meet the needs of immigrants with inherent language and cultural barriers.

d. Development or continuation of cost effective, medically sound tuberculosis medical care and public health policies. A major policy component should be the use of recommended ATS/CDC treatment regimens.

e. Epidemiological analysis and rapid followup for laboratory reports of drug resistant organisms.

f. Special epidemiological direction and assistance for the investigation and analysis of special tuberculosis problems such as tuberculosis in foreign born, etc. This should include detailed investigation of all cases in children to identify causes of community control failure and to design more effective prevention and control actions.

##### *2. Centers for Disease Control Activities.*

a. Collaboration in the development and operation of tuberculosis case reporting and program management record systems. Assistance in analysis and evaluation of morbidity, mortality, and program management information.

b. Assistance in the development of program personnel through onsite assistance and the provision of training materials for use by project staff.

c. Provision of onsite technical assistance in the planning, operation, and evaluation of program activities.

d. Provision of medical and programmatic consultation from headquarters through telephone and written consultation.

e. Development and dissemination of public health and medical policies and recommendations for the diagnosis, treatment, and prevention of tuberculosis (including the development of joint ATS/CDC statements).

Development of patient education and motivation materials.

Quarterly and/or semiannual narrative and performance statistical reports may be required subject to approval by the Office of Management and Budget (OMB). Financial status reports are required no later than 90 days after the end of each budget period. Final financial status and progress reports are required 90 days after the end of a project period.

It is expected that \$1 million will be available in Fiscal Year 1982 to award between 5 and 10 cooperative agreements with individual projects ranging from \$50,000 to \$250,000.

Applications should be submitted for a 1 year budget period and a 1 to 3 year project period. Continuation awards within the project period will be made by CDC on the basis of satisfactory progress in meeting project objectives and on the availability of funds. Funding estimates outlined above may vary and are subject to change due to the uncertainties in the appropriation process.

Cooperative agreement funds may be used to support both local personnel and the employment of individuals in direct (i.e., "in lieu of cash") assistance

positions under Section 317 of the Public Health Service Act; and to purchase supplies and services directly related to public health tuberculosis outpatient activities, including morbidity surveillance, outreach, training, assessment, and expanded prevention activities. Project funds may not be used to supplant funds supporting existing tuberculosis control services provided by a State or locality, or to support construction costs or inpatient care.

The application for a new cooperative agreement must include a brief narrative which summarizes: (1) A description of the background and need for project support including information (not previously submitted) that relates to factors by which the application will be evaluated; (2) a listing to both long- and short-term objectives of the proposed project which are consistent with the national goal outlined above and which are specific, measurable, realistic, and time-framed; (3) the activities and methods which will be employed to accomplish the objectives (of special importance will be the employment of outreach workers in high incidence areas for use in patient followup and directly administered therapy programs); (4) the methods which will be employed to evaluate program activities; (5) fiscal information of the applicant pursuant to provisions of Section 317(b)(2), although there are no matching or cost participation requirements; and (6) any other information which will support the request for assistance.

In order to supplement information provided in the application, a more detailed narrative expanding the six project elements listed in the previous paragraph may be required to be submitted for review and approval of the awarding agency within 90 days after the cooperative agreement has been awarded.

The original and one copy of the application must be submitted to the address in 1.a. below on or before 4:30 p.m. (e.d.t.) on September 27, 1982. Applications may meet the deadline by either delivering or mailing the application on or before that date provided the following conditions are met:

*1. Mailed applications.* Applications mailed through the U.S. Postal Service shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date by Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control 255 E. Paces Ferry Road, N.E., Room 107A, Atlanta, Georgia 30305, or

b. Sent by first class mail, postmarked on or before the deadline date, and received by the granting agency in time for submission to the independent review group. (Applicants must be cautioned to request a legible U.S. Postal Service postmark or to use express mail or certified or registered mail and obtain a legible dated mailing receipt from the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. *Applications submitted by other means.* Applications submitted by any means except mailing first class through the U.S. Postal Service shall be considered as meeting the deadline only if they are physically received at the place specified in paragraph 1 above before the close of business on or before the deadline date (4:30 p.m., e.d.t., on September 27, 1982).

3. *Late applications.* Applications which do not meet the criteria in either paragraphs 1 or 2, are considered late applications. In that event an application will not be considered in the current competition.

4. *Copies of Applications.* A copy of the application should be simultaneously submitted to the appropriate Department of Health and Human Services Regional Office listed below. For applicants who are other than State agencies, a copy of the application should be sent to the appropriate State health agency.

Applications are subject to review as governed by OMB Circular A-95 and regulations (42 CFR Part 122—amendment published 47 FR 3551, January 26, 1982, and Part 123) implementing the National Health Planning and Resources Development Act of 1974. Information on application procedures, copies of application forms, and other material may be obtained from Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 E. Paces Ferry Road, N.E., Room 107A, Atlanta, Georgia 30305, telephone (404) 262-6575, or FTS: 238-6575. Technical assistance may be obtained from Mr. John J. Seggerson, Tuberculosis Control Division, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 329-2508, or FTS: 238-2508. Both application information and technical assistance are also available from the appropriate Department of Health and Human Services Regional Office listed below.

Dated: September 15, 1982.

William H. Foege,

Director, Centers for Disease Control.

**Department of Health and Human Services (HHS) Regional Offices**

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223-6827

Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 284-2581

Regional Health Administrator, PHS, HHS Region III, Gateway Building #1, 3521-35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596-6637

Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323, (404) 221-2316

Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353-1385

Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767-3879

Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-3291

Regional Health Administrator, PHS, HHS Region VIII, Room 1185, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294, (303) 837-4461

Regional Health Administrator, PHS, HHS Region IX, 50 United National Plaza, San Francisco, California 94102, (415) 556-5810

Regional Health Administrator, PHS, HHS Region X, 2901 Third Avenue, M.S./402, Seattle, Washington 98121, (206) 442-0430

[FR Doc. 82-25857 Filed 9-16-82; 10:24 am]

BILLING CODE 4160-18-M

**Food and Drug Administration**

**Advisory Committee; Notice of Meetings**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is

issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

**Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel**

*Date, time, and place.* October 15, 9 a.m., Auditorium, 200 Independence Ave. SW., Washington, D.C.

*Type of meeting and executive secretary.* Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; George C. Murray, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

*General function of committee.* The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation. The committee also reviews data on new devices and makes recommendations regarding their safety and effectiveness and their suitability for marketing.

*Agenda—Open public hearing.* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the executive secretary before October 1 and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

*Open committee discussion.* The committee will discuss premarket approval applications or general issues relating to contact lens or other ophthalmic products.

**Science Advisory Board—Logistics Systems Subcommittee**

*Date, time, and place.* October 21 and 22, 9 a.m., Conference Room, Bldg. 13, National Center for Toxicological Research, Jefferson, AR.

*Type of meeting and contact person.* Open public hearing, 9 a.m. to 10 a.m., open committee discussion, 10 a.m. to 4:30 p.m.; Lawrence L. Fishbein, National Center for Toxicological Research (HFT-30), Jefferson, AR 72079, 501-541-4390.

*General function of the committee.* To assist the Director, National Center for Toxicological Research, in establishing and implementing as well as reviewing a

research program including support areas that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities. The Board, as a whole or under the subcommittee structure, provides the extra-agency review in ensuring that research programs and methodology development at National Center for Toxicological Research are scientifically sound and pertinent to environmental problems.

**Agenda—Open public hearing.** Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

**Agenda—Open committee discussion.** The Subcommittee will hear reports and make recommendations on the following agenda items: (a) Review of existing facilities: (1) Recommendations as to equipment requirements for diet preparation and animal husbandry; (2) renovations of existing facilities for diet preparation and animal care areas; and (3) controls for maintaining good laboratory practice standards in diet preparation and animal care areas. (b) Review of flow processes in animal husbandry, diet preparation, and pathology. (c) Review of the science management tracking system: (1) administrative systems; (2) experimental tracking systems; and (3) computerization of systems.

#### Fertility and Maternal Health Drugs Advisory Committee

**Date, time, and place.** October 28 and 29, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

**Type of meeting and executive secretary.** Open public hearing, October 28, 9 a.m. to 10 a.m.; open committee discussion, October 28, 10 a.m. to 5 p.m.; October 29, 9 a.m. to 5 p.m.; A. T. Gregoire, National Center for Drugs and Biologics (HFD-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1869.

**General function of the committee.** The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drug products for use in obstetrics, gynecology, and contraception.

**Agenda—Open public hearing.**

Interested persons who wish to present data, information, or views, orally or in writing, on issues pending before the committee should contact the committee executive secretary.

**Open committee discussion.** On October 28, the committee will discuss (1) the safety and efficacy of the small

Cu7 intrauterine device (NDA 18-601) and (2) the efficacy and labeling of "Secure", a vaginal contraceptive sponge (NDA 18-683). On October 29, the Committee will discuss (1) the FDA action report, (2) animal testing requirements for new parenteral formulations of previously approved oral progestagens, and (3) draft guidelines for the testing of GnRH and its analogues.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this *Federal Register* notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday

through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: September 8, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-25274 Filed 9-18-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80N-0382; DESI Nos. 64, 6340, 7337, 8658, 10996, and 11792]

#### Prescription and Over-the-Counter Drug Products Containing Phenacetin; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

##### Correction

In FR Doc. 82-21740, published at page 34636, on Tuesday, August 10, 1982, on page 34639, in the third column, in the third full paragraph, in the first line "L. NDA 12-365" should be corrected to read "L. NDA 12-366".

BILLING CODE 1505-01-M

#### Consumer Participation; Notice of Open Meeting

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting: Newark District Office, chaired by Matthew H. Lewis, District Director.

**DATE:** Tuesday, September 28, 1982, 12:30 p.m. to 2:30 p.m.

**ADDRESS:** St. Paul's Episcopal Church, 11 York Rd., North Arlington, NJ.

**FOR FURTHER INFORMATION CONTACT:** Joan Godal, Consumer Affairs Officer, Food and Drug Administration, 20 Evergreen Place, East Orange, NJ 07018, 201-645-6365.

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: September 14, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-25598 Filed 9-18-82; 8:45 am]

BILLING CODE 4160-01-M

**Burroughs Wellcome Co., Oxytocin Injection and Pentobarbital Solution; Withdrawal of Approval of NADA's**

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing approval of new animal drug applications (NADA's) sponsored by Burroughs Wellcome Co. for pentobarbital sodium and oxytocin double strength solution. The firm requested withdrawal of approval.

**EFFECTIVE DATE:** September 27, 1982.

**FOR FURTHER INFORMATION CONTACT:** David N. Scarr, Bureau of Veterinary Medicine (HFF-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1846.

**SUPPLEMENTARY INFORMATION:** Wellcome Animal Health Division, Burroughs Wellcome Co., Kansas City, MO 64108, is the sponsor of NADA 2-562 for Toxitol Solution (pentobarbital sodium) for intravenous administration in dogs, and NADA 9-147 Oxytocin (double U.S.P. strength) for intravenous, intramuscular, or subcutaneous administration in cats, dogs, ewes, sows, cows, and horses. The firm, by letter dated May 6, 1982, requested withdrawal of approval of these applications because the products have not been manufactured or marketed for many years.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84) and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA's 2-562 and 9-147 and all supplements thereto are hereby withdrawn effective September 27, 1982.

Dated: September 9, 1982.

Gerald B. Guest,  
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-25592 Filed 9-16-82; 8:45 am]  
BILLING CODE 4160-01-M

[Docket No. 82F-0271]

**Ciba-Geigy Corp.; Filing of Food Additive Petition**

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) announces that Ciba-Geigy Corp. has filed a petition

proposing that the food additive regulations be amended to provide for the safe use of polymaleic acid and/or its sodium salt to control mineral scale in beet sugar juice and liquor, or cane sugar juice and liquor.

**FOR FURTHER INFORMATION CONTACT:** Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2A3652) has been filed by Ciba-Geigy Corp., Hawthorne, NY 10532, proposing that Part 173 (21 CFR Part 173), Subpart A—Polymer Substances for Food Treatment, be amended to provide for the safe use of polymaleic acid and/or its sodium salt to control mineral scale in beet sugar juice and liquor, or cane sugar juice and liquor.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: September 9, 1982.

Sanford A. Miller,  
Director, Bureau of Foods.  
[FR Doc. 82-25592 Filed 9-16-82; 8:45 am]  
BILLING CODE 4160-01-M

[Docket No. 82D-0049]

**Defect Action Levels for Insect Fragments and Rodent Hairs in Macaroni and Noodle Products; Availability of Guide**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) announces the availability of Compliance Policy Guide 7102.06 that revises the established defect action levels for insect fragments and rodent hairs in macaroni and noodle products.

**DATE:** Comments, data, and information may be submitted by September 19, 1983.

**ADDRESS:** Written comments, data, and information on the defect action levels and requests for single copies of FDA's Compliance Policy Guide 7102.06 may be submitted to the Dockets Management Branch (HFA-305), Food

and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth J. Campbell, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

**SUPPLEMENTARY INFORMATION:** FDA collected 1,500 samples of macaroni and noodle products from the retail market and analyzed them for insect and rodent filth. As a result of this analysis, FDA established defect action levels for insect and rodent filth in macaroni and products as an average of 25 or more insect fragments per 225 grams or an average of 1.2 rodent hairs per 225 grams. After these action levels were published, the agency discovered that they conflicted with the action levels established for insect and rodent filth in soft wheat flour.

Macaroni and noodle products are normally made from hard flours (durum flour, semolina, and farina), which are not included in the action levels for flour (soft wheat flour). However, the standards of identity for macaroni and products (21 CFR Part 139) also allow the use of soft wheat flour for which defect action levels have been established.

The defect action levels for macaroni and noodle products are lower than those for soft wheat flour. Thus, macaroni or noodle products manufactured from nonviolutive soft wheat flour may violate the action levels set for macaroni and noodle products. Therefore, although the results of the retail market survey indicate that soft wheat flour is not commonly used in the manufacture of macaroni and noodle products, the action levels for macaroni and noodle products have been revised to permit the use of nonviolutive soft wheat flour in such products.

The revised action levels for macaroni and noodle products are based on those established for soft wheat flour. Under the standards of identity, macaroni and noodle products may be made entirely of soft wheat flour. Therefore, the action levels for macaroni products have been established by extrapolation from the action levels for flour. The resulting action levels for macaroni products, as set forth in revised Compliance Policy Guide 7102.06, are an average of 225 insect fragments or more per 225 grams of product or an average of 4.5 rodent hairs or more per 225 grams of product.

Background data and information concerning the establishment of these defect action levels have been filed with the Dockets Management Branch (address above), along with a copy of

Compliance Policy Guide 7102.06, and are available in that office for public examination between 9 a.m. and 4 p.m., Monday through Friday. Requests for single copies of Compliance Policy Guide 7102.06 should be submitted in writing to the Dockets Management Branch. During the year following publication of this notice in the *Federal Register*, FDA invites interested persons to submit any relevant data and information showing why these revised levels should be changed. These action levels will remain in effect until FDA has evaluated all the available data and has published its decision in the *Federal Register*.

Interested persons may submit to the Dockets Management Branch written comments, data, and information regarding these defect action levels. 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: September 9, 1982.

Joseph P. Hile,  
Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-25595 Filed 9-18-82; 8:45 am]  
BILLING CODE 4160-01-M

[Docket No. 82D-0233]

**Defect Action Level for Mold In Apricot, Peach, and Pear Nectars; Revision of Guide**

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is revising defect action levels for apricot, peach, and pear nectars that are contaminated by mold.

**DATE:** Comments, data, and information may be submitted by September 19, 1983.

**ADDRESS:** Written comments, data, and information on the revised defect action levels and requests for single copies of FDA Compliance Policy Guide 7110.31 should be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth J. Campbell, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-245-3092.

**SUPPLEMENTARY INFORMATION:** Defect action levels are guidelines that, although not promulgated in a

rulemaking proceeding, are evaluated by FDA for any potential impact on the affected industry. In some instances in the past, FDA has set action levels on the basis of studies of the actual levels of defects found in correlation with the attendant natural variables manufacturing practices, and sanitary conditions. Although FDA recognizes that the actual level of defects constitutes the best data on which to base defect action levels, the agency lacks the manpower and resources to obtain these kinds of data. In some cases, the agency may obtain data on which to base a defect action level from a retail survey, an alternative procedure that is also adequate.

A defect in a food may have been introduced during growth, processing, storage, or shipment. When defects are present at levels that meet or exceed defect action levels, FDA considers the condition of the products sufficiently defective, even with no attendant history of production, to justify regulatory action. When there is, or FDA has, evidence of insanitary conditions of production or storage, the agency may initiate regulatory action even when the adulteration is below the action level.

In the *Federal Register* of July 31, 1981 (46 FR 39222), FDA announced the availability of FDA Compliance Policy Guide (CPG) 7110.31 "Apricot, Peach, and Pear Nectars—Adulteration with Mold." The guide, which was based on data from a retail survey, established a defect action level that anticipated regulatory action when the average Howard mold count for six or more subsamples is 5 percent or above or if the Howard mold count for any one subsample is 20 percent or above. The notice invited comments on the defect action level. In response to the invitation, the National Food Processors Association (NFPA) submitted comments to the agency and submitted data stating that the action level would have adverse economic effects on the affected industry. The NFPA said that the action level should be far less stringent and that the sample preparation procedures specified in CPG 7110.31 were inappropriate.

As discussed above, the agency believes that the retail survey it used to obtain data is appropriate for the purpose of establishing the defect action level. However, after reviewing the comments and the summary of data presented, FDA agrees that there may be a greater adverse economic impact on the fruit nectar industry than the agency originally estimated. Accordingly, FDA has revised

Compliance Policy Guide 7110.31 to provide a less stringent defect action

level. Under revised CPG 7110.31, FDA will initiate regulatory action when the average Howard mold count for six or more subsamples is 12 percent or above. Regulatory actions will not be taken when only one subsample exceeds the action level. Further, the revised defect action level specifies that for the next 12 months, mold counts will be made on samples without further treatment (i.e., centrifuging). However, as discussed subsequently, after the 12-month period, samples will be subjected to the preparation procedures in official methodology. FDA believes that the new action level is still stringent enough to ensure that industry will produce apricot, peach, and pear nectars with only trivial and harmless levels of mold. Although FDA does not agree with the comments that the sample preparation procedures of CPG 7110.31 are inappropriate, the agency concludes that affected firms should have ample time to review and comment on the procedures before they are implemented. Accordingly, FDA is instructing its personnel not to use the new procedures for 12 months because many firms do not have the equipment required.

Background data and information concerning the revised defect action levels are on file in the Dockets Management Branch, along with a copy of Compliance Policy Guide 7110.31 and are available in that office for public examination between 9 a.m. and 4 p.m., Monday through Friday. Requests for single copies of FDA Compliance Policy Guide 7110.31 should refer to the docket number found in brackets in the heading of this document and should be submitted to the Dockets Management Branch, Food and Drug Administration (address above). During the year following publication of this notice in the *Federal Register*, FDA invites interested persons to submit any relevant data and information showing why these revised levels should be changed.

Interested persons may submit to the Dockets Management Branch, Food and Drug Administration, written comments, data, and information regarding these revised defect action levels. 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: September 9, 1982.

**Joseph P. Hilo,**

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-25594 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-01-M

**Hess & Clark, Inc.; PÖL Solution; Withdrawal of Approval of NADA**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Hess & Clark, Inc., providing for use of PÖL Solution for removing horns from calves and kids. The firm requested the withdrawal of approval.

**EFFECTIVE DATE:** September 27, 1982.

**FOR FURTHER INFORMATION CONTACT:**

David N. Scarr, Bureau of Veterinary Medicine (HVF-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

**SUPPLEMENTARY INFORMATION:** Hess & Clark, Inc., Seventh and Orange Sts., Ashland, OH 44805, is sponsor of NADA 6-074 which provides for use of the preparation PÖL Solution (antimony trichloride 28.5 percent and salicylic acid 6.75 percent) for removing horns from calves and kids.

The product was approved November 4, 1949. In their submission of May 4, 1982 to the Bureau of Veterinary Medicine, Hess & Clark requested withdrawal of approval of the NADA because the product is not being marketed. Approval of this NADA has not been codified in the Code of Federal Regulations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 6-074 and all supplements for Hess & Clark's PÖL Solution is hereby withdrawn, effective September 27, 1982.

Dated: September 9, 1982.

**Gerald B. Guest,**

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-25591 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-01-M

**[Docket No. 82M-0196]**

**Sof-Form, Inc.; Premarket Approval of SOF-FORM® II (Polymacon) Hydrophilic Contact Lenses**

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of SOF-FORM® II (polymacon) Hydrophilic Contact Lenses, sponsored by Sof-Form Inc., Sarasota, FL. The lenses are to be manufactured under an agreement with National Patent Development Corp., New Brunswick, NJ, which has authorized Sof-Form, Inc., to incorporate by reference information contained in its approved premarket approval application for the Hydron® (polymacon) Hydrophilic Contact Lens. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

**DATE:** Petitions for administrative review by October 18, 1982.

**ADDRESS:** Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:**

Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

**SUPPLEMENTARY INFORMATION:** On March 5, 1982, Sof-Form, Inc., Sarasota, FL, submitted to FDA an application for premarket approval of SOF-FORM® II (polymacon) Hydrophilic Contact Lenses for daily wear. The application included authorization from the National Patent Development Corp., New Brunswick, NJ, to incorporate by reference the information contained in its approved premarket approval application for the Hydron® (polymacon) Hydrophilic Contact Lens (Docket No. 79M-0244). The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application for this device. On June 1, 1982, FDA approved the application by a letter to the sponsor from the Acting

Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lenses and solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the *Federal Register* of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of approved contact lenses states that the lenses are to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses. However, the restrictive labeling needs to be updated periodically to refer to new lens solutions that FDA approves for use with approved contact lens. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of

the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the *Federal Register* of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

#### Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before October 18, 1982, file with the Dockets Management Branch (address above) four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 13, 1982.

William F. Randolph,

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82-25599 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82F-0272]

#### Sun Chemical Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Sun Chemical Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of propylene glycolated poly(*N*-1',2'-dihydroxyethylene-4-hydroxy-5-methylpyrimid-2-one) copolymer as a starch insolubilizer in paper coatings intended to contact dry food.

**FOR FURTHER INFORMATION CONTACT:** Vir Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW, Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3651) has been filed by Sun Chemical Corp., P.O. Box 70, Chester, SC 29706, proposing that the food additive regulations be amended to provide for the safe use of propylene glycolated poly(*N*-1',2'-dihydroxyethylene-4-hydroxy-5-methylpyrimid-2-one) copolymer as a starch insolubilizer in paper coatings intended to contact dry food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: September 8, 1982.

Sanford A. Miller,

*Director, Bureau of Foods.*

[FR Doc. 82-25593 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82M-0243]

#### Teledyne Industries, Inc., Teledyne Avionics Division; Premarket Approval of Sleep Sentry®

AGENCY: Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Sleep Sentry® sponsored by Teledyne Industries, Inc., Teledyne Avionics

Division, Charlottesville, VA. After reviewing the recommendation of the General Hospital and Personal Use Device Section of the General Medical Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

**DATE:** Petitions for administrative review by October 18, 1982.

**ADDRESS:** Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

**SUPPLEMENTARY INFORMATION:** On August 28, 1981, Teledyne Industries, Inc., Teledyne Avionics Division, Charlottesville, VA, submitted to FDA an application for premarket approval of the Sleep Sentry®, a monitor for skin temperature drop or a galvanic skin resistance drop in the area of the wrist to warn diabetics between the ages of 7 and 55 that one of two common symptoms of hypoglycemia is present. The application was reviewed by the General Hospital and Personal Use Device Section of the General Medical Devices Panel, an FDA advisory committee, which recommended approval of the application for this device. On July 8, 1982, FDA approved the application by a letter to the sponsor from the Acting Associate Director for Device Evaluation for the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

#### Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under

section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before October 18, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 13, 1982.

William F. Randolph,

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82-25597 Filed 9-16-82; 8:45 am]

BILLING CODE 4160-01-M

## National Institutes of Health

### Clinical Applications and Prevention Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, National Institutes of Health, November 8, 1982. The meeting will be held at the Federal Building, 7550 Wisconsin Avenue, Conference Room B119, Bethesda, Maryland 20205.

This meeting will be open to the public from 8:30 a.m. to adjournment to discuss new initiatives and program policies and issues. Attendance by the public is limited to space available.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of meetings and rosters of committee members. Dr. William Friedewald, Executive Secretary of the Committee, Federal Building, Room 212, Bethesda, Maryland 20205, Phone (301) 496-2533, will furnish substantive program information.

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: September 1, 1982.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Betty J. Beveridge,

*NIH Committee Management Officer.*

[FR Doc. 82-25590 Filed 9-16-82; 8:45 am]

BILLING CODE 4140-01-M

## Division of Research Grants; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for October through December 1982, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each study section. Since it is necessary to schedule study section meetings months in advance, it is suggested that anyone planning to attend a meeting contact the executive secretary to confirm the exact date, time and location. All times are A.M. unless otherwise specified.

Study section	October-December 1982 meetings	Time	Location
Allergy and Immunology, Dr. Eugene Zimmerman, Rm. 320, Tel. 301-496-7380	November 4-8	8:30	Holiday Inn, Georgetown, DC.
Bacteriology and Mycology-1, Dr. Milton Gordon, Rm. 304, Tel. 301-496-7340	October 20-22	8:30	Holiday Inn, Chevy Chase, MD.
Bacteriology and Mycology-2, Dr. William Branche, Jr., Rm. 306, Tel. 301-496-7681	October 20-22	9:00	Holiday Inn, Silver Spring, MD.
Behavioral Medicine, Dr. Joan Rittenhouse, Rm. 232, Tel. 301-496-7109	October 19-22	9:00	Capitol Hilton, Washington, DC.
Biochemical Endocrinology, Dr. Norman Gold, Rm. 226, Tel. 301-496-7430	October 25-27	8:30	Room 6, Bldg. 31C, Bethesda, MD.
Biochemistry-1, Dr. Adolphus P. Toliver, Rm. 318A, Tel. 301-496-7516	November 3-6	9:00	Georgetown Hotel, Washington, DC.
Biochemistry-2, Dr. Alex Liacouras, Rm. 318A, Tel. 301-496-7516	November 4-8	8:30	Linden Hill Hotel, Bethesda, MD.
Bio-Organic and Natural Products Chemistry, Dr. Michael Rogers, Rm. A-27, Tel. 301-496-7107	October 17-19	9:00	Holiday Inn, Georgetown, DC.
Biophysical Chemistry, Dr. John B. Wolff, Rm. 236B, Tel. 301-496-7070	October 28-30	8:30	Linden Hill Hotel, Bethesda, MD.
Bio-Psychology, Dr. A. Keith Murray, Rm. 220, Tel. 301-496-7058	October 12-15	9:00	Ramada Inn, Bethesda, MD.
Cardiovascular and Pulmonary, Dr. Miesha E. Friedman, Rm. 2A-04, Tel. 301-496-7316	October 25-27	8:00	Linden Hill Hotel, Bethesda, MD.
Cardiovascular and Renal, Dr. Rosemary Morris, Rm. 321, Tel. 301-496-7901	October 25-27	8:30	Westpark Hotel, Rosslyn, VA.
Cell Biology, Dr. Gerald Greenhouse, Rm. 338, Tel. 301-496-7396	November 29-December 1	8:30	Room A, Landow Bldg., Bethesda, MD.
Chemical Pathology, Dr. Edmund Copeland, Rm. 353, Tel. 301-496-7078	October 27-29	8:00	Holiday Inn, Bethesda, MD.
Communicative Sciences, Dr. Michael Halasz, Rm. 225, Tel. 301-496-7550	October 27-29	8:30	Capitol Holiday Inn, Washington, DC.
Diagnostic Radiology, Dr. Catherine Wingate, Rm. 219B, Tel. 301-496-7850	November 1-3	8:30	Shoreham Hotel, Washington, DC.
Endocrinology, Mr. Morris M. Graft, Rm. 333, Tel. 301-496-7346	October 18-20	7:00 p.m.	Holiday Inn, Georgetown, DC.
Epidemiology and Disease Control-1, Dr. Michael Alavanja, Rm. 203C, Tel. 301-496-7248	October 19-21	8:30	Wellington Hotel, Washington, DC.

Study section	October-December 1982 meetings	Time	Location
Epidemiology and Disease Control-2, Dr. Ann Schlueterberg, Rm. 203B, Tel. 301-496-7246.	October 19-21	8:30	Wellington Hotel, Washington, DC.
Experimental Cardiovascular Sciences, Dr. Richard Peabody, Rm. 234, Tel. 301-496-7940.	October 26-28	8:00	Holiday Inn, Chevy Chase, MD.
Experimental Immunology, Dr. David Lavin, Rm. 222B, Tel. 301-496-7238.	October 27-29	8:30	Holiday Inn, Georgetown, DC.
Experimental Therapeutics, Dr. Ira Kline, Rm. 319A, Tel. 301-496-7839.	October 20-23	8:30	Linden Hill Hotel, Bethesda, MD.
Experimental Virology, Dr. Eugene Zabovitz, Rm. 206, Tel. 301-496-7474.	October 18-20	8:30	Room 8, Bldg. 31C, Bethesda, MD.
General Medicine A, Dr. Harold Davidson, Rm. 354A, Tel. 301-496-7797.	November 8-10	8:30	Room 10, Bldg. 31C, Bethesda, MD.
General Medicine B, Dr. Antonia Novello, Rm. 322, Tel. 301-496-7730.	October 25-27	8:30	Holiday Inn, Georgetown, DC.
Genetics, Dr. David Remondini, Rm. 349, Tel. 301-496-7271.	October 21-23	9:00	Wilson Hall, Bldg. 1, Bethesda, MD.
Hematology-1, Dr. Clark Lum, Rm. 355A, Tel. 301-496-7508.	October 27-29	8:00	Marriott Hotel, Bethesda, MD.
Hematology-2, Dr. M. Wayne Hurst, Rm. 355B, Tel. 301-496-7508.	October 20-22	8:00	Room 9, Bldg. 31C, Bethesda, MD.
Human Development and Aging-1, Dr. Teressa Levitin, Rm. 303, Tel. 301-496-7025.	November 2-5	9:00	Wellington Hotel, Washington, DC.
Human Development and Aging-2, Dr. Samuel Rawlings, Rm. 305, Tel. 301-496-7640.	November 17-19	9:00	Embassy Square, Washington, DC.
Human Embryology and Development, Dr. Arthur Hoversland, Rm. 221, Tel. 301-496-7597.	October 25-27	8:00	Westpark Hotel, Rosslyn, VA.
Immunobiology, Dr. William Stylos, Rm. 222A, Tel. 301-496-7780.	October 27-29	8:30	Holiday Inn, Bethesda, MD.
Immunological Sciences, Dr. Lottie Kornfeld, Rm. 223A, Tel. 301-496-7179.	October 27-29	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Mammalian Genetics, Dr. Jerry Roberts, Rm. 349, Tel. 301-496-7271.	November 15-17	8:30	Room 10, Bldg. 31C, Bethesda, MD.
Medicinal Chemistry, Dr. Ronald Dubois, Rm. A-27, Tel. 301-496-7107.	October 20-22	8:00	Holiday Inn, Georgetown, DC.
Metabolism, Dr. Robert Leonard, Rm. 339A, Tel. 301-496-7091.	November 4-6	8:30	Room 6, Bldg. 31C, Bethesda, MD.
Metallobiochemistry, Dr. Marjam Behar, Rm. 310, Tel. 301-496-7733.	October 28-30	9:00	Westpark Hotel, Rosslyn, VA.
Microbial Physiology and Genetics-A, Dr. Martin Slater, Rm. 238, Tel. 301-496-7183.	October 27-29	8:30	Ramada Inn, Bethesda, MD.
Microbial Physiology and Genetics-B, Dr. Gerald Liddel, Rm. 357, Tel. 301-496-7130.	October 27-29	8:30	Marriott Hotel, Tyson's Corner, VA.
Molecular and Cellular Biophysics, Dr. Patricia Straat, Rm. 236A, Tel. 301-496-7060.	October 14-16	8:30	Sheraton Inn, Silver Spring, MD.
Molecular Biology, Dr. Donald Disque, Rm. 328, Tel. 301-496-7830.	October 21-23	8:30	Holiday Inn, Georgetown, DC.
Molecular Cytology, Dr. Ramesh Nayak, Rm. 233B, Tel. 301-496-7149.	October 28-30	8:30	Linden Hill Hotel, Bethesda, MD.
Neurological Sciences, Dr. Edwin Barrios, Rm. 439B, Tel. 301-496-7280.	October 28-30	8:30	Executive House, Washington, DC.
Neurology A, Dr. Catherine Woodbury, Rm. 326, Tel. 301-496-7095.	November 11-13	9:00	Highland Hotel, Washington, DC.
Neurology B-1, Dr. Herman Tietelbaum, Rm. 2A05, Tel. 301-496-7422.	October 5-8	9:00	Wellington Hotel, Washington, DC.
Neurology B-2, Dr. Willard McFarland, Rm. 2A03, Tel. 301-496-7422.	October 26-29	8:30	Wellington Hotel, Washington, DC.
Nutrition, Dr. John Schubert, Rm. 204, Tel. 301-496-7178.	October 20-22	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Oral Biology and Medicine, Dr. Thomas M. Tarpley, Jr., Rm. 325, Tel. 301-496-7818.	October 26-29	8:30	Linden Hill Hotel, Bethesda, MD.
Orthopedics and Musculoskeletal, Ms. Ileen Stewart, Rm. 350, Tel. 301-496-7581.	October 28-30	8:30	Holiday Inn, Georgetown, DC.
Pathobiocchemistry, Dr. Clarke Gaylord, Rm. A-26, Tel. 301-496-7820.	October 13-16	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Pathology A, Dr. Robert M. Conant, Rm. 337, Tel. 301-496-7305.	October 27-29	8:00	Linden Hill Hotel, Bethesda, MD.
Pathology B, Dr. Martin Padarathsingh, Rm. 352, Tel. 301-496-7244.	October 27-29	8:00	Linden Hill Hotel, Bethesda, MD.
Pharmacology, Dr. Joseph Kaiser, Rm. 206, Tel. 301-496-7408.	October 26-28	9:00	Holiday Inn, Bethesda, MD.
Physical Biochemistry, Dr. Jeanne Kelley, Rm. 218B, Tel. 301-496-7120.	October 28-30	9:00	Holiday Inn, Bethesda, MD.
Physiological Chemistry, Dr. Harry Brodie, Rm. 339B, Tel. 301-496-7837.	November 4-6	8:30	Holiday Inn, Rosslyn, VA.
Physiology, Dr. Martin Frank, Rm. 209, Tel. 301-496-7878.	October 20-23	2:00 p.m.	Holiday Inn, Georgetown, DC.
Radiation, Dr. Robert Straube, Rm. 219A, Tel. 301-496-7073.	November 8-10	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Reproductive Biology, Dr. Dharam Dhindsa, Rm. 307, Tel. 301-496-7318.	October 12-15	8:30	Ramada Inn, Bethesda, MD.
Social Sciences and Population, Ms. Carol Campbell, Rm. 210, Tel. 301-496-7906.	October 21-23	8:30	Shoreham Hotel, Washington, DC.
Surgery and Bioengineering, Dr. Joe Atkinson, Rm. 303A, Tel. 301-496-7506.	October 21-22	8:00	Holiday Inn, Bethesda, MD.
Surger, Anesthesiology and Trauma, Dr. Keith Kramer, Rm. 319B, Tel. 301-496-7771.	October 18-19	8:30	Ramada Inn, Bethesda, MD.
Toxicology, Ms. Faye J. Cathoum, Rm. 205, Tel. 301-496-7570.	October 20-22	8:30	Holiday Inn, Bethesda, MD.
Tropical Medicine and Parasitology, Dr. Betty June Myers, Rm. 225, Tel. 301-496-7494.	October 25-27	8:00	Room 10, Bldg. 31C, Bethesda, MD.
Virology, Dr. Claire Winestock, Rm. 309, Tel. 301-496-7605.	October 21-23	8:30	Room 10, Bldg. 31C, Bethesda, MD.
Visual Sciences A-1, Dr. Orvil Bolduan, Rm. 207, Tel. 301-496-7000.	November 10-12	9:00	Shoreham Hotel, Washington, DC.
Visual Sciences A-2, Dr. Jane Hu, Rm. 439A, Tel. 301-496-7310.	October 13-15	8:30	Holiday Inn, Georgetown, DC.
Visual Sciences B, Dr. Luigi Giacometti, Rm. 325, Tel. 301-496-7251.	October 13-16	9:00	Holiday Inn, Georgetown, DC.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393-13.396, 13.837-13.844, 13.846-13.878, 13.892, 13.893, National Institutes of Health, HHS)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: August 27, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-25365 Filed 9-16-82; 8:45 am]

BILLING CODE 4140-01-M

## Health Resources and Services Administration

### Redesignation; Iowa Health Service Area No. 1

**AGENCY:** Health Resources and Services Administration, Public Health Service, HHS.

**ACTION:** Notice Regarding Redesignation of Iowa Health Service Area 1.

**SUMMARY:** In accordance with Section 1511(b)(4) of the Public Health Service Act, as amended by Pub. L. 96-79, the Secretary of Health and Human Services has determined that Iowa Health Service Area 1 should be revised to include the Iowa counties of Harrison, Shelby, Pottawattamie, Mills,

Montgomery, Adams, Fremont, Page, and Taylor. This revision constitutes approval of a redesignation request initiated by the Governor of Iowa on February 11, 1982. The request complied with all of the requirements of the Interim Regulations on the Revision of Health Service Area Boundaries published in the *Federal Register*, Vol. 47, No. 136, July 15, 1982.

Accordingly, Iowa Health Service Area 1 is revised to comprise the following counties: Lyon, Osceola, Dickinson, Emmet, Kossuth, Winnebago, Worth, Mitchell, Howard, Winneshiek, Allamakee, Sioux, O'Brien, Clay, Palo Alto, Hancock, Cerro Gordo, Floyd, Chickasaw, Plymouth, Cherokee, Buena Vista, Pocahontas, Humboldt, Wright, Franklin, Butler, Bremer, Fayette,

Clayton, Woodbury, Ida, Sac, Calhoun, Webster, Hamilton, Hardin, Grundy, Black Hawk, Buchanan, Delaware, Dubuque, Monona, Crawford, Carroll, Green, Boone, Story, Marshall, Tama, Benton, Linn, Jones, Jackson, Harrison, Shelby, Audubon, Guthrie; Dallas, Polk, Jasper, Poweshiek, Iowa, Johnson, Cedar, Clinton, Pottawattamie, Cass, Adair, Madison, Warren, Marion, Mahaska, Keokuk, Washington, Louisa, Mills, Montgomery, Adams, Union, Clarke, Lucas, Monroe, Wapello, Jefferson, Henry, Des Moines, Fremont, Page, Taylor, Ringgold, Decatur, Wayne, Appanoose, Davis, Van Buren, and Lee. Dakota County, Nebraska (population 16,573) is deleted from Iowa Health Service Area 1. The redesignation increases the population of Iowa Health

Service Area 1 to 2,712,979 (1980 estimate).

**FOR FURTHER INFORMATION CONTACT:**

William R. Berry, Acting Associate Director for Health Planning, Bureau of Health Maintenance Organizations and Resources Development, 3700 East-West Highway, Room 6-22, Hyattsville, Maryland 20782, (301) 436-6850.

Dated: September 15, 1982.

Robert Graham,

*Administrator, Assistant Surgeon General.*

[FR Doc. 82-25881 Filed 9-18-82: 10:24 am]

BILLING CODE 4160-15-M

**Office of the Secretary**

**Agency Forms Submitted to the Office of Management and Budget for Clearance**

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on September 10.

**Public Health Service**

*Health Resources Administration*

Subject: Health Professions Student Loan and Nursing Student Loan Programs Administrative Forms (0915-0044)—Revision.

Respondents: Educational institutions.  
OMB Desk Officer: Richard Eisinger.

*Centers for Disease Control*

Subject: Application for Approval of Respiratory Protective Devices (0920-0109)—Extension.

Respondents: Manufacturers of respirators.

OMB Desk Officer: Richard Eisinger.

*Food and Drug Administration*

Subject: Medicated Feed Application (0910-0011)—Extension.

Respondents: Manufacturers of medicated feed.

OMB Desk Officer: Fay S. Iudicello.

*Office of the Secretary*

Subject: Recipient Earnings Per Month—New.

Respondents: Employers of 300 randomly selected SSI recipients.

OMB Desk Officer: Richard Eisinger.

Subject: A Study of the Financing of Graduate Medical Education (0990-0082)—Revision.

Respondents: Nurses, physicians, physician extenders.

OMB Desk Officer: Milo Sunderhauf.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524-F, Washington, D.C. 20201.

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503.

ATTN: [Name of OMB Desk Officer].

Dated: September 12, 1982.

Dale W. Sopper,

*Assistant Secretary for Management and Budget.*

[FR Doc. 82-25824 Filed 9-18-82: 8:45 am]

BILLING CODE 4150-04-M

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of Assistant Secretary for Community Planning and Development**

[Docket No. N-82-1164]

**Community Development Block Grant Program**

**AGENCY:** Assistant Secretary for

Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is issuing a Notice of the dates for submission of applications to HUD Area Offices for the HUD-operated Small Cities Program under the Community Development Block Grant Program for Fiscal Year 1982.

**FOR FURTHER INFORMATION CONTACT:**

Helen Duncan, Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755-6322. (This is not a toll free number.)

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that in accordance with 24 CFR 570.420(h)(3) the Department of Housing and Urban Development (HUD) has established dates for submission of applications for Small Cities Program Grants in those States where HUD is administering the program, to be accepted by HUD for Fiscal Year 1982.

For all applicants, from both metropolitan and nonmetropolitan areas, the earliest and latest date for submission are dates established below for each State. Applications for funding under the Single Purpose and Comprehensive Grant provisions of the HUD-operated Small Cities Program will be accepted only during the designated time period. Applications received in the Area Office after the deadline must be postmarked no later than the applicable deadline submission date. Any applications postmarked after that date are unacceptable and will be returned.

Applicants are hereby advised to submit their applications for Single Purpose Grants pursuant to 24 CFR 570.430, or their applications for Comprehensive Grants pursuant to 24 CFR 570.426, to the appropriate HUD Area Office serving the applicant's jurisdiction.

BILLING CODE 4210-29-M

## FINAL DATE FOR SUBMISSION

Region/State	No earlier than	No later than
<b>I</b>		
New Hampshire, Vermont.....	Oct. 11, 1982	Oct. 25, 1982
<b>II</b>		
New York.....	Nov. 8, 1982	Nov. 22, 1982
<b>III</b>		
Maryland.....	Oct. 25, 1982	Nov. 8, 1982
<b>IV</b>		
Florida.....	Oct. 25, 1982	Nov. 8, 1982
<b>V</b>		
Minnesota.....	Sept. 27, 1982	Oct. 12, 1982
<b>VI</b>		
Arkansas, New Mexico, Texas...	Oct. 25, 1982	Nov. 8, 1982
<b>VII</b>		
Kansas.....	Sept. 20, 1982	Oct. 5, 1982
<b>VIII</b>		
Colorado.....	Oct. 18, 1982	Nov. 1, 1982
<b>IX</b>		
California.....	Nov. 15, 1982	Nov. 29, 1982
Hawaii.....	Oct. 25, 1982	Nov. 8, 1982
<b>X</b>		
Oregon.....	Nov. 15, 1982	Nov. 29, 1982

Dated: September 15, 1982.  
 Claire E. Freeman,  
 Deputy Assistant Secretary for Program  
 Policy Development and Evaluation.  
 [FR Doc. 82-25805 Filed 9-16-82; 11:36 am]  
 BILLING CODE 4210-29-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[INT FEIS 82-30]

#### Final Brothers Grazing Management Environmental Impact Statement; Availability of FEIS

**AGENCY:** Bureau of Land Management, Interior.

**SUMMARY:** Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Impact Statement for the Brothers EIS area. The proposal involves implementing a livestock grazing program on public lands within the Brothers EIS area of the Prineville District in central Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 825 N.E. Multnomah Street, Portland, Oregon

Bureau of Land Management, Prineville District Office, 185 East Fourth St., Prineville, Oregon

Library, University of Oregon, Eugene, Oregon

Central Oregon Community College, College Way, Bend, Oregon

Library, Portland State University, 727 SW Harrison, Portland, Oregon

Harney County Library, 80 West D, Burns, Oregon

Crook County Library, 200 East 2nd, Prineville, Oregon

Deschutes County Library, 507 N.W. Wall, Bend, Oregon

Library, Oregon State University, Corvallis, Oregon

A limited number of copies are available upon request to the BLM Oregon State Office or the Prineville District Office.

Comments for the District Manager's consideration in development of the decision will be accepted until October 30, 1982.

Written comments may be sent to: Prineville District Manager, Bureau of Land Management, P.O. Box 550, Prineville, Oregon 97754.

Dated: August 24, 1982.

Stanley D. Butzer,

Chief, Division of Resources.

[FR Doc. 82-25819 Filed 9-16-82; 8:45 am]

BILLING CODE 4310-84-M

[F-14931-A, F-14931-B]

#### Alaska Native Claims Selection

On September 27, 1974, and November 19, 1974, Zho-Tse, Incorporated, for the Native village of Shageluk, filed selection applications F-14931-A and F-14931-B, respectively, under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), as amended, for the surface estate of certain lands in the vicinity of Shageluk.

Zho-Tse, Incorporated, in its applications excluded several bodies of water. Because certain of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under section 11(a)(1) and available for selection by the village pursuant to section 12(a) of ANCSA.

Section 12(a) and 43 CFR 2651.4 (b) and (c) provide that the village corporation shall select all available lands within the township or townships within which the village is located. The regulations also provide that the area selected will not be considered to be reasonably compact if it excludes other lands available for selection within its exterior boundaries.

For these reasons, the water bodies which were improperly excluded in Zho-Tse, Incorporated's applications are considered selected.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of ANCSA, as amended, and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 12(a) of ANCSA, as amended, aggregating approximately 86,358 acres, is considered proper for acquisition by Zho-Tse, Incorporated, and is hereby approved for conveyance pursuant to section 14(a) of ANCSA.

U.S. Survey No. 2045, of the School Reserve, reserved under Executive Order No. 5289, dated March 4, 1930, situated in the unsurveyed village of Shageluk, Alaska.

Containing 3.10 acres.

Lots 1 and 4 of U.S. Survey No. 4086, Alaska, situated at Shageluk.

Containing 5.01 acres.

Block 9, lot 3 of U.S. Survey No. 4493, Alaska, Shageluk Addition Townsite, situated on the left bank of the Innoko River, approximately one and one-half miles downstream from the old village of Shageluk.

Containing 4.84 acres.

Aggregating 12.95 acres.

Seward Meridian, Alaska (Surveyed)

T. 31 N., R. 54 W.,

Sec. 4, excluding Native allotment F-13926; Secs. 5 and 6, excluding Native allotment F-17759;

Secs. 17 and 18, excluding Native allotment F-15247 Parcel A;

Sec. 19, excluding Native allotments F-14301 Parcel B and F-15247 Parcel A;

Sec. 20, excluding Native allotment F-15247 Parcel A;

Sec. 30, excluding Native allotment F-15008 Parcel A;

Sec. 31, excluding Native allotment F-15241.

Containing approximately 4,565 acres.

T. 32 N., R. 54 W.,

Secs. 1, 2, and 3;

Secs. 10 to 14, inclusive;

Secs. 22, 23, 26, and 27;

Secs. 31 and 32, excluding Native allotment F-17759;

Sec. 33, excluding Native allotment F-13926;

Sec. 34;

Sec. 35, excluding Native allotment F-15478 Parcel A.

Containing approximately 9,401 acres.

T. 28 N., R. 55 W.,

Secs. 5 and 6;

Sec. 7, excluding U.S. Survey No. 6580 and Native allotment F-13925;

Sec. 8;

Sec. 18, excluding U.S. Survey No. 6580 and Native allotment F-13925;

Sec. 30;

Sec. 31, excluding U.S. Survey No. 6583 and Native allotment F-15024 Parcel A.

Containing approximately 3,272 acres.

T. 29 N., R. 55 W.,

Sec. 2, excluding Native allotment F-14293 Parcel B;

Secs. 3, 4, and 5;

Secs. 8, 9, and 10;

Sec. 11, excluding Native allotment F-15250 Parcel B;

Sec. 14, excluding Native allotments F-13934, F-14292 Parcel A, and F-15033;

Sec. 15, excluding Native allotments F-14292 Parcel A and F-15033;

Sec. 16, excluding Native allotments F-13931 and F-14293 Parcel A;

Sec. 17;

Sec. 20, excluding Native allotments F-14295 Parcels A and B and F-14300 Parcel A;

Sec. 21;

Sec. 22, excluding Native allotment F-13928;

Sec. 23, excluding Native allotments F-13928 and F-13934;

Sec. 26;

Sec. 27, excluding Native allotment F-13928;

Sec. 28;

Sec. 29, excluding Native allotments F-14294 Parcel A, F-14295 Parcel A, and F-14300 Parcel A;

Sec. 30, excluding Native allotment F-14300 Parcel A;

Secs. 31 and 32;

Sec. 33, excluding Native allotment F-13923;

Secs. 34 and 35.

Containing approximately 14,524 acres.

T. 30 N., R. 55 W.,  
Secs. 1 to 9, inclusive;  
Sec. 10, excluding Native allotments F-14297 Parcel B and F-14298 Parcel C;  
Secs. 11 to 14, inclusive;  
Sec. 15, excluding U.S. Survey No. 2045, U.S. Survey No. 3782, U.S. Survey No. 4086, and Native allotments F-14298 Parcels C and D, and F-15008 Parcel B;  
Secs. 16 to 19, inclusive;  
Sec. 20, excluding Native allotment F-13939;  
Sec. 21;  
Sec. 22, excluding U.S. Survey No. 3782 and Native allotment F-15243;  
Sec. 23, excluding Native allotment F-15243;  
Sec. 24;  
Sec. 25, excluding U.S. Survey No. 4493;  
Sec. 26, excluding U.S. Survey No. 4493 and Native allotments F-14293 Parcel C and F-15243;  
Sec. 27, excluding Native allotment F-15243;  
Sec. 28;  
Sec. 29, excluding Native allotment F-13939;  
Secs. 30 to 34, inclusive;  
Sec. 35, excluding U.S. Survey No. 4493 and Native allotments F-13297 and F-14293 Parcel B;  
Sec. 36.  
Containing approximately 20,538 acres.

T. 31 N., R. 55 W.,  
Sec. 1;  
Secs. 2 and 3, excluding U.S. Survey No. 6622 and Native allotment F-14298 Parcel B;  
Sec. 4, excluding U.S. Survey No. 6624 and Native allotment F-14298 Parcel A;  
Sec. 10;  
Sec. 11, excluding Native allotment F-14297 Parcel A;  
Secs. 12, 13, and 14;  
Secs. 18, 19, and 20;  
Sec. 23, excluding U.S. Survey No. 6621 and Native allotment F-14574;  
Sec. 24;  
Secs. 25 and 28, excluding Native allotment F-14301 Parcel A;  
Secs. 27, 28, and 29;  
Sec. 33, excluding Native allotment F-13924;  
Sec. 34;  
Sec. 35, excluding Native allotment F-14301 Parcel A;  
Sec. 36, excluding U.S. Survey No. 6625 and Native allotments F-15247 Parcel B and F-14301 Parcel A.  
Containing approximately 12,582 acres.

T. 32 N., R. 55 W.,  
Secs. 18 and 19, excluding Native allotment F-15480;  
Secs. 27, 28, and 29;  
Sec. 30, excluding Native allotment F-154472;  
Secs. 34 and 35, excluding U.S. Survey No. 6622 and Native allotment F-14298 Parcel B;  
Sec. 36.  
Containing approximately 5,226 acres.

T. 28 N., R. 56 W.,  
Sec. 1;  
Sec. 2, excluding Native allotment F-16454;

Secs. 3, 4, 9, and 10;  
Sec. 11, excluding Native allotment F-16454;  
Secs. 12 and 13, excluding U.S. Survey No. 6580 and Native allotment F-13925;  
Sec. 14;  
Secs. 23 and 24, excluding U.S. Survey No. 6584 and Native allotment F-13927;  
Secs. 25, 26, 35, and 36.  
Containing approximately 8,999 acres.

T. 29 N., R. 56 W.,  
Secs. 25 and 38.  
Containing approximately 1,219 acres.

T. 30 N., R. 56 W.,  
Secs. 22 to 25, inclusive;  
Sec. 36.  
Containing approximately 2,774 acres.

T. 31 N., R. 56 W.,  
Secs. 13, 14, and 15.  
Containing approximately 1,522 acres.

T. 32 N., R. 56 W.,  
Sec. 1, excluding U.S. Survey No. 96608 and Native allotment F-027929 Parcel A;  
Sec. 12;  
Sec. 13, excluding Native allotment F-15480.  
Containing approximately 1,723 acres.  
Aggregating approximately 86,345 acres.  
Total aggregated acreage approximately 86,358 acres.

Excluded from the above-described lands herein approved for conveyance are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14931-EE.

All other water bodies not depicted as navigable on the attached maps, within the lands to be conveyed, were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one of the following reasons: Lands are no longer under Federal jurisdiction; or lands are under applications pending further adjudication. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions do not constitute a rejection of the selection application unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature,

accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)), as amended; and

2. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b))), as amended, the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14931-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulations. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

- (EIN 3 C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Sec. 25, T. 30 N., R. 53 W., Seward Meridian, westerly to the village of Shageluk and from Shageluk westerly toward the village of Anvik. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.
- (EIN 11a C5) An easement for a proposed access trail twenty-five (25) feet in width from the left bank of the Innoko River in Sec. 17, T. 31 N., R. 54 W., Seward Meridian, easterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official supplemental plat of survey confirming the boundary description and acreage of the lands hereinabove granted;
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), as amended, any valid existing right recognized by ANCSA shall continue to have whatever

right of access as is now provided for under existing law;

3. Airport lease F-030058, located in Secs. 10 and 15, T. 30 N., R. 55 W., Seward Meridian, issued to the State of Alaska, Division of Aviation, under the provisions of the act of May 24, 1928 (49 U.S.C. 211-214), as amended;

4. A right-of-way, AA-13889, fifty (50) feet in width, issued to the State of Alaska for a road from the new Shageluk townsite to the Shageluk airport, traversing lands in Secs. 15, 22, 26, and 27, T. 30 N., R. 55 W., Seward Meridian, issued pursuant to Public Law 94-579, October 21, 1976, Title V (43 U.S.C. 1701, 1761); and

5. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Zho-Tse, Incorporated, is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 86,358 acres. The remaining entitlement of approximately 5,802 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA and Departmental regulation 43 CFR 2652.4, conveyance of the subsurface estate shall be issued to Doyon, Limited when the surface estate is conveyed to Zho-Tse, Incorporated, and shall be subject to the same conditions as the surface conveyance, except for those provisions under Sec. 14(c) of ANCSA; also the right to explore, develop or remove mineral materials from the subsurface estate in lands within the boundaries of the Native Village of Shageluk shall be subject to the consent of Zho-Tse, Incorporated.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week for four (4) consecutive weeks, in the *Tundra Times*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised. However, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Bureau of Land

Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances, (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 18, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Zho-Tse, Incorporated, Shageluk, Alaska 99665.

Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701.

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-25610 Filed 9-16-82; 9:45 am]

BILLING CODE 4310-84-M

[AA-8103-5]

#### Alaska Native Claims Selection

On April 2, 1975, Doyon, Limited, filed selection application AA-8103-5, as amended under the provisions of section 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611(c) (1976)) (ANCSA), as amended, for the surface and subsurface estates of certain lands withdrawn

pursuant to section 11 (a)(1) in the vicinity of Grayling.

The application excluded the Yellow River as being navigable. As the Yellow River is considered nonnavigable and as section 12(c)(3) of ANCSA and Departmental regulation 43 CFR 2652.3(c) require the region to select all available lands within the township, the bed of this water body is considered selected.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of ANCSA, as amended, and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to section 12(c) of ANCSA, as amended, aggregating approximately 74,733 acres, are considered proper for acquisition by Doyon, Limited, and are hereby approved for conveyance pursuant to Sec. 14(e) of ANCSA.

Kateel River Meridian, Alaska (Surveyed)

T. 29 S., R. 7 W.

Sec. 1.

Containing approximately 362 acres.

Kateel River Meridian, Alaska (Unsurveyed)

T. 29 S., R. 9 W.

Secs. 1 to 6, inclusive.

Containing approximately 3,373 acres.

Seward Meridian, Alaska (Surveyed)

T. 33 N., R. 55 W.

Secs. 1 to 5, inclusive;

Secs. 7 to 14, inclusive;

Sec. 15, excluding Native allotment F-17786

Parcel A;

Secs. 16 to 21, inclusive;

Sec. 22, excluding Native allotment F-17786

Parcel B;

Secs. 23 to 32, inclusive;

Secs. 33 and 34, excluding U.S. Survey No.

6608 and Native allotment F-027929

Parcel A;

Secs. 35 and 36.

Containing approximately 21,557 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 34 N., R. 58 W.

Secs. 31 to 36, inclusive.

Containing approximately 3,630 acres.

T. 33 N., R. 58 W.

Secs. 1 to 36, inclusive.

Containing approximately 23,005 acres.

T. 32 N., R. 60 W.

Secs. 1 to 36, inclusive.

Containing approximately 22,806 acres.

Aggregating approximately 74,733 acres.

Excluded from the above-described lands herein approved for conveyance are the submerged lands, up to the ordinary high water mark, beneath all

water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file AA-16630-5.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded because lands are under applications pending further adjudication. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States:

Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), as amended, the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-16630-5, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

a. (EIN 23 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 31, T. 32 N., R. 59 W., Seward Meridian, southwesterly to Sec. 1, T. 31 N., R. 60 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 24 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 36, T. 34 N., R. 59 W., Seward Meridian, southeasterly to Sec. 6, T. 33 N., R. 58 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 25 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 3, T. 29 S., R 8 W., Kateel River Meridian, southwesterly to Sec. 1, T. 33 N., R. 58 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat, or supplemental plat, of survey confirming the boundary description and acreage of the lands hereinabove granted; and
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, section 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to section 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2) (ANCSA), as amended, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

To date, approximately 3,617,758 acres of land, selected pursuant to section 12(c) of ANCSA, have been approved for conveyance to Doyon, Limited.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *Tundra Times*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearing and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E as revised. However, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the

appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 18, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701.

Ann Johnson,

Chief, Branch of Alaska Native Claims Settlement Act Adjudication.

[FR Doc. 82-25611 Filed 9-16-82; 8:45 am]

BILLING CODE 4310-84-M

[F-19155-2]

#### Alaska Native Claims Selection

On March 31, 1975, Doyon, Limited, filed selection application F-19155-2, as amended, under the provisions of section 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611(c) (1976)) (ANCSA), as amended, for the surface and subsurface estates of certain lands withdrawn pursuant to section 11(a)(1) for the Native village of Beaver. The application excluded several water bodies as being navigable. As these are considered nonnavigable and as section 12(c)(3) of ANCSA and Departmental regulation 43 CFR 2652.3(c) require the region to select all available lands within the township, the beds of these water bodies are considered selected.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of ANCSA, as amended, and of the regulations issued pursuant thereto.

These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to section 12(c) of ANCSA, as amended, aggregating approximately 229,194 acres, are considered proper for acquisition by Doyon, Limited, and are hereby approved for conveyance pursuant to section 14(e) of ANCSA.

**Fairbanks Meridian, Alaska (Unsurveyed)**

T. 17 N., R. 1 E.

Sec. 1, excluding Native allotment F-026102;

Sec. 2;

Sec. 3, excluding Native allotment F-026096;

Secs. 4, 5, and 6;

Sec. 7, excluding Native allotment F-14654;

Secs. 8 to 17, inclusive;

Sec. 18, excluding Native allotment F-14854;

Secs. 19 to 34, inclusive;

Secs. 35 and 36, excluding Native allotment F-14411 Parcel B.

Containing approximately 15,580 acres.

T. 19 N., R. 1 E.

Secs. 1 to 36, inclusive.

Containing approximately 22,843 acres.

T. 16 N., R. 2 E.

Secs. 1 to 16, inclusive;

Secs. 17 and 18, excluding Native allotments F-14411 Parcel C and F-102094;

Secs. 19 and 20, excluding Native allotment F-026094;

Secs. 21 to 36, inclusive.

Containing approximately 21,892 acres.

T. 20 N., R. 2 E.

Secs. 1 to 36, inclusive.

Containing approximately 22,763 acres.

T. 17 N., R. 3 E.

Sec. 1;

Secs. 2 and 3, excluding Native allotment F-13419;

Secs. 4 to 9, inclusive;

Secs. 10 and 11, excluding Native allotment F-13419;

Secs. 12 to 36, inclusive.

Containing approximately 18,871 acres.

T. 19 N., R. 3 E.

Secs. 1 to 27, inclusive;

Sec. 28, excluding Native allotment F-12015 Parcel A;

Secs. 29, 30, and 31;

Sec. 32, excluding Native allotments F-17878 Parcel D and F-12015 Parcel A;

Sec. 33, excluding Native allotment F-12015 Parcel A;

Secs. 34, 35, and 36.

Containing approximately 21,053 acres.

T. 16 N., R. 4 E.

Secs. 1 to 36, inclusive.

Containing approximately 22,292 acres.

T. 18 N., R. 4 E.

Secs. 1 to 36, inclusive.

Containing approximately 22,432 acres.

T. 20 N., R. 4 E.

Secs. 1 to 36, inclusive.

Containing approximately 22,763 acres.

T. 17 N., R. 1 W.

Secs. 1 and 2;

Sec. 3, excluding Native allotments F-14652

Parcel A and F-14653;

Sec. 4, excluding Native allotments F-14653 and F-14652 Parcel B;

Secs. 5 to 8, inclusive;

Sec. 9, excluding Native allotments F-14653 and F-14652 Parcel B;

Sec. 10, excluding Native allotments F-14653 and F-14652 Parcel A;

Sec. 11;

Secs. 12 and 13, excluding Native allotment F-14654;

Sec. 14;

Sec. 15, excluding Native allotment F-13667;

Sec. 16, excluding Native allotments F-13667, F-13671 Parcels A and B, and F-13663 Parcels A and B;

Sec. 17, excluding Native allotment F-14377 Parcel A;

Secs. 18 and 19;

Sec. 20, excluding Native allotment F-14377 Parcel A;

Sec. 21, excluding Native allotments F-13663 Parcels A and B, and F-13667;

Sec. 22;

Sec. 23, excluding Native allotment F-14651 Parcel B;

Secs. 24 to 36, inclusive.

Containing approximately 16,407 acres.

T. 19 N., R. 1 W.

Secs. 1 and 2;

Sec. 3, excluding Native allotment F-026100 Parcel C;

Secs. 4 to 9, inclusive;

Sec. 10, excluding Native allotments F-14651 Parcel A and F-026100 Parcel C;

Secs. 11 to 36, inclusive.

Containing approximately 22,298 acres.

Aggregating approximately 229,194 acres.

Excluded from the above-described lands herein approved for conveyance are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-21779-2.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded because they are under applications pending further

adjudication. These exclusions do not constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States:

Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1801, 1616(b)), as amended, the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-21779-2, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

a. (EIN 15 D9) An easement twenty-five (25) feet in width for an existing access trail from public lands in Sec. 32, T. 20 N., R. 3 E., Fairbanks Meridian, southerly to Beaver and then on to public lands to the southwest. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

b. (EIN 16 C5) An easement twenty-five (25) feet in width for an existing access trail from the village of Beaver in Secs. 29 and 30, T. 18 N., R. 2 E., Fairbanks Meridian, southeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 20 D1) An easement twenty-five (25) feet in width for an existing access trail from trail easement EIN 15 D9 in Sec. 20, T. 18 N., R. 2 E., Fairbanks Meridian, northwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted; and

2. Valid existing rights therein, if any.

including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, section 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to section 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), as amended, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

To date, approximately 3,846,952 acres of land, selected pursuant to section 12(c) of ANCSA, have been approved for conveyance to Doyon, Limited.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised. However, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances, (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 18, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall

be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701.

Ann Johnson,

*Chief, Branch of ANCSA Adjudication.*

[FR Doc. 82-25612 Filed 9-16-82; 8:45 am]

BILLING CODE 4310-84-M

#### Office of the Secretary

#### Federal-State Task Force on the Hawaiian Homes Commission Act; Establishment

Pursuant to Pub. L. 92-463, notice is hereby given of the establishment of the Federal-State Task Force on the Hawaiian Homes Commission Act. Following consultation with the General Services Administration, the Secretary is establishing the Task Force to advise the Secretary of the Interior and the Governor of Hawaii on ways to better effectuate the purposes of the Hawaiian Homes Commission Act (HHCA).

Further information regarding the Task Force may be obtained from Stephen P. Shipley, Executive Assistant to the Secretary, U.S. Department of the Interior, 18th and C Sts., N.W., Washington, D.C. 20240; (202) 343-7351.

The certification of establishment is published below.

#### Certification

I hereby certify that the Federal-State Task Force on the Hawaiian Homes Commission Act is in the public interest in connection with the performance of duties imposed on the Department of the Interior by the Hawaiian Homes Commission Act, 42 Stat. 108 and the Hawaii Statehood Act, Pub. L. 86-3.

Dated: September 15, 1982.

James G. Watt,

*Secretary of the Interior.*

[FR Doc. 82-25769 Filed 9-16-82; 8:45 am]

BILLING CODE 4310-10-M

#### INTERSTATE COMMERCE COMMISSION

[Docket No. AB-167 (Sub-380N)]

#### Conrail Abandonment Between Rittman and Burbank, OH; Findings

Notice is hereby given to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued certificates and decisions authorizing the Consolidated Rail Corporation to abandon its rail lines between (1) Rittman, milepost 228.2 and Burbank, milepost 231.6 effective on March 12, 1982, and between (2) Rittman, milepost 220.5 and Creston, milepost 226.2 effective on June 10, 1982, a total distance of 11.1 miles, in the Counties of Wayne and Medina, OH.

The net liquidation value of the line between (1) mileposts 226.2 and 231.6 is \$344,257 and (2) mileposts 220.5 and 226.2 is \$404,128. If, within 120 days from the date of this publication, Conrail receives bona fide offers for the sale, for 75 percent of the net liquidation value, of these lines it shall sell such lines and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,  
*Secretary.*

[FR Doc. 82-25587 Filed 9-16-82; 8:45 am]

BILLING CODE 7035-01-M

#### Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: All American of Ashburn, Inc., A Georgia Corporation, P.O. Box 669, Ashburn, GA 31714.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: All American Housing of Alabama, Inc., an Alabama Corporation.

1. Parent corporation: Tultex Corporation, P.O. Box 5191A, Martinsville, VA 24115, including all divisions within the Corporation.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their principal offices:

(i) Tultex Transportation, Inc., P.O. Box 5191A, Martinsville, VA 24115.

(ii) Peerless Spinning Corporation, Lowell, NC 28098.

(iii) Athletic Textile Co., Inc.,  
Gastonia, NC 28052.  
(iv) Washington Mills Co., Winston-Salem, NC 27102.  
Agatha L. Mergenovich,  
Secretary.  
[FR Doc. 82-25588 Filed 9-16-82; 8:45 am]  
BILLING CODE 7035-01-M

**Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)**

September 14, 1982.

This application for long-and-short-haul relief has been filed with the I.C.C. Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43978, reduced rates on brandy, champagne, vermouth or wine, minimum 112,000 pounds, from Modesto Colony, CA to the East, published in Trans-Continental Freight Bureau Tariff, I.C.C. TCFB 3002-S, Supplement 345, to become effective September 19, 1982. Grounds for relief—motor and water competition.

By the Commission.  
Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-25589 Filed 9-16-82; 8:45 am]  
BILLING CODE 7035-01-M

**Motor Carriers; Finance Applications; Decision-Notice**

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44). *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 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: September 13, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.  
Agatha L. Mergenovich,  
Secretary.

MC-F-14938, authority is sought by HOHENWALD TRUCK LINES, INC. (HTL), a Tennessee Corporation, of P.O. Box 196, Hwy 99, Hohenwald, TN, to purchase the operating authority of PULASKI HIGHWAY EXPRESS, INC., also a Tennessee Corporation, of 640 Hamilton Ave., Nashville, TN, under Certificate No. MC-56553 (Sub-No. 34)X, Robert V. Gafford, P.O. Box 196, Hwy 99, Hohenwald, TN, who controls HTL through ownership of all its outstanding capital stock, seeks authority to control the operating rights through the purchase. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. The operating rights involved authorize the transportation of *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), over regular routes, generally between Nashville, on the one hand, and, on the other, Pulaski, Lawrenceburg and Memphis, TN, Tuscumbia and Sheffield, AL, and Russellville and Cadiz, KY, serving various intermediate and off-route points. Application has been filed for temporary authority.

MC-F-14944, BROOKS INTERNATIONAL, INC., d.b.a. HARPER'S/AERO DISTRIBUTION SERVICE, and KEYSTONE DELIVERY SERVICE, INC., Seek authority under 49 U.S.C. §§ 11343 and 11344 for approval of the merger of Keystone Delivery Service, Inc. into Brooks International, Inc. with Brooks International, Inc., the surviving corporation. Henry Brooks, who controls Brooks International, seeks authority to control the merged operating rights through the transaction. Brooks International holds nationwide authority (excluding AK and HI) (permits) to transport various commodities for five contractual shippers and one contractual shipper in the Southern United States. It also holds nationwide small package authority and general commodity authority between GA and eight southern states. Keystone holds nationwide contract authority for one shipper and nationwide small package authority. No temporary authority is sought.

[FR Doc. 82-25588 Filed 9-16-82; 8:45 am]  
BILLING CODE 7035-01-M

## [I.C.C. Order P-43]

## Passenger Train Operation; Kansas City Southern Railway Co.

*It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Laredo, Texas. The operation of these trains requires the use of the tracks and other facilities of the Missouri Pacific Railroad Company (MP). A portion of the MP tracks between Jefferson and Dallas, Texas, are temporarily out of service because of a derailment. An alternate route is available via The Kansas City Southern Railway Company (KCS) between Jefferson and Greenville, Texas.*

*It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.*

*It is ordered,*

(a) Pursuant to the authority vested in me by order of the Commission decided April 29, 1982, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)). The Kansas City Southern Railway Company (KCS) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between Jefferson and Greenville, Texas, in order to connect with Missouri-Kansas-Texas Railroad Company (MKT) at Greenville, Texas, and thence the MP at Dallas, Texas.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 11:30 a.m., September 1, 1982.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 1, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon The Kansas City Southern Railway Company (KCS) and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 1, 1982.

Interstate Commerce Commission.

J. Warren McFarland,

Agent.

[FR Doc. 82-25584 Filed 9-16-82; 8:45 am]

BILLING CODE 7035-01-M

call 289-4357 in the D.C. Metropolitan Area, or toll free (800) 424-5403.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-25581 Filed 9-16-82; 8:45 am]

BILLING CODE 7035-01-M

## [Finance Docket No. 30003]

## Rail Carriers; Norfolk and Western Railway Company and Consolidated Rail Corporation—Acquisition and Trackage Rights Exemption

September 13, 1982.

On July 30, 1982, Norfolk and Western Railway Company (N&W) filed a notice of its proposed acquisition of 1.1 miles of a line of rail of the Consolidated Rail Corporation (Conrail) under 49 CFR 1111.2(d)(5). See *Railroad Consolidation Procedures*, 366 I.C.C. 75, 94 (1982). Conrail, which will retain trackage rights on the segment, submitted a confirmatory letter on August 23, 1982.

The purpose of the proposed acquisition is to complete a relocation project which will reduce congestion over N&W's Front Street line located along the Ohio River in Cincinnati, OH. N&W will purchase Conrail's Oakley Wye, which extends approximately 1.1 miles between East Norwood and Oakley Junction, in Cincinnati. The Commission previously approved N&W's proposed acquisition of trackage rights over Conrail's line in *CSX Corp.—Control—Chessie and Seaboard C.L.I.*, 363 I.C.C. 518, 582 (1980), but the parties have determined that a purchase of the line by N&W, with Conrail retaining trackage rights, is preferable. N&W will continue to maintain its Front Street line for use in emergencies.

As a condition to use of the exemption, any N&W employees affected by its acquisition of the line will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), and any Conrail employees affected by its retention of trackage rights will be protected by the conditions set forth in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This will satisfy the statutory requirement of 49 U.S.C. 10505(g)(2).

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-25585 Filed 9-16-82; 8:45 am]

BILLING CODE 7035-01-M

## [Finance Docket No. 30006]

## Rail Carriers; Illinois Central Gulf Railroad Co.; Exemption; Abandonment in Cook County, IL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

**SUMMARY:** The Commission exempts Illinois Central Gulf Railroad Company from the requirements of prior review and approval under 49 U.S.C. 10903 *et seq.* concerning its abandonment of a 0.43-mile segment of line in Cook County, IL.

**DATES:**

Exemption effective on October 18, 1982. Petitions for reconsideration must be filed by October 7, 1982. Petitions for stay must be filed by September 27, 1982.

Send pleadings to:

(1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative:

Howard D. Koontz, Illinois Central Gulf Railroad Company, 233 North Michigan Avenue, Chicago, IL 60601.

**FOR FURTHER INFORMATION CONTACT:**

Louis E. Gitomer, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** For further information, see the decision served concurrently in Finance Docket No. 30006. To purchase a copy of the full decision, contact T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or

[Finance Docket No. 30023]

**Rail Carriers; Southern Pacific Transportation Company; Abandonment and Acquisition of Trackage Rights Over the Western Pacific Railroad Co.; Exemption**

September 13, 1982.

On September 2, 1982, Southern Pacific Transportation Company (SPT) and Western Pacific Railroad Company (WP) filed a notice of exemption concerning a relocation project proposed by them under 49 CFR 1111.2(d)(5). See *Railroad Consolidation Procedures*, 366 I.C.C. 75, 94 (1982).

The purpose of the transaction is to eliminate redundant parallel trackage and share the costs of the remaining trackage. Under the proposed relocation project SPT will abandon its line of railroad from milepost 29.09 at Niles, CA, to milepost 66.5 near Tracy in Alameda and San Joaquin, CA (Niles line). Concurrently, SPT will acquire trackage rights over the parallel WP track which will allow SPT to operate between Niles and Lathrop, CA. SPT shippers on the Niles line will continue to receive service. The relocation will enhance the efficiency of SPT's operations, for the reason that redundant facilities will be eliminated.

As a condition to use of the exemption, SPT has proposed that any employees affected by the transaction be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979). However, since the relocation project involves not only an abandonment but a trackage rights transaction, we must also impose the conditions set forth in *Norfolk and Western Ry. Co—Trackage Rights—CN, 354 I.C.C. 605 (1978)*, as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980). Together these conditions satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-25583 Filed 9-18-82; 8:45 am]

BILLING CODE 7035-01-M

**[Section 5b Application 2]**

**Western Railroads—Agreement**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposed amendments to rate bureau agreement.

**SUMMARY:** The Western Railroad Traffic Association requests approval of

amendments to its articles of organization and procedure to transfer the headquarters of its: (1) North Pacific Coast Freight Bureau and Pacific Southcoast Freight Bureau from San Francisco, CA, to Chicago, IL; and (2) Southwestern Freight Bureau from St. Louis, MO, to Chicago. All regular meetings and ratemaking activities of these bureaus would be in Chicago.

**DATES:** Comments are due 20 days from publication of this notice in the *Federal Register*.

**ADDRESSES:** An original and 10 copies of comments should be sent to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

**FOR FURTHER INFORMATION CONTACT:** Douglas Galloway, (202) 275-7278, or Tom Smerdon, (202) 275-7277.

**SUPPLEMENTARY INFORMATION:** By petitions dated December 11, 1981, March 5, 1982, and July 13, 1982, the Western Railroad Traffic Association (Association) requested approval of amendments to its Articles of Organization and Procedure (agreement) to transfer the headquarters of its: (1) North Pacific Coast Freight Bureau (NPCFB) and Pacific Southcoast Freight Bureau (PSFB) from San Francisco, CA, to Chicago, IL, and (2) Southwestern Freight Bureau (SWFB) from St. Louis, MO, to Chicago.<sup>1</sup> The Association also states its intention to transfer all regular meetings and ratemaking activities of these bureaus to Chicago.<sup>2</sup> However, to reduce any inconvenience to shippers, NPCFB and SWFB will continue to schedule some public hearings in San Francisco. The effect of the proposed amendments would be to centralize staff functions and tariff publication activities of the NPCFB, PSFB, and SWFB with those of the Association's. The Association has served copies of the petitions upon the regulatory bodies of each State having jurisdiction over the rates, fares, and charges embraced within the scope of the amendments to the agreement.

The amendments are proposed to apply to the Association's ratemaking agreement, under which the member Western Railroads have derived their immunity for collective activity in the past, and the Association's proposed

<sup>1</sup> NPCFB, PSFB, and SWFB are regional organizations of the Association.

<sup>2</sup> The Association proposes to amend its agreement to provide that regular meetings of the Freight Traffic Managers Committee of the NPCFB and PSFB would convene in Chicago and that the location of joint NPCFB/PSFB meetings would be in Chicago or at any other place as may be agreed upon, rather than San Francisco. No specific amendment is proposed with regard to SWFB, since the agreement does not designate a specific location for meetings and ratemaking activities.

agreement, which has been under consideration by the Commission.<sup>3</sup> The Commission, in a recent decision in Section 5b Application No. 2, *Western Railroads—Agreement* 365 I.C.C. 918, served August 17, 1982, denied approval of the Association's proposed agreement. Nonetheless, the Commission has extended antitrust immunity to the operations of the Association insofar as they conform with the decision. Where the Association's activities do not conform with the decision, no antitrust immunity has been given.<sup>4</sup>

In support of its proposal, the Association submits that the proposed change of headquarters to Chicago will have no adverse effect on the shipping public. It emphasizes that the existing jurisdictional or ratemaking procedures of the NPCFB, PSFB, and SWFB would be unaffected. It further argues that the transfer will effectuate savings by reducing fixed overhead expenses, since centralized tariff publishing, mailing and distribution, and legal and managerial supervision would be consolidated and enhanced. Finally, the Association states that agreements have been entered into with the Allied Services Division/Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (BRAC) providing for the protection of their members at St. Louis adversely affected by the centralization in accordance with the terms of *New York Dock Railway—Control—Brooklyn Eastern District Terminal*, 360 I.C.C. 60 (1979). This agreement has been ratified by the labor organization membership and the carriers members of the Western Railroad Traffic Association. The Association also contends that non-contract employees, those who are not members of a labor organization, have been advised that to the extent any of them will be adversely affected by the centralization they will be protected on the same basis as employees represented by BRAC.

We invite any interested party to address the proposed amendments.

<sup>3</sup> In *Western Railroads—Agreement*, 364 I.C.C. 635 (1981), the Commission interpreted 49 U.S.C. 10706(a) as it was amended by Section 219 of the Staggers Rail Act of 1980 (Staggers Act), Pub. L. 96-448, 94 Stat. 1926-1928 and described the system of ratemaking contemplated by the new law. In response, the Western Railroad Traffic Association and other rate bureaus filed amended agreements. The Commission, while considering these proposed agreements, granted interim immunity.

<sup>4</sup> The Association has been directed to file new or amended agreements within 45 days from the date of service of the decision. Comments are due by the 65th day.

It does not appear that this decision will significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10706)

Decided: September 9, 1982.

By the Commission, Chairman Taylor, Vice-Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-25582 Filed 9-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 29996]

**Rail Carriers; Pittsburgh & Lake Erie Railroad Company—Exemption—Abandonment—1.92 Miles of Track at Colona, PA**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Interstate Commerce Commission exempts from regulation the abandonment by the Pittsburgh & Lake Erie Railroad Company of 1.92 miles of railroad at Colona Dock, Colona, PA.

**DATES:** This exemption is effective on October 18, 1982. Petitions for reconsideration must be filed by October 6, 1982, and petitions for stay by September 27, 1982.

**FOR FURTHER INFORMATION CONTACT:**  
Louis E. Gitomer, (202) 275-7245.

**ADDRESSES:** Send petitions to: (1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423, and Petitioner's representative: Richard R. Wilson, 324 P&LE Terminal Building, Pittsburgh, PA 15219. Pleadings should refer to F.D. No. 2998.

**SUPPLEMENTARY INFORMATION:** The decision served by the Commission contains further information. To purchase a copy of the full decision, contact TS Infosystems, Inc., Interstate Commerce Commission, Room 2227, Washington, DC 20423 or call 289-4357 in the D.C. Metropolitan area or toll free 800-424-5403.

Decided: September 8, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-25477 Filed 9-16-82; 8:45 am]

BILLING CODE 7035-01-M

**DEPARTMENT OF JUSTICE**

**Justice-Treasury Advisory Committee on State and Local Law Enforcement Training; Meeting**

The Justice-Treasury Advisory Committee on State and Local Law Enforcement Training will meet from 9:00 a.m. until 4:00 p.m. on Wednesday, October 6, 1982 and 9:00 a.m. until 12 noon Thursday, October 7, 1982 in the Tom Steed Building, Room S-9, at the Federal Law Enforcement Training Center, Glynco, Georgia.

The Committee will be provided an update of the Justice-Treasury State and Local Law Enforcement Training Program, including the selection and scheduling of courses offered. Also, the Committee will review and discuss a process for certification of training. In addition, the Committee will be given formal presentations on other potential courses that could be offered to state and local law enforcement personnel through FLETC. Further, the Committee will discuss law enforcement training programs currently offered by educational institutions and professional associations and review methods to coordinate the delivery of that training with public agencies.

The meeting will be open to the public. Approximately 100 seats will be available for the public and the media representation on a first-come first-served basis.

Inquiries or comments may be addressed to the Committee Management Liaison Officer, Justice-Treasury State and Local Law Enforcement Training Program, Office of the Associate Attorney General, U.S. Department of Justice, Room 4119, Washington, D.C. 20530. (Committee Management Liaison Officer's telephone number is 202/566-4086 or the FLETC Coordinator's telephone number is 912/267-2226.)

George H. Bohlinger III,  
Executive Director, Justice-Treasury Advisory Committee.

[FR Doc. 82-25616 Filed 9-16-82; 8:45 am]

BILLING CODE 4410-01-M

**Proposed Amended Consent Decree in Action to Enjoin Emission of Air Pollutants**

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19020, notice is hereby given that a proposed amended consent decree in *United States v. United States Steel Corporation* [Geneva Works] (D. Utah, Civ. No. C-80-661W), has been lodged with the United States District Court for the District of Utah. This proposal would

amend the consent decree entered in the same case in January of 1981.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. United States Steel Corporation*, D.J. Ref. 90-5-2-1-326.

The proposed consent decree may be examined at the office of the United States Attorney, 200 Post Office and Courthouse Building, 350 South Main Street, Salt Lake City, Utah 84101; at the Region VIII office of the Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203; and at the office of the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. A check or money order in the amount of \$18.30 and payable to the Treasurer of the United States, covering the cost of reproduction, must accompany any request for a copy of the amendment. No request which is not accompanied by a check or money order in the required amount will be honored.

Mary Walker,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82-25620 Filed 9-16-82; 8:45 am]

BILLING CODE 4410-01-M

**National Institute of Justice**

**Visiting Fellowship Program for Fiscal Year 1983; Solicitation**

The National Institute of Justice announces its Visiting Fellowship Program for Fiscal Year 1983. The purpose of this program is to enable senior level policy-makers and advanced researchers to establish residence at NIJ for periods up to 15 months to work on research projects of their design, research that will contribute creative new ideas toward greater understanding of crime and the operation of the criminal justice system.

Fellowships are awarded to single individuals rather than to public or private organizations. Preliminary research proposals that meet basic

eligibility criteria will be evaluated by a peer review panel; selection criteria include the significance of the problem to be addressed, the soundness of the proposal's design and methodology, project feasibility and overall cost.

Excluded from consideration are projects that are action oriented (such as training or demonstration projects) in which research is a relatively minor component, part-time research efforts, students seeking educational assistance and persons previously awarded Visiting Fellowship grants. It is anticipated that up to three Fellowships will be awarded in Fiscal Year 1983. Applications post marked later than November 15, 1982, will not be considered.

A complete explanation of the program, its residency requirements and application procedures, can be obtained by sending a self addressed mailing label to: **Solicitation—Visiting Fellowship Program, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.**

Dated: September 9, 1982.

James K. Stewart,  
Acting Director, National Institute of Justice.

[FR Doc. 82-25627 Filed 9-16-82; 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 Thursday, October 28, 1982, starting at 9:00 a.m., on campus at the California State University at Long Beach, California in the Administration Building, 1250 Bellflower Blvd. 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. 82-25615 Filed 9-16-82; 8:45 am]

BILLING CODE 4410-05-M

#### DEPARTMENT OF LABOR

#### Bureau of Labor Statistics

#### Business Research Advisory Council; Meeting

The regular fall meeting of the Business Research Advisory Council

will be held at 9:30 a.m., October 13, 1982, in Room N-5437 of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry. The agenda for the meeting is as follows:

1. Election of Officers.
2. Chairman's Opening Remarks.
3. Commissioner's Remarks.
4. Committee Reports:
  - (a) Productivity-Foreign Labor.
  - (b) Economic Growth.
  - (c) Price Indexes.
5. Other Business.
6. Chairman's Closing Remarks.

This meeting is open to the public. It is suggested that persons planning to attend as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 272-5241.

Signed at Washington, D.C. this 10th day of September 1982.

Janet L. Norwood,  
Commissioner of Labor Statistics.

[FR Doc. 82-25674 Filed 9-16-82; 8:45 am]

BILLING CODE 4510-24-M

#### Business Research Advisory Council's Committee on Price Indexes; Meeting

The BRAC Committee on Price Indexes will meet on Tuesday, October 12, 1982, at 2:00 p.m., in Room 7216 of the Bicentennial Building, 600 E Street NW., Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry. The agenda for the meeting is as follows:

1. Election of Committee Officers.
2. Status of Homeownership Change.
3. Status of Continuing Expenditure Survey.
4. Plans for CPI Revision.
5. Response to Committee Recommendations Made Last Spring.
6. Other Business.

This meeting is open to the public. It is suggested that persons planning to attend as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code, (202) 272-5241.

Signed at Washington, D.C. this 10th day of September 1982.

Janet L. Norwood,  
Commissioner of Labor Statistics.

[FR Doc. 82-25673 Filed 9-16-82; 8:45 am]

BILLING CODE 4510-24-M

#### Employment and Training Administration

#### Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in Kentucky

This notice announces the ending of the Extended Benefit Period in the State of Kentucky, effective on September 4, 1982.

#### Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation Laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Kentucky on June 6, 1982 and has now triggered off.

#### Determination of "Off" Indicator

The head of the employment security agency of the State named above has

determined that the rate of insured unemployment in the State for the period consisting of the week ending on August 14, 1982, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending on September 4, 1982.

#### Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3)

Persons who wish information about their rights to Extended Benefits in the State named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on September 10, 1982.

Albert Angrisani,  
Assistant Secretary of Labor.

[FR Doc. 82-25675 Filed 9-16-82; 8:45 am]

BILLING CODE 4510-30-M

#### Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Period in the State of New Mexico

This notice announces the beginning of a new Extended Benefit Period in the State of New Mexico, effective on August 29, 1982.

#### Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State

employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

#### Determination of "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on August 14, 1982, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on August 29, 1982.

#### Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on September 9, 1982.

Albert Angrisani,  
Assistant Secretary of Labor.  
[FR Doc. 82-25676 Filed 9-16-82; 8:45 am]  
BILLING CODE 4510-30-M

[TA-W-12,666]

#### Western Electric Co., Inc., Kansas City Works, Lee's Summit, Missouri; Affirmative Determination Regarding Application for Reconsideration

By an application dated June 15, 1982, counsel for the union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of Western Electric Company, Inc., Kansas City Works, Lee's Summit, Missouri. The determination was published in the *Federal Register* on June 1, 1982 (47 FR 23828).

The application for reconsideration claims that Western Electric is not the exclusive supplier of telephone transmission equipment for the Bell System of AT&T; Western Electric's purchases of imports are larger than negligible and that Western Electric's sales, in terms of quantity, decreased in 1981 compared to 1980.

#### Conclusion

After review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 30th day of July 1982.

Stephen A. Wandner,  
Deputy Director, Office of Research,  
Legislation and Program Policies.  
[FR Doc. 82-25671 Filed 9-16-82; 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 28, 1980, published in the *Federal Register* February 27, 1980 (45 FR 12769), will meet on October 6, 1982 starting at 10:00 a.m. in Rooms N5437 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.

The agenda provides for:

I. Call to Order.  
II. Announcement of Appointments and Reappointments.

III. Approval of Minutes of June 30, 1982 Meeting.

IV. Progress Report on "New Initiatives".

V. Safety Belt Program.

VI. Reports.

VII. New Business.

VIII. 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 October 1, 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 October 1, 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 communications 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 14th day of September 1982.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 82-25672 Filed 9-16-82; 8:45 am]

BILLING CODE 4510-26-M

## NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

### Literature Advisory Panel (Creative Writing Fellowships); Meeting

Pursuant to Section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel (Creative Writing Fellowships) to the National Council on the Arts will be held on October 4 and 5, from 9:00 a.m.-6:00 p.m. and on October 6, from 9:00 a.m.-12:30 p.m. in room 1340 of the Columbia Plaza Office Complex, 2401 E Street, NW. Washington, D.C. 20506

A portion of this meeting will be open to the public on October 6, from 11:00 a.m.-12:30 p.m. to discuss fellowship policy.

The remaining sessions of this meeting on October 4 and 5 from 9:00 a.m.-6:00 p.m. and on October 6 from 9:00 a.m.-11:00 a.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts. September 10, 1982.

[FR Doc. 82-25613 Filed 9-16-82; 8:45 am]

BILLING CODE 7537-01-M

### Music Advisory Panel (Festivals Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Festivals Section) to the National Council on the Arts will be held on October 4-5, 1982, from 9:30 a.m.-5:30 p.m. in room 1428 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on October 5, 1982 from 2:30-4:00 to discuss guidelines and policy.

The remaining sessions of this meeting on October 4th from 9:30 a.m.-5:30 p.m. and on October 5th from 9:30 a.m.-2:30 p.m. and from 4:00 p.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be

closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts. September 10, 1982.

[FR Doc. 82-25614 Filed 9-16-82; 8:45 am]

BILLING CODE 7537-01-M

## DEPARTMENT OF STATE

### [Public Notice CM-8/558]

### Presidential Commission on Broadcasting to Cuba; Notice of Partially Closed Meeting

In accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) as amended by Pub. L. 94-409 Section 5(c), notice is hereby given that the Presidential Commission on Broadcasting to Cuba will meet in open and closed sessions on September 30, 1982.

The open session will convene at 1:30 p.m. in Room 6909, Department of State, Washington, D.C. The open session of the Commission meeting will allow public discussion of programming, technical, and other aspects of radio broadcasting to Cuba. The general public attending the open session may participate in the discussion or submit statements subject to instructions of the Chairman.

The purpose of the closed session is to discuss aspects of radio broadcasting to Cuba that should not be prematurely disclosed to the public. Documents classified under the provisions of Executive Order 12356 will also be discussed. Accordingly, it has been determined that it is in the public interest to close this meeting pursuant to 5 U.S.C. 552b(c)(1) and 5 U.S.C. 552b(c)(9).

Because entry to the State Department is controlled, members of the public who wish to attend the open session should contact the Commission in advance in order to provide their names and affiliation and to facilitate their attendance. Its telephone number is (202) 632-3998 or 632-4189. Attendees should use the Diplomatic Entrance located on C Street, NW., between 21st and 23rd Streets.

This notice of meeting is being published with less than 15 days advance notice because of the need for

the Commission to hold a meeting before its current term ends on October 1.

**Myles R. R. Frechette,**  
*Acting Executive Director, Presidential Commission on Broadcasting to Cuba.*

September 15, 1982.  
[FR Doc. 82-25832 Filed 9-16-82 8:45 am]

BILLING CODE 4710-29-M

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## DEPARTMENT OF THE TREASURY

### Office of the Secretary

#### Treasury Department Announces Upcoming Income Tax Treaty Negotiations With Ireland

The Treasury Department announced that representatives of the United States and Ireland will be meeting in Washington, in late September, 1982, to renegotiate the income tax treaty between the two countries which was signed in 1949.

The discussions will take into account changes in the tax laws of both countries and developments with respect to the model income tax treaties published by the Organization for Economic Cooperation and Development (OECD) and by the United States.

Anyone wishing to provide information or comments on tax matters related to the upcoming negotiations may submit such information or comments in writing to A. W. Granwell, Room 3064, Washington, D.C. 20220.

Dated: September 14, 1982.

**John E. Chapoton,**  
*Assistant Secretary (Tax Policy).*

[FR Doc. 82-25662 Filed 9-16-82 8:45 am]

BILLING CODE 4810-25-M

# Sunshine Act Meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONTENTS

	Items
Federal Communications Commission.	1-2
Federal Election Commission.....	3
Federal Reserve System (Board of Governors).....	4-5
International Trade Commission .....	6-7
Nuclear Regulatory Commission.....	8
Postal Rate Commission.....	9
Tennessee Valley Authority .....	10

## 1

### FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From September 14th Open Meeting September 13, 1982.

The following item has been deleted at the request of the Office of the Chairman from the list of agenda items scheduled for consideration at the September 14, 1982, Open Meeting, and previously listed in the Commission's Notice of September 7, 1982 (47 FR 39934; September 10, 1982).

#### Agenda, Item No., and Subject

General—2—Title: Petitions filed by the American Telecommunications Corporation (ATC) and Electronics Industries Association (EIA) for waiver of Section 15.7 of the FCC Rules for cordless telephones. This action considers whether to grant the ATC and EIA requests for waiver of Section 15.7 for cordless phones to allow them to operate under a more practical technical standard.

Issued: September 13, 1982.

William J. Tricarico,  
Secretary, Federal Communications Commission.

[S-1331-82 Filed 9-15-82; 11:19 am]  
BILLING CODE 6712-01-M

## 2

### FEDERAL ELECTION COMMISSION

["Federal Register" No. 1326]

**PREVIOUSLY ANNOUNCED DATE AND TIME:** Thursday, September 23, 1982 at 10 a.m.

**CHANGE IN MEETING:** The following matter has been added to the open meeting scheduled for this date:

Addendum to the Final Audit Report—  
Reagan Bush Committee (RBC), Reagan

Bush Compliance Fund and Democrats for Reagan

#### PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,

*Secretary of the Commission.*

[S-1329-82 Filed 9-15-82 10:24 am]

BILLING CODE 6715-02-M

## 3

### FEDERAL ELECTION COMMISSION

["Federal Register" No. 1283]

**PREVIOUSLY ANNOUNCED DATE AND TIME:** Tuesday, September 14, 1982 at 10 a.m.

**CHANGE IN MEETING:** The Executive Session (closed) held on this date has been continued to September 16, 1982, following the conclusion of the open meeting scheduled to convene at 10:00 a.m.

#### PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,

*Secretary of the Commission.*

[S-1330-82 Filed 9-15-82 10:24 am]

BILLING CODE 6715-01-M

## 4

### FEDERAL RESERVE SYSTEM

(Board of Governors)

**TIME AND DATE:** Approximately 11:00 a.m., Wednesday, September 22, 1982, following a recess at the conclusion of the open meeting.

**PLACE:** 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

#### CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: September 14, 1982.

James McAfee,  
Associate Secretary of the Board.

[S-1332-82 Filed 9-15-82; 11:34 am]

BILLING CODE 6210-01-M

## Federal Register

Vol. 47, No. 181

Friday, September 17, 1982

## 5

### FEDERAL RESERVE SYSTEM

Board of Governors

**TIME AND DATE:** 10 a.m., Wednesday, September 22, 1982.

**PLACE:** Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED: Summary

**Agenda:** Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed exemption for Massachusetts, Oklahoma, and Wyoming from Regulation 2 (Truth in Lending). (Proposed earlier for public comment; Docket No. R-0415.)

#### Discussion Agenda:

2. Publication for comment for a proposed amendment to Regulation T (Credit by Brokers and Dealers) regarding the eligibility of private mortgage pass-through certificates for margin credit.
3. Any items carried forward from a previously announced meeting.

**Notes.**—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

#### CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: September 15, 1982.

James McAfee,  
Associate Secretary of the Board.

[S-1333-82 Filed 9-15-82; 11:34 am]

BILLING CODE 6210-01-M

## 6

### INTERNATIONAL TRADE COMMISSION

[USITC SE-82-39]

**TIME AND DATE:** 10 a.m., Thursday, September 30, 1982.

**PLACE:** Room 331, 701 E Street, N.W., Washington, D.C. 20436.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:**

1. Investigations 701-TA-86/128 (Final) (Certain Carbon Steel Products from Belgium, Brazil, France, Italy, Luxembourg, and the United Kingdom, and the Federal Republic of Germany)—briefing and vote.

**CONTACT PERSON FOR MORE INFORMATION:**

Kenneth R. Mason, Secretary, (202) 523-0161.

[S-1338-82 Filed 9-15-82; 3:07 pm]

**BILLING CODE** 7020-02-M

7

**INTERNATIONAL TRADE COMMISSION**

[USITC SE-82-38]

**TIME AND DATE:** 9:30 a.m., Wednesday, September 29, 1982.

**PLACE:** Room 117, 701 E Street, NW., Washington, D.C. 20436.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:**

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
  - a. Welding equipment (Docket No. 868).
  5. Investigation 731-TA-102 (Preliminary) (Certain Radio Paging and Alerting Devices from Japan)—briefing and vote.
  6. Investigation 731-TA-103 (Preliminary) (Cotton Shop Towels from the People's Republic of China)—briefing and vote.
  7. Any items left over from previous agenda.

**CONTACT PERSON FOR MORE INFORMATION:**

Kenneth R. Mason, Secretary (202) 523-0161.

[S-1338-82 Filed 9-15-82; 3:06 pm]

**BILLING CODE** 7020-02-M

8

**NUCLEAR REGULATORY COMMISSION**

**DATE:** Tuesday, September 14, 1982 (Revised).

**PLACE:** Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

**STATUS:** Open.

**MATTERS TO BE DISCUSSED:** Tuesday, September 14:

4:00 p.m.

Affirmation/Discussion and Vote (public meeting)

- a. Indian Point Special Proceeding—Order Responding to Licensing Board's Certified Questions (Continued from Friday, September 10, 1982)

**AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE:** (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

**CONTACT PERSON FOR MORE INFORMATION:**

Walter Magee (202) 634-1410.

**Walter Magee,**

*Office of the Secretary.*

September 14, 1982.

[S-1334-82 Filed 9-15-82; 2:49 pm]

**BILLING CODE** 7590-01-M

9

**POSTAL RATE COMMISSION**

**TIME AND DATE:** 2 p.m., Wednesday, September 22, 1982.

**PLACE:** Conference Room, Room 500, 2000 L Street, N.W., Washington, D.C.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

Election of the Officer of the Commission (OOC)  
(Closed pursuant to 5 U.S.C. 552b(c)(2)(6))

**CONTACT PERSON FOR MORE INFORMATION:**

Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268; telephone (202) 254-5614.

[S-1328-82 Filed 9-15-82; 9:34 am]

**BILLING CODE** 7715-01-M

10

**TENNESSEE VALLEY AUTHORITY**

[Meeting No. 1297]

**TIME AND DATE:** 10:15 a.m. (edt), Wednesday, September 22, 1982.

**PLACE:** TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

**STATUS:** Open.

## A—Project Authorization

1. Project Authorization No. 3625—Construction of the Union, Mississippi, 500-kV Substation and transmission line connections.

## B—Purchase Awards

1. Invitation C3-651180—Indefinite quantity term contract for unleaded gasoline for any TVA project or warehouse.
2. Invitation C2-621725—Indefinite quantity term contract for plant operating and other chemicals for any TVA project or warehouse.
3. Proposal 59-925420-2—Labor, tools, equipment, and material for Torus recoating application at Browns Ferry Nuclear Plant.
4. Amendment to Contract 78K50-821100 with Zurn Industries, Incorporated for heat rejection system for Hartsville and Phipps Bend Nuclear Plants.

## C—Power Items

1. Cogeneration agreement among Harriman Paperboard Corporation, City of Harriman, Tennessee, and TVA covering the purchase by the city of Harriman of up to 4,500 kW of

cogenerated power from the Harriman Paperboard Corporation.

2. TVA policy regarding cogeneration and dispersed power production.

3. Letter agreement with East Kentucky Power Cooperative providing for term energy exchange.

4. Deed covering conveyance to Duck River Electric Membership Corporation of a 0.76-acre portion of TVA's East Shelbyville Substation site located in Bedford County, Tennessee.

5. Lease and amendatory agreement with Pontoloc Electric Association covering arrangements for distributor's lease of TVA's Bruce Substation and a short double-circuited section of TVA's Calhoun-Bruce 69-kV Line (46-kV operation) and Houston-Bruce 46-kV Line.

6. Lease and amendatory agreement with City of Athens, Alabama, covering arrangements for distributor's lease of TVA's complete Athens District, Belle Mina, Mount Roszell, and Poplar Creek 46-kV substations; portions of TVA's Ardmore-Belle Mina and Athens-Mount Roszell 46-kV transmission lines; and TVA's Poplar Creek 46-kV tapline.

7. Lease and amendatory agreement with Gibson County Electric Membership Corporation and City of Newbern, Tennessee, covering arrangements for 161-kV service to both distributors at TVA's Newbern 161-kV Substation.

8. Adoption of supplemental resolution authorizing 1982 Series D power bonds.

9. Resolution authorizing the Chairman and other executive officers to take further action relating to issuance and sale of 1982 Series D power bonds.

## F—Unclassified

\*1. Interagency agreement between TVA and Agency for International Development (AID) covering arrangements for TVA's assistance to AID's bioenergy program.

\*2. Interagency agreement with Department of Energy (DOE) covering arrangements for technical assistance for DOE's fuel alcohol loan guarantee program.

\*3. Interagency agreement between TVA and Agency for International Development (AID) providing for TVA's assistance to AID's managing energy and resource efficient cities project.

4. Agreement between West Eight County Association of Soil Conservation Districts and TVA to develop and implement a coordinated and comprehensive project for controlling erosion and restoring area stream channels.

5. Agreement between Greater Knoxville Economic Development Corporation (GKEDCO) and TVA providing for TVA's assistance to GKEDCO in the formation of a revolving loan fund to serve the venture capital requirements of socially and economically disadvantaged persons

\*Item approved by individual Board members. This would give formal ratification to the Board's action.

in the Knoxville and east Tennessee areas.

6. Agreement with Tennessee Valley Center for Minority Economic Development, Inc., covering arrangements for cooperation in project to salvage scrap marine metals.

7. Payments to States and counties in lieu of taxes for fiscal year ending September 30, 1982, as provided under Section 13 of the TVA Act, as amended.

8. Allocation of cost in Tellico Reservoir Project.
9. Payment from net power proceeds for fiscal year 1982 to the Treasury of the United States.
10. Short-term borrowing from the Treasury.
11. Contribution rate to the TVA Retirement System for fiscal year 1983.

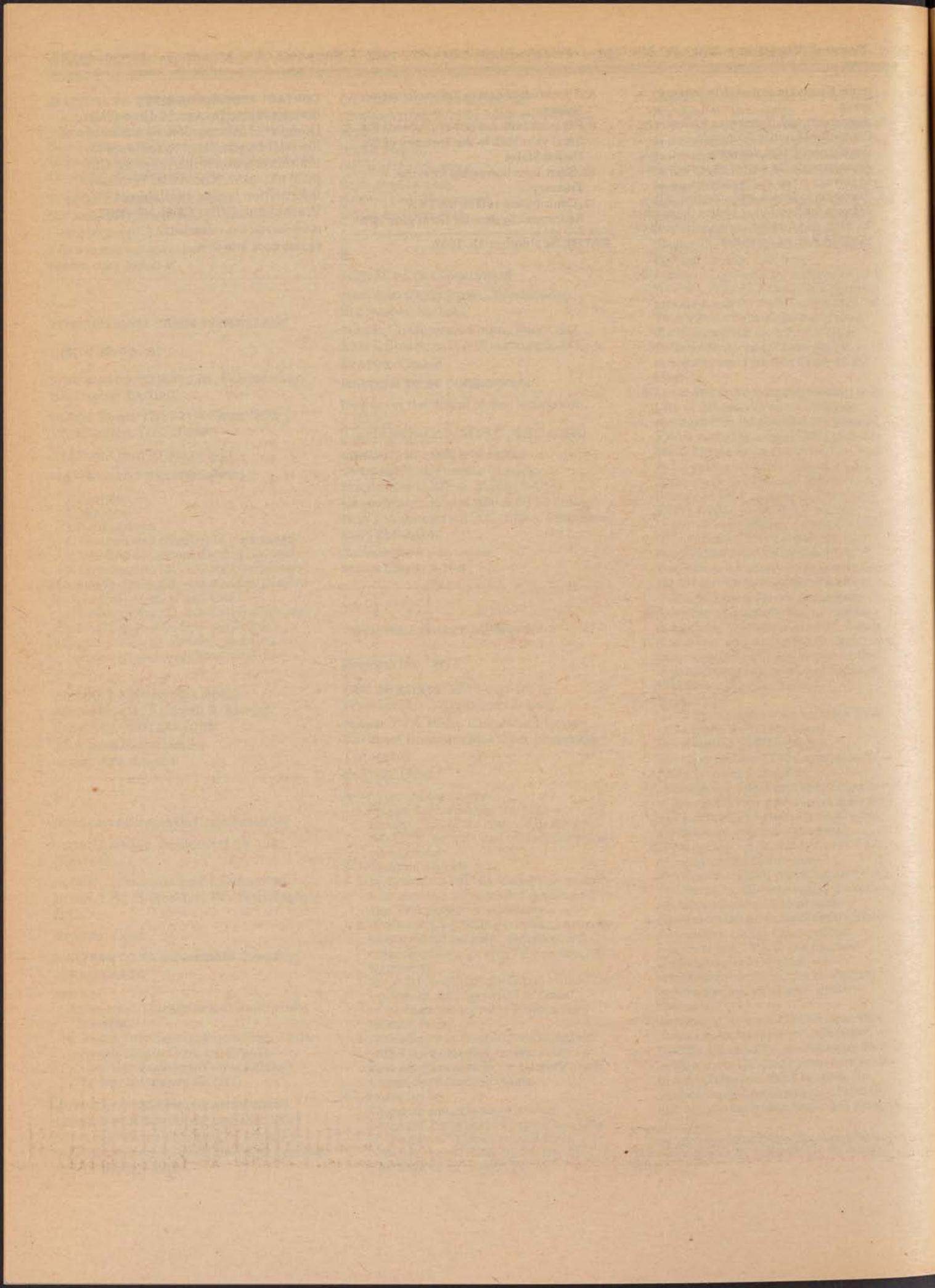
**DATED:** September 15, 1982.

**CONTACT PERSON FOR MORE INFORMATION:**

Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

[S-1337-82 Filed 9-15-82; 4:30 pm]

**BILLING CODE 6120-01-M**



# REGULATORY INDEX

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Friday  
September 17, 1982

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## Part II

### Department of Labor

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Employment Standards Administration,  
Wage and Hour Division

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Minimum Wages for Federal and  
Federally Assisted Construction; General  
Wage Determination Decisions

**DEPARTMENT OF LABOR****Employment Standards  
Administration, Wage and Hour  
Division****Minimum Wages for Federal and  
Federally Assisted Construction;  
General Wage Determination  
Decisions**

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of

publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

**Modifications and Supersedeas  
Decisions to General Wage  
Determination Decisions**

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is

encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

**Modifications to General Wage  
Determination Decisions**

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama: AL82-1035 .....	July 30, 1982.
Mississippi: MS81-1297 .....	Oct. 16, 1981
New York: NY81-3024 .....	Apr. 3, 1981
Texas: TX82-4028 .....	June 18, 1982
Washington: WA82-5117 .....	Aug. 13, 1982
Wisconsin: WI82-2043 .....	Aug. 27, 1982

**Supersedeas Decisions to General Wage  
Determination Decisions**

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama: AL81-1296 (AL82-1047) .....	Oct. 9, 1981.
Georgia: GA79-1156 (GA82-1048) .....	Dec. 7, 1979.

Please note that we are changing the format for **Federal Register** wage decisions to coincide with the provisions of All Agency Memorandum No. 132 dated January 29, 1980, which provides that the Department of Labor will discontinue identifying fringe benefits separately. Rather, they will be stated as a composite figure which is the total hourly equivalent value of fringe benefits found to be prevailing. Fringe benefits which can not be stated in monetary terms will be shown in footnotes. This procedure is being phased in gradually.

Signed at Washington, D.C., this 10th day of September 1982.

Dorthy P. Come,  
Assistant Administrator, Wage and Hour  
Division.

## MODIFICATION PAGE 1

DECISION NO. AL82-1035 - MOD. #1 (July 30, 1982 - 47 FR 33043)	Basic Hourly Rates	Fringe Benefits
<b>JEFFERSON COUNTY, ALABAMA HIGHWAY CONSTRUCTION</b>		
<b>CHANGE: IRONWORKERS, Reinforcing MOD. #1 (October 16, 1981 - 46 FR 51168)</b>		
DECISION NUMBER MS81-1297 - MOD. #1	\$ 6.50	
LOWNDES COUNTY (Excluding Columbia Lock & Dam & Tennessee Tombigbee Projects)		
MISSISSIPPI BUILDING CONSTRUCTION		
ADD: BRICKLAYERS	\$ 8.75	
DECISION NO. NY81-3024 - MOD. #5 (46 FR 20442 - April 3, 1981)		
BRONX, KINGS, NEW YORK, QUEENS & RICHMOND COS., NEW YORK		
CHANGE: ELECTRICIANS	17.00	198+a+ b+c
Jobbing, maintenance, repair work, alterations and new work up to a contract price of \$50,000	8.75	198+a+ b+c

DECISION NO. TX82-4028 - MOD. #3 (47 FR 26553 - 6/18/82) Jefferson & Orange Cos., Texas	8.75	198+a+ b+c
<b>CHANGE: Electricians</b>		
<b>Line Construction:</b>		
Linemen	\$ 19.63	1.135+ 3%
Groundmen	19.94	.80+3½%
Plumbbers	14.56	.80+3½%
	17.71	.99

## SUPERSEDES DECISION

COUNTIES: LAWRENCE, LIMESTONE, & MORGAN  
STATE: ALABAMA  
DECISION NUMBER: AL82-1047  
Supersedes Decision No. AL81-1296 dated October 9, 1981 - 46 FR 5022.  
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes  
and apartments up to and including 4 stories).

ASBESTOS WORKERS: Area 3 CEMENT MASONS: Area 3 Area 1 (Base Rate, Zone 1) Group 1 Group 2 Group 3 ELECTRICIANS: Area 3: Electricians Cable Splicers GLAZIERS: Area 5 Area 6 SOFT FLOOR LAYERS: Area 1 Area 8 TITLE, MARBLE, AND TERRAZZO FINISHERS: Area 1 ELEVATOR CONSTRUCTORS: Mechanics: Area 1	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS: MARBLE SETTERS; Area 3 Area 1 (Base Rate, Zone 1) Group 1 Group 2 Group 3 Area 3: Electricians Cable Splicers GLAZIERS: Area 5 Area 6 SOFT FLOOR LAYERS: Area 1 Area 8 TITLE, MARBLE, AND TERRAZZO FINISHERS: Area 1 ELEVATOR CONSTRUCTORS: Mechanics: Area 1	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS CARPENTERS: Millwrights CEMENT MASONS ELECTRICIANS TRONWORKERS LABORERS PAINTERS, BRUSH PLUMBERS & PIPEFITTERS	\$ 19.38 17.84 15.50 16.00 16.50 18.70 20.57 16.77 13.06 14.19 15.05 14.71 14.71 19.73	\$ 2.80 2.29 3.20 3.20 3.20 3% + 3.56 3% + 3.56 b + 1.85 1.90 1.74 1.89 1.97 1.97 a + 2.6c
ROOFERS SHEET METAL WORKERS SHEETROCK FINISHERS SHEETROCK HANGERS STEAM LITTERS TRUCK DRIVERS WELDERS-Rate for Craft		
Unlisted classifications needed for work not included within the scope of the classifica- tions listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).		

## SUPERSededS DECISION

STATE: GEORGIA  
 COUNTIES: BANKS, DAWSON, FORESTH, FRANKLIN, HABERSHAM, HALL, JUMPKIN, RABUN, STEPHENS,  
 TOWNS: UNION, & WHITES.  
 DECISION NUMBER: Ga82-1018  
 Superseded Decision Number GA79-1156, dated December 7, 1979, in 44 FR 70629.  
 DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and  
 apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
<b>AIR CONDITIONING &amp; HEATING</b>						
MECHANICS	\$ 8.00					
BRICKLAYERS	6.02					
CARPENTERS	6.38					
CEMENT MASONS	6.26					
DRYWALL FINISHERS	6.00					
DRYWALL HANGERS	6.00					
ELECTRICIANS	5.93					
INSULATION INSTALLERS	6.00					
LABORERS - GENERAL	4.31					
PAINTERS	6.00					
PLUMBERS & PLIFERTHERS	6.20					
ROOFERS	6.00					
SHEET METAL WORKERS	6.51					
TRUCK DRIVERS	4.31					
<b>WELDERS - RATE FOR CRAFT.</b>						
<b>POWER EQUIPMENT OPERATORS:</b>						
ASPHALT SPREADER - SCREED	5.38					
BULLDOZER	5.50					
FRONT END LOADER	6.28					
MOTOR GRADER	5.30					

UNLISTED CLASSIFICATIONS  
 NEEDED FOR WORK NOT INCLUDED  
 WITHIN THE SCOPE OF THE  
 CLASSIFICATIONS LISTED MAY  
 BE ADDED AFTER AWARD ONLY  
 AS PROVIDED IN THIS LABOR  
 STANDARDS CONTRACT CLAUSES  
 (29 CFR, 5.5 (a) (1) (ii)).

[FR Doc. 82-25862 Filed 9-16-82; 8:45 am]

**BILLING CODE 4510-27-C**

Final Frameworks for Late Season  
Migratory Bird Hunting Regulations

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Friday  
September 17, 1982

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**Part III**

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**Department of the  
Interior**

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**Fish and Wildlife Service**

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**Final Frameworks for Late Season  
Migratory Bird Hunting Regulations**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 20****Final Frameworks for Late Season Migratory Bird Hunting Regulations**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule prescribes final late season frameworks (i.e., the outer limits for dates and times when shooting may occur, hunting areas, and the number of birds which may be taken and possessed) from which States may select season dates, limits, and other options for the 1982-83 migratory bird hunting season. The earliest of these seasons generally commence on or about October 1, 1982, and include most of those for waterfowl.

Except as noted, the frameworks are similar to those in effect last hunting season. The Service continues its program of stabilized duck hunting regulations into the 1982-83 hunting season as the third year of a 5-year cooperative study with Canada.

The Service annually prescribes hunting regulations frameworks to the States. The effects of this final rule are to facilitate the selection of hunting seasons by the States and to further the establishment of the late season migratory bird hunting regulations for the 1982-83 season. State selections will be published in the *Federal Register* as amendments to §§ 20.104 through 20.107 and § 20.109 of Title 50 CFR Part 20.

**EFFECTIVE DATE:** This rule takes effect on September 17, 1982. Tentative State selections of seasons and other options based on the proposed frameworks were due by September 3, 1982.

**ADDRESSES:** State season selections to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments received on the proposed late season frameworks are available for public inspection during normal business hours in Room 525-B, Matomic Building, 1717 H Street, NW., Washington, D.C. Copies of the environmental assessment on stabilized duck hunting regulations are available from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:**

John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the

Interior, Washington, D.C. 20240 (202-254-3207).

**SUPPLEMENTARY INFORMATION:** The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

On April 19, 1982, the U.S. Fish and Wildlife Service (hereinafter the Service) published for public comment in the *Federal Register* (47 FR 16718) proposals to amend 50 CFR Part 20, with comment periods ending June 23, July 18, and August 23 (later extended to August 30), 1982, respectively, for the 1982-83 Alaska, Puerto Rico, and Virgin Islands; other early hunting seasons; and the late hunting seasons frameworks. That document dealt with the establishment of hunting seasons, hours, areas, and limits for migratory game birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. A supplemental proposed rulemaking for both the early and late season frameworks appeared in the *Federal Register* dated June 15, 1982 (47 FR 25922).

On July 12, 1982, the Service published for public comment in the *Federal Register* (47 FR 30162) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early season migratory bird hunting regulations. On July 19, 1982, the Service published in the *Federal Register* (47 FR 31282) a fourth document containing final frameworks for Alaska, Puerto Rico, and the Virgin Islands, and on August 9, 1982 (47 FR 34498), a fifth document containing final frameworks for other early seasons for migratory bird hunting regulations from which State wildlife conservation agency officials selected early season hunting dates, hours, areas, and limits for the 1982-83 season. On August 20, 1982, the Service published in the *Federal Register* (47 FR 36578), a sixth document containing proposed frameworks for late season migratory bird hunting regulations. On August 30, 1982, the Service published in the *Federal Register* (47 FR 38246) a seventh document consisting of a final rule amending Subpart K of Title 50 CFR Part 20 to set hunting seasons, hours, areas, and limits for mourning doves, white-winged doves, band-tailed pigeons, rails,

woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in Florida, Iowa, Kentucky, and Tennessee; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in southwestern Wyoming; migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, and special falconry seasons. This document is the eighth in the series and establishes final frameworks for late season migratory bird hunting regulations for the 1982-83 season.

These proposed regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

**Review of Public Comments and the Service's Response****Written Comments Received**

In the *Federal Register* dated June 15, 1982 (at 47 FR 25923), the Service responded to comments on proposed late season frameworks which had been received up to that time. Twenty additional written comments and 13 statements made at the public hearing on proposed late hunting season frameworks were summarized and responded to in the *Federal Register* dated August 20, 1982 (at 47 FR 36578). Since then, 44 written comments have been received. These are summarized and responded to following the numbered list of regulatory topics which appeared in the *Federal Register* dated April 19, 1982 (at 47 FR 16718). In several cases, more than one comment was received from the same respondent, and in some other cases a commentator offered views on more than one regulatory subject. The new comments originated from 16 States, 3 waterfowl flyway councils, 4 national conservation organizations, 1 regional organization, 14 individuals, 3 State legislators, and 3 congressional representatives. The latter originated from individuals and States that had also written the Service separately.

**Black ducks.** Three comments were received on the Service's proposal that no changes be made in the frameworks for this species. Maine expressed disappointment that the Service had not proposed measures to curtail the take of black ducks throughout the Atlantic Flyway. The letter noted that the species had declined to a very low level in Maine. The International Council for Bird Preservation, United States Section, Inc. (ICBP) noted that the black duck

winter inventory indicated a population decrease from 429,000 in 1976 to 309,000 in 1982, a decline of about 4 percent annually. Trend data for black ducks in Maine and Massachusetts, information on the infiltration of the black duck's range by mallards, hybridization between the two species, and high mortality rates of the black duck were cited. Included were recommendations for a significant reduction in harvest or a temporary total closure of the black duck season so that the relative importance of hunting mortality as compared with mallard incursion can be viewed with needed clarity, and so that management can be put back on sound biological footing.

Covington and Burling, attorneys for the Humane Society of the United States (HSUS), submitted a voluminous statement on the black duck. It is comprised of a 9-page transmittal summarizing major concerns of the HSUS, and supporting affidavits by Joseph A. Hagar (7 pp.), an ornithologist and long time student of black ducks; Reverend Robert A. Bryan, a hunter and observer of black ducks over extensive areas of New England and eastern Canada (7 pp.); and Dr. John W. Grandy IV, presently HSUS Vice-President for Wildlife and Environment (45 pp. plus references). All 3 stated that black duck hunting should be prohibited or severely restricted this year.

The HSUS summary alleges that the black duck population is declining drastically and that hunting is contributing substantially to the decline. According to HSUS, the Service has delayed implementing protective measures for the black duck for many years. HSUS urges the Service to develop a national plan for the species "inasmuch as it is the federal agency delegated the duty to protect the species under mandate by the Migratory Bird Treaty Act." HSUS opposed any delay in action to permit development and coordination of a management program with the Atlantic and Mississippi Flyway Councils and Canada, and to familiarize hunters with the status of the black duck and its need for greater protection from hunting. HSUS notes that the Service has had ample opportunity to inform hunters of the critical plight of the black duck and the need for a hunting moratorium this year. According to HSUS, " \* \* \* The Service's failure to close the hunting season or to take any other immediate action to protect the black duck is unlawful, irresponsible, and will severely damage the species."

*Response.* The Service has responded to the HSUS assertion that it has

delayed protective measures for the black duck for many years, at 47 FR 36581. That response is incorporated here by reference. The HSUS assertion that the black duck is presently undergoing a precipitous decline in population is not correct. An examination of winter survey data on which this assertion is apparently based, clearly shows that 65 percent of the observed decline in black ducks since 1955 occurred during the period 1955-1962 for reasons that are not entirely clear. Since that time, during the 20-year period 1963-1982, winter survey data show a decline averaging about 1.6 percent annually. Although a long-term decline is evident from the winter survey data, except for the early 1955-1962 period, it has been gradual and does not indicate an immediate crisis for the species' welfare. The HSUS cites winter survey data as suggesting that the black duck population was at a low point of only 309,000 birds in 1980. However recent winter survey indices which show that the status of the black duck has been slightly better overall in the past two years than it was in 1980 indicate that no immediate "crisis" condition pertains to black ducks in 1982.

Winter survey data is used for trend analysis and does not reflect the true size of the population. Data in Service files indicate that only one-third to one-fifth of the wintering population is observed in the winter survey. Indirect estimates of black duck populations based on an analysis of banding and harvest data showed an average annual wintering population of 1.4 million black ducks for the 1967-70 period, and 1.5 million black ducks for the 1971-76 period. In addition, indirect estimates of preseason (just prior to the hunting season) black duck populations since 1967 indicate a relatively stable fall flight population of black ducks that averages about 2.7 million birds annually. These estimates of the current size of the black duck population provide no reason to believe that unless a black duck season closure or severe harvest restrictions are imposed this year, the future of the black duck is in jeopardy.

The Service has stated on a number of occasions that a decline in numbers of black ducks has been underway for many years. While hunting has frequently been alleged to be the principal factor involved and is recognized as a factor, the precise cause of the decline is not clear. Observations and investigations in both Canada and the United States in recent years indicate that a combination of factors is

most likely involved. These include land use changes that affect black duck breeding in important segments of the breeding grounds, deterioration and loss of habitat there and elsewhere, competition with mallards, and hybridization with mallards. Comprehensive analyses of banding and other data recently conducted by the Service indicate that hunting is a contributing factor and that the greatest effect may be on the number of immatures that survive to enter the breeding population. The Service has concluded, therefore, that a management program for black ducks should include harvest restrictions with attention given to increasing the number of immatures that survive to enter the breeding population.

The Service has previously explained its belief (47 FR 36581) that it is undesirable to restrict black duck hunting regulations this year. The claim by HSUS that this explanation is specious demonstrates a lack of appreciation for factors which must exist before a change in management can have its most beneficial effect. There is need to develop a comprehensive, coordinated international black duck management program involving the Canadian Wildlife Service (CWS) and Provincial wildlife agencies in Canada, and State wildlife agencies in the Atlantic and Mississippi Flyways through their respective Flyway Councils. These agencies all have management responsibilities for waterfowl including black ducks and contribute substantially to such management programs in connection with habitat management, law enforcement, management of hunting, population monitoring, research, and other investigations. Involvement of CWS and Provincial agencies is important because Canada contains the bulk of black duck breeding habitat and, in recent years, has accounted for about 50 percent of the harvest of black ducks. Therefore, an attempt to reach agreement on a coordinated comprehensive program will, given the current population status of the black duck, have more beneficial results in the long run than immediately and unilaterally closing the season, as HSUS suggests.

It is necessary to allow adequate time to determine the most appropriate measures to take in restricting harvest, and how best to apply and coordinate them in the many different jurisdictions within the range of the black duck. A number of options for restrictive measures have been identified in the Atlantic Waterfowl Council's Black

Duck Management Plan. However, not all may apply equally well flywaywide or throughout the black duck's range. Further, it may be desirable to apply different measures in different parts of the range. Time is needed to evaluate the relative merits of several regulatory options and to determine which are most appropriate in various geographical areas in the eastern United States. In essence, the Service's duties to manage the resource require that the Service determine the most efficacious means of restricting the black duck harvest. This determination can only be made after analysis of the various regulatory options mentioned above and full public involvement. Prior to implementing hunting restrictions, hunters need to be informed about the status of the black duck, and, to the extent possible, the reasons why restrictive measures are required, the nature of those measures, and what they are intended to accomplish. Service experience with canvasback and steel shot regulations indicates that full understanding and cooperation by hunters and other interested groups are vital to actual accomplishment of a regulatory objective like this one.

The Service wishes to announce that it is committed to a program to effect necessary hunting restrictions on black ducks beginning in the 1983-84 hunting season. Ideally, this program will be initiated jointly in the United States and Canada with the full cooperation of State, Provincial, and Federal wildlife agencies, and other concerned parties. Discussions already in progress with these groups will continue toward that end. However, if agreement on a hunting program cannot be reached, the Service will proceed with a 1983-84 program of harvest restrictions based on its assessment of what actions are necessary and desirable to effectively reduce hunting pressure on black ducks. This program has already begun with the assignment of the following tasks to Service staff:

1. Develop an analysis of regulatory options for consideration by the Director for implementation in 1983.
2. Develop an environmental assessment on the regulatory options.
3. Develop a program of hunter information about the black duck situation, restrictions to be initiated in 1983 based on 1 and 2 above, and the need for those restrictions. This program will be implemented as soon as possible.

**Canvasbacks.** Michigan amended its earlier request regarding canvasback closure areas, reporting that 5,000 or fewer canvasbacks are regularly observed in six counties (Arenac, Bay,

Huron, Monroe, Tuscola, and Wayne) closed to hunting of this species. It is recommended that these closures be abolished.

**Response:** In the *Federal Register* dated August 20, 1982, the Service responded to proposals to abolish certain canvasback closed areas. On page 36582, the Service announced its intention to undertake a comprehensive review of canvasback management strategies and objectives which have been in place since 1978. In consideration of these plans, the Service believes that the requested change should be deferred pending completion of the review.

**Goose and brant seasons.** Both Maryland and Massachusetts reiterated their requests that Canada goose seasons in their respective States be increased from 70 to 90 days. In the case of Maryland the request was that a 90-day goose season similar to that on the eastern shore be provided in the portion of Maryland west of Chesapeake Bay. Three Maryland legislators, in a single letter, and a sportsman supported the request. The request had initially appeared in the *Federal Register* dated April 19, 1982 (at 47 FR 16726). The Massachusetts request was published in the *Federal Register* dated June 15, 1982 (at 47 FR 25923). In both cases justification for the extended seasons was based on the need to control populations of locally breeding, non-migratory Canada geese that have become nuisances, and to reduce crop depredations and other complaints. A recent letter provided additional information on the distribution of these geese and documentation of specific agricultural depredations complaints.

**Response.** In the *Federal Register* dated August 20, 1982 (at 47 FR 36582) the Service explained reasons for not favoring the changes requested. For convenience, the portion of the Service's reply relating to the two States is repeated:

The Service is of the view that the western shore of Maryland is outside the areas of the Atlantic Flyway where 90-day seasons and 4-bird bag limits are permitted for Canada geese for the purpose of stabilizing these goose populations or limiting the rate of increase which, in the past, has been judged excessive. No formal proposal and supporting information has been submitted by Maryland or the Atlantic Flyway Council to document the need for further expansion of the 90-day, 4-bird area. In this regard the Service notes that the Atlantic Flyway Canada goose population in the Delmarva Peninsula area where the population problem was most acute is presently significantly below the levels of previous years. Thus, the need for further increase in harvest opportunity at present is unclear. Also, such further

increases appear to be inconsistent with the intention of the AFC to seek ways of adjusting harvest regulation to promote improved distribution of the population especially in regard to increasing the proportion of the population in more southerly wintering areas. For these reasons, the Service does not believe that the proposed change is desirable at this time. The Service does not favor the Massachusetts request for many of the same reasons, including the need to better document need for the season extension.

At the request of the two States involved the Service has reviewed this matter again. Massachusetts provided additional information on the distribution of its breeding Canada geese and further details about goose damage to agricultural crops, including cranberries. A recent Maryland letter indicated that the number of geese in the area surveyed along the Western Shore (of Chesapeake Bay) has increased from an average of 8,400 during 1970-72 to an average of 38,900 during 1980-82, and reported on the capture and transfer of nuisance geese to areas outside the State, and problems associated with geese near Dulles Airport in Virginia.

The Service is aware of problems caused by so-called nuisance geese in New England and New York, and has cooperated with State officials in capturing and transferring geese to other locations where there is a demand for these geese. Also, the Service has undertaken research on biological measures to limit the growth of "nuisance" goose populations. These approaches have been taken because additional hunting pressure during the regular hunting season is usually not a practical approach to limiting or reducing such local populations. The birds are often not accessible to hunting because of local restrictions or other factors. It is necessary to make distinctions between problems associated with local vs. migrant Canada geese. In this respect, the population of geese wintering along the Western Shore of Maryland appears to include both local and migrant Canada geese. The situation in Massachusetts may be different but it is not clear that the solution lies with extending the hunting season. The Service wishes to avoid unnecessary increases in the harvest of Atlantic Flyway Canada geese pending decisions on an effort to rebuild populations of Canada geese in southern areas presently under consideration by the Atlantic Flyway Council. For this reason the Service continues to believe that it is not desirable to make the requested changes at this time. However, this matter will be pursued further during the coming

year in consultation with Maryland and Massachusetts in an effort to find an appropriate solution to these local goose problems.

The proposed frameworks relating to the Mississippi Valley Population of Canada geese were the subject of 31 comments. Of these, 6 originated from State conservation agencies, 5 from conservation organizations, 2 from State legislators, 2 from the Mississippi Flyway Council, 14 from individuals, and 2 from members of Congress. Most expressed views on the harvest quotas assigned to Wisconsin and Illinois; 19 comments originated from Wisconsin while 3 came from Illinois.

**Response.** In the *Federal Register* dated August 20, 1982 (at 47 FR 36580), the Service provided a detailed explanation of how the proposed harvest quotas were developed this year. Because of the widely differing views on appropriate regulations for these geese, expressed during the comment period, the proposed regulations were re-examined and the suggested changes carefully evaluated in the light of information available on the likely status of MVP geese in 1982. No significant new information or data were presented which would suggest a change in any of the information previously available to the Service or in the desirability of changing the harvest regulations proposed in the August 20, 1982 *Federal Register*. Therefore, the Service believes that the regulation should remain as proposed. No change is made in the following final frameworks.

An exception to this relates to the proposed area where the Canada goose season would be restricted to 40 days for MVP Canada geese in Kentucky. The Service proposed expanding the area to all or parts of 14 western counties, compared to 4 counties previously used to delineate the harvest area of Mississippi Valley Population (MVP) Canada geese on recommendation of the Upper Region of the Mississippi Flyway Council. Kentucky noted that much of the enlarged area had been considered as within the range of Tennessee Valley Population Canada geese, and provided limited band recovery data to support that contention. In a second letter, Kentucky noted that the proposed new boundary would result in a 70-day season on that portion of Kentucky Lake which is in Tennessee but only a 40-day season on the Kentucky portion of the lake.

**Response.** The Service, after consideration of Kentucky's comments and supporting information and examination of additional information, has modified and shifted the boundary

separating the 70- and 40-day season areas westward. The reduced area in which the 40-day season applies should continue to give adequate protection to MVP Canada geese. It also eliminates a season length incongruity between Kentucky and Tennessee. The revised boundary is shown in the final frameworks.

Michigan reiterates its interest in a framework that would permit a September 26 opening for waterfowl in the Upper Peninsula, specifically for a three year experimental early season for Canada geese.

**Response.** The Service addressed the question of earlier waterfowl season frameworks in Michigan in the *Federal Register* dated June 15, 1982 (at 47 FR 25923) and repeated in the *Federal Register* dated August 20, 1982 (at 47 FR 36581), and gave reasons why it did not favor these requests. Insofar as the earlier goose season is concerned, the Service finds it inconsistent to implement measures to increase the harvest of Mississippi Valley Population Canada geese in Michigan while relatively severe harvest restrictions are being implemented elsewhere in the U.S. range of these geese.

#### Nontoxic Shot Regulations

On August 13, 1981, the Service published in the *Federal Register* (46 FR 40879) final rules describing nontoxic shot zones for waterfowl hunting. When eaten by waterfowl, spent lead pellets can have a toxic effect. Nontoxic shot zones reduce availability of lead pellets in selected waterfowl feeding areas.

Amendments to these regulations were published in the *Federal Register* (47 FR 32546; July 28, 1982). These amendments relate to changes in Indiana, Maine, Massachusetts, and Nebraska. Colorado, South Dakota, and Texas have regulations requiring steel shot for waterfowl hunting in areas that are not included in the Federal regulations published in the *Federal Register* on August 13, 1981 (46 FR 40879). Zones in other States will remain as they were described on August 13, 1981 (46 FR 40879).

Some national wildlife refuges require use of steel shot on hunting areas within their boundaries, and these rules are published with other regulations regarding public use of the refuges (Title 50 CFR Part 32—Hunting).

Waterfowl hunters are advised to become familiar with State and local regulations regarding the use of nontoxic shot for waterfowl hunting.

#### NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations

Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council of Environmental Quality on June 6, 1975, and notice of availability was published in the *Federal Register* on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service.

#### Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" [and] ". . . by taking such action necessary to insure that any action authorized, funded, or carried out . . . is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species . . . which is determined to be critical." The Service therefore initiated Section 7 consultation under the Endangered Species Act for the proposed hunting season frameworks.

On July 1, 1982, Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, concluded:

"Therefore, it is my biological opinion that your action, as proposed, is not likely to jeopardize the continued existence of the above listed species or result in the destruction or adverse modification of the American peregrine falcon, whooping crane, or Everglade kite Critical Habitat.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species.

The Service's biological opinion resulting from its consultation under Section 7 is considered a public document and is available for public inspection in or available from the Office of Endangered Species and the Office of Migratory Bird Management, Department of the Interior, Washington, D.C.

#### Regulatory Flexibility Act and Executive Order 12291

In the *Federal Register* dated April 19, 1982 (at 47 FR 16722), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and

an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

#### Memorandum of Law

The Service published its Memorandum of Law, required by Section 4 of Executive Order 12291, in the *Federal Register* dated July 19, 1982 (at 47 FR 31283).

#### Authorship

The primary author of this final rule is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

#### Regulations Promulgation

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed late hunting season rulemakings were published on April 19, June 15, and August 20, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the periods' close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the States would have insufficient time to select their season dates, shooting hours, and limits; to communicate those selections to the Service; and finally establish and publicize the necessary regulations and procedures to implement their decisions.

Therefore, the Service under authority of the Migratory Bird Treaty Act of July

3, 1918, as amended, (40 Stat. 755; 16 U.S.C. 701-711), prescribes final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and hunting areas, from which State conservation agency officials may select hunting season dates and other options. Upon receipt of season and option selections from State officials, the Service will publish in the *Federal Register* final rulemaking amending 50 CFR Part 20 (§§ 20.104 through 20.107 and § 20.109) to reflect seasons, limits, and shooting hours for the contiguous United States for the 1982-83 season.

The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

#### List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

BILLING CODE 4310-55-M

Final Regulations Frameworks for 1982-83 Late Hunting Seasons  
on Certain Migratory Game Birds

3. The season must be limited to areas mutually agreed upon between the State and the Service prior to September 1, 1982.

4. These areas must be described and delineated in State hunting regulations.

OR

**Extra Scaup:** As an alternative, States in the Atlantic, Mississippi, and Central Flyways, except those selecting a point system, may select an extra daily bag and possession limit of 2 and 4 scaup, respectively, during the regular duck hunting season, subject to conditions 3 and 4 listed above. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

**Split Season:** States in all Flyways may split their season for ducks, geese, or brant into two segments of equal or unequal lengths. States in the Atlantic and Central Flyways may, in lieu of zoning, split their season for ducks or geese into three segments of equal or unequal lengths. Exceptions are noted in appropriate sections.

**Shooting Hours:** Between one-half hour before sunrise and sunset daily in all States, for all species, and for all seasons. The hours noted here also apply to hawking (taking by falconry).

**Extra Blue-winged Teal:** States in the Mississippi and Central Flyways selecting neither a teal or early duck season in September nor the point system may select an extra daily bag and possession limit of 2 and 4 blue-winged teal, respectively, for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck bag and possession limits.

**Extra teal:** States in the Atlantic Flyway (except Florida) not selecting the point system may select an extra teal limit for 9 consecutive days during the regular duck season of no more than 2 blue-winged teal or 2 green-winged teal or 1 of each daily and no more than 4 singly or in the aggregate in possession.

**Special Scaup-only Season:** States in the Atlantic, Mississippi, and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with daily bag and possession limit of 5 and 10 scaup, respectively, subject to the following conditions:

1. The season must fall between October 1, 1982, and January 31, 1983, all dates inclusive.
2. The season must fall outside the open season for any other ducks except sea ducks.

GENERAL

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved final frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl, coots, and gallinules; and common snipe in the Pacific Flyway. Frameworks are summarized below. States may be more restrictive in selecting season regulations, but may not exceed the framework provisions.

**Point System:** Selection of the point system for any State entirely within a flyway must be on a statewide basis, except if New York selects the point system, conventional regulations may be retained for the Long Island Area. New York may not select the point system within the Upstate zoning option, and Maine, New Hampshire, Massachusetts, Connecticut, Pennsylvania, and West Virginia may not select the point system pending completion of zoning studies.

**Deferred Season Selections:** States that did not select their rail, woodcock, snipe, sandhill crane, gallinule, and sea duck seasons in July should do so at the time they make their waterfowl selections.

Frameworks for open seasons and season lengths, bag and possession limit options, and other special provisions are listed below by Flyway.

ATLANTIC FLYWAY

Ducks, Coots, and Mergansers

**Outside Dates:** Between October 1, 1982, and January 20, 1983.

**Hunting Season:** 50 days.

**Daily Bag and Possession Limits (including restrictions on black ducks):** (a) basic daily bag and possession limits of 4 and 8 ducks, respectively, of which no more than 2 in the daily bag and 4 in possession may be black ducks; or (b) basic daily bag and possession limits of 5 and 10 ducks, respectively, of which no more than 1 in the daily bag and 2 in possession may be black ducks.

**Canvasbacks and Redheads:** Except in closed areas, the limit on canvasbacks is 1 daily and 1 in possession. The limit on redheads throughout the flyway is 2 daily, except that in areas open to canvasback harvest the daily bag limit is 2 redheads, or 1 redhead and 1 canvasback. The possession limit on redheads is twice the daily bag limit under conventional regulations. The canvasback possession limit is equal to the daily bag limit. Under the point system, canvasbacks (except in closed areas) count 100 points each and redheads flywaywide count 70 points each. Areas closed to canvasback hunting are:

**Zoning:**

**New York** - Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls. All waters of Lake Cayuga.

**New Jersey** - Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

**Maryland, Virginia and North Carolina** - Those portions of each State lying east of U.S. Highway 1.

**Restrictions on Wood Ducks:** Under conventional and point system options, the daily bag and possession limits may not include more than 2 and 4 wood ducks, respectively.

**Early Wood Duck Season Option:** Virginia, North Carolina, South Carolina, and Georgia may split their regular hunting season so that a hunting season not to exceed 9 consecutive days occurs between October 1 and October 15. During this period under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the flyway shall apply to wood ducks. Under the point system, wood ducks shall be 25 points. For other ducks, daily bag and possession limits shall be the same as established for the flyway under conventional or point system regulations. For those States using conventional regulations, the extra teal option may be selected concurrent with the early wood duck season option. This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

**Merganser Limits:** The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

**Coot Limits:** The daily bag and possession limits of coots are 15 and 30, respectively.

**Lake Champlain Area, New York Follows Vermont:** The Lake Champlain Area of New York must follow the waterfowl seasons, daily bag and possession limits, and shooting hours selected by Vermont. This area includes that part of New York lying east and north of a boundary running south from the Canadian border along U.S. Highway 9 to New York Route 22 south of Keeseville, along New York Route 22 to South Bay, along and around the shoreline of South Bay to New York Route 22, along New York Route 22 to U.S. Highway 4 at Whitehall, and along U.S. Highway 4 to the Vermont border.

**Special Scup and Goldeneye Season:** In lieu of a special scup season, Vermont may, for the Lake Champlain Area, select a special scup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scup or 3 goldeneyes or 3 in the aggregate and a possession limit of 6 scup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to the special scup season elsewhere.

**Long Island:** New York may, for Long Island, select season dates and daily bag and possession limits which differ from those in the remainder of the State.

**Upstate New York:** Upstate New York (excluding the Lake Champlain area) may be divided into three zones (West, North, South) on an operational basis for the purpose of setting separate duck, coot and merganser seasons. Option (a) or (b) for seasons and bag limits is applicable to the zones in the Upstate area within the Flyway framework; only conventional regulations may be selected. Each zone will be permitted the full number of days offered under options (a) or (b). In addition, a 2-segment split season without penalty may be selected in each zone. The basic daily bag limit on ducks in each zone and the restrictions applicable to options (a) and (b) of the regular season for the Flyway also apply. Teal and scup bonus bird options shall be applicable to the Upstate zones, but the 16-day special scup season will not be allowed.

**New York Zone Definitions:** The zones are defined as follows:

The **West Zone** is that portion of Upstate New York lying west of a line commencing at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border.

The **North and South Zones** are bordered on the west by the boundary described above and are separated from each other as follows: starting at the intersection of Interstate Highway 81 and State Route 49 and extending easterly along State Route 49 to its junction with State Route 365 at Rome, then easterly along State Route 365 to its junction with State Route 28 at Trenton, then easterly along State Route 28 to its junction with State Route 29 at Middleville, then easterly along State Route 29 to its intersection with Interstate Highway 87 at Saratoga Springs, then northerly along Interstate Highway 87 to its junction with State Route 9, then northerly along State

Route 9 to its junction with State Route 149, then easterly along State Route 149 to its junction with State Route 4 at Fort Ann, then northerly along State Route 4 to its intersection with the New York/Vermont boundary.

**Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, and West Virginia:** Maine and Connecticut may implement their current zoned season programs on an operational basis. New Hampshire, Massachusetts, and West Virginia each may be divided into two zones on an experimental basis for the purpose of setting separate duck, coot and merganser seasons. New Jersey may be divided into three zones and Pennsylvania may be divided into four zones for the same purpose. Option (a) or (b) for seasons and bag limits is applicable to the zones within the Flyway framework. Only conventional regulations may be selected in Maine, New Hampshire, Massachusetts, Connecticut, West Virginia, and Pennsylvania. New Jersey must select the point system. Each zone will be permitted the full number of days offered under options (a) or (b). In addition, a two-segment split season without penalty may be selected. The basic daily bag limit on ducks in each zone and the restrictions applicable to options (a) and (b) of the regular season for the Flyway also apply. Teal and scaup bonus bird options, and the 16-day special scaup season shall be allowed.

#### Zone definitions

##### Connecticut

North Zone - That portion of the State north of Interstate 95.

South Zone - That portion of the State south of Interstate 95.

##### Maine

North Zone - Game Management Zones 1 through 5.

South Zone - Game Management Zones 6 through 8.

##### Massachusetts

Coastal Zone - Beginning at the New Hampshire-Massachusetts border, that portion of the State east and south of a boundary formed by Interstate 95, south to U.S. Route 1, south to Interstate 93, south to Route 3, south to U.S. Route 6, southwest to Route 28, northwest to Interstate 195, and west to the Rhode Island line.

Inland Zone - That portion of the State west and north of the above boundary.

#### New Hampshire

Coastal Zone - Beginning at the Maine-New Hampshire line in Rollinsford, that portion of the State east of a boundary formed by State Highway 4 west to the city of Dover, south to the intersection of State Highway 108, south along State Highway 108 through Madbury, Durham, and Newmarket to the junction of State Highway 85 in Newfields, south to State Highway 101 in Exeter, east to State Highway 51 (Exeter-Hampton Expressway), east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south to the Massachusetts line.

Inland Zone - That portion of the State west of the above boundary.

#### New Jersey

Coastal Zone - That portion of New Jersey seaward of a continuous line beginning at the New York State boundary line in Raritan Bay, then west along the New York boundary line to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with the Garden State Parkway; then south on the Garden State Parkway to the shoreline at Cape May City and continuing to the Delaware boundary in Delaware Bay.

North Zone - That portion of New Jersey west of the Coastal Zone and north of a boundary formed by Route 70, west to the New Jersey Turnpike, north on the turnpike to Route 206, north on Route 206 to Route 1, Trenton, west on Route 1 to the Pennsylvania State boundary in the Delaware River.

South Zone - That portion of New Jersey not within the North Zone or the Coastal Zone.

#### Pennsylvania

Lake Erie Zone - The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

North Zone - That portion of the State north of I-80 from the New Jersey State line west to the junction of State Route 147, then north on State Route 147 to the junction of Route 220, then west and/or south on Route 220 to the junction of I-80, then west on I-80 to its junction with the Allegheny River, and then north along but not including the Allegheny River to the New York border.

Northwest Zone - That portion of the State bounded on the north by the Lake Erie Zone and the New York line, on the east by and including the Allegheny River, on the south by Interstate Highway I-80, and on the west by the Ohio line.

Canada Geese

**Outside Dates, Season Lengths, and Limits:** Between October 1, 1982, and January 20, 1983, Maine, New Hampshire, Vermont, Massachusetts, Pennsylvania, West Virginia, Maryland, and Virginia (excluding those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits are 3 and 6 geese, respectively. However, in the area comprised of New York (including Long Island), Rhode Island, Connecticut, New Jersey, Delaware, the Delmarva Peninsula portions of Maryland and Virginia, and that portion of Pennsylvania lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on U.S. Highway 22 to the New Jersey border, the Canada goose season length may be 90 days with the closing framework date extended to January 31, 1982. The daily bag limit within this area (except New York, Rhode Island, and Connecticut) will be 4 birds with a possession limit of 8 birds. The daily bag and possession limits in New York, Rhode Island, and Connecticut will be 3 and 6, respectively. Those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select a 50-day season on Canada geese within the October 1, 1982, to January 20, 1983, framework; the daily bag and possession limits are 2 and 4 Canada geese, respectively. North Carolina and South Carolina may select a 43-day season on Canada geese within a December 20, 1982, to January 31, 1983, framework; the daily bag and possession limits are 1 and 2 Canada geese, respectively.

**Closures on Canada Geese:** The season is closed on Canada geese in Florida and Georgia.

Snow Geese

**Outside Dates, Season Lengths, and Limits:** Between October 1, 1982, and January 31, 1983, States in the Atlantic Flyway may select 90-day seasons on snow geese (including blue geese); the daily bag and possession limits are 4 and 8 geese, respectively.

Atlantic Brant

**Outside Dates, Season Lengths, and Limits:** Between October 1, 1982, and January 20, 1983, States in the Atlantic Flyway may select 30-day seasons on Atlantic brant; the daily bag and possession limits are 2 and 4 brant, respectively.

**South Zone - The remaining portion of the State.**

West Virginia

Allegheny Mountain Upland Zone (contained within the circumscribed boundaries below).

The north boundary is the State line adjacent to Pennsylvania and Maryland. The eastern boundary extends south along U.S. Route 220 through Keyser, West Virginia, to the intersection of U.S. Route 50, and follows U.S. Route 50 to the intersection with State Route 93. The boundary follows State Route 93 south to the intersection with State Route 42 and continues south on State Route 42 to Petersburg. At Petersburg, the boundary follows State Route 28 south to Minnehaha Springs, and then follows State Route 39 west to U.S. Route 219 and follows 219 south to the intersection of Interstate 64. The southern boundary follows I-64 west to the intersection with U.S. Route 60, and follows Route 60 west to the intersection of U.S. Route 19. The western boundary follows Route 19 north to the intersection of I-79, and follows I-79 north to the Pennsylvania State line.

**Remainder of the State - That portion outside the above boundaries.**

**Point System Option for all States in the Atlantic Flyway:** As an alternative to conventional bag limits for ducks, a 50-day season with a point-system bag limit may be selected by States in the Atlantic Flyway during the framework dates prescribed. Point values for species and sexes taken are as follows: In Florida only, the fulvous tree duck counts 100 points each; in all States the canvasback counts 100 points each (except in closed areas); the female mallard, black duck, mottled duck, wood duck (except in Virginia, North Carolina, South Carolina, and Georgia during the early wood duck season option), redhead, and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, pintail, gadwall, wigeon, shoveler, scaup, sea ducks, and mergansers (except hooded) count 10 points each; the male mallard, the wood duck during the early wood duck season option in Virginia, North Carolina, South Carolina, and Georgia, and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

**Sea Ducks:** In any State in the Atlantic Flyway selecting both point-system regulations and a special sea duck season, sea ducks count 10 points each during the point-system season, but during any part of the sea duck season falling outside the point-system season, sea duck daily bag and possession limits of 7 and 14, respectively, apply.

**Coot Limits:** Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

**Wisconsin** - In the Mississippi River Zone, all that part of Wisconsin west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin, and Pierce Counties. Also, the following lakes and waters, including a strip of land 100 yards wide adjacent to the shorelines thereof: Lake Poygan in Winnebago and Waushara Counties and Lakes Winnebago and Butte des Morts, including the connecting waters thereof, in Winnebago County.

**Hunting Season:** Not more than 50 days.

**Limits:** The daily bag limit for ducks is 5, and may include no more than 3 mallards (no more than 2 of which may be female mallards), 1 black duck, and 2 wood ducks (except as noted below). The possession limit is 10, including no more than 6 mallards (no more than 4 of which may be female mallards), 2 black ducks, and 4 wood ducks (except as noted below).

**Canvasback and Redhead Limits:** Except in closed areas, the conventional limit on canvasbacks and redheads is 1 daily and 2 in possession for each species. Under the point system, canvasbacks count 100 points each (except in closed areas) and redheads count 70 points each.

**Closed Areas for Canvasback Hunting:**

Mississippi River - Entire river, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama - Baldwin and Mobile Counties.

Louisiana - Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan - Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6, T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under jurisdiction of the State of Michigan.

Minnesota - Douglas, Mahnomen, Polk, Pope, and Sibley Counties. Where the county line of any of the above counties crosses any portion of a lake, that entire lake is closed. In addition, all land in Sec. 13, T130N, R31W (i.e., land between Lake Christina and Pelican Lake) is closed.

Ohio - Land and water areas comprising Erie, Ottawa, and Sandusky Counties.

Tennessee - Kentucky Lake lying north of Interstate Highway 40.

**MISSISSIPPI FLYWAY**

**Ducks, Coots, and Mergansers**

**Outside Dates:** Between October 2, 1982, and January 20, 1983, in all States, except that the framework opening date is September 18 in Iowa and October 1 in Wisconsin, and the framework closing date is January 31 in Mississippi.

**Merganser Limits:** The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

**Coot Limits:** The daily bag and possession limits on coots are 15 and 30, respectively.

**Point System Option:** As an alternative to conventional bag limits for ducks, a 50-day season with point-system bag and possession limits may be selected by States in the Mississippi Flyway during the framework dates prescribed. Point values for species and sexes taken are as follows: except in closed areas, the canvasback counts 100 points, the redhead, female mallard, wood duck (except as noted below), black duck, and hooded merganser count 70 points each; the pintail, blue-winged teal, cinnamon teal, gadwall, shoveler, scaup, green-winged teal, and mergansers (except hooded merganser) count 10 points each; the male mallard and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

**Coot Limits—Point System:** Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

**Early Wood Duck Season Option:** Arkansas, Louisiana, Mississippi, and Alabama may split their regular duck hunting seasons in such a way that a hunting season not to exceed 9 consecutive days may occur between October 2 and October 15. During this period, under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway shall apply to wood ducks, and under the point system, the point value for wood ducks shall be 25 points. For other species of ducks, daily bag and possession limits shall be the same as established for the Flyway under conventional or point system regulations. In addition, the extra blue-winged teal option available to States in this Flyway that select conventional regula-

tions and do not have a September teal season may be selected during this period. This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

**Western Louisiana:** In that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Bossier City; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass—the season on ducks, coots and mergansers may extend 5 additional days, provided that the season opens no later than November 6, 1982. If the 5-day extension is selected, and if point-system regulations are selected for the State, point values will be the same as for the rest of the State.

**Pymatuning Reservoir Area, Ohio:** The waterfowl seasons, limits, and shooting hours in the Pymatuning Reservoir area of Ohio will be the same as those selected by Pennsylvania. The area includes Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 known as Woodward Road, on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

**Zoning:** Alabama, Illinois, Indiana, Michigan, Missouri, Ohio, and Tennessee may select hunting seasons on ducks, coots, and mergansers by zones described as follows:

**Alabama:** South Zone—Mobile and Baldwin Counties. North Zone—The remainder of Alabama. The season in the South Zone may be split.

**Illinois:** North Zone—That portion of the State north of a line running east from the Iowa border along Illinois Highway 17 to I-74, north along I-74 to I-80, then east along I-80 to the Indiana border. Central Zone—That portion of the State between the North and South Zone boundaries. South Zone—That portion of the State south of a line running east from the Missouri border along Illinois Highway 150 to Illinois Highway 4, north along Illinois Highway 4 to Illinois Highway 15, east along Illinois Highway 15 to I-57, north along I-57 to I-70, then east along I-70 to the Indiana border.

**Indiana:** North Zone—That portion of Indiana north of State Highway 18. South Zone—The remainder of Indiana.

**Michigan:** North Zone—That portion of the State north of a line extending east from the mouth of the Manistee River along the south bank to the U.S. 31 bridge, south on old U.S. 31 to East Preuss Road, east on East Preuss Road to Huer Road, north on Huer Road to County 591 in Stronach, east on County 591 to M-55, east on M-55 to M-37 to M-82, east on M-82 to U.S. 131, north on U.S. 131, then east on M-46 to Port Sanilac. South Zone—The remainder of Michigan.

**Missouri:** North Zone—That portion of Missouri north of a line running east from the Kansas border along U.S. Highway 54 to U.S. Highway 65, south along U.S. Highway 65 to State Highway 32, east along State Highway 32 to State Highway 72, east along State Highway 72 to State Highway 34, then east along State Highway 34 to the Illinois border. South Zone—The remainder of Missouri. Missouri may split its season in each zone into two segments.

**Ohio:** North Zone—The counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, Harrison, and Jefferson and all counties north thereof. In addition, the North Zone also includes that portion of the Buckeye Lake area in Fairfield and Perry Counties bounded on the west by State Highway 37, on the south by State Highway 204, and on the east by State Highway 13. South Zone—The remainder of Ohio. Ohio may split its season in each zone into two segments.

**Tennessee:** Reelfoot Zone—Lake and Obion Counties, or a designated portion of that area. State Zone—The remainder of Tennessee.

Within each State: (1) the same bag limit option must be selected for both zones; and (2) if a special scaup season is selected for a zone, it shall not begin until after the regular season closing date in that zone.

#### Geese

**Definition:** For the purpose of hunting regulations listed below, the term "geese" also includes brant.

**Outside Dates, Season Lengths, and Limits:** Between October 2, 1982, and January 20, 1983, States in this Flyway may select 70-day seasons on geese, with a daily bag limit of 5 geese, to include no more than 2 white-fronted geese. The possession limit is 10 geese, to include no more than 4 white-fronted geese. Regulations for Canada geese and exceptions to the above general provisions are shown below by State.

**Outside Dates and Limits on Snow and White-fronted Geese in Louisiana:** Between October 2, 1982, and February 14, 1983, Louisiana may select 70-day seasons on snow (including blue) and white-fronted geese by zones established for duck hunting seasons, with daily bag and possession limits as described in the above paragraph.

**Minnesota. In the:**

(a) Lac Qui Parle Zone (described in State Regulations)—the season on Canada geese closes after 50 days or when 5,500 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose and the possession limit is 4.

(b) Southeastern Zone (described in State regulations)—the season for Canada geese may extend for 70 consecutive days. The daily bag limit is 2 Canada geese and the possession limit is 4.

(c) Remainder of the State—the season on Canada geese will be concurrent with the duck season. The daily bag limit is 2 Canada geese and the possession limit is 4.

**Iowa:** The season may extend for 70 consecutive days. The daily bag limit is 2 Canada geese and the possession limit is 4.

**Missouri. In the:**

(a) Swan Lake Zone (described in State regulations)—the season on Canada geese closes after 70 days or when 20,000 birds have been harvested, whichever occurs first. Through November 21, the daily bag limit is 1 Canada goose and the possession limit is 4. After November 21, the daily bag limit is 2 Canada geese and the possession limit is 4.

(b) Southeastern Area (east of U.S. Highway 67 and south of Crystal City)—State may select a 50-day season on Canada geese between December 1, 1982, and January 20, 1983, with a daily bag limit of 2 Canada geese and a possession limit of 4.

(c) Remainder of the State—the season on Canada geese will be concurrent with the duck season in the respective duck hunting zones. The daily bag limit is 2 Canada geese, and the possession limit is 4.

**Wisconsin:** The framework opening date for geese is October 1. The harvest of Canada geese is limited to 18,000 birds. In the:

(a) Horizon and Central Zones (described in State regulations)—the season for Canada geese may not exceed 40 days and the season bag and possession limit is 1 bird.

(b) Mississippi River Zone (that portion of the State west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin, and Pierce Counties)—the season for Canada geese may not exceed 70 days. Through November 24, the daily bag limit is 1 Canada goose and the possession limit is 2. After November 24, the daily bag limit is 2 Canada geese and the possession limit is 4.

(c) Remainder of the State—the season for Canada geese may not exceed 30 days. The daily bag limit is 1 Canada goose and the possession limit is 2.

**Illinois:** Seasons on geese up to 40 days may be selected by zones established for duck hunting seasons, except that in the South Zone the season will close no later than December 31. The harvest of Canada geese is limited to 27,000, with 17,500 birds allocated to the Southern Illinois Zone (described in State regulations). In the Southern Illinois Zone, the daily bag limit is 2 Canada geese and the possession limit is 4. Elsewhere in Illinois, the daily bag limit is 1 Canada goose and the possession limit is 4.

In the Tri-County Area (all of Knox County in Fulton County the townships of Buckhart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. 24; in Henry County the townships of Alba, Annawan, Atkinson, and Cornwall), the season for Canada geese may extend for 10 days or until a quota of 700 birds is reached, whichever occurs first. The daily bag limit is 1 Canada goose and the possession limit is 4.

**Michigan. In the:**

(a) Counties of Baraga, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, and Ontonagon—the season for Canada geese may extend for 40 days. The daily bag limit is 2 Canada geese and the possession limit is 4.

(b) Southeastern Canada Goose Management Area (described in State regulations)—the season for Canada geese may not exceed 107 days between October 2, 1982, and February 15, 1983. During that portion of the season which coincides with the duck hunting season in the South Zone, the daily bag limit is 2 Canada geese and the possession limit is 4. During that portion of the season which occurs after the close of the duck season in the South Zone, the daily bag limit is 3 Canada geese and the possession limit is 6.

(c) Remainder of the State—the daily bag limit is 2 Canada geese and the possession limit is 4.

**Ohio:** The daily bag limit is 2 Canada geese and the possession limit is 4, except that in the counties of Ashtabula, Trumbull, Marion, Wyandot, Lucas, Ottawa, Erie, Sandusky, Mercer, and Auglaize, the daily bag limit is 1 Canada goose and the possession limit is 2.

**CENTRAL FLYWAY**

**Indiana:** The season for Canada geese may extend for 70 days, except in Posey County, where the season may not exceed 40 days. The daily bag limit is 2 Canada geese and the possession limit is 4. The goose seasons may be set by zones established for duck hunting.

**Kentucky:** The season for Canada geese may extend for 70 days, except in the area west of the following boundary where the season may not exceed 40 days: Starting at the Kentucky-Tennessee border at Fulton, Kentucky, extending northerly along the Purchase Parkway to I-24, east on I-24 to U.S. 641; northerly on U.S. 641 to U.S. 60; northeasterly on U.S. 60 to U.S. 41; and then northerly on U.S. 41 to the Kentucky-Indiana border. The daily bag limit is 2 Canada geese and the possession limit is 4.

**Tennessee:** The season for Canada geese may extend for 70 days, except in Lake, Obion, Weakley, and Carroll Counties, and those portions of Gibson and Dyer Counties north of State Highways 20 and 104 and east of U.S. Highway 45W, where the season may not exceed 40 days. The daily bag limit is 1 Canada goose and the possession limit is 2, except in that portion of the State west of State Highway 13, where the daily bag limit is 2 Canada geese and the possession limit is 4. In that portion of Tennessee bounded on the north by State Highways 20 and 104, and on the east by U.S. Highways 45W and 45, the season for Canada geese may extend for 40 days, with bag and possession limits of 2 and 4 birds, respectively.

**Arkansas, Louisiana, and Mississippi:** the season for Canada geese may extend for 40 days, with bag and possession limits of 2 and 4 birds, respectively.

**Alabama:** The season is closed on all geese in the counties of Henry, Russell, and Barbour. Elsewhere in Alabama, the daily bag limit is 2 Canada geese and the possession limit is 4.

**Missouri and Illinois Quota Zone Closures:** When it has been determined that the quota of Canada geese allotted to the Southern Illinois Zone, the Tri-County Area of Illinois, and the Swan Lake Zone of Missouri will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing.

**Shipping Restrictions:** Geese taken in Illinois and Missouri and in the Kentucky counties of Ballard, Hickman, Fulton, and Carlisle may not be transported, shipped or delivered for transportation or shipment by common carrier, the Postal Service, or by any person except as the personal baggage of licensed waterfowl hunters, provided that no hunter shall possess or transport more than the legally-prescribed possession limit of geese. Geese possessed or transported by persons other than the taker must be labeled with the name and address of the taker and the date taken.

The Central Flyway includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide and the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

**Ducks (including mergansers) and Coots**

**Outside Dates:** October 2, 1982, through January 23, 1983.

**Hunting Season:** The basic season in the Low Plains Unit may include no more than 60 days and in the High Plains Mallard Management Unit may include no more than 83 days provided that the last 23 days of such season must begin on or after December 11, 1982. The High Plains Unit, roughly defined as that portion of the Central Flyway which lies west of the 100th meridian, shall be described in State regulations. States may split their seasons into 2 or, in lieu of zoning, 3 segments.

**Daily Bag and Possession Limits:** Conventional limits on ducks (including mergansers), singly or in the aggregate, are 5 daily and 10 in possession. The aggregate daily bag limit on ducks (including mergansers) may include no more than 1 canvasback (note areas closed to canvasback hunting), 1 redhead, 1 female mallard, 1 hooded merganser, and 2 wood ducks. The possession limit may include no more than 1 canvasback (note areas closed to canvasback hunting), 2 redheads, 2 female mallards, 2 hooded mergansers, and 4 wood ducks. The daily bag and possession limits on coots are 15 and 30, respectively.

As an alternative to conventional bag and possession limits for ducks, States may select point system regulations.

**Point Values:** Canvasbacks count 100 points each (note areas closed to canvasback hunting); female mallards, Mexican-like ducks, mottled ducks (Texas only), wood ducks, redheads, and hooded mergansers count 70 points each; blue-winged teal, green-winged teal, cinnamon teal, scaup, pintails, gadwalls, wigeon, shovelers, and mergansers (except the hooded merganser) count 10 points each; all other species and sexes of ducks count 20 points each. The daily bag limit is reached when the point value of the last bird taken, when added to the sum of the point values of other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days. Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

**Closures. Areas closed to canvasback hunting are:**

North Dakota - that portion lying east of State Highway 3, including all or portions of 27 counties.

South Dakota - all of Marshall County; that portion of Day County east of State Highway 25; that portion of Codington County south of State Highway 20 and west of U.S. Highway 81; that portion of Hamlin County west of U.S. Highway 81; and that portion of Kingsbury County east of State Highway 25 and north of U.S. Highway 14.

**Zoning:** Kansas, Montana, Nebraska, New Mexico, South Dakota, Oklahoma, and Wyoming may select hunting seasons on ducks, coots, and mergansers by zones described as follows:

**Kansas:** Two zones in the Low Plains portion of the State as follows:

Zone 1. That portion of south-central Kansas bounded by the State line and the following highways: on the west by U.S. 283; on the north by K-4, U.S. 81, U.S. 56, K-150, and U.S. 50; and on the east by K-99.

Zone 2. The remaining area within the Low Plains of Kansas.

**Montana:** Two zones in the Central Flyway portion as follows:

Zone 1. The counties of Bighorn, Blaine, Carbon, Daniels, Fergus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Richland, Roosevelt, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, and Yellowstone.

Zone 2. The counties of Carter, Custer, Dawson, Fallon, Powder River, Prairie, Rosebud, Treasure, and Wibaux.

**Nebraska:** Four zones within the Low Plains portion of the State as follows:

Zone 1. Keya Paha County east of U.S. Highway 183 and all of Boyd, Knox, Cedar, and Dixon Counties, including the adjacent waters of the Niobrara River.

Zone 2. The Low Plains portions of Dawson, Gosper, Frontier, and Furnas Counties and all of Boone, Buffalo, Phelps, Harlan, Hall, Kearney, Franklin, Merrick, Nance, Hamilton, Platte, Polk, Colfax, Butler, Dodge, Saunders, Douglas, Washington, and Wheeler Counties, including the adjacent waters of the Platte River.

**Zone 3.** The Low Plains portions of Brown, Blaine, and Custer Counties and all of Rock, Holt, Loup, Garfield, Valley, Greeley, Sherman, Howard, Antelope, Pierce, Madison, Wayne, Stanton, Cuming, Dakota, Thurston, and Burt Counties.

**Zone 4.** Adams, Webster, Clay, Nuckolls, York, Fillmore, Thayer, Seward, Seline, Jefferson, Lancaster, Gage, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

**New Mexico:** Two zones as follows:

Zone 1. That portion of northern New Mexico east of the Continental Divide and the Jicarilla Apache Indian Reservation and north of Interstate Highway 40 and U.S. Highway 54.

Zone 2. The remainder of the Central Flyway portion of New Mexico.

**Oklahoma:** Two zones in the Low Plains portion of the State as follows:

**Zone 1.** That portion of northwestern Oklahoma, except the Panhandle, bounded by the following highways: starting at the Texas-Oklahoma border, OK 33 to OK 47, OK 47 to U.S. 183, U.S. 183 to I-40, I-40 to U.S. 177, U.S. 177 to OK 51, OK 51 to I-35, I-35 to U.S. 60, U.S. 60 to U.S. 64, U.S. 64 to OK 132, and OK 132 to the Oklahoma-Kansas state line.

**Zone 2.** The remainder of the Low Plains portion of Oklahoma.

**South Dakota:** Two zones within the Low Plains portion of the State as follows:

South Zone. Bon Homme, Charles Mix, Clay, Gregory, Union, and Yankton Counties.

North Zone. The remainder of the Low Plains portion of South Dakota.

**Wyoming:** Four zones in the Central Flyway portion as follows:

**Zone 1.** Sheridan, Johnson, Natrona, Campbell, Crook, Weston, Converse, and Niobrara Counties.

**Zone 2.** Platte, Goshen, and Laramie Counties.

**Zone 3.** Carbon and Albany Counties.

**Zone 4.** Park, Big Horn, Hot Springs, Washakie, and Fremont Counties.

Geese

**Definitions:** In the Central Flyway, the terms "geese" include all species of geese and brant, "dark geese" include Canada and white-fronted geese and black brant, and "light geese" include all other species.

**Outside Dates:** October 2, 1982, through January 23, 1983, (except as noted for New Mexico).

**Possession Limits:** Goose possession limits are twice the daily bag limits.

**West Tier States.**

**Montana:** For its Central Flyway portion, Montana may select a season of 93 days. The daily bag limits are 2 geese in Sheridan County and 3 geese in the remainder of the Central Flyway portion.

**Wyoming:** Wyoming may select seasons of 93 days with daily bag limits of 2 geese for each of four Goose Management Units, which coincide with management zones for ducks, in the Central Flyway portion.

**Colorado:** Colorado may select, for the Central Flyway portion, a season of 93 days with a daily bag limit of 2 geese.

**New Mexico:** New Mexico, for the Central Flyway portion, may select a season for dark geese of 93 days with a daily bag limit of 2 during the period October 2, 1982, through January 23, 1983; and a season for light geese of 93 days with a daily bag limit of 5 during the period October 2, 1982, through February 13, 1983.

**Texas (west of U.S. 81):** Texas, for that portion west of U.S. Highway 81, may select a season of 93 days with a daily bag limit of 5 geese which may include no more than 2 dark geese.

**East Tier States - Light geese.**

**North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas** (for that portion east of U.S. Highway 81) may select seasons for light geese of 86 days with daily bag limits of 5 geese.

**East Tier States - Dark geese.** States in this tier may select seasons, statewide or in designated management units, on dark geese of 72 days (except in Nebraska and South Dakota as noted) as follows:

**North Dakota:** The daily bag limits may include no more than 1 Canada goose and 1 white-fronted goose or 2 white-fronted geese through October 31, 1982, and no more than 2 Canada geese or 2 white-fronted geese or 1 of each during the remainder of the season.

**South Dakota:** In Bon Homme, Brule, Buffalo, Campbell, Charles Mix, Corson (east of SD Highway 65), Dewey, Gregory, Hughes, Hyde, Lyman, Potter, Stanley, Sully, Tripp (east of U.S. Highway 183), Walworth, and Yankton (west of U.S. Highway 81) Counties, the season length may not exceed 79 days and the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose through November 12, 1982, and no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose for the remainder of the season. In the remainder of the State, the season length may not exceed 72 days and the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose.

**Nebraska:** In Goose Management Unit 1 comprised of Boyd, Cedar (west of U.S. Highway 81), Keya Paha (east of U.S. Highway 183), and Knox Counties, the season length may not exceed 79 days and the daily bag limits may include no more than 1 Canada goose and 1 white-fronted goose through November 12, 1982, and no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose for the remainder of the season.

In Goose Management Unit 2, the remainder of Nebraska east of U.S. Highway 183, and in Goose Management Unit 3, that portion of Nebraska west of U.S. Highway 183, the daily bag limits may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 21, 1982, and no more than 1 Canada goose and 1 white-fronted goose for the remainder of the season.

**Kansas:** The daily bag limit may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 28 and no more than 1 Canada goose and 1 white-fronted goose during the remainder of the season.

**Oklahoma:** In Goose Management Unit 1 (that portion of western and southern Oklahoma bounded by the following highways: starting at the Kansas-Oklahoma line, U.S. 77 to U.S. 177, U.S. 177 to OK 33, OK 33 to U.S. 75, U.S. 75 to Indian Nation Turnpike, Indian Nation Turnpike to U.S. 271, and U.S. 271 to the Oklahoma-Texas line) and in Goose Management Unit 2 (the remainder of Oklahoma), the daily bag limits may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose.

**Texas:** In that portion east of U.S. Highway 81, the bag limit may include no more than 1 Canada goose and 1 white-fronted goose daily.

**Colorado, Montana, New Mexico, and Wyoming — Common Snipe:** For States partially within the Flyway 93-day seasons on common snipe may be selected to occur between September 1, 1982, and February 28, 1983, and which need not be concurrent with the duck season.

**Geese**

**Outside dates, season lengths, and limits on geese:** Between October 2, 1982, and January 23, 1983, 93-day seasons on geese (except brant) may be selected in the Pacific Flyway States, except as subsequently noted. The basic daily bag and possession limits are 6, provided that the daily bag limit includes no more than 3 white geese (snow, including blue, and Ross' geese) and 3 dark geese (Canada and white-fronted geese); the daily bag and possession limits are proportionately reduced in those areas where special restrictions apply to Canada geese. In Washington and Idaho, the daily bag and possession limits are 3 and 6 geese, respectively.

**Aleutian Canada goose closure:** The season is closed on the Aleutian Canada goose. Emergency closures may be invoked for all Canada geese should Aleutian Canada goose distribution patterns or other circumstances justify such actions.

**Canada goose closures in California:** Three areas in California, described as follows, are restricted in the hunting of all Canada geese:

- (1) In the counties of Del Norte and Humboldt there will be no open season on any Canada geese during the 1982-83 waterfowl hunting season.
- (2) In the Sacramento Valley in that area bounded by a line beginning at Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Road north of Arbuckle in Colusa County, then easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes on the Sacramento River; then southerly on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45-162 to Glenn; then westerly on State Highway 162 to the point of beginning in Willows, Washington, and that portion of Bingham County lying outside the Blackfoot Reservoir drainage; the Oregon counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Walla Walla, and Wasco; and in Washington all areas lying east of the summit of the Cascade Mountains and east of the Big White Salmon River in Klickitat County, the seasons may be 100 days and must run concurrently.

**PACIFIC FLYWAY**

The Pacific Flyway includes the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, those portions of Colorado, Wyoming (including the Great Divide Basin), and New Mexico (including the Jicarilla Apache Indian Reservation) lying west of the Continental Divide, and that portion of Montana including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties.

**Ducks (including Mergansers), Coots, Gallinules, and Common Snipe**

**Outside Dates:** Between October 2, 1982, and January 23, 1983.

**Hunting Seasons:** Concurrent 93-day seasons on ducks (including mergansers), coots, gallinules, and common snipe may be selected in Pacific Flyway States except as subsequently noted.

**Duck Limits:** Basic daily bag and possession limits on ducks (including mergansers) are 7 and 14, respectively. No more than 2 redheads or 2 canvasbacks or 1 of each may be taken daily and no more than 4 singly or in the aggregate may be possessed.

**Coot and Gallinule Limits:** The daily bag and possession limits on common snipe and gallinules are 25 singly or in the aggregate.

**Common Snipe Limits:** The daily bag and possession limits on common snipe are 8 and 16, respectively.

**California—Waterfowl Zones** Season dates for the Colorado River Zone of California must coincide with season dates selected by Arizona. Season dates for the Northeastern Zone of California must coincide with season dates selected by Oregon. For the Southern Zone of California, the State may designate season dates differing from those in the remainder of the State.

**Nevada—Clark County Waterfowl Zone:** Nevada may designate season dates for Clark County differing from those in the remainder of the State.

**"Columbia Basin" Portions of Washington, Oregon, and Idaho:** In the Idaho counties of Ada, Bannock, Benewah, Blaine, Bonner, Boundary, Camas, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Power, Shoshone, Twin Falls, Washington, and that portion of Bingham County lying outside the Blackfoot Reservoir drainage; the Oregon counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Walla Walla, and Wasco; and in Washington all areas lying east of the summit of the Cascade Mountains and east of the Big White Salmon River in Klickitat County, the seasons may be 100 days and must run concurrently.

(3) In the San Joaquin Valley in that area bounded by a line beginning at Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate Highway 5; then southerly on Interstate Highway 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at Merced; then northerly on State Highway 59 to the point of beginning; the hunting season for taking any Canada geese will close on November 23, 1982.

**Canada goose closures in Oregon:** Those portions of Coos and Curry counties lying west of U.S. Highway 101 and that portion of Tillamook County lying south of an east-west line passing through the most westerly point of Cape Lookout shall be closed to the hunting of all Canada geese.

**"Columbia Basin" Portions of Washington and Oregon—geese:** In the Washington counties of Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, and Yakima, and in the Oregon counties of Gilliam, Morrow, Sherman, Umatilla, Union, Walla, and Wasco, the goose season may be of 100 days duration and must run concurrently with the duck season.

**Oregon (Lake and Klamath Counties) — geese:** In the Oregon counties of Lake and Klamath the daily bag and possession limits through October 29 are reduced to 2 and 4 geese, respectively, with no more than 1 and 2, respectively, being dark geese. Thereafter, the limits may be increased to those which are allowed for the Flyway.

**California (Northeastern Zone) — geese:** In the Northeastern Zone of California through October 29, the limits are 1 dark goose or 1 white goose in the daily bag and 2 geese in possession. Thereafter, the limits may be increased to 4 geese in bag and possession with not more than 2 dark geese or 3 white geese being in either the daily bag or possession.

**California (Balance of the State Zone) — geese:** In the Balance of the State Zone the season shall not exceed 79 days. The daily bag and possession limits are 5, with not more than 2 dark geese or 3 white geese in either the daily bag or possession.

**Pacific Population of Canada geese—Idaho, Oregon, and Montana:** In that portion of Idaho lying west of the line formed by U.S. Highway 93 north from the Nevada border to Shoshone, thence northerly on Idaho State Highway 75 (formerly U.S. Highway 93) to Challis, thence northerly on U.S. Highway 93 to the Montana border (except Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater and Idaho Counties); in the Oregon counties of Baker and Malheur; and in Montana (Pacific Flyway portion west of the Continental Divide), the daily bag and possession limits are 2 Canada geese and the season on Canada geese may not extend beyond January 2, 1982.

**Rocky Mountain Population of Canada Geese—Montana and Wyoming:** In Montana (Pacific Flyway portion east of the Continental Divide) and Wyoming the season may not extend beyond January 2, 1982. In Lincoln County, Wyoming, the combined special sandhill crane-Canada goose season and the regular regular goose season shall not exceed 93 days.

**Idaho, Colorado, and Utah:** In that portion of Idaho lying east of the line formed by U.S. Highway 93 north from the Nevada border to Shoshone, thence northerly on Idaho State Highway 75 (formerly U.S. Highway 93) to Challis, thence northerly on U.S. Highway 93 to the Montana border; in Colorado; and in Utah, except Washington County, the daily bag and possession limits are 2 and 4 Canada geese, respectively, and the season on Canada geese may be no more than 86 days and may not extend beyond January 2, 1983.

**Nevada—experimental zoning:** Nevada may experimentally designate season dates on geese in Clark County, in Elko County, and in that portion of White Pine County within Ruby Lake National Wildlife Refuge differing from those in the remainder of the State. The daily bag and possession limits are 2 Canada geese throughout the State.

**Arizona, Nevada, California, Utah, and New Mexico:** In California, the Colorado River Zone where the season must be the same as that selected by Arizona and the Southern Zone; in New Mexico; in Clark County, Nevada; and in Washington County, Utah; the season on Canada geese may be no more than 86 days. The daily bag and possession limits are 2 Canada geese except in that portion of California Department of Fish and Game District 22 within the Southern Zone (i.e. Imperial Valley) the daily bag and possession limits on Canada geese are 1 and 2, respectively.

**Washington—snow geese:** In the Washington counties of Island, Skagit, Snohomish, and Whatcom, the seasons on snow geese may not extend beyond January 2, 1983.

#### Pacific Brant

Between October 23, 1982, and February 20, 1983, States in this Flyway may select an open season on Pacific brant of 93 days with daily bag and possession limits of 4 and 8 brant, respectively.

**Whistling Swans**

In Utah, Nevada and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions: (a) the season must run concurrently with the duck season; (b) in Utah, no more than 2,500 permits may be issued, authorizing each permittee to take 1 whistling swan; (c) in Nevada, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Churchill County; (d) in Montana, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in either Teton or Cascade Counties; and (e) the appropriate State agency must issue permits, obtain harvest and hunter participation date, and require successful hunters to immediately validate their harvests.

**Sandhill Cranes**

Arizona may select an experimental sandhill crane season subject to the conditions specified in the frameworks for early seasons.

**SPECIAL FALCONRY FRAMEWORKS**

**Extended Seasons:** Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

**Framework Dates:** Seasons must fall within the regular season framework dates and, if offered and accepted, other special season framework dates for hunting.

**Daily Bag and Possession Limits:** Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

**Regulations Publication:** Each State selecting the special season must inform the Service of the season dates and publish said regulations.

**Regular Seasons:** General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

**NOTE:** In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or falconry season) exceed 107 days for a species in one geographical area.

Dated: September 2, 1982.

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

[FR Doc. 25609 Filed 9-16-82; 8:45 am]

BILLING CODE 4310-55-M



U.S. Patent and Trademark Office

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Friday  
September 17, 1982

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**Part IV**

**Department of  
Commerce**

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**Patent and Trademark Office**

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**Revision of Patent and Trademark Fees  
Confirmation**

**DEPARTMENT OF COMMERCE****Patent and Trademark Office****37 CFR Parts 1 and 2**

[Docket No. 2714-129]

**Revision of Patent and Trademark Fees Confirmation****AGENCY:** Patent and Trademark Office, Commerce.**ACTION:** Confirmation of rules.

**SUMMARY:** This document confirms certain rule changes for patent and trademark fees and fee-related procedures which take effect on October 1, 1982. These rule changes implement H.R. 6260 which was enacted as Pub. L. 97-247 on August 27, 1982.

**EFFECTIVE DATE:** October 1, 1982.**FOR FURTHER INFORMATION CONTACT:**

As to the patent rules contact: R.

Franklin Burnett, by telephone at (703) 557-3054 or by mail addressed to the Commissioner of Patents and Trademarks, Attention: R. Franklin Burnett, Room 3-11A13, Washington, D.C. 20231.

As to the trademark rules contact: Miss Maude Williams, by telephone at (703) 557-2222 or by mail addressed to the Commissioner of Patents and Trademarks, Attention: Miss Maude Williams, Room 3-11C17, Washington, D.C. 20231.

**SUPPLEMENTARY INFORMATION:** The Patent and Trademark Office is required by law to publish a notice in the **Federal Register** of its fees at least 60 days before the effective date thereof (35 U.S.C. 41 (g)). Thus, on July 30, 1982 a final rule document was published at 47 FR 33086 setting forth rule changes for patent and trademark fees and procedures which take effect on October 1, 1982. The document was based on the public law in effect at that time, Pub. L. 96-517 and on H.R. 6260, which was then pending but is now Pub. L. 97-247. The final rule document published on July 30, 1982, in the **Federal Register** sets out—

(1) Rules that are common to both Pub. L. 96-517 and H.R. 6260 (now Pub. L. 97-247);

(2) Alternative A which contains rule changes implementing Pub. L. 96-517 alone; and

(3) Alternative B which contains rule changes implementing H.R. 6260 (now Pub. L. 97-247).

H.R. 6260 was enacted as Public Law 97-247 on August 27, 1982, and the Patent and Trademark Office hereby confirms that the rule changes common to both Pub. L. 96-517 and H.R. 6260 and

Alternative B are those which go into effect on October 1, 1982. The rules under Alternative A are hereby withdrawn. Additional rule changes required by Pub. L. 97-247 will be made the subject of separate rulemakings.

**List of Subjects in 37 CFR Parts 1 and 2**

Administrative practice and procedure, Courts, Inventions and patents, Lawyers, Nonprofit organizations, Small businesses, Trademarks.

**Amendment of Regulations**

For the reasons set out in the preamble, 37 CFR Parts 1 and 2 are confirmed as being amended by the final rule published on July 30, 1982 at 47 FR 33086 as set forth below.

Dated: September 14, 1982.

**Gerald J. Mossinghoff,***Commissioner of Patents and Trademarks.*

1. The rule changes made in Alternative A relating to patents which begin at 47 FR 33107 and in Alternative A relating to trademarks which begin at 47 FR 33112 are hereby withdrawn.

2. Confirmed as effective October 1, 1982 are the rule changes published July 30, 1982 common to Pub. L. 96-517 and H.R. 6260 (now Pub. L. 97-247) and Alternative B. The rule changes relating to patents common to Pub. L. 96-517 and H.R. 6260 (now Pub. L. 97-247) were published on July 30, 1982 at 47 FR 33099. The rule changes relating to patents under Alternative B were published at 47 FR 33108. The rule changes relating to trademarks common to Pub. L. 96-517 and H.R. 6260 (now Pub. L. 97-247) were published on July 30, 1982 at 47 FR 33111. The rule changes relating to trademarks under Alternative B were published at 47 FR 33112. Corrections to the July 30, 1982 publication were published on August 4 and 5, 1982 at 47 FR 33688 and 33959.

3. For the convenience of the user, the rule changes common to Pub. L. 96-517 and H.R. 6260 and Alternative B have been integrated into numerical order and are reprinted below:

For the reasons indicated above and pursuant to the authority given to the Commissioner of Patents and Trademarks by 35 U.S.C. 6, and under Sections 31 and 41 of the Trademark Act of July 5, 1946, 15 U.S.C. 1113, and 1123, Parts 1 and 2 of Title 37, Code of Federal Regulations, are amended as set forth below.

**PART 1—RULES OF PRACTICE IN PATENT CASES**

1. Section 1.11 is amended by revising paragraph (c) to read as follows:

**§ 1.11 Files open to the public.**

(c) All requests for reexamination for which the fee under § 1.20(c) has been paid, will be announced in the *Official Gazette*. Any reexaminations at the initiative of the Commissioner pursuant to § 1.520 will also be announced in the *Official Gazette*. The announcement shall include at least the date of the request, if any, the reexamination request control number or the Commissioner initiated order control number, patent number, title, class and subclass, name of the inventor, name of the patent owner of record, and the examining group to which the reexamination is assigned.

2. Section 1.12 is revised to read as follows:

**§ 1.12 Assignment records open to public inspection.**

(a) The assignment records, relating to original or reissue patents, including digests and indexes, and assignment records relating to pending or abandoned trademark applications and to trademark registrations, are open to public inspection and copies of any instrument recorded may be obtained upon request and payment of the fee set forth in § 1.19(a)(5).

(b) Assignment records, digests, and indexes, relating to any pending or abandoned patent application are not available to the public. Copies of any such assignment records and information with respect thereto shall be obtainable only upon written authority of the applicant or applicant's assignee or attorney or agent or upon a showing that the person seeking such information is a bona fide prospective or actual purchaser, mortgagee, or licensee of such application, unless it shall be necessary to the proper conduct of business before the Office or as provided by these rules.

(c) Any request by a member of the public seeking copies of any assignment records of any pending or abandoned patent application preserved in secrecy under § 1.14, or any information with respect thereto, must (1) be in the form of a petition accompanied by the petition fee set forth in § 1.17(i) or (2) include written authority granting access to the member of the public to the particular assignment records from the applicant or applicant's assignee or attorney or agent of record.

(d) An order for a copy of an assignment should give the identification of the record. If identified only by the name of the patentee and number of the patent, or in the case of a

trademark registration by the name of the registrant and number of the registration, or by name of the applicant and serial number or international application number of the application, an extra charge as set forth in § 1.21(f) will be made for the time consumed in making a search for such assignment.

3. Section 1.14 is amended by adding a new paragraph (e) to read as follows:

**§ 1.14 Patent applications preserved in secrecy.**

(e) Any request by a member of the public seeking access to, or copies of, any pending or abandoned application preserved in secrecy pursuant to paragraphs (a) and (b) of this section, or of any papers relating thereto, must (1) be in the form of a petition and be accompanied by the petition fee set forth in § 1.17(i) or (2) include written authority granting access to the member of the public in that particular application from the applicant or the applicant's assignee or attorney or agent of record.

4. A new § 1.16 is added which reads as follows:

**§ 1.16 National application filing fees.**

(a) Basic fee for filing each application for an original patent, except design or plant cases:

By a small entity (§ 1.9(f)).....

By other than a small entity.....

(b) In addition to the basic filing fee in an original application, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.9(f)).....

By other than a small entity.....

(c) In addition to the basic filing fee in an original application, for filing or later presentation of each claim (whether independent or dependent) in excess of 20 (Note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes):

By a small entity (§ 1.9(f)).....

By other than a small entity.....

(d) In addition to the basic filing fee in an original application, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:

By a small entity (§ 1.9(f)).....

By other than a small entity.....

(e) Surcharge for filing the basic filing fee or oath or declaration on a date later than the filing date of the application:

By a small entity (§ 1.9(f)).....

By other than a small entity.....

(f) For filing each design application:

By a small entity (§ 1.9(f)).....

By other than a small entity.....

(g) Basic fee for filing each plant application:

By a small entity (§ 1.9(f)).....

By other than a small entity.....

(h) Basic fee for filing each reissue application:

By a small entity (§ 1.9(f)).....

By other than a small entity.....

(i) In addition to the basic filing fee in a reissue application, for filing or later presentation of each independent claim which is in excess of the number of independent claims in the original patent:				
By a small entity (§ 1.9(f)).....	15.00			
By other than a small entity.....	30.00			
(j) In addition to the basic filing fee in a reissue application, for filing or later presentation of each claim (whether independent or dependent) in excess of 20 and also in excess of the number of claims in the original patent, (Note that § 1.75(c) indicates how multiple dependent claims are considered for fee purposes):				
By a small entity (§ 1.9(f)).....	5.00			
By other than a small entity.....	10.00			
(Note, see § 1.445 for international application filing and processing fees.).				
(l) For filing a petition (1) for the revival of an abandoned application under 35 U.S.C. 133, or (2) for delayed payment of the issue fee under 35 U.S.C. 151:				
By a small entity (§ 1.9(f)).....	25.00			
By other than a small entity.....	50.00			
(m) For filing a petition (1) for revival of an unintentionally abandoned application or (2) for the unintentionally delayed payment of the fee for issuing a patent:				
By a small entity (§ 1.9(f)).....	250.00			
By other than a small entity.....	500.00			

6. A new § 1.18 is added which reads as follows:

**§ 1.18 Patent issue fees.**

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:			
By a small entity (§ 1.9(f)).....	\$250.00		
By other than a small entity.....	500.00		
(b) Issue fee for issuing a design patent:			
By a small entity (§ 1.9(f)).....	87.50		
By other than a small entity.....	175.00		
(c) Issue fee for issuing a plant patent:			
By a small entity (§ 1.9(f)).....	125.00		
By other than a small entity.....	250.00		

7. A new § 1.19 is added which reads as follows:

**§ 1.19 Document supply fees.**

The Patent and Trademark Office will supply copies of the following documents upon payment of the fees indicated:

(a) Uncertified copies of Office documents:			
(1) Printed copy of a patent, including a design patent, or defensive publication document, except color plant patent.....	\$1.00		
(2) Printed copy of a plant patent in color.....	8.00		
(3) Copy of patent application as filed, each 50 pages or fraction thereof.....	18.00		
(4) Copy of patent file wrapper and contents, each 100 pages or fraction thereof.....	30.00		
(5) Copy of Office records, except as provided in paragraphs (a) (1) through (4) of this section, per page.....	0.30		
(6) Microfiche copy of microfiche, per microfiche.....	2.00		
(b) Certified copies of Office documents:			
(1) For certifying Office records, per certificate.....	3.50		
(2) For a search of assignment records, abstract of title and certification, per patent.....	12.00		
(3) For comparing copies not prepared by the Office with the original, prior to certification of the copies, per page.....	0.10		
(c) Subscription services:			
(1) Subscription orders for printed copies of patents as issued, annual service charge for entry of order and one subclass.....	4.00		
(2) For annual subscription to each additional subclass in addition to the one covered by the fee under paragraph (c)(1) of this section, per subclass.....	0.40		
(d) Library service (35 U.S.C. 13): For providing to libraries copies of all patents issued annually, per annum.....	50.00		
(e) Lists of patents in subclass:			
(1) For list of all United States patents in a subclass, per 100 patent numbers or fraction thereof.....	2.00		
(2) For list of United States patents in a subclass limited by date or patent number, per 50 patent numbers or fraction thereof.....	2.00		

8. A new § 1.20 is added which reads as follows:

**§ 1.20 Post-issuance fees.**

(a) For providing a certificate of correction of applicant's mistake (§ 1.323) .....	\$40.00	(h) Recording of documents:	
(b) Petition for correction of inventorship in patent (§ 1.324) .....	120.00	(1) For recording each assignment, agreement or other paper relating to the property in a patent or application .....	20.00
(c) For filing a request for reexamination (§ 1.510(a)) .....	1,500.00	(2) Where a document to be recorded under paragraph (h)(1) of this section refers to more than one patent or application, for each additional patent or application .....	5.00
(d) For filing each statutory disclaimer (§ 1.321): By a small entity (§ 1.9(f)) .....	25.00	(i) Publication in <i>Official Gazette</i> : For publication in the <i>Official Gazette</i> of a notice of the availability of an application or a patent for licensing or sale, each application or patent .....	6.00
By other than a small entity .....	50.00	(j) For a duplicate or replacement of a permanent Office user pass (There is no charge for the first permanent user pass) .....	5.00
(e) For maintaining an original or reissue patent, except a design patent, based on an application filed on or after December 12, 1980 and before August 27, 1982, in force beyond 4 years; the fee is due by three years and six months after the original grant .....	200.00	(k) For items and services, that the Commissioner finds may be supplied, for which fees are not specified by statute or by this section, such charges as may be determined by the Commissioner with respect to each such item or service .....	actual cost
(f) For maintaining an original or reissue patent, except a design patent, based on an application filed on or after December 12, 1980 and before August 27, 1982, in force beyond 8 years; the fee is due by seven years and six months after the original grant .....	400.00		
(g) For maintaining an original or reissue patent, except a design patent, based on an application filed on or after December 12, 1980 and before August 27, 1982, in force beyond 12 years; the fee is due by eleven years and six months after the original grant .....	600.00		
(h) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after August 27, 1982, in force beyond 4 years; the fee is due by three years and six months after the original grant: By a small entity (§ 1.9(f)) .....	200.00	10. Section 1.24 is revised to read as follows:	
By other than a small entity .....	400.00		
(i) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after August 27, 1982, in force beyond 8 years; the fee is due by seven years and six months after the original grant: By a small entity (§ 1.9(f)) .....	400.00		
By other than a small entity .....	800.00		

**9. Section 1.21 is revised to read as follows:****§ 1.21 Miscellaneous fees and charges.**

The Patent and Trademark Office has established the following fees for the services indicated:

(a) Registration of attorneys and agents: (1) For admission to examination for registration to practice, fee payable upon application .....	\$75.00	(a) For the convenience of attorneys, agents, and the general public in paying any fees due, in ordering services offered by the Office, copies of records, etc., deposit accounts may be established in the Patent and Trademark Office upon payment of the fee for establishing a deposit account (§ 1.21(b)(1)). A minimum deposit of \$50 or more, depending on the activity of the individual account, is required. At the close of each month's business, a statement will be rendered. A remittance must be made promptly upon receipt of the statement to cover the value of items or services charged to the account and thus restore the account to its established normal deposit value. An amount sufficient to cover all services, copies, etc., requested must always be on deposit. A service charge (§ 1.21(b)(2)) will be assessed for each month that the balance at the end of the month is below \$40.	
(2) On registration to practice .....	50.00		
(3) For reinstatement to practice .....	25.00		
(4) For certificate of good standing as an attorney or agent .....	10.00		
(b) Deposit accounts: (1) For establishing or reinstating a deposit account .....	10.00		
(2) Service charge for each month when the balance at the end of the month is below \$40 .....	2.00		
(c) Disclosure document: For filing a disclosure document .....	10.00		
(d) Delivery box: Local delivery box rental, per annum .....	24.00		
(e) International-type search reports: For preparing an international-type search report of an international-type search made at the time of the first action on the merits in a national patent application .....	25.00		
(f) Search of Office records: For searching Patent and Trademark Office records for purposes not otherwise specified, per one-half hour or fraction thereof .....	10.00		
(g) Copy machine tokens: Token for copying machine, each .....	0.20		

authorization to charge all fees, or only certain fees, set forth in §§ 1.16 to 1.18 to a deposit account may be filed in an individual application, either for the entire pendency of the application or with respect to a particular paper filed. An authorization to charge to a deposit account the fee for a request for reexamination pursuant to § 1.510 and any other fees required in a reexamination proceeding in a patent may also be filed with the request for reexamination.

**12. Section 1.26 is revised to read as follows:**

**§ 1.26 Refunds.**

(a) Money paid by actual mistake or in excess, such as a payment not required by law, will be refunded, but a mere change of purpose after the payment of money, as when a party desires to withdraw an application, an appeal, or a request for oral hearing, will not entitle a party to demand such a return. Amounts of one dollar or less will not be returned unless specifically demanded within a reasonable time, nor will the payer be notified of such amount; amounts over one dollar may be returned by check or, if requested, by credit to a deposit account.

(b) [Reserved]

(c) If the Commissioner decides not to institute a reexamination proceeding, a refund of \$1,200.00 will be made to the requester of the proceeding. Reexamination requesters should indicate whether any refund should be made by check or by credit to a deposit account.

**13. Section 1.45 is amended by revising paragraphs (b) and (c) to read as follows:**

**§ 1.45 Joint inventors.**

\* \* \* \* \*

(b) If an application for patent has been made through error and without any deceptive intention by two or more persons as joint inventors when they were not in fact joint inventors, the application may be amended to remove the names of those not inventors upon filing of a petition including a statement of the facts verified by all of the original applicants, the required fee (§ 1.17(h)), and an oath or declaration as required by § 1.65 by the applicant who is the actual inventor, provided the amendment is diligently made. Such amendment must have the written consent of any assignee.

(c) If an application for patent has been made through error and without any deceptive intention by less than all the actual joint inventors, the

application may be amended to include all the joint inventors upon filing of a petition including a statement of the facts verified by, and an oath or declaration as required by § 1.65 executed by all the actual joint inventors, along with the required fee (§ 1.17(h)), provided the amendment is diligently made. Such amendment must have the written consent of any assignee.

14. Section 1.47 is revised to read as follows:

**§ 1.47 Filing when an inventor refuses to sign or cannot be reached.**

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the omitted inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts and by the required fee (§ 1.17(h)) and must state the last known address of the omitted inventor. The Patent and Trademark Office shall forward notice of the filing of the application to the omitted inventor at said address. Should such notice be returned to the Office undelivered, or should the address of the omitted inventor be unknown, notice of the filing of the application shall be published in the *Official Gazette*. The omitted inventor may subsequently join in the application on filing an oath or declaration of the character required by § 1.65. A patent may be granted to the inventor making the application, upon a showing satisfactory to the Commissioner, subject to the same rights which the omitted inventor would have had if he or she had been joined.

(b) Whenever an inventor refuses to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom the inventor has assigned or agreed in writing to assign the invention or who otherwise shows sufficient proprietary interest in the matter justifying such action may make application for patent on behalf of and as agent for the inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts and a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and by the required fee (§ 1.17(h)) and must state the last known address of the inventor. The assignment, written agreement to assign or other evidence of proprietary interest, or a verified copy thereof, must be filed in the Patent and Trademark Office. The

Office shall forward notice of the filing of the application to the inventor at the address stated in the application. Should such notice be returned to the Office undelivered, or should the address of the inventor be unknown, notice of the filing of the application shall be published in the *Official Gazette*. The inventor may subsequently join in the application on filing an oath or declaration of the character required by § 1.65. A patent may be granted to the inventor upon a showing satisfactory to the Commissioner.

15. Section 1.51 is amended by revising paragraph (a)(4) and by adding a new paragraph (c) to read as follows:

**§ 1.51 General requisites of an application.**

(a) \* \* \*

(4) The prescribed filing fee, see § 1.16.

\* \* \* \* \*

(c) Applicants may desire and are permitted to file with, or in, the application an authorization to charge, at any time during the pendency of the application, any fees required under any of §§ 1.16 to 1.18 to a deposit account established and maintained in accordance with § 1.25.

16. Section 1.52 is amended by revising paragraph (a) and by adding a new paragraph (d) to read as follows:

**§ 1.52 Language, paper, writing, margins.**

(a) The application, any amendments or corrections thereto, and the oath or declaration must be in the English language except as provided for in § 1.69 and paragraph (d) of this section, or be accompanied by a verified translation of the application and a translation of any corrections or amendments into the English language. All papers which are to become a part of the permanent records of the Patent and Trademark Office must be legibly written, typed, or printed in permanent ink or its equivalent in quality. All of the application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing, typing, or printing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes. If the papers are not of the required quality, substitute typewritten or printed papers of suitable quality may be required.

\* \* \* \* \*

(d) An application including a signed oath or declaration may be filed in a language other than English if it is accompanied by the fee set forth in § 1.17(k). A verified English translation of the non-English language application is required to be filed with the

application or within such time as may be set by the Office.

17. Section 1.55 is amended by revising paragraph (b) to read as follows:

**§ 1.55 Serial number and filing date of application.**

\* \* \* \* \*

(b) An applicant may claim the benefit of the filing date of a prior foreign application under the conditions specified in 35 U.S.C. 119. The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.65. The claim for priority and the certified copy of the foreign application specified in the second paragraph of 35 U.S.C. 119 must be filed in the case of interference (§ 1.224); when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner; and in all other cases they must be filed not later than the date the issue fee is paid. If the papers filed are not in the English language, a translation need not be filed except in the three particular instances specified in the preceding sentence, in which event a sworn translation or a translation certified as accurate by a sworn or official translator must be filed. If the priority papers are submitted after the date the issue fee is paid, they must be accompanied by a petition requesting their entry and the fee set forth in § 1.17(i).

\* \* \* \* \*

18. Section 1.66 is revised to read as follows:

**§ 1.66 Officers authorized to administer oaths.**

(a) The oath or affirmation may be made before any person within the United States authorized by law to administer oaths. An oath made in a foreign country may be made before any diplomatic or consular officer of the United States authorized to administer oaths, or before any officer having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States, or by an apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States. The oath shall be attested in all cases in this and other countries, by the proper official seal of the officer before whom the oath or affirmation is made. Such oath or

affirmation shall be valid as to execution if it complies with the laws of the State or country where made. When the person before whom the oath or affirmation is made in this country is not provided with a seal, his official character shall be established by competent evidence, as by a certificate from a clerk of a court of record or other proper officer having a seal.

(b) When the oath is taken before an officer in a country foreign to the United States, any accompanying application papers, except the drawings, must be attached together with the oath and a ribbon passed one or more times through all the sheets of the application, except the drawings, and the ends of said ribbon brought together under the seal before the latter is affixed and impressed, or each sheet must be impressed with the official seal of the officer before whom the oath is taken. If the papers as filed are not properly ribboned or each sheet impressed with the seal, the case will be accepted for examination, but before it is allowed, duplicate papers, prepared in compliance with the foregoing sentence, must be filed.

19. Section 1.75 is amended by revising paragraph (c) to read as follows:

**§ 1.75 Claim(s).**

(c) One or more claims may be presented in dependent form, referring back to and further limiting another claim or claims in the same application. Any dependent claim which refers to more than one other claim ("multiple dependent claim") shall refer to such other claims in the alternative only. A multiple dependent claim shall not serve as a basis for any other multiple dependent claim. For fee calculation purposes under § 1.16, a multiple dependent claim will be considered to be that number of claims to which direct reference is made therein. For fee calculation purposes, also, any claim depending from a multiple dependent claim will be considered to be that number of claims to which direct reference is made in that multiple dependent claim. In addition to the other filing fees, any original application which is filed with, or is amended to include, multiple dependent claims must have paid therein the fee set forth in § 1.16(d). Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. A multiple dependent claim shall be construed to incorporate by reference all the limitations of each of the particular

claims in relation to which it is being considered.

\* \* \* \* \*

20. Section 1.85 is revised to read as follows:

**§ 1.85 Informal drawings.**

The requirements of § 1.84 relating to drawings will be strictly enforced. A drawing not executed in conformity thereto, if suitable for reproduction, may be admitted but in such case the drawing must be corrected or a new one furnished, as required.

**§ 1.86 [Removed]**

21. Section 1.86 is removed.

22. Section 1.102 is amended by revising paragraph (a) and adding new paragraphs (c) and (d) to read as follows:

**§ 1.102 Advancement of examination.**

(a) Applications will not be advanced out of turn for examination or for further action except as provided by this part, or upon order of the Commissioner to expedite the business of the Office, or upon filing of a request under paragraph (b) of this section or upon filing a petition under paragraphs (c) or (d) of this section with a verified showing which, in the opinion of the Commissioner, will justify so advancing it.

\* \* \* \* \*

(c) A petition to make an application special may be filed without a fee if the basis for the petition is the applicant's age or health or that the invention will materially enhance the quality of the environment or materially contribute to the development or conservation of energy resources.

(d) A petition to make an application special on grounds other than those referred to in paragraph (c) of this section must be accompanied by the petition fee set forth in § 1.17(i).

23. Section 1.103 is amended by revising paragraphs (a) and (b) to read as follows:

**§ 1.103 Suspension of action.**

(a) Suspension of action by the Office will be granted for good and sufficient cause and for a reasonable time specified upon petition by the applicant and, if such cause is not the fault of the Office, the payment of the fee set forth in § 1.17(i). Action will not be suspended when a response by the applicant to an Office action is required.

(b) If action by the Office on an application is suspended when not

requested by the applicant, the applicant shall be notified of the reasons therefor.

\* \* \* \* \*

24. Section 1.104 is amended by revising paragraph (d) to read as follows:

**§ 1.104 Nature of examination; examiner's action.**

\* \* \* \* \*

(d) Any national application may also have an international-type search report prepared thereon at the time of the national examination on the merits, upon specific written request therefor and payment of the international-type search report fee. See § 1.21(e) for amount of fee for preparation of international-type search report.

\* \* \* \* \*

25. Section 1.134 is added and reads as follows:

**§ 1.134 Time period for response to an Office action.**

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for response to an Office action. Unless the applicant is notified in writing that response is required in less than six months, a maximum period of six months is allowed.

26. Section 1.135 is amended by revising paragraphs (a), (b) and (c) to read as follows:

**§ 1.135 Abandonment for failure to respond within time period.**

(a) If an applicant of a patent application fails to respond within the time period provided under §§ 1.134 and 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper action as the condition of the case may require. The admission of an amendment not responsive to the last Office action, or refusal to admit the same, and any proceedings relative thereto, shall not operate to save the application from abandonment.

(c) When action by the applicant is a bona fide attempt to respond and to advance the case to final action, and is substantially a complete response to the Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, opportunity to explain and supply the omission may be given before the question of abandonment is considered.

27. Section 1.136 is revised to read as follows:

**§ 1.136 Filing of timely responses with petition and fee for extension of time and extensions of time for cause.**

(a) If an applicant is required to respond within a non-statutory or shortened statutory time period, applicant may respond up to four months after the time period set if a petition for an extension of time and the fee set in § 1.17 are filed prior to or with the response, unless (1) applicant is notified otherwise in an Office action or (2) the application is involved in an interference declared pursuant to § 1.207. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for purposes of determining the period of extension and the corresponding amount of the fee. The expiration of the time period is determined by the amount of the fee paid. In no case may an applicant respond later than the maximum time period set by statute, or be granted an extension of time under paragraph (b) of this section when the provisions of this paragraph are available.

(b) When a response with petition and fee for extension of time cannot be filed pursuant to paragraph (a) of this section, the time for response will be extended only for sufficient cause, and for a reasonable time specified. Any request for such extension must be filed on or before the day on which action by the applicant is due, but in no case will the mere filing of the request effect any extension. In no case can any extension carry the date on which response to an Office action is due beyond the maximum time period set by statute or be granted when the provisions of paragraph (a) of this section are available. See § 1.245 for extension of time in interference proceedings.

28. Section 1.137 is revised to read as follows:

**§ 1.137 Revival of abandoned application.**

(a) An application abandoned for failure to prosecute may be revived as a pending application if it is shown to the satisfaction of the Commissioner that the delay was unavoidable. A petition to revive an abandoned application must be promptly filed after the applicant is notified of, or otherwise becomes aware of, the abandonment, and must be accompanied by a showing of the causes of the delay, by the proposed response unless it has been previously filed, and by the petition fee set forth in § 1.17(l). Such showing must be a verified showing if made by a person not

registered to practice before the Patent and Trademark Office.

(b) An application unintentionally abandoned for failure to prosecute may be revived as a pending application if the delay was unintentional. A petition to revive an unintentionally abandoned application must be filed within one year of the date on which the application became abandoned or be filed within three months of the date of the first decision on a petition to revive under paragraph (a) of this section which was filed within one year of the date of abandonment of the application. A petition to revive an unintentionally abandoned application must be accompanied by (1) a statement that the abandonment was unintentional, (2) a proposed response unless it has been previously filed, and (3) a petition fee as set forth in § 1.17(m). Such statement must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office. The Commissioner may require additional information where there is a question whether the abandonment was unintentional. The three month period set forth in this paragraph may be extended under the provisions of § 1.136(a), but no further extensions under § 1.136(b) will be granted. Petitions to the Commissioner under § 1.183 to waive any time periods for requesting revival of an unintentionally abandoned application will not be considered, but will be returned to the applicant.

(c) Any petition pursuant to paragraph (a) of this section not filed within six months of the date of abandonment must be accompanied by a terminal disclaimer with fee under § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application.

29. Section 1.155 is revised to read as follows:

**§ 1.155 Issue and term of design patents.**

(a) If, on examination, it shall appear that the applicant is entitled to a design patent under the law, a notice of allowance will be sent to the applicant, or applicant's attorney or agent, calling for the payment of the issue fee (§ 1.18(b)). If this issue fee is not paid within 3 months of the date of the notice of allowance, the application shall be regarded as abandoned.

(b) The Commissioner may accept the payment of the issue fee later than three months after the mailing of the notice of allowance as though no abandonment had ever occurred if upon petition the delay in payment is shown to have been

unavoidable. The petition to accept the delayed payment must be promptly filed after the applicant is notified of, or otherwise becomes aware of, the abandonment, and must be accompanied by (1) the issue fee, unless it has been previously submitted, (2) the fee for delayed payment (§ 1.17(l)), and (3) a showing that the delay was unavoidable. Such showing must be a verified showing if made by a person not registered to practice before the Patent and Trademark Office.

(c) The Commissioner may, upon petition, accept the payment of the issue fee later than three months after the mailing of the notice of allowance as though no abandonment had ever occurred if the delay in payment was unintentional. The petition to accept the delayed payment must be filed within one year of the date on which the application became abandoned or be filed within three months of the date of the first decision on a petition under paragraph (b) of this section which was filed within one year of the date of abandonment of the application. The petition to accept the delayed payment must be accompanied by (1) the issue fee, unless it has been previously submitted, (2) the fee for unintentionally delayed payment (§ 1.17(m)), and (3) a statement that the delay was unintentional. Such statement must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office. The Commissioner may require additional information where there is a question whether the abandonment was unintentional. The three-month period from the date of the first decision referred to in this paragraph may be extended under the provisions of § 1.136(a), but no further extensions under § 1.136(b) will be granted. Petitions to the Commissioner under § 1.183 to waive any time periods for requesting revival of an unintentionally abandoned application will not be considered, but will be returned to the applicant.

(d) Any petition pursuant to paragraph (b) of this section not filed within six months of the date of abandonment must be accompanied by a terminal disclaimer with fee under § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application.

30. Section 1.165 is amended by revising paragraph (b) to read as follows:

**§ 1.165 Drawings.**

\* \* \* \* \*

(b) The drawing may be in color and when color is a distinguishing characteristic of the new variety, the drawing must be in color. Two copies of color drawings must be submitted. Color drawings may be made either in permanent water color or oil, or in lieu thereof may be photographs made by color photography or properly colored on sensitized paper. Permanently mounted color photographs are acceptable. The paper in any case must correspond in size, weight and quality to the paper required for other drawings. See § 1.84.

31. Section 1.171 is revised to read as follows:

**§ 1.171 Application for reissue.**

An application for reissue must contain the same parts required for an application for an original patent, complying with all the rules relating thereto except as otherwise provided, and in addition, must comply with the requirements of the rules relating to reissue applications. The application must be accompanied by a certified copy of an abstract of title or an order for a title report accompanied by the fee set forth in § 1.19(b)(2), to be placed in the file, and by an offer to surrender the original patent (§ 1.178).

32. Section 1.177 is revised to read as follows:

**§ 1.177 Reissue in divisions.**

The Commissioner may, in his or her discretion, cause several patents to be issued for distinct and separate parts of the thing patented, upon demand of the applicant, and upon payment of the required fee for each division. Each division of a reissue constitutes the subject of a separate specification descriptive of the part or parts of the invention claimed in such division; and the drawing may represent only such part or parts, subject to the provisions of §§ 1.83 and 1.84. On filing divisional reissue applications, they shall be referred to the Commissioner. Unless otherwise ordered by the Commissioner upon petition and payment of the fee set forth in § 1.17(i), all the divisions of a reissue will issue simultaneously; if there be any controversy as to one division, the others will be withheld from issue until the controversy is ended, unless the Commissioner shall otherwise order.

33. Section 1.181 is amended by revising paragraphs (d) and (g) to read as follows:

**§ 1.181 Petition to the Commissioner.**

(d) Where a fee is required for a petition to the Commissioner the appropriate section of this part will so indicate. If any required fee does not accompany the petition, the petition will be dismissed.

(g) The Commissioner may delegate to appropriate Patent and Trademark Office officials the determination of petitions.

34. Section 1.182 is revised to read as follows:

**§ 1.182 Questions not specifically provided for.**

All cases not specifically provided for in the regulations of this part will be decided in accordance with the merits of each case by or under the authority of the Commissioner, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(h).

35. Section 1.183 is revised to read as follows:

**§ 1.183 Suspension of rules.**

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

36. Section 1.191 is amended by revising paragraph (a) to read as follows:

**§ 1.191 Appeal to Board of Appeals.**

(a) Every applicant for a patent or for reissue of a patent, or every owner of a patent under reexamination, any of the claims of which have been twice rejected, or who has been given a final rejection (§ 1.113), may, upon the payment of the fee set forth in § 1.17(e), appeal from the decision of the examiner to the Board of Appeals within the time allowed for response.

37. Section 1.192 is amended by revising paragraph (a) to read as follows:

**§ 1.192 Appellant's brief.**

(a) The appellant shall, within 2 months from the date of the notice of appeal under § 1.191 in an application, reissue application, or patent under reexamination, or within the time

allowed for response to the action appealed from, if such time is later, file a brief in triplicate. The brief must be accompanied by the requisite fee set forth in § 1.17(f) and must set forth the authorities and arguments on which the appellant will rely to maintain the appeal. The brief must include a concise explanation of the invention which should refer to the drawing by reference characters, and a copy of the claims involved. The time periods set forth herein are subject to the provisions of § 1.136.

38. Section 1.194 is amended by revising paragraphs (b) and (c) to read as follows:

**§ 1.194 Oral hearing.**

(b) If appellant desires an oral hearing, appellant must file a written request for such hearing accompanied by the fee set forth in § 1.17(g) within one month after the date of the examiner's answer. If appellant requests an oral hearing and submits therewith the fee set forth in § 1.17(g), an oral argument may be presented by, or on behalf of, the primary examiner if considered desirable by either the primary examiner or the Board.

(c) If no request and fee for oral hearing have been timely filed by the appellant, the appeal will be assigned for consideration and decision. If the appellant has requested an oral hearing and has submitted the fee set forth in § 1.17(g), a day of hearing will be set, and due notice thereof given to the appellant and to the primary examiner. Hearing will be held as stated in the notice, and oral argument will be limited to twenty minutes for the appellant and fifteen minutes for the primary examiner unless otherwise ordered before the hearing begins.

39. Section 1.197 is amended by revising paragraph (b) to read as follows:

**§ 1.197 Action following decision.**

(b) A single request for rehearing or reconsideration, or modification of the decision, may be made if filed within thirty days from the date of the original decision, unless that decision is so modified as to become, in effect, a new decision, and the Board of Appeals so states. Such time may be extended under the provisions of § 1.136.

40. Section 1.231 is amended by revising paragraph (a)(1) to read as follows:

**§ 1.231 Motions before the primary examiner.**

(a) Within the period set in the notice of interference for filing motions any party to an interference may file a motion seeking:

(1) To dissolve as to one or more counts, except that such motion based on facts sought to be established by affidavits, declarations or evidence outside of official records and printed publications will not normally be considered. A motion to dissolve an interference in which a patentee is a party on the ground that the claims corresponding to the counts are unpatentable to the patentee over patents or printed publications will be considered through reexamination if it complies with the requirements of § 1.510(b) and is accompanied by the fee for requesting reexamination set in § 1.20(c). Otherwise, a motion to dissolve an interference in which a patentee is a party will not be considered if it would necessarily result in the conclusion that the claims of the patent which correspond to the counts are unpatentable to the patentee on a ground which is not ancillary to priority. Where a motion to dissolve is based on prior art, service on opposing parties must include copies of such prior art. A motion to dissolve on the ground that there is no interference in fact will not be considered unless the interference involves a design or plant patent or application or unless it relates to a count which differs from the corresponding claim of an involved patent or of one or more of the involved applications as provided in §§ 1.203(a) and 1.205(a).

\* \* \* \* \*

41. Section 1.245 is revised to read as follows:

**§ 1.245 Extension of time.**

Extensions of time in any interference proceeding not otherwise provided for may be had by stipulation of the parties, subject to approval, or on motion duly brought, sufficient cause being shown for such extension. The provisions of § 1.136 do not apply to time periods in interferences.

42. Section 1.246 is revised to read as follows:

**§ 1.246 Late papers.**

A motion or other paper belatedly filed will not normally be considered except upon a showing, under oath or in the form of a declaration (§ 1.68), of sufficient cause as to why such motion or paper was not timely presented. The provisions of § 1.136 do not apply to time periods in interferences.

43. Section 1.263 is revised to read as follows:

**§ 1.263 Statutory disclaimer by patentee.**

The disclaimer referred to in § 1.262, when made by a patentee in interference is not a disclaimer under 35 U.S.C. 253. If a disclaimer under the statute and the fee set forth in § 1.20(d) (see § 1.321) cancelling claims involved in the interference from the patent, is made by the patentee, including all assignees as shown by the records of the Patent and Trademark Office, the interference will be dissolved pro forma as to such claims.

44. Section 1.268 is added to read as follows:

**§ 1.268 Filing of interference settlement agreements.**

(a) Any agreement or understanding between parties to an interference, including any collateral agreements referred to therein, made in connection with or in contemplation of the termination of the interference, must be in writing and a true copy thereof filed in the Patent and Trademark Office, directed to the Board of Patent Interferences, before the termination of the interference as between the said parties to the agreement or understanding.

(b) If any party filing the agreement or understanding pursuant to paragraph (a) of this section so requests, the copy will be kept separate from the file of the interference, and made available only to Government agencies on written request, or to any person upon petition accompanied by the fee set forth in § 1.17(i) and on a showing of good cause.

(c) Failure to file the copy of the agreement or understanding pursuant to paragraph (a) of this section, will render permanently unenforceable such agreement or understanding and any patent of the parties involved in the interference or any patent subsequently issued on any application of the parties so involved. The Commissioner may, however, upon petition accompanied by the fee set forth in § 1.17(h) and on a showing of good cause for failure to file within the time prescribed, permit the filing of the agreement or understanding during the six-month period subsequent to the termination of the interference as between the parties to the agreement or understanding.

45. Section 1.292 is amended by revising paragraph (a) to read as follows:

**§ 1.292 Public use proceedings.**

(a) When a petition for the institution of public use proceedings, supported by affidavits or declarations and the fee set forth in § 1.17(j) is filed by one having information of the pendency of an application and is found, on reference to the primary examiner, to make a prima facie showing that the invention involved in an interference or claimed in an application believed to be on file had been in public use or on sale one year before the filing of the application, or before the date alleged by an interfering party in his or her preliminary statement or the date of invention established by such party, a hearing may be had before the Commissioner to determine whether a public use proceeding should be instituted. If instituted, times may be set for taking testimony, which shall be taken as provided by §§ 1.271 to 1.286. The petitioner will be heard in the proceedings but after decision therein will not be heard further in the prosecution of the application for patent.

\* \* \* \* \*

46. Section 1.304 is amended by revising paragraph (a) to read as follows:

**§ 1.304 Time for appeal or civil action.**

(a) The time for filing the notice and reasons of appeal to the U.S. Court of Appeals for the Federal Circuit (§ 1.302) or for commencing a civil action (§ 1.303) is sixty days from the date of the decision of the Board of Appeals or the Board of Patent Interferences. If a request for rehearing or reconsideration, or modification of the decision, is filed within the time provided pursuant to § 1.197(b) or § 1.256(b), the time for filing an appeal or commencing a civil action shall expire at the end of the sixty-day period or thirty days after action on the request, whichever is later. The time periods set forth herein are subject to the provisions of § 1.136.

\* \* \* \* \*

47. Section 1.311 is revised to read as follows:

**§ 1.311 Notice of allowance.**

(a) If, on examination, it shall appear that the applicant is entitled to a patent under the law, a notice of allowance will be sent to applicant at the correspondence address indicated in § 1.33, calling for the payment of a specified sum constituting the issue fee (§ 1.18), which shall be paid within 3 months from the date of the mailing of the notice of allowance.

(b) An authorization to charge the issue fee (§ 1.18) to a deposit account may be filed in an individual application, either before or after

mailing of the notice of allowance. Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of the notice of allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance.

48. Section 1.312 is revised to read as follows:

**§ 1.312 Amendments after allowance.**

(a) No amendment may be made as a matter of right in an application after the mailing of the notice of allowance. Any amendment pursuant to this paragraph filed before the payment of the issue fee may be entered on the recommendation of the primary examiner, approved by the Commissioner, without withdrawing the case from issue.

(b) Any amendment pursuant to paragraph (a) of this section filed after the date the issue fee is paid must be accompanied by a petition including the fee set forth in § 1.17(i) and a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

49. Section 1.313 is revised to read as follows:

**§ 1.313 Withdrawal from issue.**

(a) Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. Any such petition by the applicant must include a showing of good and sufficient reasons why withdrawal of the application is necessary and, if the reason for the withdrawal is not the fault of the Office, must be accompanied by the fee set forth in § 1.17(i). If the application is withdrawn from issue, a new notice of allowance will be sent if the application is again allowed. Any amendment accompanying a petition to withdraw an application from issue must comply with the requirements of § 1.312.

(b) When the issue fee has been paid, and the patent to be issued has received its issue date and patent number, the application will not be withdrawn from issue for any reason except (1) mistake on the part of the Office, (2) a violation of § 1.56 or illegality in the application, (3) unpatentability of one or more claims, or (4) for interference.

50. Section 1.314 is revised to read as follows:

**§ 1.314 Issuance of patent.**

If payment of the issue fee is timely made, the patent will issue in regular course unless (a) the application is withdrawn from issue (§ 1.313) or (b) issuance of the patent is deferred. Any

petition by the applicant requesting deferral of the issuance of a patent must be accompanied by the fee set forth in § 1.17(i) and must include a showing of good and sufficient reasons why it is necessary to defer issuance of the patent.

51. Section 1.316 is revised to read as follows:

**§ 1.316 Application abandoned for failure to pay issue fee.**

(a) If the issue fee is not paid within 3 months from the date of the notice of allowance, the application will be regarded as abandoned. Such an abandoned application will not be considered as pending before the Patent and Trademark Office.

(b) The Commissioner may accept the payment of the issue fee later than three months after the mailing of the notice of allowance as though no abandonment had ever occurred if upon petition the delay in payment is shown to have been unavoidable. The petition to accept the delayed payment must be promptly filed after the applicant is notified of, or otherwise becomes aware of, the abandonment, and must be accompanied by (1) the issue fee, unless it has been previously submitted, (2) the fee for delayed payment (§ 1.17(1)), and (3) a showing that the delay was unavoidable. Such showing must be a verified showing if made by a person not registered to practice before the Patent and Trademark Office.

(c) The Commissioner may, upon petition, accept the payment of the issue fee later than three months after the mailing of the notice of allowance as though no abandonment had ever occurred if the delay in payment was unintentional. The petition to accept the delayed payment must be filed within one year of the date on which the application became abandoned or be filed within three months of the date of the first decision on a petition under paragraph (b) of this section which was filed within one year of the date of abandonment of the application. The petition to accept the delayed payment must be accompanied by (1) the issue fee, unless it has been previously submitted, (2) the fee for unintentionally delayed payment (§ 1.17(m)), and (3) a statement that the delay was unintentional. Such statement must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office.

(d) The Commissioner may, upon petition, accept the payment of the issue fee later than three months after the mailing of the notice of allowance as though no abandonment had ever occurred if the delay in payment was unintentional. The petition to accept the delayed payment must be filed within one year of the date on which the patent lapsed or be filed within three months of the date of the first decision on a petition under paragraph (b) of this section which was filed within one year of the date of lapse of the patent. The petition to accept the delayed payment must be accompanied by (1) the remaining balance of the issue fee, unless it has been previously

extended under the provisions of § 1.136(a), but no further extensions under § 1.136(b) will be granted. Petitions to the Commissioner under § 1.183 to waive any time periods for requesting revival of an unintentionally abandoned application will not be considered, but will be returned to the applicant.

(d) Any petition pursuant to paragraph (b) of this section not filed within six months of the date of abandonment must be accompanied by a terminal disclaimer with fee under § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application.

52. Section 1.317 is revised to read as follows:

**§ 1.317 Lapsed patents; delayed payment of balance of issue fee.**

(a) If the issue fee was paid prior to October 1, 1982, any remaining balance of the issue fee is to be paid within three months from the date of notice thereof and, if not paid, the patent will lapse at the termination of the three month period.

(b) The Commissioner may accept the payment of the remaining balance of the issue fee later than three months after the mailing of the notice thereof as though no lapse had ever occurred if upon petition the delay in payment is shown to have been unavoidable. The petition to accept the delayed payment must be promptly filed after the applicant is notified of, or otherwise becomes aware of, the lapse, and must be accompanied by (1) the remaining balance of the issue fee, unless it has been previously submitted, (2) the fee for delayed payment (§ 1.17(1)), and (3) a showing that the delay was unavoidable. Such showing must be a verified showing if made by a person not registered to practice before the Patent and Trademark Office.

(c) The Commissioner may, upon petition, accept the payment of the remaining balance of the issue fee later than three months after the mailing of the notice thereof as though no lapse had ever occurred if the delay in payment was unintentional. The petition to accept the delayed payment must be filed within one year of the date on which the patent lapsed or be filed within three months of the date of the first decision on a petition under paragraph (b) of this section which was filed within one year of the date of lapse of the patent. The petition to accept the delayed payment must be accompanied by (1) the remaining balance of the issue fee, unless it has been previously

submitted, (2) the fee for unintentionally delayed payment (§ 1.17(m)), and (3) a statement that the delay was unintentional. Such statement must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office. The Commissioner may require additional information where there is a question whether the delay in payment was unintentional. The three-month period from the date of the first decision referred to in this paragraph may be extended under the provisions of § 1.136(a), but no further extensions under § 1.136(b) will be granted. Petitions to the Commissioner under § 1.183 to waive any time periods for requesting acceptance of an unintentionally delayed payment will not be considered, but will be returned to the applicant.

(d) Any petition pursuant to paragraph (b) of this section not filed within six months of the date of lapse must be accompanied by a terminal disclaimer with fee under § 1.321 dedicating to the public a terminal part of the term of the patent equivalent to the period of lapse of the patent.

53. Section 1.321 is revised to read as follows:

**§ 1.321 Statutory disclaimer.**

(a) A disclaimer under 35 U.S.C. 253 must be accompanied by the fee set forth in § 1.20(d) and identify the patent and the claim or claims which are disclaimed, and be signed by the person making the disclaimer, who shall state therein the extent of his or her interest in the patent. A disclaimer which is not a disclaimer of a complete claim or claims may be refused recordation. A notice of the disclaimer is published in the *Official Gazette* and attached to the printed copies of the specification. In like manner any patentee or applicant may disclaim or dedicate to the public the entire term, or any terminal part of the term, of the patent granted or to be granted.

(b) A terminal disclaimer, when filed in an application to obviate a double patenting rejection, must be accompanied by the fee set forth in § 1.20(d) and include a provision that any patent granted on that application shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the rejection.

54. Section 1.324 is revised to read as follows:

**§ 1.324 Correction of inventorship in patent.**

Whenever a patent is issued and it appears that there was a misjoinder or nonjoinder of inventors and that such misjoinder or omission occurred by error and without deceptive intention, the Commissioner may, on petition of all the parties and the assignees and satisfactory proof of the facts and payment of the fee set forth in § 1.20(b), or on order of a court before which such matter is called in question, issue a certificate deleting the misjoined inventor from the patent or adding the non-joined inventor to the patent.

55. Section 1.331 is amended by revising paragraph (a) to read as follows:

**§ 1.331 Recording of assignments.**

(a) Assignments, including grants and conveyances, of patents, national applications, or international applications which designate the United States of America, will be recorded in the Patent and Trademark Office under 35 U.S.C. 261. Other instruments affecting title to a patent, a national application, or an international application which designates the United States of America, and licenses, even though the recording thereof may not serve as constructive notice under 35 U.S.C. 261, will be recorded as provided in this section or at the discretion of the Commissioner. Any instrument to be recorded, except those under Part 7 of this title, must be accompanied by the fee set forth in § 1.21(h).

56. Section 1.332 is revised to read as follows:

**§ 1.332 Receipt and recording.**

Assignments are recorded in regular order as promptly as possible, and then transmitted with the date and identification of the record stamped thereon to the persons entitled to them. The date of the record is the date of the receipt of the assignment at the Office in proper form and accompanied by the fee set forth in § 1.21(h).

57. Section 1.334 is revised to read as follows:

**§ 1.334 Issue of patent to assignee.**

(a) In case of an assignment of the entire interest in the invention and application, or of the entire interest in the patent to be granted, the patent will normally issue to the assignee. If the assignee should hold an undivided part interest, the patent will normally issue jointly to the inventor and the assignee. If it is desired that the patent so issue, the assignment in either case must first

have been recorded, and at a day not later than the date payment is made of the issue fee.

(b) At the time of payment of the issue fee, a statement must be furnished indicating whether or not an assignment has been filed with the Patent and Trademark Office. In the event an assignment has been filed, such statement must include the name and address of the assignee and indicate whether or not an acknowledgement of a recorded assignment has been received from the Patent and Trademark Office.

(c) If the assignment is recorded after the date of payment of the issue fee, the assignee may petition that the patent issue to the assignee as recorded. Any such petition must be accompanied by the fee set forth in § 1.17(i).

58. Section 1.341 is amended by revising paragraph (h) to read as follows:

**§ 1.341 Registration of attorneys and agents.**

(h) *Oath and registration fee.* Before his or her name may be entered on the register of attorneys or on the register of agents, every applicant for registration must, after his or her application is approved, subscribe and swear to an oath or make a declaration prescribed by the Commissioner of Patents and Trademarks and pay the prescribed registration fee. (See § 1.21(a)(2).)

59. Section 1.347 is revised to read as follows:

**§ 1.347 Removing names from registers.**

Attorneys and agents, registered to practice before the Patent and Trademark Office, should notify the Office of any change of address for entry on the register, by letter separate from any notice of change of address filed in individual applications. The Office may address a letter to any person on the registers, at the address of which separate notice for the register was last received, for the purpose of ascertaining whether such person desires to remain on the register. The name of any person failing to reply and give the information requested within a time limit specified will be removed from the register, and the names so removed published in the *Official Gazette*. Any name so removed may be reinstated, either on the register of attorneys or the register of agents, as may be appropriate. Any request for reinstatement must be accompanied by the fee set forth in § 1.21(a)(3).

60. Section 1.445 is amended by revising paragraphs (a) (1) through (4) to read as follows:

**§ 1.445 International application filing and processing fees.**

(a) \* \* \*

(1) A transmittal fee (see 35 U.S.C. 361(d) and PCT Rule 14) .....

\$125.00

(2) A search fee (see 35 U.S.C. 361(d) and PCT Rule 16) where:

(i) No corresponding prior United States national application with fee has been filed.....

(ii) Corresponding prior United States national application with fee has been filed.....

(3) A supplemental search fee when required (see PCT Art. 17(3)(a) and PCT Rule 40.2) .....

(4) The national fee, that is, the amount set forth as the filing fee under § 1.16 (a) through (d) credited by an amount of \$250 where an international search fee has been paid on the corresponding international application to the United States as an International Searching Authority. Where the amount of the credit is in excess of that required for the national fee, a request for a refund of the excess under § 1.446(b) may be filed at the time of paying the national fee. Only one such credit is permitted based on a single international search fee.

\* Per additional invention.

61. Section 1.446 is amended by revising paragraph (b) to read as follows:

**§ 1.446 Refund of international application filing and processing fees.**

(b) Refund of a portion of the search fee may be made to the extent set forth in § 1.445(a)(4) if requested at the time of paying the national fee.

62. Section 1.451 is amended by revising paragraph (b) to read as follows:

**§ 1.451 The priority claim and priority document in an international application.**

(b) Whenever the priority of an earlier United States national application is claimed in an international application, the applicant may request in a letter of transmittal accompanying the international application upon filing with the United States Receiving Office, that the Patent and Trademark Office prepare a certified copy of the national application for transmittal to the International Bureau (PCT Art. 8 and PCT Rule 17). The fee for preparing a certified copy is stated in § 1.19(a)(4) and (b)(1).

63. Section 1.510 is amended by revising paragraph (a) to read as follows:

**§ 1.510 Request for reexamination.**

(a) Any person may, at any time during the period of enforceability of a

patent, file a request for reexamination by the Patent and Trademark Office of any claim of the patent on the basis of prior art patents or printed publications cited under § 1.501. The request must be accompanied by the fee for requesting reexamination set in § 1.20(c).

\* \* \* \* \*

**PART 2—RULES OF PRACTICE IN TRADEMARK CASES**

64. Section 2.6 is revised to read as follows:

**§ 2.6 Trademark fees.**

The following fees and charges are established by the Patent and Trademark Office for trademark cases:

(a) For filing an application, per class.....	\$175.00
(b) For filing an application for renewal of a registration, per class .....	300.00
(c) For filing to publish a mark under section 12(c), per class .....	100.00
(d) For issuing a new certificate of registration upon request of assignee .....	100.00
(e) For a certificate of correction of registrant's error.....	100.00
(f) For filing a disclaimer to a registration .....	100.00
(g) For filing an amendment to a registration .....	100.00
(h) For filing an affidavit under §8 of the Act, per class .....	100.00
(i) For filing an affidavit under §15 of the Act, per class .....	100.00
(j) For filing a combined affidavit under §§8 and 15 of the Act, per class .....	200.00
(k) For petitions to the Commissioner.....	100.00
(l) For filing petition to cancel or notice of opposition, per class .....	200.00
(m) For ex parte appeal to the Trademark Trial and Appeal Board, per class .....	100.00
(n) For printed copy of registered mark	
Copy only.....	1.00
Copy showing title and/or status.....	6.50
(o) For certifying trademark records, per certificate .....	3.50
(p) For photocopies or other reproductions of records, drawings, or printed material, per page of the material copied .....	0.30
(q) For recording trademark assignments, per document.....	100.00
For each mark in addition to one assigned in the same document.....	20.00
(r) For abstracts of title to each registration or application, including the search .....	12.00
(s) For special service handling of late filed fees in connection with a renewal .....	100.00
(t) For items and services that the Commissioner finds may be supplied, for which fees are not specified, such charges as may be determined by the Commissioner with respect to each such item or service.....	actual cost.

65. Section 2.85 is amended by revising paragraph (e) to read as follows:

**§ 2.85 Classification schedules.**

\* \* \* \* \*

(e) Where the amount of the fee received on filing an appeal in connection with an application or on an application for renewal or in connection with a petition for cancellation is sufficient for at least one class of goods or services but is less than the required amount because multiple classes in an application or registration are involved, the appeal or renewal application or petition for cancellation will not be refused on the ground that the amount of

the fee was insufficient if the required additional amount of the fee is received in the Patent and Trademark Office within the time limit set forth in the notification of this defect by the Office, or if action is sought only for the number of classes equal to the number of fees submitted.

\* \* \* \* \*

66. Section 2.101 is amended by revising paragraph (c) to read as follows:

**§ 2.101 Filing an opposition.**

\* \* \* \* \*

(c) If no fee, or a fee insufficient to cover at least one class, is filed within 30 days after publication of the mark to be opposed or within an extension of the time for filing an opposition, the opposition will not be refused if the required fee(s) (See § 2.6) are filed in the Patent and Trademark Office within the time limit set forth in the notification of this defect by the Office.

\* \* \* \* \*

67. Section 2.146 is amended by revising paragraph (b) to read as follows, and by removing paragraph (f):

**§ 2.146 Petition to the Commissioner.**

\* \* \* \* \*

(b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested and the requisite fee (See § 2.6). Any brief in support thereof should accompany or be embodied in the petition; in contested cases any brief in opposition shall be filed within fifteen days after service of the petition. Where facts are to be proved in ex parte cases (as in petition to revive an abandoned application), the proof in the form of affidavits or declarations in accordance with § 2.20 (and exhibits, if any) must accompany the petition.

\* \* \* \* \*

68. Section 2.162 is amended by revising paragraph (d) to read as follows:

**§ 2.162 Requirements for affidavit or declaration during sixth year.**

\* \* \* \* \*

(d) Include the required fee for each class to which the affidavit or declaration pertains in the registration. If no fee, or a fee insufficient to cover at least one class, is filed before the expiration of the sixth year following the date of registration or of publication under Section 12(c) of the Act, the affidavit or declaration will not be refused if the required fee(s) (See § 2.6) are filed in the Patent and Trademark Office within the time limit set forth in the notification of this defect by the

Office. If insufficient fees are included to cover all classes in the registration, the particular class or classes to which the affidavit or declaration pertains should be specified.

\* \* \* \* \*

69. Section 2.167 is amended by adding a paragraph (g) as follows:

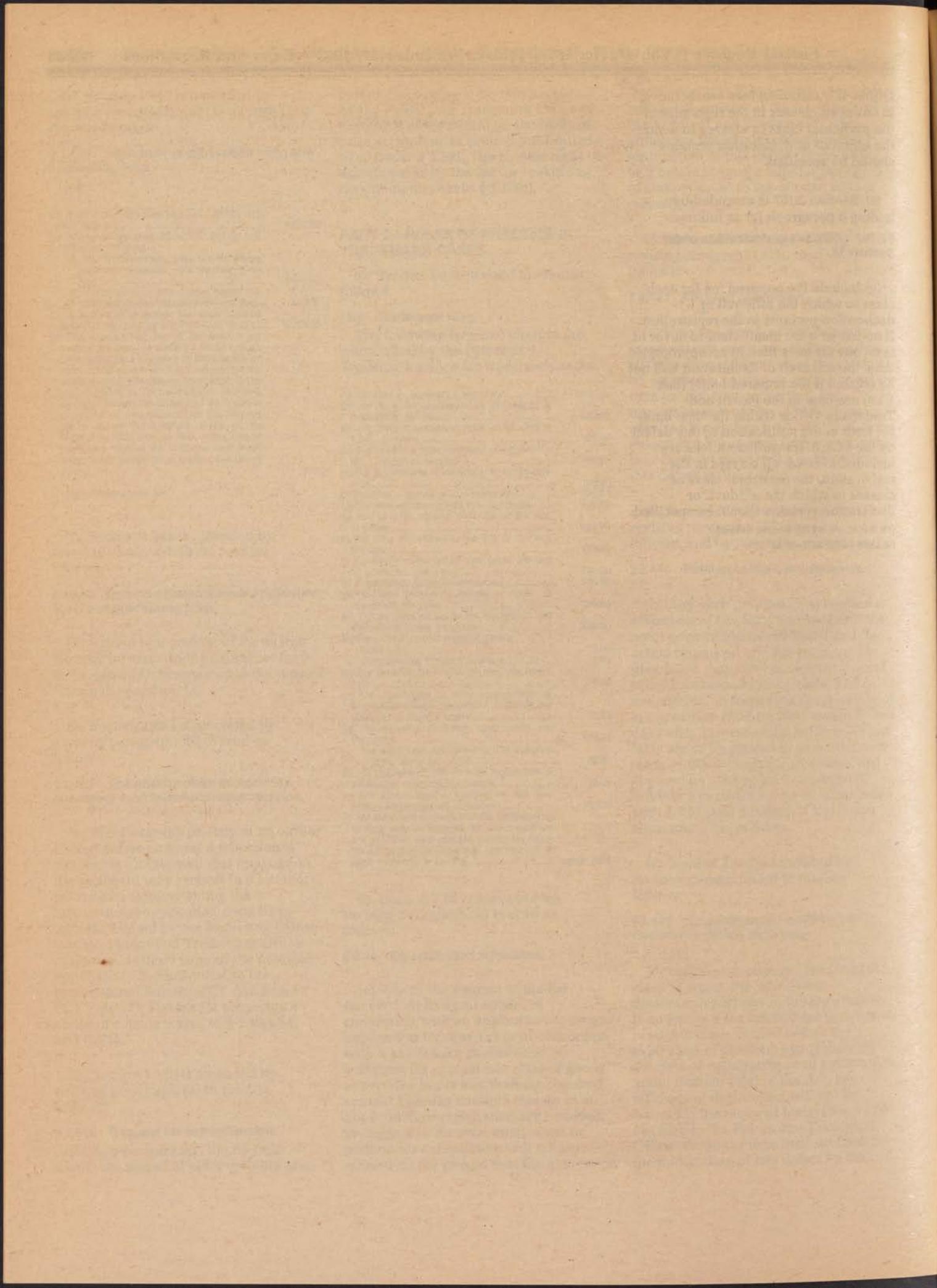
**§ 2.167 Affidavit or declaration under Section 15.**

\* \* \* \* \*

(g) Include the required fee for each class to which the affidavit or declaration pertains in the registration. If no fee, or a fee insufficient to cover at least one class, is filed at an appropriate time, the affidavit or declaration will not be refused if the required fee(s) (See § 2.6) are filed in the Patent and Trademark Office within the time limit set forth in the notification of this defect by the Office. If insufficient fees are included to cover all classes in the registration, the particular class or classes to which the affidavit or declaration pertains should be specified.

[FR Doc. 82-25631 Filed 9-16-82; 8:45 am]

**BILLING CODE 3510-16-M**



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September 17, 1982

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Part V

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**Office of  
Management and  
Budget**

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Cumulative Report on Rescissions and  
Deferrals

**OFFICE OF MANAGEMENT AND BUDGET****Cumulative Report on Rescissions and Deferrals**

September 1, 1982.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of September 1, 1982 of 31 rescission proposals and 252 deferrals contained in the first seventeen messages of fiscal year 1982. These messages were transmitted to the Congress on October 1, 20, 23, and 29, and November 6, and 13, 1981, January 22, February 8, and 19, March 18, April 23, May 18, June 3, and 23, July 16, and 28, 1982, and August 23, 1982.

**Rescissions (Table A and Attachment A)**

Seven rescission proposals totaling \$393.2 million are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of September 1, 1982 while Attachment A shows the history and status of each rescission proposed during fiscal year 1982.

**Deferrals (Table B and Attachment B)**

As of September 1, 1982, \$2,440.4 million in 1982 budget authority was being deferred from obligation and another \$7.9 million in 1982 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during fiscal year 1982.

**Information from Special Messages**

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the **Federal Registers** of: Vol. 46, No. 194, FR p.

49793, Wednesday, October 7, 1981; Vol. 46, No. 206, FR p. 52289, Monday, October 26, 1981; Vol. 46, No. 210, FR p. 54259, Friday, October 30, 1981; Vol. 46, No. 212, FR p. 54691, Tuesday, November 3, 1981; Vol. 46, No. 218, FR p. 55905, Thursday, November 12, 1981; Vol. 46, No. 223, FR p. 57019, Thursday, November 19, 1981; Vol. 47, No. 18, FR p. 4021, Wednesday, January 27, 1982; Vol. 47, No. 28, FR p. 6193, Wednesday, February 10, 1982; Vol. 47, No. 37, FR p. 8145, Wednesday, February 24, 1982; Vol. 47, No. 57, FR p. 12751, Wednesday, March 24, 1982; Vol. 47, No. 82, FR p. 18301, Wednesday, April 28, 1982; Vol. 47, No. 100, FR p. 22483, Monday, May 24, 1982; Vol. 47, No. 110, FR p. 24992, Thursday, June 8, 1982; Vol. 47, No. 127, FR p. 28891, Thursday, July 1, 1982; Vol. 47, No. 141, FR p. 31835, Thursday, July 22, 1982; Vol. 47 No. 149, FR p. 33662, Tuesday, August 3, 1982; Vol. 47, No. 166, FR p. 37846, Thursday, August 26, 1982.

David Stockeman,  
Director.

BILLING CODE 3110-01-M

## TABLE A

## STATUS OF 1982 RESCISSIONS

Amount  
(In millions  
of dollars)\*

Rescissions proposed by the President.....	\$ 7,734.5
Accepted by the Congress.....	4,098.6
Rejected by the Congress.....	3,242.6
Pending before the Congress.....	\$ 393.2 a.

\* Detail does not add to total due to rounding.

\* \* \* \* \*

## TABLE B

## STATUS OF 1982 DEFERRALS

Amount  
(In millions  
of dollars)\*

Deferrals proposed by the President.....	\$ 8,207.5
Routine Executive releases (-\$5,423.4 million) and ad- justments (\$16.9 million) through September 1, 1982.	-5,406.5
Overturned by the Congress.....	-352.7
Currently before the Congress.....	\$ 2,448.4 b.

a. This amount includes \$20.5 million in FY 1983 funds (R82-3).

b. This amount includes \$7.9 million in outlays for a Department of the Treasury deferral (D82-23A).

\* Detail does not add to total due to rounding.

Attachments

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982						AS OF 09/02/82 10:59	
AS OF SEPTEMBER 1, 1982 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSON NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
<b>FUNDS APPROPRIATED TO THE PRESIDENT</b>							
<b>International Development Assistance</b>							
Functional development assistance program							
BA	R82- 4	8,129		2 8 82		8,129	4 23 82
Sahel development program							
BA	R82- 5	2,500		2 8 82		2,500	4 23 82
<b>FUNDS APPROPRIATED TO THE PRESIDENT</b>							
TOTAL BA		10,629				10,629	
<b>DEPARTMENT OF AGRICULTURE</b>							
<b>Extension Service</b>							
Extension service							
BA	R82- 6	2,000		2 8 82		2,000	4 26 82
<b>DEPARTMENT OF AGRICULTURE</b>							
TOTAL BA		2,000				2,000	
<b>DEPARTMENT OF COMMERCE</b>							
<b>National Oceanic and Atmospheric Administration</b>							
Coastal zone management							
BA	R82- 7	12,000		2 8 82		12,000	4 26 82
Coastal energy impact fund							
BA	R82- 8	7,000		2 8 82		7,000	4 26 82
<b>DEPARTMENT OF COMMERCE</b>							
TOTAL BA		19,000				19,000	
<b>DEPARTMENT OF DEFENSE - MILITARY</b>							
<b>Procurement</b>							
Aircraft procurement, Air Force							
BA	R82- 1	65,700		10 23 81		65,700	12 14 81
Missile procurement, Air Force							
BA	R82- 2	22,500		10 23 81		22,500	12 14 81
<b>DEPARTMENT OF DEFENSE - MILITARY</b>							
TOTAL BA		88,200				88,200	
<b>DEPARTMENT OF EDUCATION</b>							
<b>Office of Elementary and Secondary Education</b>							
Compensatory education for the disadvantaged							
BA	R82- 9	411,933		2 8 82		411,933	4 26 82
Special programs and populations							
BA	R82-10	65,600		2 8 82		65,600	4 26 82
Indian education							
BA	R82-11	6,255		2 8 82		6,255	4 26 82
<b>Office of Special Education and Rehab. Services</b>							
<b>Education for the handicapped</b>							
BA	R82-12	258,572		2 8 82		258,572	4 26 82

## ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982

AS OF 08/02/82 10:59

AS OF SEPTEMBER 1, 1982 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSON NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
<b>Rehabilitation services and handicapped research</b>							
BA	R82-13	91,171		2 8 82		91,171	4 26 82
<b>Office of Vocational and Adult Education</b>							
Vocational and adult education	BA	R82-14	105,741		2 8 82	105,741	4 26 82
<b>Office of Postsecondary Education</b>							
Student financial assistance	BA	R82-15	141,500		2 8 82	141,500	4 26 82
Higher and continuing education	BA	R82-16	42,739		2 8 82	42,739	4 26 82
<b>Office of Educational Research and Improvement</b>							
Libraries	BA	R82-17	22,110		2 8 82	22,110	4 26 82
<b>Departmental management</b>							
Educ. res. & train. overseas (spec. for curr.)	BA	R82-18	80		2 8 82	80	4 26 82
<b>Office of Bilingual Educ. &amp; Minority Lang. Affairs</b>							
Bilingual education	BA	R82-19	11,504		2 8 82	11,504	4 26 82
<b>DEPARTMENT OF EDUCATION</b>							
TOTAL BA		1,157,205				1,157,205	
<b>DEPARTMENT OF ENERGY</b>							
Energy Programs							
Fossil energy construction	BA	R82-30		83,500	7 28 82		
Energy conservation	BA	R82-20	20,000		2 8 82	20,000	4 26 82
<b>DEPARTMENT OF ENERGY</b>							
TOTAL BA		20,000	83,500			20,000	
<b>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b>							
Housing Programs							
Subsidized housing programs	BA	R82-21	9,399,789		2 8 82	5,999,789b	4 26 82
	BA	R82-21A	-3,400,000		4 23 82	4,098,640	
<b>Solar Energy and Energy Conservation Bank</b>							
Assistance for solar and conserv. improvements	BA	R82-22	21,850		2 8 82	21,850	4 26 82
<b>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b>							
TOTAL BA		6,021,639			4,098,640	6,021,639	
<b>DEPARTMENT OF THE INTERIOR</b>							
Geological Survey							
Exploration of natl petroleum reserve-Alaska	BA	R82-28	16,200	7 16 82			

## ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982

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AS OF SEPTEMBER 1, 1982 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSON NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
<b>DEPARTMENT OF LABOR</b>							
Employment and Training Administration							
Employment and training assistance							
BA	R82-29		47,429	7 16 82			
Mine Safety and Health Administration							
Salaries and expenses							
BA	R82-23	4,095		2 8 82		2,095	4 26 82
BA	R82-23A	-2,000		2 19 82			
<b>DEPARTMENT OF LABOR</b>							
TOTAL BA		2,095	47,429			2,095	
<b>DEPARTMENT OF TRANSPORTATION</b>							
Federal Highway Administration							
Highway-related safety grants							
BA	R82-24	9,623		2 8 82		9,623	4 26 82
<b>DEPARTMENT OF TRANSPORTATION</b>							
TOTAL BA		9,623				9,623	
<b>OTHER INDEPENDENT AGENCIES</b>							
Board for International Broadcasting							
Grants and expenses							
BA	R82-31		2,334	8 23 82			
Corporation for Public Broadcasting							
Public broadcasting fund							
BA	R82- 3		20,500a	11 6 81			
National Foundation on the Arts and Humanities							
Institute of Museum Services: Program operations							
BA	R82-25	10,877		2 8 82		10,877	4 26 82
Office of Fed. Insp. for the Alaska Nat. Gas Sys.							
Salaries and expenses							
BA	R82-27		8,000	6 23 82		8,000b	8 26 82
Postal Service							
Payment to the Postal Service Fund							
BA	R82-26		215,230	3 18 82			
<b>OTHER INDEPENDENT AGENCIES</b>							
TOTAL BA		10,877	246,064			18,877	
TOTAL BA		7,341,268	393,193		4,098,640	7,349,268	

a. This is a proposal to rescind FY 1983 funds.

b. This item is still under consideration by the Congress, but the amount shown was made available upon expiration of the 45-day withholding period.

END OF REPORT

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982							AS OF 09/02/82 10:25	
AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE OMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 9-1-82
<b>EXECUTIVE OFFICE OF THE PRESIDENT</b>								
White House Office								
Salaries and Expenses	BA D82- 27		366		10 20 81		-366	
Special Assistance to the President								
Salaries and Expenses	BA D82- 28		28		10 20 81		-28	
Council of Economic Advisers								
Salaries and Expenses	BA D82- 29		32		10 23 81		-32	
Council on Envir. Quality & Office of Envir. Qual.								
Salaries and Expenses	BA D82- 29		9		10 20 81		-9	
Office of Policy Development								
Salaries and Expenses	BA D82- 30		45		10 20 81		-45	
National Security Council								
Salaries and Expenses	BA D82- 31		62		10 20 81		-62	
Office of Administration								
Salaries and expenses	BA D82- 32		139		10 20 81		-139	
OMB, Office of Fed. Procurement Policy								
Salaries and expenses	BA D82- 33		24		10 20 81		-24	
Office of Science and Technology Policy								
Salaries and expenses	BA D82- 34		30		10 20 81		-30	
Office of the U.S. Trade Representative								
Salaries and expenses	BA D82- 35		78		10 20 81		-78	
<b>EXECUTIVE OFFICE OF THE PRESIDENT</b>								
	TOTAL BA		813				-813	
<b>FUNDS APPROPRIATED TO THE PRESIDENT</b>								
Appalachian Regional Development Programs								
Appalachian regional development programs	BA D82- 1	15,000			10 1 81			
	BA D82- 1A				a 1 22 82			
	BA D82- 1B				a 2 8 82			15,000
Disaster Relief								
Disaster relief	BA D82-158	7,000			10 29 81	-7,000		
	BA D82-159	138,000			10 29 81	-138,000		
International Security Assistance								
Foreign military credit sales	BA D82-222	680,000			2 8 82	-680,000		
Economic support fund	BA D82-218	1,756,980			1 22 82	-1,754,830		2,150
Military assistance	BA D82-223	129,512			2 8 82	-101,500		28,012
<b>FUNDS APPROPRIATED TO THE PRESIDENT</b>								
	TOTAL BA	2,726,492			-2,681,330			45,162
<b>DEPARTMENT OF AGRICULTURE</b>								
Office of the Secretary								
Office of the Secretary	BA D82-160	29			10 29 81	-29		

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<b>AGENCY/BUREAU/ACCOUNT</b>								
Agricultural Research Service								
Agricultural research service	BA D82-161	1,813		10 29 81	-1,813			
Cooperative State Research Service								
Cooperative state research service	BA D82-162	2,790		10 29 81	-2,790			
Extension Service								
Extension service	BA D82-163	1,990		10 29 81	-1,990			
National Agricultural Library								
National agricultural library	BA D82-164	93		10 29 81	-93			
Statistical Reporting Service								
Statistical reporting service	BA D82-165	198		10 29 81	-198			
Agricultural Cooperative Service								
Agricultural cooperative service	BA D82-166	39		10 29 81	-39			
Office of Internat. Cooperation and Development								
Scientific activities overseas	BA D82-167	700		10 29 81	-700			
Rural Electrification Administration								
Rural electr. and telephone revolving fund	BA D82-169	49,368b		10 29 81	-49,368			
Foreign Assistance Programs								
Expenses, P.L. 480	BA D82- 36	25,696		10 20 81	-25,696			
Agricultural Stabilization & Conservation Service								
Dairy and beekeeper indemnity programs	BA D82- 88	28		10 23 81	-28			
Agricultural conservation	BA D82- 87	8,600		10 23 81	-8,600			
Emergency conservation program	BA D82-168	1,400		10 29 81	-1,400			
Farmers Home Administration								
Salaries and expenses	BA D82-171	526		10 29 81	-526			
Rural housing for domestic farm labor	BA D82-173	1,750		10 29 81	-1,750			
	BA D82-224	10,728		2 8 82				10,728
Mutual and self-help housing	BA D82-174	490		10 29 81	-490			
Rural water and waste disposal	BA D82-170	8,680		10 29 81	-8,680			
Rural community fire protection grants	BA D82-172	490		10 29 81	-490			
Agricultural credit insurance fund	BA D82-175	1,316		10 29 81	-1,316			
Rural development insurance fund	BA D82-176	21,000		10 29 81	-21,000			
Soil Conservation Service								
Watershed and flood prevention operations	BA D82- 89	8,926		10 23 81	-8,926			
	BA D82-244	8,822		6 3 82				8,822
Animal and Plant Health Inspection Service								
Animal and plant health inspection service	BA D82- 90	4,125		10 23 81	-4,125			
Buildings and facilities	BA D82-177	236		10 29 81	-236			
Agricultural Marketing Service								
Payments to States and possessions	BA D82-178	210		10 29 81	-210			

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AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE OMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 9-1-82	
<b>Food and Nutrition Service</b>									
Food program administration	BA D82-209	487		11 6 81	-487				
Child nutrition programs	BA D82-210	472		11 6 81	-472				
Special supplemental food programs (WIC)	BA D82-211	13,831		11 6 81	-13,831				
<b>Forest Service</b>									
State and private forestry	BA D82- 92	776		10 23 81	-776				
	BA D82-179	657		10 29 81	-657				
Agricultural research	BA D82- 91	1,348		10 23 81	-1,348				
National forest system	BA D82- 93	12,516		10 23 81	-12,516				
	BA D82-180	1,059		10 29 81	-1,059				
Construction and land acquisition	BA D82- 94	6,693		10 23 81	-6,693				
Timber salvage sales	BA D82- 2	6,723		10 1 81					
	BA D82- 2A		561	1 22 82				7,284	
Rangeland improvements	BA D82- 96	109		10 23 81	-109				
Acquisition of lands to complete land exchanges	BA D82- 95	6		10 23 81	-6				
Expenses, brush disposal	BA D82- 3	49,349		10 1 81					
	BA D82- 3A			4 23 82			-948	48,401	
<b>DEPARTMENT OF AGRICULTURE</b>									
TOTAL BA		254,069	561		-178,447		-948	75,235	
<b>DEPARTMENT OF COMMERCE</b>									
General Administration									
Participation in U.S. expositions	BA D82- 4	507		10 1 81	-32			475	
Bureau of the Census									
Periodic censuses and programs	BA D82-225	1,015		2 8 82					
	BA D82-225A			5 18 82	-100			915	
Economic and Statistical Analysis									
Salaries and expenses	BA D82- 97	420		10 23 81	-420				
Economic Development Administration									
Economic development assistance programs	BA D82- 98	38,855		10 23 81	-38,855				
	BA D82-245	2,800		6 3 82	-2,800				
Minority Business Development Agency									
Minority business development	BA D82- 99	857		10 23 81	-857				
	BA D82-226	5,000		2 8 82					
	BA D82-226A		5,000	5 18 82				10,000	
United States Travel Service									
Salaries and expenses	BA D82-181	287		10 29 81	-287				
National Oceanic and Atmospheric Administration									
Operations, research, and facilities	BA D82-100	12,891		10 23 81	-12,891				
Construction	BA D82- 5	2,000		10 1 81					
	BA D82- 5A			1 22 82					
	BA D82- 5B			5 18 82				2,000	
National Telecom. and Information Admin.									
Salaries and expenses	BA D82-101	277		10 23 81	-277				

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<b>DEPARTMENT OF COMMERCE</b>								
	TOTAL BA	64,909	5,000		-56,519			13,390
<b>DEPARTMENT OF DEFENSE-MILITARY</b>								
Procurement								
Shipbuilding and conversion, Navy	BA D82-227	1,275,000		2 8 82				1,275,000
Military Construction								
Military construction, all services	BA D82- 6	38,837		10 1 81				
	BA D82- 6A		14,101	1 22 82				
	BA D82- 6B		714,785	2 8 82	-754,785		51,124	64,062
Family Housing, Defense								
Family housing, Defense	BA D82- 7	1,992		10 1 81	-1,992			
<b>DEPARTMENT OF DEFENSE-MILITARY</b>								
	TOTAL BA	1,315,829	728,886		-756,777		51,124	1,339,062
<b>DEPARTMENT OF DEFENSE-CIVIL</b>								
Cemeterial Expenses, Army								
Salaries and expenses	BA 082- 37	85		10 20 81	-85			
Corps of Engineers								
General investigations	BA 082- 38	2,068		10 20 81	-2,068			
Construction, general	BA 082- 39	14,284		10 20 81	-14,284			
General expenses	BA 082- 40	370		10 20 81	-370			
Special recreation use fees	BA 082- 41	59		10 20 81	-59			
Soldiers and Airmen's Home								
Operation and maintenance	BA 082- 42	63		10 20 81	-63			
Wildlife Conservation, Military Reservations								
Wildlife conservation, all services	BA D82- 8	597		10 1 81				
	BA D82- 8A		433	1 22 82	-30		8	1,008
<b>DEPARTMENT OF DEFENSE-CIVIL</b>								
	TOTAL BA	17,526	433		-16,959		8	1,008
<b>DEPARTMENT OF ENERGY</b>								
Energy Programs								
Fossil energy R&D								
	BA D82-105	14,769		10 23 81	-14,769			
	BA D82-236	44,883		3 18 82	-44,883			
Fossil energy construction								
	BA 082- 9	135,000		10 1 81				-135,000
Gen. science & research-plant & capital								
	BA D82-102	1,682		10 23 81	-1,682			
Energy supply R&D-operating expenses								
	BA D82-103	49,393		10 23 81	-49,393			
	BA D82-228	4,000		2 8 82				4,000
	BA D82-228A			a 3 18 82				
Energy supply R&D-plant and capital equip.								
	BA 082-104	11,949		10 23 81	-11,949			
Energy conservation								
	BA 082-106	14,007		10 23 81	-14,007			
Strategic Petroleum Reserve								
	BA D82- 10	8,000		10 1 81				
	BA D82- 10A		52,860	2 8 82	-8,000			-62,860
Energy information administration								
	BA D82-107	2,042		10 23 81	-2,042			

## ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982

AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE QMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 9-1-82	AS OF 09/02/82 10:25
AGENCY/BUREAU/ACCOUNT									
Economic regulation	BA D82-108	2,436		10 23 81	-2,436				
Federal Energy Regulatory Commission	BA D82-109	490		10 23 81	-490				
Geothermal resources development fund	BA D82-110	18		10 23 81	-18				
DEPARTMENT OF ENERGY									
	TOTAL BA	288,669	52,860		-104,786	-232,743		4,000	
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Services Administration									
Health Services	BA D82-11	1,508		10 1 81	-1,508				
Indian health services	BA D82-212	10,950		11 6 81	-10,950				
Centers for Disease Control									
Preventive Health Services	BA D82-213	791		11 6 81	-791				
Alcohol, Drug Abuse & Mental Health Administration									
Construction & renovation, St. Elizabeths Hospital	BA D82-12	11,500		10 1 81					
	BA D82-12A			a 1 22 82				11,500	
Office of Assistant Secretary for Health									
Health services management	BA D82-214	1,142		11 6 81	-1,142				
Special foreign currency program	BA D82-13	7,000		10 1 81					
	BA D82-13A			a 1 22 82				7,000	
Health Care Financing Administration									
Program management	BA D82-215	420		11 6 81	-420				
Social Security Administration									
Refugee assistance	BA D82-43	10,000		10 20 81	-10,000				
Cuban and Haitian entrants, reception & process	BA D82-44	4,900		10 20 81	-4,900				
	BA D82-44A			a 1 22 82					
Cuban and Haitian entrants, domestic asst.	BA D82-45	37,000		10 20 81					
	BA D82-45A		11,398	1 22 82	-48,398				
Limitation on administrative expenses	BA D82-237	9,600		3 18 82					
	BA D82-237A			a 5 18 82				9,600	
Human Development Services									
Work incentives	BA D82-216	10,523		11 6 81	-10,523				
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
	TOTAL BA	105,334	11,398		-88,632			28,100	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Housing Programs									
Subsidized housing programs	BA D82-182	79,218		10 29 81	-79,218				
Payments for operation of low income housing	BA D82-183	102,452		10 29 81	-102,452				
Housing for the elderly or handicapped	BA D82-111	14,294		10 23 81	-14,294				

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AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE OMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 9-1-82
<b>Solar Energy and Energy Conserv. Bank</b>								
Assist. for solar and conserv. improvements	BA D82-184	3,500		10 29 81	-3,500			
<b>Community Planning and Development</b>								
Community development support assistance	BA D82-112	61,589		10 23 81	-61,589			
Urban development action grants	BA D82-113	8,412		10 23 81	-8,412			
Rehabilitation loan fund	BA D82-185	26,959		10 29 81	-26,959			
<b>Neighborhoods, Vol. Assoc. &amp; Consumer Prot.</b>								
Housing counseling assistance	BA D82- 46	207		10 20 81	-207			
<b>Policy Development and Research</b>								
Research and technology	BA D82- 47	420		10 20 81	-420			
<b>Fair Housing and Equal Opportunity</b>								
Fair housing assistance	BA D82- 48	96		10 20 81	-96			
<b>Management and Administration</b>								
Salaries and expenses	BA D82-186	3,590		10 29 81	-3,590			
<b>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b>								
TOTAL BA		300,737			-300,737			
<b>DEPARTMENT OF THE INTERIOR</b>								
<b>Bureau of Land Management</b>								
Acquisition, construction and maintenance	BA D82- 49	121		10 20 81	-121			
Range improvements	BA D82-114	237		10 23 81	-237			
<b>Bureau of Reclamation</b>								
Loan program	BA D82-115	792		10 23 81	-792			
Construction program	BA D82-116	4,603		10 23 81	-4,603			
General investigations	BA D82-117	944		10 23 81	-944			
Operations and maintenance	BA D82-118	64		10 23 81	-64			
General administrative expenses	BA D82-119	353		10 23 81	-353			
<b>Office of Water Research &amp; Technology</b>								
Salaries and expenses	BA D82-120	600		10 23 81	-600			
<b>U.S. Fish and Wildlife Service</b>								
Resource management	BA D82-121	5,815		10 23 81	-5,815			
Construction and anadromous fish	BA D82- 50	392		10 20 81	-392			
	BA D82-246	600		6 3 82	-600			
Land acquisition	BA D82-247	400		6 3 82	-400			
<b>National Park Service</b>								
Urban park and recreation grants	BA D82-125	1,400		10 23 81	-1,400			
	BA D82-238	858		3 18 82	-858			
Operation of the National Park Service	BA D82-122	5,216		10 23 81	-5,216			
John F. Kennedy Center for the Performing Arts	BA D82-124	40		10 23 81	-40			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982							AS OF 09/02/82 10:25		
AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE OMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 9-1-82	
Construction	BA D82-123	5,207		10 23 81	-5,207				
Land and water conservation fund	BA D82-126	16,256		10 23 81	-16,256				
	BA D82- 14	30,000		10 1 81					
	BA D82- 14A			a 2 8 82					
	BA D82-239	2,821		3 18 82			-2,821	30,000	
Historic preservation fund	BA D82-218	108		11 13 81	-108				
	BA D82-240	781		3 18 82			-781		
Geological Survey									
Surveys, investigations and research	BA D82- 51	9,019		10 20 81	-9,019				
Exploration of National Petroleum Res. in Alaska	BA D82- 52	80		10 20 81	-80				
Payments from proceeds, sale of water	BA D82- 15	45		10 1 81				45	
Office of Surface Mining Reclam. and Enforcement									
Regulation and technology	BA D82- 53	1,245		10 20 81	-1,245				
Bureau of Mines									
Drainage of anthracite mines	BA D82- 16	991		10 1 81					
	BA D82- 16A			2 8 82				991	
Mines and minerals	BA D82- 54	2,600		10 20 81	-2,600				
Bureau of Indian Affairs									
Operation of Indian programs	BA D82-127	16,607		10 23 81	-16,607				
Construction	BA D82-128	148		10 23 81	-148				
Road construction	BA D82-129	279		10 23 81	-279				
Office of Territorial Affairs									
Administration of territories	BA D82- 55	2,439		10 20 81	-2,439				
Trust territory of the Pacific Islands	BA D82- 56	2,068		10 20 81	-2,068				
Office of the Solicitor and Office of the Secy									
Departmental management	BA D82-130	414		10 23 81	-414				
Construction management	BA D82-251	3,613		6 23 82				3,613	
Youth conservation corps	BA D82-131	2,494		10 23 81	-2,494				
DEPARTMENT OF THE INTERIOR									
TOTAL BA		119,650			-79,541	-5,460		34,649	
DEPARTMENT OF JUSTICE									
General Administration									
Salaries and expenses	BA D82-187	250		10 29 81	-250				
	BA D82-188	196		10 29 81	-196				
United States Parole Commission									
Salaries and expenses	BA D82-189	60		10 29 81	-60				
Legal Activities									
Salaries and expenses, Antitrust Division	BA D82-190	81		10 29 81	-81				
Salaries and expenses, Foreign Claims Settl.	BA D82-191	12		10 29 81	-12				
Federal Prison System									
Buildings and facilities	BA D82-192	1,922		10 29 81	-1,922				
	BA D82- 17	2,700		10 1 81					
	BA D82- 17A			a 2 8 82					
	BA D82- 17B			a 5 18 82				2,700	

## ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982

AS OF 09/02/82 10:25

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE OMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 9-1-82
<b>Office of Justice Assist., Res., and Statistics</b>								
Law enforcement assistance	BA D82-193	10,729		10 29 81	-10,729			
<b>DEPARTMENT OF JUSTICE</b>								
	TOTAL BA	15,950			-13,250			2,700
<b>DEPARTMENT OF LABOR</b>								
Employment and Training Administration								
Employment and training assistance	BA D82-194	407,670		10 29 81	-407,670			
	BA D82-229	88,543		2 8 82				
	BA D82-229A		140,544	6 3 82	-159,168		-47,429d	22,490
	BA D82- 18	49,881		10 1 81	-49,881			
<b>Occupational Safety and Health Admin.</b>								
Salaries and expenses	BA D82-195	8,500		10 29 81	-8,500			
<b>DEPARTMENT OF LABOR</b>								
	TOTAL BA	554,594	140,544		-625,219		-47,429	22,490
<b>DEPARTMENT OF STATE</b>								
Administration of Foreign Affairs								
Emergencies in dipl. and consular service	BA D82- 58	84		10 20 81	-84			
Acquis., oper. and main. of buildings abroad	BA D82- 57	514		10 20 81	-514			
<b>International Commissions</b>								
Salaries and expenses	BA D82- 59	80		10 20 81	-80			
Construction	BA D82- 60	20		10 20 81	-20			
American sections, Internat. commissions	BA D82- 61	25		10 20 81	-25			
<b>Other</b>								
Emergency refugee and migration assistance fund	BA D82- 19	35,043		10 1 81				
	BA D82- 19A		100	1 22 82	-2,000			33,143
Migration and refugee assistance	BA D82-241	40,000		4 23 82				40,000
	BA D82-242	10,000		4 23 82				10,000
U.S. bilateral science and technology agreements	BA D82-230	1,000		2 8 82				
	BA D82-230A		1,000	4 23 82				2,000
<b>DEPARTMENT OF STATE</b>								
	TOTAL BA	86,766	1,100		-2,723			85,143
<b>DEPARTMENT OF TRANSPORTATION</b>								
Federal Aviation Administration								
Civil supersonic aircraft development termination	BA D82- 20	3,446		10 1 81	-3,400			46
Facilities & equip. (Airport & airway trust fund)	BA D82- 21	185,783		10 1 81				
	BA D82- 21A		164,730	1 22 82				
	BA D82- 28B		61,121	7 16 82				411,634
<b>Federal Railroad Administration</b>								
Commuter rail transfer	BA D82-243	37,500		4 23 82				37,500
Grants to National Railroad Passenger Corp.	BA D82-217	93,400		11 6 81	-12,740	-80,660		
<b>Maritime Administration</b>								
Ship construction	BA D82-231	10,000		2 8 82				10,000
<b>Research and Special Programs Administration</b>								
Research and special programs	BA D82-220	1,050		1 22 82				1,050

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982							AS OF 09/02/82 10:25	
AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE OMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 9-1-82
DEPARTMENT OF TRANSPORTATION								
TOTAL BA		331,179	225,861		-16,140	-80,660		460,230
DEPARTMENT OF THE TREASURY								
Office of the Secretary								
International affairs	BA D82-196	109		10 29 81	-109			
Office of Revenue Sharing								
Salaries and expenses	BA D82-197	26		10 29 81	-26			
State and local government fiscal assistance fund	BA D82- 22	109,738		10 1 81	-6,732	3,467	106,473	
	0 D82- 23	6,287		10 1 81				
	0 D82- 23A		14,635	3 18 82	-23,767	-10,754	7,909	
Federal Law Enforcement Training Center								
Construction	BA D82- 24	4,200		10 1 81			4,200	
Salaries and expenses	BA D82-198	240		10 29 81	-240			
Bureau of Government Financial Operations								
New York City loan guarantee program	BA D82-199	16		10 29 81	-16			
Chrysler Corporation loan guarantee program	BA D82-200	23		10 29 81	-23			
Bureau of Alcohol, Tobacco and Firearms								
Salaries and expenses	BA D82-201	1,039		10 29 81	-1,039			
Bureau of the Mint								
Expansion and improvements	BA D82-132	70c		10 23 81			-70	
Internal Revenue Service								
Payment where energy credit exceeds 11ab. for tax	BA D82-202	8		10 29 81	-8			
DEPARTMENT OF THE TREASURY								
TOTAL BA		115,469			-8,193	3,397	110,673	
	TOTAL 0	6,287	14,635		-23,767	10,754	7,909	
ENVIRONMENTAL PROTECTION AGENCY								
Research and development	BA D82-133	1,889		10 23 81	-1,889			
Abatement, control and compliance	BA D82-134	8,062		10 23 81	-8,062			
Buildings and facilities	BA D82-135	69		10 23 81	-69			
Hazardous substance response trust fund	BA D82-136	3,360		10 23 81	-3,360			
	BA 0000							
ENVIRONMENTAL PROTECTION AGENCY								
TOTAL BA		13,380			-13,380			
NATIONAL AERONAUTICS & SPACE ADMINISTRATION								
Construction of facilities	BA D82-137	2,800		10 23 81	-2,800			
	BA 0000							

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982							AS OF 09/02/82 10:25		
AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-1-82	
NATIONAL AERONAUTICS & SPACE ADMINISTRATION									
TOTAL BA		2,800			-2,800				
VETERANS ADMINISTRATION									
Medical and prosthetic research	BA D82-138	2,583		10 23 81	-2,583				
Medical admin. and misc. operating expenses	BA D82-139	921		10 23 81	-921				
Construction, major projects	BA D82-140	91,300		10 23 81					
	BA D82-140A		4,495	8 23 82		-33,800		61,995	
	BA D82-141	7,877		10 23 81	-7,877				
Construction, minor projects	BA D82-142	907		10 23 81	-907				
	BA 0000								
VETERANS ADMINISTRATION									
TOTAL BA		103,588	4,495		-12,288	-33,800		61,995	
OTHER INDEPENDENT AGENCIES									
ACTION									
Operating expenses, domestic programs	BA D82- 62	2,896		10 20 81	-2,896				
Administrative Conference of the U. S.									
Salaries and expenses	BA D82-143	16		10 23 81	-16				
Advisory Committee on Federal Pay									
Salaries and expenses	BA D82-144	4		10 23 81	-4				
Arms Control and Disarmament Agency									
Arms control and disarmament agency	BA D82- 63	282		10 20 81	-282				
Board for International Broadcasting									
Salaries and expenses	BA D82- 64	252		10 20 81	-252				
Grants and expenses	BA D82-248	915		6 3 82	-915				
Comm. for the Purchase From the Blind									
Salaries and expenses	BA D82- 65	10		10 20 81	-10				
District of Columbia									
Loans for capital outlay	BA D82-232	38,832		2 8 82				38,832	
Equal Employment Opportunity Commission									
Salaries and expenses	BA D82-145	3,000		10 23 81	-3,000				
Federal Emergency Management Agency									
State and local assistance	BA D82-205	1,814		10 29 81	-1,814				
National flood insurance fund	BA D82-203	7,140		10 29 81	-7,140				
	BA D82-204	358,860		10 29 81	-358,860				
General Services Administration									
Consumer Information center	BA D82- 68	26		10 20 81	-26				
Nat. Archives & Records Service-operating									
	BA D82- 66	140		10 20 81	-140				
Federal Property Resources Service-operating	BA D82- 67	748		10 20 81	-748				

AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982					CUMULA-TIVE OMB /AGENCY RELEASES	CONGRES-SIONALLY REQUIRED RELEASES	CUMULA-TIVE ADJUST-MENTS	AMOUNT DEFERRED AS OF 9-1-82	AS OF 09/02/82 10:25
		AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MD DA YR	-	-					
Automated Data & Telecom. Service-operating	BA D82-206	120		10 29 81		-120					
Advisory Commission on Intergovt. Relations											
Salaries and expenses	BA D82- 69	10		10 20 81		-10					
Delaware River Basin Commission											
Salaries and expenses	BA D82- 70	2		10 20 81		-2					
Contribution to the Del. River Basin Comm.	BA D82- 71	4		10 20 81		-4					
Interstate Commission on the Potomac River Basin											
Contrib. to Interst. Comm. on Potomac Riv. Basin	BA D82- 72	1		10 20 81		-1					
Susquehanna River Basin Commission											
Salaries and expenses	BA D82- 73	1		10 20 81		-1					
Contrib. to the Susquehanna River Basin Comm.	BA D82- 74	1		10 20 81		-1					
International Communication Agency											
Salaries & expenses	BA D82- 75	4,680		10 20 81		-4,680					
Center for cul. and tech. exch. bet. east & west	BA D82- 76	125		10 20 81		-125					
Special foreign currency program	BA D82-249	700		6 3 82						700	
Interstate Commerce Commission											
Salaries and expenses	BA D82-146	648		10 23 81		-648					
Payments for directed rail service	BA D82-252	2,700		8 23 82						2,700	
Japan-U.S. Friendship Commission											
Japan-U.S. Friendship Commission trust fund	BA D82- 77	34		10 20 81		-34					
Marine Mammal Commission											
Salaries and expenses	BA D82- 78	11		10 20 81		-11					
National Capital Planning Commission											
Salaries and expenses	BA D82-207	19		10 29 81		-19					
National Foundation on the Arts & Humanities											
Nat. endowment for the arts: sal. & expenses	BA D82-147	11,208		10 23 81		-11,208					
Nat. endowment for the human.: sal. and expenses	BA D82-208	5,892		10 29 81		-5,892					
Nat. endowment for the human.: matching grants	BA D82-148	2,628		10 23 81		-2,628					
National Mediation Board											
Salaries and expenses	BA D82- 79	58		10 20 81		-58					
National Science Foundation											
Research and related activities	BA D82- 80	19,924		10 20 81		-19,924					
Scientific activities overseas	BA D82- 81	59		10 20 81		-59					
Science and engineering educ. activities	BA D82- 82	2,623		10 20 81		-2,623					
Neighborhood Reinvestment Corporation											
Payment to Neighborhood Reinvest. Corp.	BA D82- 83	181		10 20 81		-181					

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982							AS OF	09/02/82	10:25
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<b>Pennsylvania Avenue Development Corporation</b>									
Salaries and expenses	BA D82-149	15		10 23 81	-15				
Public development	BA D82-150	239		10 23 81	-239				
Land acquisition and development fund	BA D82-151	42		10 23 81	-42				
	BA D82- 25	30,896		10 1 81	-10,000				
	BA D82- 25A			8 2 8 82				20,896	
<b>Railroad Retirement Board</b>									
Milwaukee railroad restructuring, administration	BA D82-250	240		6 3 82				240	
<b>Selective Service System</b>									
Salaries and expenses	BA D82- 84	192		10 20 81	-192				
<b>Small Business Administration</b>									
Salaries and expenses	BA D82-152	3,137		10 23 81	-3,137				
Business loan and investment fund	BA D82-233	2,500		2 8 82					
	BA D82-233A		2,500	5 16 82				5,000	
Surety bond guarantees revolving fund	BA D82-154	373		10 23 81	-373				
	BA D82-234	3,000		2 8 82					
	BA D82-234A			8 6 3 82				3,000	
Lease guarantees revolving fund	BA D82-153	67		10 23 81	-67				
<b>Smithsonian Institution</b>									
Museum programs and related research	BA D82-155	231		10 23 81	-231				
Restoration and renovation of buildings	BA D82-156	145		10 23 81	-145				
<b>Motor Carrier Ratemaking Study Commission</b>									
Salaries and Expenses	BA D82- 26	150		10 1 81				150	
<b>Pres. Com. for the Study of Ethical Probs. in Med.</b>									
Salaries and expenses	BA D82-221	262		1 22 82					
	BA D82-221A		327	8 23 82				589	
<b>Tennessee Valley Authority</b>									
Tennessee Valley Authority fund	BA D82-157	2,321		10 23 81	-2,321				
<b>United States Railway Association</b>									
Payments for purchase of Conrail securities	BA D82-235	84,500		2 8 82				84,500	
<b>Water Resources Council</b>									
Water resources planning	BA D82- 85	42		10 20 81	-42				
<b>OTHER INDEPENDENT AGENCIES</b>									
TOTAL BA		694,916	2,827		-441,136			156,607	
TOTAL BA		7,012,670	1,173,955		-5,399,670	-352,663	6,152	2,440,444	
TOTAL O		6,287	14,635		-23,767	10,754	7,909		

a. This report was transmitted solely to reflect technical adjustments to the previous report.

b. Off-budget.

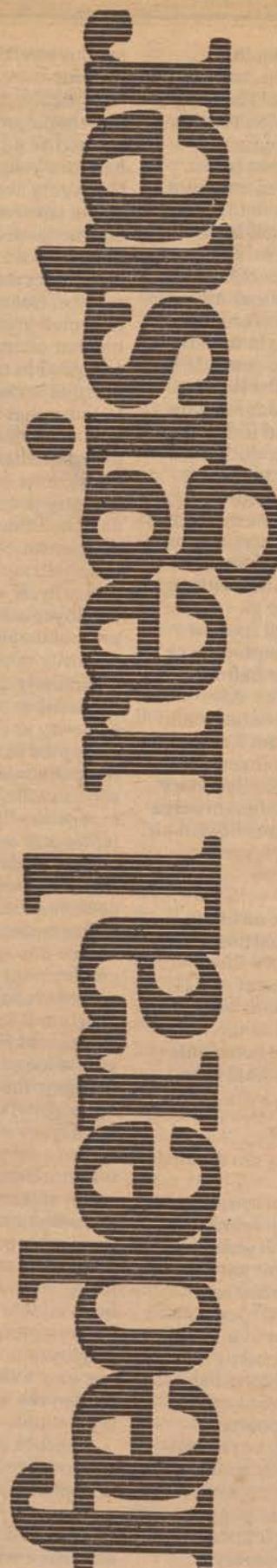
c. This deferral was reported in error. Funds for this budget account were not withheld.

d. This amount is now proposed for rescission.

END OF REPORT

[FR Doc. 82-25688 Filed 9-18-82; 8:45 am]

BILLING CODE 3110-01-C



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**Friday**  
**September 17, 1982**

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**Part VI**

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**Department of Labor**

**Office of the Assistant Secretary for  
Labor-Management Relations**

**Labor-Management Services  
Administration**

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**Airline Employee Protection Program**

**DEPARTMENT OF LABOR****Office of the Assistant Secretary for Labor-Management Relations****Labor-Management Services Administration****29 CFR Part 220****Airline Employee Protection Program**

**AGENCY:** Office of the Assistant Secretary for Labor-Management Relations and Labor-Management Services Administration, Labor.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Labor, through the Labor-Management Services Administration (LMSA), is proposing regulations to implement the Airline Employee Protection Program established by Section 43 of the Airline Deregulation Act of 1978 (Public Law 95-504). By Secretary's Order Number 1-79, the LMSA has been assigned responsibility for provisions concerning protected employees' priority hire rights, air carriers' duty to hire and the comprehensive job listing. These proposed rules are designed to effectuate those provisions.

**DATE:** Written comments in duplicate must be received by the Department of Labor by close of business on October 18, 1982.

**ADDRESS:** Written comments should be submitted to the Airline Employee Protection Program, Division of Employee Protections, Room N-5633, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

**FOR FURTHER INFORMATION CONTACT:**  
Mr. Jeffrey Salzman, 202-357-0473.

**SUPPLEMENTARY INFORMATION:****Background**

On October 24, 1978, the Airline Deregulation Act of 1978, Pub. L. 95-504 (the Act), was signed into law to bring to a close economic regulation of the airline industry. Although airline deregulation is expected to result in expanded overall employment opportunities over the long term, Congress recognized the possibility of reductions in the labor force of one or more air carriers as they make the adjustment from government regulation to an economic environment governed by market forces. Section 43 of the Act provides in general terms for certain employee protective provisions to be administered by the Secretary of Labor, which provisions include both a legal hiring preference for certain unemployed airline workers and, under certain

defined circumstances, a benefit program. These proposed regulations apply only to the first right of hire and job list provisions contained in Section 43 of the Act (the Rehire Program).

Under the Act those persons (other than members of the board of directors or corporate officers) who as of October 24, 1978 (the Trigger Date) had been employed for at least four years by an air carrier which had been certificated under section 401 of the Federal Aviation Act of 1958 on or before that date (any such carrier being hereinafter called a covered carrier) are protected employees for purposes of the Rehire Program. All protected employees who are furloughed or terminated (other than for cause) by their employer during the ten year period subsequent to the Trigger Date (hereinafter called "designated employees") are entitled to a first right of hire in their occupational specialty by any covered air carrier which is hiring new employees, although any such covered air carrier is specifically entitled to recall its own furloughed or terminated employees or promote existing employees before hiring a designated employee. Air carriers which are not covered carriers for purposes of the Act do not have any duty to hire designated employees. In addition, the Act requires the Secretary to compile and publish a comprehensive list of jobs available with certificated air carriers, whether or not such carriers are subject to the duty to hire designated employees.

In January of 1979, public meetings were held with interested parties from the airline industry to receive their views concerning development of this program. Proposed regulations were published in March of 1979 in the *Federal Register* and public comments were received. However, a final rule was never published.

**Summary of Proposed Rule**

The proposed regulations are divided into six subparts:

Subpart A contains the purpose, scope, responsibilities and definitions applicable to this Part 220. It should be noted that a number of these provisions embody significant administrative interpretations of the Act. Of particular importance is the definition of a protected employee contained in § 220.01(j). This definition limits the scope of the Rehire Program to an employee who occupies a position which entitles the individual to accrue seniority rights or to possess recall rights under the applicable collective bargaining agreement or company policy. Specifically, this definition exempts a seasonal or temporary

employee who does not occupy such a position.

Particular attention is called to the fact that a protected employee is defined as one who on October 24, 1978 had four years of actual service or had four years accrued seniority with a single covered carrier. Specific comments are requested on the proposal to include accrued seniority in computing an employee's length of service. Comments are requested on the expected impact of this proposal, i.e. the number of employees that may be expected to meet the definition if accrued seniority is counted, as opposed to those that would be covered if only actual service were counted; the different effect, if any on employees in the various occupational specialties; the industry practice of counting seniority as actual time worked with regard to compensation and benefits such as hospitalization and pensions; and the difficulty, if any, of determining an employee's length of service based upon present employment records if accrued seniority is counted.

Similarly, positions which are seasonal or temporary and do not confer seniority or recall rights have been exempted from the vacancy filing requirements contained in proposed section 220.22. This interpretation recognizes the industry practice of hiring temporary or seasonal workers, such as college students and military personnel, over Christmas holidays and periods of peak summer travel. Many carriers utilize seasonal employees who do not accrue any seniority rights and whose employment is terminable at will without recall rights. Because the Rehire Program is intended to facilitate the permanent re-employment of employees with a long-term commitment to the industry, the Department believes that coverage of seasonal and temporary employees and positions, so long as they do not confer seniority or recall rights, was not intended by the Act. However, while air carriers are free to hire non-protected employees to fill seasonal and temporary positions, proposed § 220.20(b) prohibits an air carrier from filling a vacancy which would otherwise be available to a designated employee by promoting a seasonal or temporary employee until the carrier has made the vacancy available to designated employees in accordance with the regulations.

It should also be noted that under the proposed regulations the Rehire Program is applicable only to certain protected employees. A "designated employee" is defined in § 220.01(f) as a protected employee who meets certain statutory

eligibility tests as set forth in these rules. Only designated employees are entitled to exercise the first-right-of-hire.

Subpart B prescribes the eligibility requirements for, as well as the rights of, designated employees under the Rehire Program.

Proposed § 220.10 implements the statutory limitation that only designated employees are eligible for the first-right-of-hire. Specifically excluded from eligibility as designated employees are protected employees who retire, voluntarily quit, strike, withhold services in support of other employees on strike or are terminated for being on strike.

Proposed § 220.11 provides that designated employees shall have a first-right-of-hire, regardless of age, in their occupational specialty and protects existing seniority and recall rights with their former air carriers. This section also permits covered carriers to establish job qualifications or other hiring criteria which applicants must satisfy, subject to the limitations on such criteria set forth in § 220.21.

Subpart C enumerates the duties of covered air carriers under the Rehire Program.

Proposed § 220.20 implements the statutory duty of covered air carriers to hire qualified designated employees before any other applicant from outside the furloughed or existing work force of the hiring carrier. This section also explicitly recognizes a covered carrier's right to select the applicant of its choice from among the designated employees who apply for a given position.

Proposed § 220.21 provides that, solely with respect to the Rehire Program, employment opportunities for designated employees may not be limited by a covered air carrier on the basis of initial hiring age or the absence of seniority, recall rights or previous experience with another air carrier. This provision implements the express language of the Act that protected employees have a first-right-of-hire "regardless of age", thereby invalidating existing initial hiring age criteria of covered air carriers as they apply to designated employees in the Rehire Program. Further, the Department believes that air carriers may not require the absence of seniority, recall rights or previous experience as a condition of employment for protected employees in the Rehire Program. However, these regulations are not intended to affect in any manner the hiring practices of covered air carriers regarding persons who are not designated employees or retirement policies of such carriers which do not

discriminate against designated employees.

Proposed § 220.22 provides that all certificated air carriers, irrespective of whether they were certificated before or after the passage of the Act, must list their job vacancies with a Center established by the Secretary which will maintain and publish a National Listing of available airline jobs (See proposed § 220.40). This requirement was established in order to insure that the National Listing contains a comprehensive listing of available jobs, even if some listed jobs are not subject to the express duty to hire imposed under the Rehire Program. In addition, the availability of such a comprehensive list should provide the maximum opportunity for unemployed airline workers to obtain reasonably comparable employment at the soonest possible time.

Proposed § 220.23 prescribes the content of vacancy listings which must be filed by air carriers.

Proposed § 220.24 prohibits a covered air carrier from filling a vacancy (other than on a temporary basis) with anyone other than a designated employee until the vacancy has been listed with the Center pursuant to § 220.22 for at least 30 days.

Proposed § 220.25 establishes a list of protected employees to be published by the Department. Covered air carriers are required to report the specified identifying information for all persons who qualify as protected employees. Additionally, air carriers are required to notify each employee as to whether or not that employee has been designated as a protected employee. It should be emphasized that the employer is not required to use any particular form in notifying employees as to whether or not they are protected. Thus, for example, the carrier is free to notify current employees of their status by placing a statement to the effect on their paystub.

An employee who the air carrier determines is not a protected employee may submit evidence in support of his or her claim to protected employee status to the air carrier, and under procedures outlined in § 220.26 the employee may appeal any adverse final determination by the air carrier to the Secretary. Any air carrier contemplating hiring a designated employee will be able to verify the employee's initial status as a protected employee by contacting the Department.

Proposed § 220.27 requires an air carrier to furnish each protected employee who is furloughed or terminated, other than for cause, during the ten years following the Trigger Date

with appropriate evidence of this occurrence at the time of such action. This requirement applies unless the furlough is for a specific period of less than 90 days. This requirement applies to all such furloughs or terminations between the effective date of the regulations and October 24, 1988. In addition, covered air carriers are required to make a reasonable effort to provide comparable evidence to protected employees who were furloughed or terminated by such carrier between October 24, 1978 and the effective date of the regulations. As with the notice under § 220.25, the proposed regulations do not contemplate any particular form to be used by the carriers in notifying employees of their status under this section. Carriers may furnish the employee with a statement or add such information to any letters or forms presently given to an employee upon termination.

Proposed § 220.28 requires covered air carriers to report the filling of vacancies to the Department semi-annually. If the vacancy was filled by a non-designated employee such report must contain a certification that no qualified designated employee filed a timely application.

Proposed § 220.29 provides that the duty to hire a qualified designated employee supercedes any goal, timetable, consent decree or comparable requirement emanating from the general application of civil rights statutes or executive orders. The Act explicitly requires covered air carriers to hire qualified designated employees above all other persons, without exception. Of course, air carriers are still required to carry out their equal employment obligations to the maximum extent possible consistent with their duty to hire under the Act. As covered air carriers remain free to select any applicant from among the pool of designated employees, the Department believes that the duty to hire designated employees and equal employment obligations can be accommodated in most cases.

Subpart D prescribes the obligations of designated employees in seeking to exercise the first-right-of-hire, including seeking suitable employment, making application for specific positions with covered air carriers and providing proof of eligibility for the first-right-of-hire.

Subpart E prescribes the responsibilities of the Department of Labor under the Rehire Program.

Proposed § 220.40 provides that the comprehensive list of jobs available with air carriers will be established and maintained at the Center established by the Secretary. Jobs may be listed with

this facility by air carriers, by telephone, or in writing. The comprehensive list of vacancies will be published on a periodic basis as determined necessary by the Secretary.

Proposed § 220.41 provides for the list of protected employees to be published by the Department.

Subpart F prescribes the beginning and ending dates of the effectiveness of these regulations and provides for the disclosure of information, collected by the Department, consistent with the Privacy Act (5 U.S.C. 552a).

#### Enforcement

The Act and its legislative history are silent on the existence of a means to enforce the Rehire Program, whether by seeking damages for failure to carry out requirements of the Act or any accompanying regulations or otherwise. After careful study the Department has concluded that it is without specific enforcement authority under the Act. However, it would appear possible that a private right of action may be available to qualified designated employees who actually applied for job vacancies during the effective period of the Rehire Program (see *Cort. v. Ash*, 442 U.S. 66, 78 (1975)).

#### Drafting Information

This document was prepared under the direction and control of Hugh Reilly, Executive Assistant to the Assistant Secretary for Labor-Management Relations, Labor-Management Services Administration, U.S. Department of Labor, Room S-2203, 200 Constitution Avenue, NW., Washington, D.C. 20210.

#### Consultation with the Equal Employment Opportunity Commission

Pursuant to Executive Order 12067, this proposal has been submitted to the Equal Employment Opportunity Commission for review. A discussion of the present status of that review is set forth in Appendix II to this document.

#### Executive Order 12291

The proposed regulations being published today contain several provisions which could have an economic impact on certificated air carriers, unemployed airline personnel and the Federal Government. In particular, today's proposal established: (1) Eligibility requirements and procedures for implementing the first-right-of-hire provisions under the Act; (2) a National Listing of airline job openings for all air carriers, including those certificated after the Trigger Date; (3) a list of protected employees to be published by the Department; (4) a one-time notice to all employees of covered

carriers as to whether or not they qualify for protected status under the Act; and (5) semi-annual reporting of any new hires to the Department, which includes certifications for all jobs filled by someone other than a designated employee.

However, for several reasons the Department expects the actual economic impact of these regulations to be minimal. First, the proposed rule does not interfere with covered air carriers' internal promotion and recall practices regarding existing employees. Many job vacancies are filled internally through promotions of existing employees, while the Act and today's proposal are limited to outside hiring to fill job vacancies. This reduces substantially the number of actual job openings where first-right-of-hire provisions will apply. The only aspect of these regulations which will affect internal personnel practices of covered air carriers is the prohibition against promoting temporary or seasonal workers (if the positions held by them do not confer seniority or recall rights) without first offering any permanent job to which such persons might have been promoted to designated employees. Although this prohibition may affect the internal practices of covered carriers slightly, it is counterbalanced by the exemption contained in the regulations for carrier hiring of temporary and seasonal employees, so long as such persons do not acquire seniority or recall rights. This exemption will further reduce the number of job openings affected by the proposed regulations. Finally, covered carriers are entitled to recall their own furloughed or terminated employees prior to offering positions to designated employees.

Thus, the proposed regulations will affect neither existing seniority, promotion, and layoff policies nor short-term hiring practices. Additionally, the proposed exemption of seasonal and temporary positions recognizes a prevalent practice in the industry and allows employers maximum flexibility in meeting workforce requirements during peak demand periods.

A second reason the Department expects the economic impact of the regulations to be minimal is that the proposed regulations recognize the right of covered carriers to impose their own qualifications and hiring criteria (subject to certain prohibitions) on job applicants and to freely select from among all designated employee applicants who possess the requisite qualifications. Thus, the proposed regulations maintain existing employer personnel policies and job criteria intact, and they do not impose dual personnel systems for qualified designated employees and

other applicants. The only change from present carrier practices is that they will be required to give preference to qualified designated employees in any outside hiring. Even this requirement is not a new burden imposed by the proposed regulations, but rather is a direct statutory obligation. For many occupations, particularly those where skill requirements are important, the Rehire Program may have no impact at all as covered air carriers would have hired these same employees, who possess substantial experience, even in the absence of this regulation.

The Department does recognize that covered air carriers may experience some increased training costs because of the statute's prohibitions against age restrictions or other criteria designed to minimize the employment of workers with accrued seniority or layoff rights. Since investments in training are amortized over a number of years, employers incur higher training costs for short tenure workers, everything else being equal. The designated employee pool may have a shorter tenure horizon on average than other applicants, because it includes some older workers close to retirement or those who may be recalled back to their previous employer with their seniority rights intact. However, this is not a cost of the regulation, but is a direct statutory limitation. In addition, such costs may be mitigated by the fact that designated employees will tend to be more experienced than other applicants, and hence may require less training. Moreover, any increased training costs could also be further offset by higher productivity from these experienced employees, and hence lower labor costs. At equal wages, the incentive would be for employers to hire more experienced workers even in the absence of these regulations because of the lower labor costs.

Third, the National Listing of openings and list of protected employees will increase the efficiency of the labor market in the airline industry by facilitating the matching of job vacancies with qualified applicants. Employers may find this hiring system preferable to more traditional listing methods, which tend to be haphazard.

In theory, there could be some added costs associated with the proposed requirement that employers not fill a vacancy on a permanent basis with other than a qualified designated employee until the vacancy or anticipated vacancy has been listed for at least 30 days; however, this is highly unlikely in practice. Because of formal training programs in the industry,

airlines doing outside hiring generally hire entire classes of employees rather than isolated individuals. This type of hiring decision takes place well in advance, at which time employers may list the anticipated vacancies. Similarly, under negotiated contracts many jobs must be bid to existing employees for a period of time before outside hiring can take place. These may be simultaneously placed on the National Listing, thereby permitting the 30 day waiting period to run simultaneously with internal bidding procedures. Finally, given the high unemployment-to-job vacancy ratio in the industry at this time, few, if any, job vacancies would require the full 30-day listing. The Department believes that this proposed requirement is necessary to insure the effective operation of the National Listing of job openings and to provide maximum opportunity for the re-employment of protected employees.

Fourth, today's proposal limits employers' paperwork burdens to the minimum necessary to insure effective rehire and job listing programs. Proposed reporting requirements include only a one-time notice to each employee as to his or her protected status, and semi-annual reports to the Department on all jobs filled, including certifications in those cases where the new job did not go to a designated employee. Moreover, the proposed rule allows employers to list job vacancies entirely by telephone, rather than through written job orders. This increases the efficiency of the job listing program and reduces unnecessary employer delays in filling job vacancies.

Finally, the increased administrative costs imposed on air carriers and the Federal Government as a result of the job listing program and the filing and processing of one-time notices and semi-annual reports should not be major. While the precise costs of the proposed reporting requirements on air carriers cannot be estimated because the number of jobs to be filled through outside hiring by covered carriers is not known, they are expected to be minimal. For example, the 36 covered air carriers are expected to require at most one clerical hour annually at \$5.94 (Bureau of Labor Statistics, 1981 average hourly rates for a typist class B) to complete the reports. There will be no additional costs associated with the job listing program for the Federal Government if telephone listings average under 100 per week. If the volume is higher, the Department estimates that the increased costs will run in the neighborhood of \$50,000 to \$100,000 per year.

For the above reasons, the Department has concluded that this proposed rule does not meet the tests for a "major rule" under Executive Order 12291 on Federal Regulations. It is not likely to result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in cost 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 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.

#### Paperwork Reduction Act

The information collection requirements set forth in these rules, as well as the forms necessary to implement them are being submitted to the Office of Management and Budget for its review and approval as required by the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

#### Regulatory Flexibility Act

Although all certificated carriers will be required to list their job vacancies under these regulations, the proposed rehire program itself applies to only 36 U.S. air carriers certificated as of October 23, 1978. According to CAB figures, this represents 52 percent of the total universe of 69 certificated non-commuter air carriers, including those certified after the Trigger Date. Based on annual revenues, only 4 of the 36 covered air carriers affected by today's proposal qualify as small entities (annual revenues of less than \$10 million). These small carriers employed a total of 260 full-time workers in May 1982. The remaining covered air carriers affected by the proposed rule include: 8 large regional carriers (annual revenues of \$10-\$75 million); 13 national airlines (annual revenues of \$75 million-\$1 billion); and 11 major airlines (annual revenues of over \$1 billion). The major airlines carry approximately 80 percent of the airline traffic, and the nationals carry an additional 10-12 percent. Together, these larger affected carriers had 301,527 full-time employees as of May 1982.

The small carriers covered under this proposal are approximately 21 percent of all small certificated air carriers (excluding commuter airlines) and 16 percent of the total full-time employees working for small certificated carriers. In contrast, a much higher percentage of larger air carriers are affected by today's proposal. Larger air carriers

certificated as of October 23, 1978 represent 64 percent of the total air carriers in this size group and 95 percent of full-time employment with such carriers. These affected carriers include all of the major airlines, 77 percent of the national airlines, and 44 percent of the large regional air carriers. Thus, the proposed rule does not disproportionately impact on small air carriers.

In addition to the relatively smaller proportion of these carriers affected by today's proposal, the economic impacts of both the job listing requirement and the Rehire Program are not expected to be significant for the reasons previously discussed.

As a result, the Department of Labor believes that the proposed rule will not have a "significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act (Public Law No. 96-354, 91 Stat. 1164 (5 U.S.C. 605(b))). The Secretary of Labor has certified this to the Chief Counsel for Advocacy of the Small Business Administration. Accordingly, a regulatory flexibility analysis is not required.

#### Regulatory Flexibility Act Certification

I, Raymond J. Donovan, Secretary of Labor, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed rule published hereinafter (29 CFR Part 220), Proposed Rule for the Airline Employee Protection Program, will not have a significant economic impact on a substantial number of small entities. This conclusion is reached because this proposed rule only has a minimal economic impact on a limited number of small air carriers certificated under section 401 of the Federal Aviation Act of 1958.

Signed at Washington, D.C. this 14th day of September 1982.

Raymond J. Donovan,  
Secretary of Labor

#### List of Subjects in 29 CFR Part 220

Labor, Airline employees and air carriers.

Accordingly, a new 29 CFR Part 220 is proposed to read as set forth below.

Signed at Washington, D.C. this 14th day of September 1982.

Raymond J. Donovan,  
Secretary of Labor.

#### PART 220—AIRLINE EMPLOYEE PROTECTION PROGRAM

##### Subpart A—Purpose and Scope of the Airline Employee Protection Program

Sec.

- 220.01 Definitions.
- 220.02 Purpose.
- 220.03 Scope.

## Sec.

220.04 Responsibilities of the Secretary of Labor.

**Subpart B—Designated Employee First-Right-of-Hire Program**

220.10 Eligibility requirements.

220.11 Designated employees' rights.

**Subpart C—Carrier Responsibilities**

220.20 Duty to hire.

220.21 Criteria for employment.

220.22 Listing a vacancy.

220.23 Content of vacancy listing.

220.24 Filling a vacancy.

220.25 List of protected employees.

220.26 Appeals to the Secretary.

220.27 Notice of rights.

220.28 Air carrier actions to be reported to the Secretary.

220.29 Affirmative action.

**Subpart D—Designated Employee Responsibilities**

220.30 Designated employee responsibilities.

**Subpart E—Department of Labor Responsibilities**

220.40 Comprehensive job list.

220.41 List of protected employees.

**Subpart F—Administration**

220.50 Effective period of the program.

220.51 Disclosure of information.

Appendix I U.S. Carriers certificated as of October 23, 1978 under section 401 of the Federal Aviation Act of 1958 as amended.

**Authority:** Section 43(f) of the Airline Deregulation Act of 1978, Pub. L. No. 95-504, 92 Stat. 1750 (49 U.S.C. 1552). Secretary Order No. 1-79, 44 FR 13093.

**Subpart A—Purpose and Scope of the Airline Employee Protection Program****§ 220.01 Definitions.**

As used in this Part, unless the content otherwise indicates:

(a) "Act" means the Airline Deregulation Act of 1978, Pub. L. 95-504, 92 Stat. 1705.

(b) "Air carrier" means an air carrier certificated under Section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371).

(c) "Center" means the entity or location which from time to time may be designated by the Secretary to receive, maintain and distribute the job listing information required by this Part.

(d) "Corporate officer" means an individual who holds any officer's position established pursuant to the Articles of Incorporation or by-laws of any air carrier, or who is otherwise identified as an officer by any air carrier in filings with the Federal Aviation Administration, Civil Aeronautics Board or Securities and Exchange Commission or in any reports to stockholders or any public communications of an air carrier.

(e) "Covered air carrier" means an air carrier which was certificated prior to

October 24, 1978. (A listing of such carriers appears as an appendix to these regulations.)

(f) "Designated Employee" means a protected employee who meets the eligibility requirements set forth in § 220.10.

(g) "Effective Period" means the period commencing on the effective date of these regulations and ending on the earlier of (1) December 31, 1994, or (2) the last day of the final month in which the Secretary is required to make a payment under Section 43 of the Act.

(h) "Eligibility Period" means the ten-year period beginning on October 24, 1978.

(i) "Occupational specialty" means the class, craft, or field of endeavor in which an individual was employed at the time of separation from a covered air carrier or in which the employee was employed during the 12 months immediately preceding the date of separation.

(j) "Protected employee" means a person other than a member of the Board of Directors or corporate officer of an air carrier who on October 24, 1978 had (1) four years of employment or (2) four years accrued seniority with a single covered air carrier. The term employee shall include any full or part time employee other than an employee in seasonal or temporary employment as defined herein. As used herein four years of employment shall mean not less than 48 months (whether or not consecutive) in which the employee actually completed the minimum number of hours of regular employment required for such employee's craft, class or position under the then applicable requirements of the employing carrier.

(k) "Seasonal employment" means employment during limited periods of the year due to peak market conditions or other factors which are periodic in nature, and in positions which do not confer seniority or recall rights.

(l) "Secretary" means the Secretary of Labor of the United States.

(m) "Temporary employment" means employment of limited duration which does not confer seniority or recall rights.

(n) "Terminated", unless expressly provided to the contrary, means termination of employment other than for cause.

(o) "Terminated for cause" means the separation of an individual from employment initiated by an air carrier for violation of such carrier's rules, policies, procedures, or practices pertaining to employee standards of conduct, job performance, or dependability.

(p) "Vacancy" means an employment opportunity other than seasonal or

temporary employment, which an air carrier seeks to fill from outside its existing or furloughed workforce.

**§ 220.02 Purpose.**

Section 43(d) of the Act provides a first-right-of-hire for designated employees of covered air carriers. The regulations in this Part are issued to effectuate section 43(d)(1) and (2) of the Act (hereinafter referred to as the Rehire Program).

**§ 220.03 Scope.**

(a) The Rehire Program is applicable only to designated employees, as more fully set forth herein, and only those employees who are expressly granted a hiring preference under the Act and these regulations have any rights under the Rehire Program. The Secretary of Labor will also publish a comprehensive list of jobs available with air carriers.

**§ 220.04 Responsibilities of the Secretary of Labor.**

The Secretary of Labor is responsible for administering the Rehire Program, and the Assistant Secretary for Labor-Management Relations, Labor-Management Services Administration (LMSA), has been delegated responsibility for the following:

(a) The development and promulgation of policies, regulations and procedures covering the first-right-of-hire provisions of Section 43(d)(1) of the Act;

(b) The development and promulgation of policies, regulations, and procedures covering the comprehensive job list required under Section 43(d)(2) of the Act; and

(c) The establishment and implementation of reporting requirements for air carriers to obtain pertinent information necessary for fulfilling the Secretary's responsibilities under Section 43(d)(2) of the Act.

**Subpart B—Designated Employee First-Right-of-Hire Program****§ 220.10 Eligibility requirements.**

(a) To qualify as a designated employee eligible for rights under this Part 220, an applicant must be a protected employee who is involuntarily placed on furlough or is terminated by a covered air carrier during the eligibility period.

(b) A protected employee shall not be deemed to be furloughed or terminated if such employee:

(1) Retired voluntarily;

(2) Was required to retire by virtue of reaching the mandatory retirement age, if any, established by a covered air carrier or as prescribed by any

government agency with regulatory authority over a covered air carrier;

(3) Retired due to a disability;

(4) Is on strike or has withheld services in support of other employees who have struck the covered air carrier;

(5) Is terminated for being on strike;

(6) Resigned or voluntarily quit for any reason.

(c) A designated employee who is recalled by his former carrier is no longer eligible under this section to exercise the first-right-of-hire. Such a person may become a designated employee in the future due to a subsequent termination or furlough which occurs on or prior to the expiration of the eligibility period.

#### § 220.11 Designated employees' rights.

(a) A designated employee shall have a first-right-of-hire in such employee's occupational specialty, regardless of age, with any covered air carrier hiring additional employees; *Provided, however,* That each designated employee must satisfy all qualifications or other requirements established by the hiring carrier (subject to the limitations contained in § 220.21) and must make a timely application in accordance with normal carrier procedures for any particular job vacancy.

(b) A designated employee hired by any covered air carrier pursuant to the provisions of the Act shall not be required, as a condition of employment or in any other manner, to relinquish, waive or forfeit any seniority or recall rights which such person may possess with any other air carrier; *Provided, however,* That the provisions of this part shall not be deemed to create or prolong any such seniority or recall rights.

### Subpart C—Carrier Responsibilities

#### § 220.20 Duty to hire.

(a) Subject to § 220.24 hereof, a covered air carrier shall have the duty to hire a designated employee, regardless of age, who otherwise meets the qualification requirements established by such carrier before it hires any other applicant when such carrier is seeking to fill a vacancy in the designated employee's occupational specialty from outside its workforce. As used herein "workforce" shall include all present employees and any furloughed or terminated employees who, at the time of furlough or termination, possessed recall or seniority rights.

(b) Subject to the provisions of § 220.24 hereof, a covered air carrier shall not fill a vacancy, which would otherwise be available to a designated employee, by promoting a seasonal or temporary employee.

(c) When considering applications from more than one designated employee for a particular vacancy, a covered air carrier shall be entitled to offer employment to any such designated employee in its absolute discretion.

#### § 220.21 Criteria for employment.

(a) A covered air carrier shall be entitled to apply any prerequisites or qualifications determined by it for any vacancy, except that, solely with respect to the duty to hire created by the Act, a covered air carrier shall not be entitled to limit employment opportunities for designated employees on the basis of:

(1) initial hiring age (provided that such prohibition shall not be applicable to retirement ages applicable to all of any class or craft of such air carrier's employees); or

(2) the existence of any seniority, recall rights or previous experience with any other air carrier; *Provided, however,* That covered air carriers shall be entitled to require prospective employees to disclose the existence of any such seniority or recall rights in making application for employment and to take the existence or non-existence of such rights into account in selecting from among those qualified designated employees who have applied for a particular job vacancy.

(b) In filling job vacancies during the effective period covered air carriers shall be entitled to require applicants to furnish evidence that they are designated employees.

#### § 220.22 Listing a vacancy.

(a) During the effective period all air carriers shall be required to list each vacancy with the Center at the earliest practicable time. In addition, any air carrier shall be entitled to list anticipated vacancies with the Center at any time.

#### § 220.23 Content of vacancy listing.

Air carriers shall provide the Center with a description for each job listing, which shall include, but need not be limited to, the following:

(a) Job title;

(b) Type of position (full or part-time);

(c) Salary;

(d) Basic qualifications and/or training requirements;

(e) Brief description of duties;

(f) Location of vacancy (if known);

(g) Special requirements such as type rating, licensing, skill requirements, etc.;

(h) Whether the vacancy is subject to the duty to hire; and

(i) Information on how to apply, such as contact person, mailing address, and any special application procedures.

#### § 220.24 Filling a vacancy.

(a) A covered air carrier may fill a vacancy with someone who is not a designated employee after the vacancy has been listed with the Center for a least thirty calendar days; if:

(1) no designated employee with the requisite occupational specialty has applied for the vacancy in accordance with § 220.30 within that time; or

(2) no designated employee who did apply within that time period meets the carrier's criteria for employment as set forth in § 220.21.

(b) A covered air carrier may fill a vacancy on a temporary basis with someone who is not a designated employee while the carrier is considering applications for the vacancy which were received from designated employees during the listing period.

#### § 220.25 List of protected employees.

(a) Within 60 days of the effective date of these regulations, each covered air carrier shall provide the Secretary with a list of all protected employees who were employed by it on October 24, 1978.

(b) The list shall contain the following information:

(1) Protected employee's name;

(2) Social security number (if available); and

(3) Current occupational specialty for present employees or occupational specialty at the time of separation from employment for former employees.

(c)(1) Not later than ninety days after the effective date of these regulations, each covered air carrier shall provide a one-time notice to each employee as to whether or not the carrier has determined that employee to be a protected employee within the meaning of these regulations, and if so that the carrier has reported his or her name to the Secretary.

(2) An employee who disputes the carrier's determination of protected status may submit evidence to the covered air carrier within sixty days of receiving the notice required by paragraph (c)(1) as to the employee's basis for such dispute.

(3) The covered air carrier shall consider the evidence submitted by the employee and shall inform the employee of its final determination. In the event the carrier determines that the employee qualifies as a protected employee it shall forward the employee's name to the Secretary.

#### § 220.26 Appeals to the Secretary.

(a) If the employee disagrees with the carrier's final determination under § 220.25 that he or she is not a protected

employee within the meaning of this part the employee may appeal such determination to the Secretary within 60 days of the carrier's final decision.

(b) An appeal must be written, dated, and signed by the employee. It must set forth:

(1) The full name and address of the carrier making the determination;

(2) A summary of the pertinent events and circumstances concerning the employee's status and the basis of the disagreement, including the original date of hire, dates of all periods of furlough, leave or termination, the full name of the individual(s) who made the determination for the carrier, and the date of the carrier's final determination.

(3) The full name, address, and telephone number of the employee; and

(4) Such other information as may be required by the LMSA.

(b) Any appeal hereunder may be filed with any office of the Labor-Management Services Administration (LMSA) (LMSA Area offices and their respective jurisdictions are listed as an appendix to these regulations.). Upon receipt of an appeal by an LMSA Regional Office, the Regional Administrator will make a preliminary review of the appeal, and if warranted, request information from the parties or conduct such other investigation as may be required. If the matter cannot be resolved informally, the Regional Administrator will forward the file to the Secretary for review.

(c) If upon review of an appeal hereunder the Secretary determines that further action is not appropriate he will so advise the parties. If upon review of the entire record the Secretary determines that the employee qualifies for protected status the Secretary will take appropriate steps to add the employee's name to the list of protected employees and will so notify the parties.

#### § 220.27 Notice of rights.

(a) Not later than the date of separation from employment, a covered air carrier which furloughs or terminates a protected employee during the eligibility period, unless such furlough is limited to a specific period of less than 90 days, shall furnish such protected employee with a letter or other written documentation that such employee is a designated employee and thereby is entitled to exercise a first-right-of-hire. Such letter or other written documentation shall include, but need not be limited to, the following information:

(1) Name;

(2) Social Security Number (if available);

(2) Occupational specialty;

- (4) Date of furlough or termination;
- (5) An official of the covered air carrier who can verify the individual's status as a designated employee; and
- (6) Signature, name, and location of the certifying official.

(b) As soon as practicable, but in any event not later than 180 days following the effective date of these regulations, each covered air carrier shall make a reasonable effort to provide a letter or other written documentation as required in subparagraph (a) to any designated employee as set forth in section 220.10 of this part who was furloughed or terminated by such carrier subsequent to October 24, 1978 and prior to the effective date of these regulations and who has not been previously recalled to employment by such covered air carrier.

#### § 220.28 Air carrier actions to be reported to the Secretary.

(a) A covered air carrier shall report to the Secretary:

(1) The names and social security numbers (if available) of all designated employees hired by it, and

(2) The filling of any vacancy with other than a designated employee.

With respect to any occurrences reported under paragraph (a)(2) of this section, the report of the covered air carrier shall contain the job order number assigned to that vacancy by the Center, the date of hire, and a certification by a corporate officer that the carrier complied with the provisions of this part and that no qualified designated employee with the requisite occupational specialty applied in a timely manner.

(b) The reports required by this section shall be filed with the Secretary covering the six month periods ending June 30 and December 31 of each calendar year in which these regulations are in effect and shall be submitted within sixty days of the end of the reporting period.

#### § 220.29 Affirmative action.

The duty to hire a qualified designated employee supersedes any goal, timetable, consent decree or comparable requirement emanating from general application civil rights statutes, executive orders or judicial decrees. However, to the extent possible a covered air carrier remains required to satisfy its equal employment obligations, so long as it does not violate the carrier's duty to hire under this part, by hiring from among qualified designated employees applying for a particular position.

#### Subpart D—Designated Employee Responsibilities

##### § 220.30 Designated employee responsibilities.

It is the responsibility of each designated employee to:

(a) Make application to any covered air carrier for whom the designated employee desires to work in the time and manner required by such carrier.

(b) To insure that an application previously submitted to a covered air carrier which currently lists a vacancy is in an active status so as to be considered for such vacancy;

(c) To provide a copy, if requested, of the documentation of designated employee status to a potential employing air carriers; and

(d) To retain the original of the documentation of designated employee status for future use.

#### Subpart E—Department of Labor Responsibilities

##### § 220.40 Comprehensive job list

(a) The Secretary shall establish a Center to maintain a national Listing of all vacancies listed by air carriers in accordance with 220.23 of this part.

(b) The Center will be accessible by telephone throughout the United States to facilitate the listing or modifying of vacancy information by air carriers.

(c) The Center shall provide an air carrier with an identifying number for each vacancy listed on the National Listing.

(d) The National Listing shall be compiled, published and distributed to each local office of the State Employment Security Agencies on a periodic basis as determined necessary by the Secretary, and it shall be distributed to such other individuals or organizations as may desire to receive copies thereof in accordance with criteria established by the Secretary from time to time.

##### § 220.41 List of protected employees.

The Secretary shall establish and publish a list of protected employees as reported by covered air carriers under § 220.25 of this part. A copy of this list shall be sent to all covered air carriers as soon as available.

#### Subpart F—Administration

##### § 220.50 Effective period

(a) *Beginning date.* The requirements set forth in this part shall be effective on [60 days from publication of these regulations].

(b) *Ending date.* This program and these regulations terminate on the last day of the effective period.

**§ 220.51 Disclosure of information.**

The Department of Labor shall make available to covered air carriers, and to designated employees, or their representatives, all reports, certifications, or lists collected under this Part to the extent permitted by the Privacy Act (5 U.S.C. 552a) and the Department's regulations issued pursuant to that Act (29 CFR Part 70a).

**Appendix I.—U.S. Carriers Certificated as of October 23, 1978 Under Section 401 of the Federal Aviation Act of 1958, as Amended<sup>1</sup>**

Note.—This appendix will not appear in the Code of Federal Regulations.

1. Airlift International, Inc.
2. Air Micronesia, Inc.
3. Air Midwest
4. Air New England, Inc.
5. Air Wisconsin, Inc.
6. Alaska Airlines, Inc.
7. Allegheny Airlines, Inc.
8. Aloha Airlines, Inc.
9. American Airlines, Inc.
10. Aspen Airways, Inc.
11. Braniff Airways, Inc.
12. Capitol International Airways, Inc.
13. Chicago Helicopter Airways, Inc.
14. Colonial Air Lines, Inc.

<sup>1</sup> This list does not reflect the current operating status of certain of these carriers. Some have merged, ceased operating or have been renamed. The Department of Labor intends to publish an updated list reflecting the current status of these carriers.

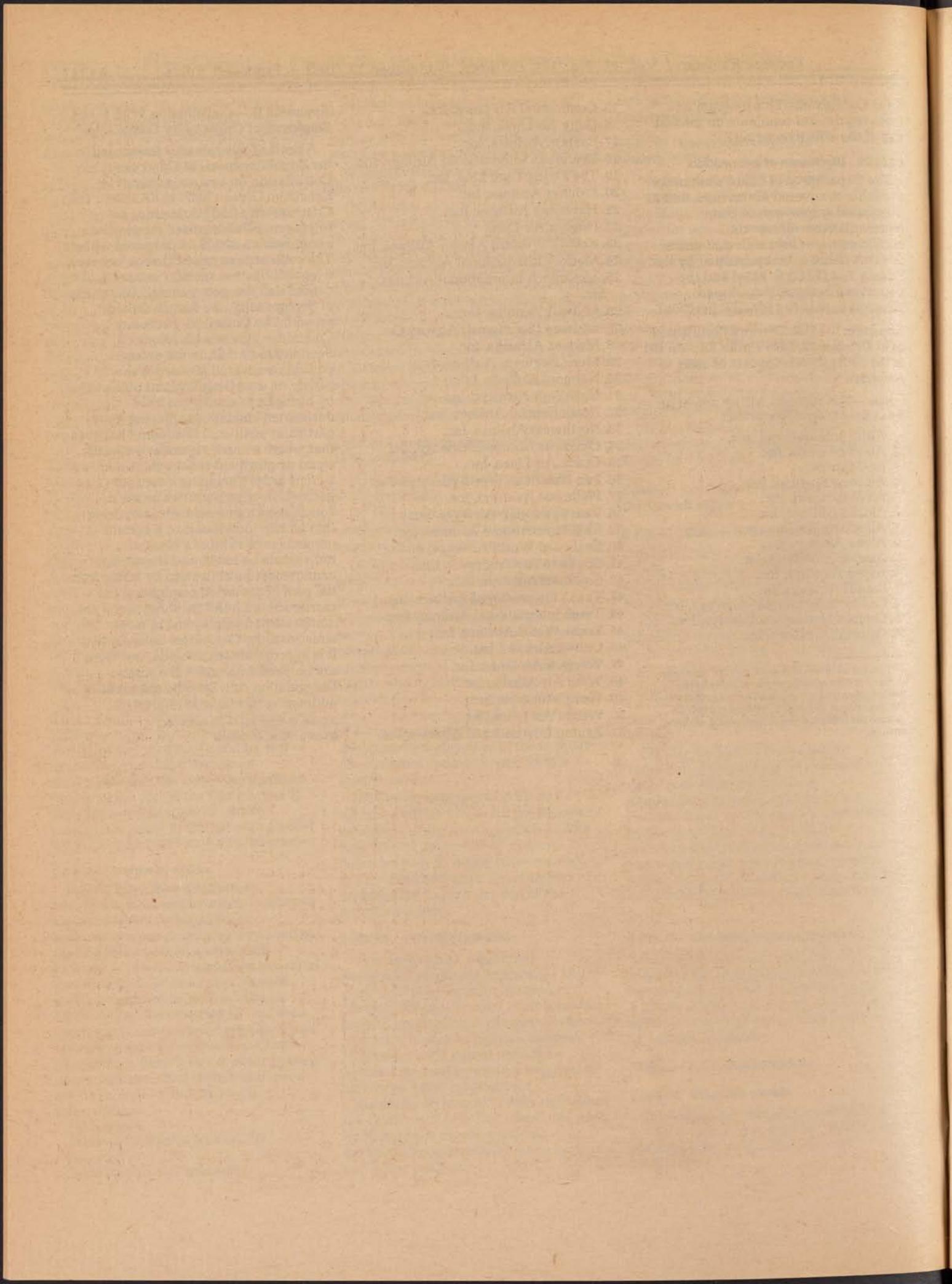
15. Continental Air Lines, Inc.
16. Delta Air Lines, Inc.
17. Eastern Airlines, Inc.
18. Evergreen International Airlines, Inc.
19. The Flying Tiger Line, Inc.
20. Frontier Airlines, Inc.
21. Hawaiian Airlines, Inc.
22. Hughes Air Corp.
23. Kodiak Western Alaska Airlines, Inc.
24. Mackey International Airlines, Inc.
25. McCulloch International Airlines, Inc.
26. Midway Airlines, Inc.
27. Midway (Southwest) Airway Co.
28. Modern Airways, Inc.
29. Munz Northern Airlines, Inc.
30. National Airlines, Inc.
31. New York Airways, Inc.
32. North Central Airlines, Inc.
33. Northwest Airlines, Inc.
34. Overseas National Airways, Inc.
35. Ozark Air Lines, Inc.
36. Pan American World Airways, Inc.
37. Piedmont Aviation, Inc.
38. Reeve Aleutian Airways, Inc.
39. Rich International Airlines, Inc.
40. Seaboard World Airways, Inc.
41. Southern Air Transport, Inc.
42. Southern Airways, Inc.
43. Texas International Airlines, Inc.
44. Trans International Airlines, Inc.
45. Trans World Airlines, Inc.
46. United Airlines, Inc.
47. Western Air Lines, Inc.
48. Wien Air Alaska, Inc.
49. World Airways, Inc.
50. Wright Air Lines, Inc.
51. Zantop International Airlines, Inc.

**Appendix II.—Consultation With Equal Employment Opportunity Commission**

A draft of this rule was forwarded to the Equal Employment Opportunity Commission for review pursuant to Executive Order 12067, 43 FR 28967. The Commission's Staff Committee on Interagency Policy raised reservations about Section 220.29 as proposed within. The concern was raised that as between a legal obligation specific to a particular carrier and the more general obligations of Section 43(d), the former should prevail. The Commission's Policy Committee agrees with proposed Section 220.29 that, to the extent possible a covered air carrier should satisfy its equal employment obligations by hiring from among qualified designated employees applying for a particular position. However, it believes that where a carrier is under a specific equal employment requirement, such as a court order (including a consent decree), an administrative order, a conciliation agreement, etc., requiring that named individuals or a certain percentage or ratio of a class of individuals be hired, and the carrier cannot meet its obligation by hiring from the pool of protected employees, the carrier should fulfill its obligation with non-protected employees. In those situations, the Committee believes that it is appropriate to conclude that there are no vacancies under the Airline Deregulation Act. Specific comment addressing this issue is requested.

[FR Doc. 82-25129 Filed 9-18-82; 8:45 am]

BILLING CODE 4510-29-M



U.S. GOVERNMENT  
PRINTING OFFICE  
1982

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Friday  
September 17, 1982

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**Part VII**

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**Department of Labor**

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**Office of the Secretary**

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**Unemployment Compensation Agencies;  
Hearings**

**DEPARTMENT OF LABOR****Office of the Secretary****State of California Employment Development Department, State of Illinois Department of Labor, State of Ohio Bureau of Employment Services, U.S. Virgin Islands Employment Security Agency Hearing**

This notice announces an opportunity for a hearing for the unemployment compensation agencies of the States of California, Illinois, Ohio, and the U.S. Virgin Islands, pursuant to the last sentence of section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. section 3304(c), and sections 2403 and 2404 of Pub. L. 97-35, 95 Stat. 875, to be held at 10:00 o'clock in the morning on September 28, 1982, in Courtroom A, 8th Floor, Vanguard Building, 1111 20th Street, N.W., Washington D.C.

The hearing will be on the following issues:

**Issue 1:** Whether, with respect to the certification of the States on October 31, 1982, under section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. section 3304(c), the unemployment compensation laws of the States identified in the caption of this notice have been amended so as to contain the provisions required by section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA), 26 U.S.C. section 3304(c) note, with respect to the beginning and the ending of extended benefit periods in the respective States, as is required by section 3304(a)(11) of the Internal Revenue Code of 1954, 26 U.S.C. section 3304(a)(11), and section 2403 of Pub. L. 97-35, 95 Stat. 875, approved August 13, 1981.

**Basis for Issue:** Section 3304(c) of the Code provides as a condition of certification of the States on October 31 of any taxable year that their unemployment compensation laws must contain "each of the provisions required by law to be included therein (including provisions relating to the Federal-State Extended Unemployment Compensation Act of 1970 (or any amendments thereto) as required under subsection (a)(11))".

Section 2403(a) of Pub. L. 97-35 (the Omnibus Budget Reconciliation Act of 1981) amended section 203(d) of the EUCA by raising the standard beginning and ending triggers for an extended benefit period from 4 to 5 (if the insured unemployment rate in the State equalled or exceeded 120 percent of the average of such rates for the corresponding 13-week periods in each of the preceding two calendar years), and by raising the

optional triggers from 5 to 6 (exclusive of the 120 percent factor). Section 2403(b) of Public Law 97-35 requires States to include the provisions of section 203(d), as amended, in their unemployment compensation laws for any week which begins after September 25, 1982. The States identified in the caption of this notice have failed to amend their unemployment compensation laws so as to include the revised triggers for beginning and ending extended benefit periods.

**Issue 2:** Whether, with respect to the certification of the States on October 31, 1982, under section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. section 3304(c), the unemployment compensation laws of the States identified in the caption of this notice have been amended so as to contain the provisions of section 202(a)(5) of the EUCA, 26 U.S.C. section 3304(c) note, with respect to the requirement of 20 weeks of work or the equivalent in the base period, as is required by section 3304(a)(11) of the Internal Revenue Code of 1954, 26 U.S.C. section 3304(a)(11), and section 2404 of Pub. L. 97-35, 95 Stat. 875, approved August 13, 1981.

**Basis for Issue:** section 3304(c) of the Code provides as a condition of certification of the States on October 31 of any taxable year that their unemployment compensation laws must contain "each of the provisions required by law to be included therein (including provisions relating to the Federal-State Extended Unemployment Compensation Act of 1970 (or any amendments thereto) as required under subsection (a)(11))".

Section 2404(a) of Pub. L. 97-35 amended section 202(a) of the EUCA by adding new paragraph (5) which requires as a condition of eligibility for extended benefits that an individual have worked 20 weeks or the equivalent in the base period. The State law is required to provide the method to be used of the alternatives allowed of measuring employment and wages for that purpose. Section 2404(b) of Pub. L. 97-35 requires States to include the provisions of section 202(a)(5) in their unemployment compensation laws for any week which begins after September 25, 1982. The States identified in the caption of this notice have failed to amend their unemployment compensation laws so as to include the work and earnings requirements for extended benefit eligibility.

The respective State unemployment compensation laws, therefore, appear not to be in conformity with the provisions of section 3304(a)(11) of the Code, and the last sentence of section

3304(c) of the Code is applicable to the issues.

Following the hearing, a decision will be made with respect to each State. Such a decision will have a bearing on whether or not the State is certifiable on October 31, 1982, with respect to normal and additional credits allowable to the State's employers pursuant to subsections (a) and (b) of section 3302 of the Code, 26 U.S.C. section 3302, for the taxable year 1982, and will also have a bearing on other benefits available to the State under the unemployment compensation program.

The proceedings in this matter shall be conducted in accordance with the Rules of Procedure set out after this notice.

For the purposes of this hearing, all motions, briefs, and other documents shall be filed, pursuant to the Rules of Procedure referenced above, with the presiding Administrative Law Judge, U.S. Department of Labor, Suite 700, Vanguard Building, 1111 20th Street, N.W., Washington, D.C. 20036, who will be designated in accordance with such Rules of Procedure.

Signed at Washington, D.C., on September 15, 1982.

Raymond J. Donovan,  
Secretary of Labor.

[FR Doc. 82-25085 Filed 9-18-82; 8:45 am]  
BILLING CODE 4510-30-M

**State of Maryland Department of Human Resources; Hearing**

This notice announces an opportunity for a hearing for the unemployment compensation agency of the State of Maryland pursuant to the last sentence of section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. section 3304(c), and section 414 of Pub. L. 96-364, 94 Stat. 1310, to be held at 2:00 o'clock in the afternoon on September 28, 1982, in Courtroom A, 8th Floor, Vanguard Building, 1111 20th Street, N.W., Washington, D.C.

The hearing will be on the following issue:

**Issue:** Whether, with respect to the certification of the States on October 31, 1982, under section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. section 3304(c), the unemployment compensation law of the State of Maryland has been amended so as to contain provisions permitted by section 3304(a)(15)(B) of the Code with respect to a limitation on the amount or proportion of a pension payment to be deducted from unemployment benefits otherwise payable, as is required by such section 3304(a)(15)(B).

**Basis for Issue:** Section 3304(a)(15)(B) of the Code permits States to limit the pension deduction otherwise required by subparagraph (A) by reducing the amount to be offset against unemployment benefits otherwise payable for a week of unemployment to an amount that is no larger than the ratio of the unemployed individual's contributions, as an employee, to total contributions to the pension plan or system by both the individual and the employer. The unemployment compensation law of the State of Maryland provides a limitation on pension deduction that is larger, in certain circumstances, than the ratio of the individual's contributions to total contributions to the pension plan or system. Section 414 of Pub. L. 96-364 permits the States to adopt a limitation on pension deductions consistent with subparagraph (B) of section 3304(a)(15), effective on September 26, 1980.

The unemployment compensation law of the State of Maryland, therefore, appears not to be in conformity with the provisions of section 3304(a)(15)(B) of the Code, and the last sentence of section 3304(c) of the Code is applicable to the issue.

Following the hearing, a decision will be made with respect to the State. Such a decision will have a bearing on whether or not the State is certifiable on October 31, 1982, with respect to normal and additional credits allowable to the State's employers pursuant to subsections (a) and (b) of section 3302 of the Code, 26 U.S.C. section 3302, for the taxable year 1982, and will also have a bearing on other benefits available to the State under the unemployment compensation program. (The hearing will not be held if the injunction imposed by the U.S. District Court for the District of Columbia in *Cabais v. Egger*, No. 80-2470 (August 27, 1981) is not lifted by September 23, 1982. The State agency will then be notified appropriately.)

The proceedings in this matter shall be conducted in accordance with the Rules of Procedure set out after this notice.

For the purposes of this hearing, all motions, briefs, and other documents shall be filed, pursuant to the Rules of Procedure referenced above, with the presiding Administrative Law Judge, U.S. Department of Labor, Suite 700, Vanguard Building, 1111 20th Street, NW, Washington, D.C. 20036, who will be designated in accordance with such Rules of Procedure.

Signed at Washington, D.C. on September 15, 1982.  
**Raymond J. Donovan,**  
*Secretary of Labor.*  
 [FR Doc. 82-25886 Filed 9-16-82; 8:45 am]  
**BILLING CODE 4510-30-M**

**State of Massachusetts Department of Labor and Industries, State of Michigan Employment Security Commission, State of New Jersey Department of Labor and Industry; Hearing**

This notice announces an opportunity for a hearing for the unemployment compensation agencies of the States of Massachusetts, Michigan, and New Jersey, pursuant to the last sentence of section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. section 3304(c), sections 2403 and 2404 of Public Law 97-35, 95 Stat. 875, and section 414 of Pub. L. 96-364, 94 Stat. 1310, to be held at 2:00 o'clock in the afternoon on September 28, 1982, in Courtroom A, 8th Floor, Vanguard Building, 1111 20th Street, N.W., Washington, D.C.

The hearing will be on the following issues:

**Issue 1:** Whether, with respect to the certification of the States on October 31, 1982, under section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. section 3304(c), the unemployment compensation laws of the States identified in the caption of this notice have been amended so as to contain the provisions required by section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA), 26 U.S.C. section 3304(c) note, with respect to the beginning and the ending of extended benefit periods in the respective States, as is required by section 3304(a)(11) of the Internal Revenue Code of 1954, 26 U.S.C. section 3304(a)(11), and section 2403 of Pub. L. 97-35, 95 Stat. 875, approved August 13, 1981.

**Basis for issue:** Section 3304(c) of the Code provides as a condition of certification of the States on October 31 of any taxable year that their unemployment compensation laws must contain "each of the provisions required by law to be included therein (including provisions relating to the Federal-State Extended Unemployment Compensation Act of 1970 (or any amendments thereto) as required under subsection (a)(11))".

Section 2403(a) of Public Law 97-35 (the Omnibus Budget Reconciliation Act of 1981) amended section 203(d) of the EUCA by raising the standard beginning and ending triggers for an extended benefit period from 4 to 5 (if the insured

unemployment rate in the State equalled or exceeded 120 percent of the average of such rates for the corresponding 13-week periods in each of the preceding two calendar years), and by raising the optional triggers from 5 to 6 (exclusive of the 120 percent factor). Section 2403(b) of Pub. L. 97-35 requires States to include the provisions of section 203(d), as amended, in their unemployment compensation laws for any week which begins after September 25, 1982. The States identified in the caption of this notice have failed to amend their unemployment compensation laws so as to include the revised triggers for beginning and ending extended benefit periods.

**Issue 2:** Whether, with respect to the certification of the States on October 31, 1982, under section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. section 3304(c), the unemployment compensation laws of the States identified in the caption of this notice have been amended so as to contain the provisions of section 202(a)(5) of the EUCA, 26 U.S.C. section 3304(c) note, with respect to the requirement of 20 weeks of work or the equivalent in the base period, as is required by section 3304(a)(11) of the Internal Revenue Code of 1954, 26 U.S.C. section 3304(a)(11), and section 2404 of Pub. L. 97-35, 95 Stat. 875, approved August 13, 1981.

**Basis for issue:** Section 3304(c) of the Code provides as a condition of certification of the States on October 31 on any taxable year that their unemployment compensation laws must contain "each of the provisions required by law to be included therein (including provisions relating to the Federal-State Extended Unemployment Compensation Act of 1970 (or any amendments thereto) as required under subsection (a)(11))".

Section 2404(a) of Pub. L. 97-35 amended section 202(a) of the EUCA by adding new paragraph (5) which requires as a condition of eligibility for extended benefits that an individual has worked 20 weeks or the equivalent in the base period. The State law is required to provide the method to be used of the alternatives allowed of measuring employment and wages for that purpose. Section 2404(b) of Pub. L. 97-35 requires States to include the provisions of section 202(a)(5) in their unemployment compensation laws for any week which begins after September 25, 1982. The States identified in the caption of this notice have failed to amend their unemployment compensation laws so as to include the work and earnings requirements for extended benefit eligibility.

**Issue 3:** Whether, with respect to the certification of the States on October 31, 1982, under section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. section 3304(c), the unemployment compensation laws of the States identified in the caption of this notice have been amended so as to contain provisions permitted by section 3304(a)(15)(B) of the Code with respect to a limitation on the amount or proportion of a pension payment to be deducted from unemployment benefits otherwise payable, as is required by such section 3304(a)(15)(B).

**Basis for issue:** Section 3304(a)(15)(B) of the Code permits States to limit the pension deduction otherwise required by subparagraph (A) by reducing the amount to be offset against unemployment benefits otherwise payable for a week of unemployment to an amount that is no larger than the ratio of the unemployed individual's contributions, as an employee, to total contributions to the pension plan or system by both the individual and the employer. The unemployment compensation laws of the States identified in the caption of this notice provide a limitation on pension deduction that is larger, in certain circumstances, than the ratio of the individual's contributions to total contributions to the pension plan or system. Section 414 of Public Law 96-364 permits the States to adopt a limitation on pension deductions consistent with subparagraph (B) of section 3304(a)(15), effective on September 26, 1980.

The respective State unemployment compensation laws, therefore, appear not to be in conformity with the provisions of section 3304(a)(11) of the Code with respect to the first two issues and the provisions of section 3304(a)(15)(B) of the Code with respect to the third issue, and the last sentence of section 3304(c) of the Code is applicable to all of the issues.

Following the hearing, a decision will be made with respect to each State. Such a decision will have a bearing on whether or not the State is certifiable on October 31, 1982, with respect to normal and additional credits allowable to the State's employers pursuant to subsections (a) and (b) of section 3302 of the Code, 26 U.S.C. section 3302, for the taxable year 1982, and will also have a bearing on other benefits available to the State under the unemployment compensation program. (The hearing with respect to Issue 3 will not be held if the injunction imposed by the U.S. District Court for the District of Columbia in *Cabais v. Egger*, No. 80-

2470 (August 27, 1981) is not lifted by September 23, 1982. The State agency will then be notified appropriately.)

The proceedings in this matter shall be conducted in accordance with the Rules of Procedure set out after this notice.

For the purposes of this hearing, all motions, briefs, and other documents shall be filed, pursuant to the Rules of Procedure referenced above, with the presiding Administrative Law Judge, U.S. Department of Labor, Suite 700, Vanguard Building, 1111 20th Street, N.W., Washington, D.C. 20036, who will be designated in accordance with such Rules of Procedure.

Signed at Washington, D.C., on September 15, 1982.

Raymond J. Donovan,  
Secretary of Labor.

#### Rules of Procedure

1. An Administrative Law Judge will be designated by the Chief Administrative Law Judge, United States Department of Labor, to preside over the hearing and perform the functions required by these Rules.

2. The parties of record shall be the State agencies (as defined in 26 U.S.C. section 3306(e)) named in the Notices of Hearing and the U.S. Department of Labor.

3. Any non-party State agency, individual worker, employer, or organization, association of workers or employers, or the public, asserting an interest in the proceedings, may be permitted by the presiding Administrative Law Judge, upon motion granted, to participate in the hearing as *amicus curiae* only. Participation by any such *amicus curiae* shall be limited to the submittal of a brief as provided in Rule 14 below. A motion of an *amicus curiae* to participate in the oral argument will be granted only for extraordinary reasons. All motions contemplated by this Rule shall be filed with the presiding Administrative Law Judge no later than seven days prior to the scheduled hearing, and shall be served promptly upon each party. The presiding Administrative Law Judge shall rule on all such motions and inform the applicants and the parties of the rulings.

4. The presiding Administrative Law Judge may issue an appropriate prehearing order governing all issues to be raised in the proceedings, discovery, and designation of evidence to be offered at the hearing.

5. The Administrative Law Judge shall be authorized to entertain motions for full or partial Summary Judgment filed by any party.

6. (a) The hearing will be conducted in an informal but orderly and expeditious manner. The presiding Administrative Law Judge will regulate all matters pertaining to the course and conduct of the proceedings and, subject to the limitation expressed in Rule 6(b) below, may grant extensions of time regarding the submission of briefs and other papers, and may reschedule the hearing for another time or date for good cause shown.

(b) The annual October 31 certification date under the Federal Unemployment Tax Act imposes time constraints for the issuance of the Administrative Law Judge's recommended decisions, and requires the granting of extensions of time, inclusive of continuances, be limited to the extent necessary to ensure that the recommended decisions are forwarded to the Secretary of Labor no later than 15 days prior to the October 31 certification date.

7. Upon the commencement of the hearing, the U.S. Department of Labor will be offered an opportunity to make an opening statement as to the nature of the hearing and the matter(s) in issue. Each other party to the proceedings shall then be offered a similar opportunity to make an opening statement.

8. The order of the presentation of evidence will be as follows:

(a) The U.S. Department of Labor will proceed first by presenting any evidence it may wish to offer which is relevant to the issue(s) specified in the Notice of Hearing.

(b) Each other party will proceed next to offer any evidence it may wish to present which is relevant to the issue(s) referred to in Rule 8(a) above, followed by any evidence relevant to any additional issue, except that evidence regarding any issue other than the issue(s) referred to in the Notice of Hearing may be admitted only if the party offering such evidence has provided notice of such issue and a summary of such evidence, including a copy of any document to be offered, to each other party of record, a reasonable time prior to the hearing.

(c) The U.S. Department of Labor may next present relevant evidence in rebuttal to any of the issues(s), and the trial record shall thereafter be closed, except as provided for by Rule 10 below.

9. Technical rules of evidence shall not apply to the hearing. The presiding Administrative Law Judge will rule upon offers of proof and the admissibility of evidence, and may exclude irrelevant, immaterial, or unduly repetitious evidence or any other evidence.

excludable under these Rules, and may examine witnesses. All writings, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a satisfactory showing of their authenticity, relevancy, materiality, and admissibility under these Rules, be received in evidence.

10. During the hearing, the presiding Administrative Law Judge may require the production and introduction of further evidence upon any relevant matter and may provide for the later receipt of such evidence for the record.

11. The proceedings at the hearing shall be recorded verbatim. The original and one copy of the transcript of the record of the hearing shall be furnished to the presiding Administrative Law Judge. The parties of record and any amicus curiae shall be entitled to secure a copy of the transcript from the reporter upon such terms as the party or amicus may arrange.

12. When any document is offered in evidence, one additional copy thereof shall be furnished to the presiding Administrative Law Judge and, unless previously provided, a copy shall be furnished to each party of record.

13. (a) At the conclusion of the receipt of evidence, the presiding Administrative Law Judge shall hear oral arguments presented by the parties of record and any amicus curiae authorized to present oral argument.

(b) Oral arguments shall be in the following order: Opening argument for the U.S. Department of Labor, unless waived; opening argument for every other party, unless waived; argument of any amicus curiae authorized to present oral argument; closing argument for each of the State agency parties, unless waived; and closing argument for the U.S. Department of Labor, unless waived.

14. The parties of record shall file pre-hearing briefs describing the issues which are the subjects of the hearing no later than the Friday preceding the hearing date and shall file post-hearing briefs on the evidence adduced at the hearing and the law applicable thereto no later than 7 calendar days following the close of the hearing. Any amicus curiae authorized to participate in the proceedings may file a post-hearing brief within the same time limitation. All such briefs and other papers shall be filed with the presiding Administrative Law Judge, with proof of service, within such time periods as are established by the presiding Administrative Law Judge.

15. (a) As soon as possible, but in no event later than 15 days prior to the October 31 certification date, the presiding Administrative Law Judge shall, with respect to each State: (1) Prepare a recommended decision on the basis of the record containing his recommended findings of fact and conclusions of law; (2) promptly certify to the Secretary of Labor such recommended decision and the entire record of the proceeding; and (3) forward a copy of the recommended decision to each party of record and amicus curiae.

(b) In the event that evidence is admitted which is relevant to any issue cognizable under these Rules, findings of fact with respect to such evidence shall be made. No conclusions of law regarding either the constitutionality of any Federal statute or the constitutionality of interpretation thereof shall be made.

16. The parties of record may file with the Secretary a Statement of Exceptions, with proof of service, setting forth any exceptions they may have to the recommended decision, within seven (7)

days after the date of the recommended decision.

17. (a) Any briefs or other papers intended to be filed of record with the presiding Administrative Law Judge in the proceedings shall be mailed or otherwise delivered to the Office of the presiding Administrative Law Judge. Unless otherwise ordered, such documents shall be deemed to be filed on the date they are post-marked if they are transmitted by the United States Postal Service, and shall be deemed to be filed on the date they are received in the Office of the Chief Administrative Law Judge if they are transmitted by any other means.

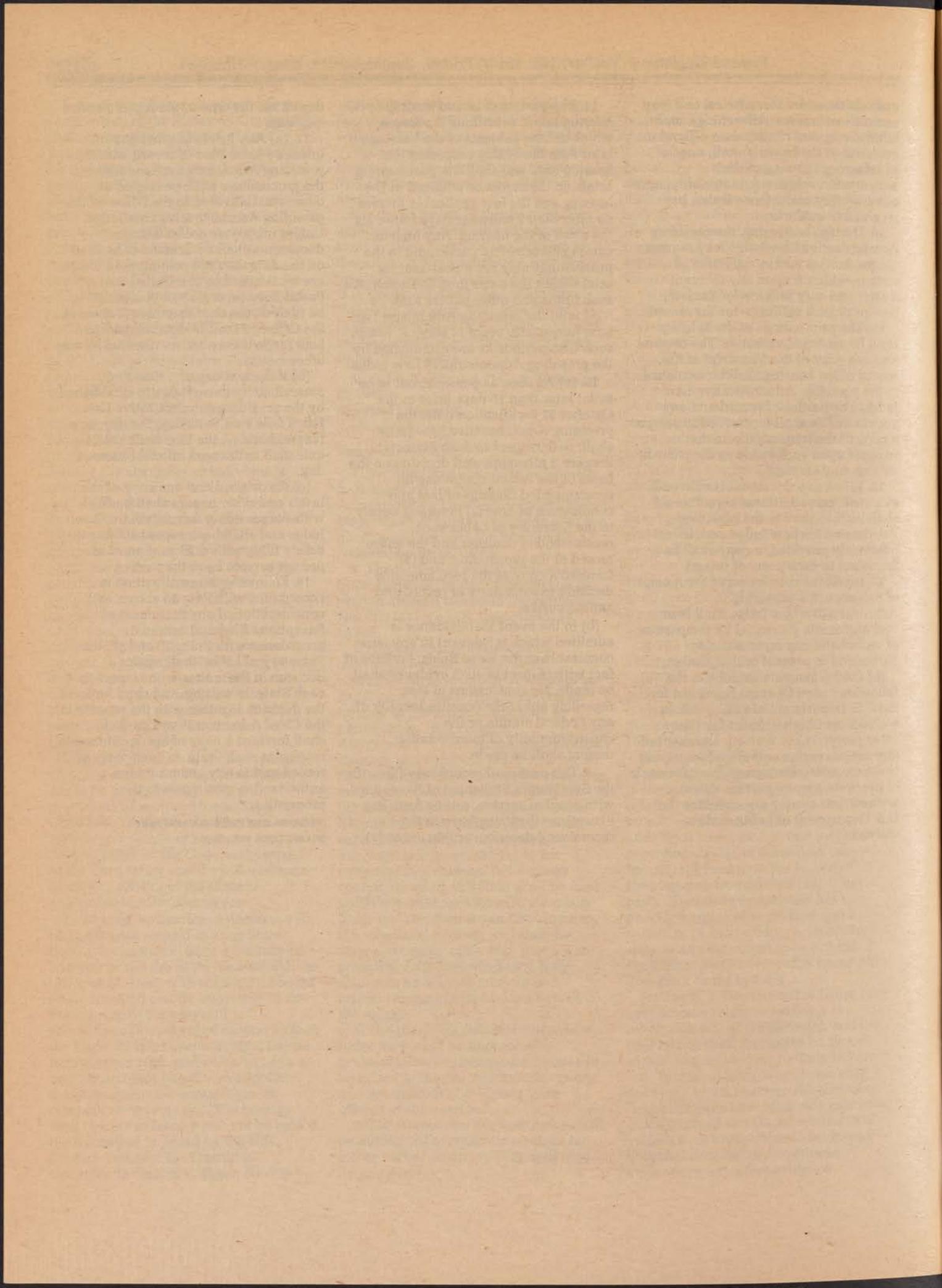
(b) If the last day of a time limit prescribed by these Rules or established by the presiding Administrative Law Judge falls on a Saturday, Sunday, or a federal holiday, the time limit shall be extended to the next official business day.

(c) An original and one copy of the briefs and other papers shall be filed with the presiding Administrative Law Judge and shall be accepted subject to timely filing with sufficient proof of prompt service upon the parties.

18. Following the certification in accordance with Rule 15 above, and consideration of any Statement of Exceptions filed and served in accordance with Rules 16 and 17, the Secretary of Labor shall render a decision in the matter with respect to each State, in writing, and shall forward the decision together with the records to the Chief Administrative Law Judge, and shall forward a copy of his decision with respect to each State, to each party of record and to any amicus curiae authorized to participate in the proceeding.

[FR Doc. 82-25687 Filed 9-16-82; 8:45 am]

BILLING CODE 4510-30-M





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Friday  
September 17, 1982

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**Part VIII**

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**Department of  
Energy**

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**Office of the Secretary**

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**Unclassified Activities in Foreign Atomic  
Energy Programs**

**DEPARTMENT OF ENERGY****Office of the Secretary****10 CFR Part 810****Unclassified Activities in Foreign Atomic Energy Programs****AGENCY:** Energy Department.**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to the Nuclear Non-Proliferation Act of 1978 (NNPA) and in accordance with the Executive Branch Procedures established and published June 9, 1978 (43 FR 25326), the Department of Energy (DOE) proposes to amend its regulations, 10 CFR Part 810 "Unclassified Activities in Foreign Atomic Energy Programs." The amended regulations reflect changes made by the NNPA to Section 57.b. of the Atomic Energy Act and incorporate the additional export criteria mandated by the NNPA to govern the export of sensitive nuclear technology for peaceful purposes. The proposed amended regulations update the list of countries/areas to which the general authorization does *not* apply. Added to the listed countries are all non-nuclear weapon states that are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (except for those that accept fullscope safeguards or for which the Treaty of Tlatelolco is currently in force) and certain countries in regions of particular volatility and sensitivity. Withdrawal of the general authorization to these countries will assure that authorizations by the Secretary of Energy under 10 CFR Part 810 involving these countries are consistent with other U.S. export licensing requirements under the NNPA.

Although many sections of Part 810 are unchanged by the proposed amendments, it is being published in its entirety for the convenience of the public. The Department is soliciting public comments for 45 days with a view to promptly thereafter publishing final amendments to Part 810.

**DATES:** Comments are requested and must be received no later than November 1, 1982.

**ADDRESSES:** Written comments (six copies where possible) should be sent to: Mr. John A. Griffin, Director, Division of Politico-Military Security Affairs (DP-332), Room 4B-026, U.S. Department of Energy, Washington, DC 20585, Phone: (Area Code 202) 252-2127.

**FOR FURTHER INFORMATION CONTACT:**

Mrs. Johnnie Raymond, Division of Politico-Military Security Affairs, DP-332.1, Room 4B-026, U.S. Department of Energy; Phone (202) 252-2129; or Mr. Robert Newton, Esquire, Office of General Counsel, GC-32, Room 6B-

256, U.S. Department of Energy; Phone (202) 252-6975.

**SUPPLEMENTARY INFORMATION:****I. Background**

On March 10, 1978, the Nuclear Non-Proliferation Act of 1978 (NNPA), Pub. L. 95-242, was enacted. The NNPA specifically addressed nuclear export licensing and procedures and amended the procedures and criteria governing DOE action under Sec. 57.b. of the Atomic Energy Act (42 U.S.C. 2077). In particular, Sec. 305 of the NNPA amended Chapter 11 of the Atomic Energy Act of 1954, as amended, by adding at the end thereof a new Sec. 127, "Criteria Governing United States Nuclear Exports" (42 U.S.C. 2156). This section added criteria which, in addition to other requirements of law, govern exports for peaceful nuclear uses from the United States of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology. Sec. 306 of the NNPA also amended Chapter 11 of the Atomic Energy Act by adding at the end thereof a new Sec. 128, "Additional Export Criterion and Procedures," (42 U.S.C. 2157), which establishes a further condition on exports of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology.

All requests for specific authorization submitted pursuant to Sec. 57.b.(2) of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2077), will be handled in accordance with the procedures required by Sec. 302 of the NNPA and agreed to by the Departments of Energy, State, Commerce, and Defense, the Arms Control and Disarmament Agency and the Nuclear Regulatory Commission. These agreed upon procedures were published on June 9, 1978, by the Departments of State, Energy, and Commerce in the Federal Register, "Procedures Established Pursuant to the Nuclear Non-Proliferation Act of 1978", (43 FR 25326).

**II. Regulatory Changes**

The major proposed changes to Part 810 are summarized below in the order in which they appear:

1. Section 810.3. Definitions have been deleted for "Administration" and "Administrator of ERDA" and added for "Secretary," "Department of Energy," "IAEA," "NNPA," "NPT," "production facility," "retransfer," "sensitive nuclear technology," "source material," "special nuclear material," and "utilization facility."

2. Section 810.6. The requirement for authorization under Sec. 57.b. of the Atomic Energy Act of 1954, as amended,

has been changed to reflect the language as amended by the NNPA. The NNPA amendment to Sec. 57.b. established the requirement for formal review by the Departments of State, Defense, and Commerce, the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission, of applications submitted pursuant to Sec. 57.b.(2).

3. Section 810.7(a)(ii). The list of countries/areas to which the general authorization will not apply has been expanded to include the following categories of countries: (1) Those countries currently listed in § 810.7(a)(1); (2) those countries which are non-nuclear weapon states that are not parties to the NPT (however, the general authorization will continue for those non-nuclear weapon countries which accept full scope safeguards or for which the Treaty of Tlatelolco is currently in force); (3) Afghanistan which has been added to the list of countries in accordance with current U.S. policy; (4) additionally, the general authorization will be withdrawn from certain countries in regions of particular volatility and sensitivity. Finally, the list of countries/areas is revised to update and modernize names of countries. The new requirement for specific authorization for activities in these countries will provide timely information on nuclear activities which do not presently require specific authorization or, in some instances, a report under these regulations.

4. Section 810.8. A new paragraph (c) is added to reflect the requirement established by Sections 305 and 306 of the NNPA (new Sections 127 and 128 of the Atomic Energy Act) for additional criteria which must be met for authorization to export "sensitive nuclear technology."

5. Section 810.8. A new paragraph (e) is added to reflect the provision of Sec. 129 of the Act, added by Sec. 307 of the NNPA, (42 U.S.C. 2158), concerning termination of nuclear exports of sensitive nuclear technology to a country or countries which engage in any of the proscribed activities identified in Sec. 129 of the Act.

6. A phrase is added to § 810.11 to permit the Secretary to request additional information on activities approved pursuant to § 810.8.

The Department of Energy will be considering further amendments to 10 CFR Part 810 after these proposed rules have been made final. Among the areas being considered for review are the following: The development of an application form for requesting specific authorization; additional guidance concerning the term "information

available to the public in published form"; establishment of a thirty day prenotification requirement to DOE before commencement of certain generally authorized activities in some countries and/or all countries; specific retransfer guidelines; and clarification and examples of the term "sensitive nuclear technology."

### III. Statutory Requirements

Pursuant to section 57.b.(2) of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (NNPA), and with the concurrence of the Department of State and following consultations with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission, the Department of Commerce and the Department of Defense, the Secretary of Energy has authorized these proposed revisions to Part 810 of Title 10 CFR.

### IV. Saving Clause

Except for any action taken by DOE pursuant to § 810.8(d), this proposed revision shall not affect the validity or terms of any specific authorization granted under the regulations currently in effect, or generally authorized activities in the identified countries/ areas for which contracts, orders or licensing arrangements were in place prior to the publication of the proposed changes in this part. Persons with such arrangements involving activities conducted under the general authorization currently in effect for the designated countries are requested to bring such information to the attention of the Department of Energy.

### V. Reporting Requirements

It should be stressed that the reporting requirements in the current regulations (§ 810.10), extend to most of the activities covered by the general authorization in § 810.7. Reports under § 810.10 are required within 30 days after commencement of the activity in question.

### VI. Rulemaking Requirements

Sec. 501(a)(1) of the DOE Organization Act (Pub. L. 95-91) provides that the provisions of subchapter II of chapter 5 of title 5, United States Code (Administrative Procedure Act, "APA") shall apply in accordance with their terms to any rule or regulation issued pursuant to authority vested by law in, or transferred or delegated to, the Secretary of Energy. Section 553(a)(1) of the APA provides an exemption to the normal notice and comment procedures or rules involving a foreign affairs function of the United States.

Because the amendments deal with the export of sensitive nuclear technology and the need for authorization for activities which assist in the production of special nuclear material in certain countries, these amendments involve the foreign affairs functions of the United States. Therefore, the exemption of section 553(a)(1) applies and notice and comment are not required. Nevertheless, DOE is providing interested persons 45 days in which to submit comments on this proposed rule.

Because notice and comment is not required for this rule, this rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. as provided in Sec. 601(2). This rule is also not subject to the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981), because it relates to a foreign affairs function of the United States. See Sec. 1(a)(2).

### VII. Public Comment Procedures

The period for submission of comments will close on November 1, 1982. All interested persons who desire to submit written comments or suggestions for consideration in connection with the revised Part 810 should submit them to the address indicated in the "Addressees" section of the preamble. Six copies should be submitted.

Any information or data submitted which you consider to be confidential must be so identified in writing. We reserve the right to determine the confidential status of such information and data and to treat it according to our determination.

All comments received, except those determined to be confidential, will be available for public inspection in the DOE Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

### List of Subjects in 10 CFR Part 810

Foreign relations, Nuclear energy, Reporting requirements.

(Secs. 57, 127, 128, 129, 161, and 223 of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (Pub. L. 95-242), 68 Stat. 932, 948, 950, 958, 92 Stat. 126, 136, 137, 138 (42 U.S.C. 2077, 2156, 2157, 2158, 2201, 2273); sec. 104 of the Energy Reorganization Act of 1974 (Pub. L. 93-438); sec. 301 of the Department of Energy Organization Act (Pub. L. 95-91))

For the reasons set out in the preamble, Part 810 of Title 10 of the

Code of Federal Regulations is proposed to be revised as set forth below.

Issued in Washington, D.C., September 13, 1982.

Troy E. Wade II,  
Acting Assistant Secretary for Defense  
Programs.

## PART 810—UNCLASSIFIED ACTIVITIES IN FOREIGN ATOMIC ENERGY PROGRAMS

Sec.

- 810.1 Purpose.
- 810.2 Scope.
- 810.3 Definition.
- 810.4 Communications.
- 810.5 Interpretations.
- 810.6 Authorization requirement.
- 810.7 Generally authorized activities.
- 810.8 Grant and revocation and specific authorization.
- 810.9 Contents of application.
- 810.10 Reports.
- 810.11 Additional information.
- 810.12 Violations.
- 810.13 Effective date.

Authority: Sections 57, 127, 128, 129, 161, and 223 of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (Pub. L. 95-242), 68 Stat. 932, 948, 950, 958, 92 Stat. 126, 136, 137, 138 (42 U.S.C. 2077, 2156, 2157, 2158, 2201, 2273); sec. 104 of the Energy Reorganization Act of 1974 (Pub. L. 93-438); sec. 301 of the Department of Energy Organization Act (Pub. L. 95-91).

### § 810.1 Purpose.

The regulations in this part incorporate a general authorization made by the Secretary under section 57.b.(2) of the Atomic Energy Act of 1954, as amended (92 Stat. 126); establish reporting requirements applicable to persons who engage in certain unclassified activities in foreign atomic energy programs; and establish procedures governing applications for specific authorizations to engage directly or indirectly in the production of special nuclear material outside the United States.

### § 810.2 Scope.

The regulations in this part apply to all persons within or under the jurisdiction of the United States.

### § 810.3 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954, (68 Stat. 919, 42 U.S.C. 2011), as amended.

(b) "Agreement for Cooperation" means an agreement for cooperation with another nation or group of nations concluded under section 123 of the Act.

(c) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device where such means

is a separate and divisible part of the device, the principal purpose of which is for use as, or for development of, a weapon, or weapon prototype or a weapon test device.

(d) "Department" means the United States Department of Energy.

(e) "Secretary" means the Secretary of the United States Department of Energy.

(f) "Classified information" means National Security information classified pursuant to Executive Order 12356 or any superseding order; or Restricted Data classified under the Atomic Energy Act of 1954, as amended.

(g) "Commission" as used in this regulation refers to the Nuclear Regulatory Commission.

(h) "IAEA" means the International Atomic Energy Agency.

(i) "NNPA" means the Nuclear Non-Proliferation Act of 1978 (Pub. L. 95-242).

(j) "Nuclear material" means special nuclear material or source material.

(k) "NPT" means the Treaty on the Nonproliferation of Nuclear Weapons of July 1, 1968.

(l) "Nuclear reactor" means an apparatus, other than an atomic weapon, or nuclear explosive device, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(m) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Department; any State or any political subdivision of, or any political entity within a State; and (2) any legal successor, representative agent or agency of the foregoing.

(n) "Production facility" means any nuclear reactor or plant specially designed or used to produce special nuclear material through the irradiation of source material or special nuclear material, the separation of isotopes or the chemical reprocessing of irradiated source or special nuclear material.

(o) "Research and development" means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative facilities and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of motors, devices, equipment, materials, and processes.

(p) "Restricted Data" means all data concerning (1) design, manufacturing or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include any data declassified or removed from the Restricted Data

category pursuant to Section 142 of the Act.

(q) "Retransfer" means the transport from one foreign country or group of nations to another such entity of information which has been exported from the United States or of nuclear material or equipment produced through the use of such information.

(r) "Sensitive nuclear technology" means any information (including information incorporated in a production or utilization facility or important component part thereof) which is not available to the public and which is important to the design, construction, fabrication, operation or maintenance of a uranium enrichment or nuclear fuel reprocessing facility, a facility for the production of heavy water, or facilities for the fabrication of nuclear fuel containing plutonium, but shall not include Restricted Data controlled pursuant to Chapter 12 of the Act. The information may take a tangible form, such as a model, prototype, blueprint, or operation manual; it may also take an intangible form such as technical services.

(s) "Source material" means:

(1) Uranium or thorium, other than special nuclear material; or

(2) Ores which contain by weight 0.05% or more of uranium or thorium, or any combination of these.

(t) "Special nuclear material" means plutonium, uranium-233 or uranium enriched above 0.711 percent by weight in the isotope U-235.

(u) "United States," when used in a geographical sense, includes all territories and possessions of the United States.

(v) "Utilization facility" means any nuclear reactor, other than one that is a production facility, and the following major components of a nuclear reactor.

(1) Pressure vessels designed to contain the core of a nuclear reactor;

(2) Primary coolant pumps;

(3) Fuel charging or discharging machines; and

(4) Control rods.

#### § 810.4 Communications.

All communications concerning regulations in this part should be addressed to the Secretary, U.S. Department of Energy, Washington, D.C. 20585, Attention: Office of International Security Affairs, DP-332.

Communications and reports may be delivered in person at the Department's main offices at 1000 Independence Avenue, S.W., Washington, D.C. Any clearly marked trade secret, commercial or financial, or other proprietary information shall be afforded the

maximum degree of protection allowed by law.

#### § 810.5 Interpretations.

Except as specifically authorized by the Secretary in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Department other than a written interpretation by the General Counsel will be binding upon the Department.

#### § 810.6 Authorization requirement.

Section 57.b. of the Act, as amended by the Nuclear Proliferation Act of 1978, provides that:

It shall be unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside the United States except (1) as specifically authorized under an agreement for cooperation made pursuant to Section 123, including a specific authorization in a subsequent arrangement under section 131 of this Act, or (2) upon authorization by the Secretary of Energy after a determination that such activity will not be inimical to the interest of the United States: *Provided*, That any such determination by the Secretary of Energy shall be made only with the concurrence of the Department of State and after consultation with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission, the Department of Commerce, and the Department of Defense, \* \* \* *Provided further*, That the export of component parts as defined in subsection 11.v.(2) or 11.cc.(2) shall be governed by section 109 and 128 of this Act \* \* \*

#### § 810.7 Generally authorized activities.

(a) In accordance with section 57.b.(2) of the Act, the Secretary has determined with the concurrence of the Department of State and after having consulted with the Departments of Commerce and Defense, the Nuclear Regulatory Commission and the Arms Control and Disarmament Agency, that any activity which constitutes directly or indirectly engaging in the production of any special nuclear material outside of the United States will not be inimical to the interest of the United States and is authorized, provided that it:

(1) Does not constitute directly or indirectly engaging in any such activity in any of the following countries or areas:

Afghanistan; Albania; Algeria; Andorra; Angola; Antigua and Barbuda; Argentina; Bahrain; Belize; Bhutan; Brazil; Bulgaria; Burma; Chile; Comoros; Cuba; Czechoslovakia; Democratic People's Republic of Korea; Djibouti; Dominica; Estonia; Equatorial Guinea; German Democratic Republic (and Berlin, eastern sector); Guyana; Hungary; India; Iran; Iraq; Israel; Kampuchea; Kiribati; Kuwait; Laos; Latvia; Libya; Lithuania; Malawi; Mauritania;

Mongolian People's Republic; Mozambique; Niger; Oman; Pakistan; People's Republic of China; Poland; Qatar; Romania; Saint Vincent and the Grenadines; Sao Tome and Principe; Saudi Arabia; Seychelles; Solomon Islands; South Africa; Soviet Union; Syria; Tanzania; Uganda; United Arab Emirates; Vanuatu; Vietnam; Yemen Arab Republic; Zambia; and Zimbabwe.

(2) Does not constitute directly or indirectly engaging in any of the following activities outside of the United States;

(i) Designing or assisting in the design of facilities for the chemical processing of irradiated special nuclear material, facilities for the production of heavy water, facilities for the separation of isotopes of any source or special nuclear material, facilities especially designed for the fabrication of nuclear fuel containing plutonium, or equipment or components especially designed, modified, or adapted for use in any of the foregoing; or

(ii) Constructing, fabricating, operating, or maintaining such facilities; or

(iii) Constructing or fabricating equipment or components especially designed, modified, or adapted for use in such facilities; or

(iv) Training foreign persons in the design, construction, fabrication, or operation or maintenance of such facilities or equipment or components especially designed, modified, or adapted for use in such facilities; or

(v) Furnishing information not available to the public in published form for use in the design, construction, fabrication or operation or maintenance of such facilities or equipment or components especially designed, modified, or adapted for use in such facilities; and

(3) Does not involve the communication of Restricted Data or other classified information; and

(4) Is not in violation of other provisions of law.

(b) In accordance with section 57.b.(2) of the Act, the Secretary has determined with the concurrence of the Department of State and after having consulted with the Departments of Commerce and Defense, the Nuclear Regulatory Commission and the Arms Control and

Disarmament Agency, that any activity not generally authorized pursuant to paragraph (a) of this section, which constitutes directly or indirectly engaging in the production of any special nuclear material outside of the United States, will not be inimical to the interest of the United States, and is authorized by the Secretary, provided that it:

(1) Does not involve the communication of Restricted Data or other classified information; and

(2) Is not in violation of other provisions of law; and either

(3) Is limited to participation in (i) meetings of or conferences sponsored by educational institutions, laboratories, scientific or technical organizations; (ii) international conferences held under the auspices of a nation or group of nations; (iii) exchange programs approved by the Department of State; or (iv) implements the Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America; or

(4) Is limited to the furnishing of information which is available to the public in published form.<sup>2</sup>

#### § 810.8 Grant and revocation of specific authorization.

(a) Any person who proposes to directly or indirectly engage in the production of special nuclear material outside of the United States may apply, unless such proposed activity is specifically authorized pursuant to an agreement for cooperation or is authorized by § 810.7, for a specific authorization to the Department of Energy, Washington, D.C. 20585, Attention: Office of International Security Affairs, DP-332.

(b) In accordance with section 57.b.(2) of the Act, the Secretary, with the concurrence of the Department of State and after having consulted with Departments of Commerce and Defense, the Nuclear Regulatory Commission and the Arms Control and Disarmament Agency, will approve an application for a specific authorization to directly or indirectly engage in the production of special nuclear material outside of the United States by conducting any of the

activities enumerated in § 810.7(a) if, after taking into account the following factors, he determines that such activity will not be inimical to the interest of the United States:

(1) Whether the United States has an agreement for cooperation with the nation or group of nations in which the proposed activity will be conducted.

(2) Whether the country in which the proposed activity will be conducted is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) or is a full party to the Treaty of Tlatelolco and, pursuant to either or both of these treaties, has entered into an agreement with the International Atomic Energy Agency (IAEA) for the application of safeguards to all its peaceful nuclear activities;

(3) Whether the country in which the proposed activity will be conducted, if not a party to the NPT or Treaty of Tlatelolco, accepts IAEA safeguards on all its peaceful nuclear activities;

(4) Whether the country in which the proposed activity will be conducted, if not a party to the NPT or Treaty of Tlatelolco, will accept IAEA safeguards with respect to the project;

(5) The relative significance of the proposed activity and availability of comparable assistance from other sources; and

(6) Any other factor which may bear upon the political, economic, or security interests of the United States including U.S. obligations under international agreements or treaties.

(c) In addition to consideration of the above factors, if the proposed activity involves the export of "sensitive nuclear technology" as defined in § 810.3(q), in addition to other requirements of law, international commitments and the criteria as set forth in Sec. 127 and Sec. 128 of the Act must be met.

Note.—For the convenience of the reader, the text of Sec. 127 and Sec. 128 appears in the appendix of this document.

(d) An authorization pursuant to § 810.8 may be revoked, suspended, or modified, in whole or in part:

(1) For any materially false statement in the application for an authorization, or in any additional information submitted pursuant to § 810.11; or

(2) If the Secretary finds that the conduct of any or all of the authorized activities would be inimical to the interest of the United States or would otherwise not meet the criteria specified by law for approval of such export.

(e) See Section 129 of the Act.

Note.—For the convenience of the reader, the text of Sec. 129 appears in the appendix of this document.

<sup>1</sup>For purposes of this section, "information which is available to the public in published form" shall include, but not be limited to any information contained in an application filed in accordance with the regulations of the U.S. Patent Office and eligible for foreign filing under 35 U.S.C. 183. In addition, except for sensitive nuclear technology, information which is available from the Department pursuant to 5 U.S.C. 552 (the Freedom of Information Act) shall, for purposes of this section, be deemed to be information available to the public in published form.

<sup>2</sup>For purposes of this section, "information which is available to the public in published form" shall include, but not be limited to any information contained in an application filed in accordance with the regulations of the U.S. Patent Office and eligible for foreign filing under 35 U.S.C. 183. In addition, except for sensitive nuclear technology, information which is available from the Department pursuant to 5 U.S.C. 552 (the Freedom of Information Act) shall, for purposes of this section, be deemed to be information available to the public in published form.

(f) Except for any action taken by DOE pursuant to § 810.8(d), the revisions made to this Part on (date of final rule) shall not affect (1) the validity or terms of any specific authorization granted under the regulations previously in effect, or (2) the authority of any person to conduct an activity generally authorized under the regulations previously in effect where a firm commitment was made by that person to conduct that activity prior to (the date of publication of proposed changes).

#### § 810.9 Contents of application.

(a) Each application shall contain the following information:

(1) The full name and address and citizenship of the applicant. If the applicant is a corporation or other entity, it shall indicate the State where it was incorporated or organized, the location of the principal office, and shall furnish information known to the applicant concerning the control of ownership, if any, exercised over the applicant by any alien, foreign corporation or foreign government. Each application shall contain complete and accurate disclosure with respect to the real party or parties in interest.

(2) A complete description of the activity for which authorization is requested, including the geographical location, the name and address of the person or organization for which such activity is to be performed, and a detailed description of the specific project to which the activity relates.

(b) If the application contains classified information, it shall be prepared in such manner that all classified information is separated from the unclassified information.

(c) Information contained in applications, statements or reports otherwise filed by the applicant with the Department may be incorporated by reference, provided that each such reference is clear and specific.

#### § 810.10 Reports.

(a) Except as provided in paragraph (c) of this section, any person who engaged in an activity specified in paragraph (b) of this section shall within 30 days from the commencement of such activity report to the U.S. Department of

Energy, Washington, D.C. 20585, Attention: Office of International Security Affairs, DP-332.1. Each such report shall contain the following information:

- (1) The name, address and citizenship of person submitting the report;
- (2) The name, address and citizenship of person or persons for whom the activity is performed; and
- (3) A description of the activity, including its location.

##### (b) Activities to be reported:

- (1) Directly or indirectly assisting in the design, construction, fabrication or operation, outside the United States, of:
  - (i) A nuclear reactor; or
  - (ii) A facility for the fabrication of uranium fuel;
  - (iii) A facility for the production of zirconium (hafnium-free or low-hafnium), reactor-grade graphite, or reactor-grade beryllium; or

(2) Directly or indirectly assisting in the design or fabrication outside the United States, of any component part especially designed or fabricated for a nuclear reactor or other facilities specified in paragraph (b)(1) of this section; or

(3) The furnishing of designs, drawings, or other technical data for use outside the United States in the construction or operation of a facility specified in paragraph (b)(1) of this section or in the fabrication of a component part specified in paragraph (b)(2) of this section; or

(4) The transmittal outside the United States of conceptual design or performance characteristics of nuclear reactors or facilities;

(5) The production, outside of the United States, of zirconium (hafnium-free or low-hafnium), reactor-grade beryllium; or

(6) The chemical, physical or metallurgical processing or fabricating or alloying, outside the United States, of special nuclear material.

(c) The reporting requirements of this section shall not apply to:

(1) Any activity consisting only of (i) the communication of information generally available to the public in published form; or (ii) financial assistance; (iii) the furnishing of

component parts which are not especially designed and which are not intended for use in a reactor, facility or component part specified in paragraph (b) (1) or (2) of § 810.10; or (iv) the comparative evaluation of types of reactors or facilities; or (v) the export of a nuclear reactor, nuclear equipment or material for which an export license has been granted by the Nuclear Regulatory Commission; or (vi) any combination of the foregoing.

(2) Any person to the extent that such person engages in an activity authorized by § 810.7 as the employee of a person required to submit a report pursuant to paragraph (a) of this section.

(3) Any activity specifically authorized by the Secretary.

#### § 810.11 Additional Information.

The Department may at any time require any person who engages in activities authorized pursuant to § 810.7 or specified in § 810.10 to submit additional information with respect to such activity. The public may request an opinion from the Department on whether particular export circumstances or exchanges of information require a specific authorization under § 810.7, are generally authorized, or are a reportable activity under § 810.10.

#### § 810.12 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who willfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

#### Appendix

For the convenience of the reader, the text of Sections 127 and 128 of the Atomic Energy Act referenced in § 810.8(c) and Section 129 of the Atomic Energy Act referenced in § 810.8(e) is set forth below. This Appendix will not appear in the Code of Federal Regulations.

BILLING CODE 6450-01-M

## Sec. 127. Criteria Governing United States Exports.

The United States adopts the following criteria which, in addition to other requirements of law, will govern exports for peaceful nuclear uses from the United States of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology:

- (1) IAEA safeguards as required by Article III(2) of the Treaty will be applied with respect to any such material or facilities previously exported and subject to the applicable agreement for cooperation, and to any special nuclear material used in or produced through the use thereof;
- (2) No such material, facilities, or sensitive nuclear technology proposed to be exported or previously exported and subject to the applicable agreement for cooperation, and no special nuclear material produced through the use of such materials, facilities, or sensitive nuclear technology, will be used for any nuclear explosive device or for research on or development of any nuclear explosive device.
- (3) Adequate physical security measures will be maintained with respect to such material or facilities proposed to be exported and to any special nuclear material used in or produced through the use hereof. Following the effective date of any regulation<sup>1/</sup> promulgated by the Commission pursuant to section 304(d) of the Nuclear Non-Proliferation Act of 1978, physical security measures shall be deemed adequate if such measures provide a level of protection equivalent to that required by the applicable regulations.

- (4) No such materials, facilities, or sensitive nuclear technology proposed to be exported, and no special nuclear material produced through the use of such material, will be retransferred to the jurisdiction of any other nation or group of nations unless the prior approval of the United States is obtained for such retransfer. In addition to other requirements of law, the United States may approve such retransfer only if the nation or group of nations designated to receive such retransfer agrees that it shall be subject to the conditions required by this section.
- (5) No such material proposed to be exported and no special nuclear material produced through the use of such material will be reprocessed, and no irradiated fuel elements containing such material removed from a reactor shall be altered in form or content, unless the prior approval of the United States is obtained for such reprocessing or alteration.
- (6) No such sensitive nuclear technology shall be exported unless the foregoing conditions shall be applied to any nuclear material or equipment which is produced or constructed under the jurisdiction of the recipient nation or group of nations by or through the use of any such exported sensitive nuclear technology.

## (2)

## Sec. 128. Additional Export Criterion and Procedures.

- a. (1) As a condition of continued United States export of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology to non-nuclear weapon states, no such export shall be made unless IAEA safeguards are maintained with respect to all peaceful nuclear activities in, under the jurisdiction of, or carried out under the control of such state at the time of the export.

- (2) The President shall seek to achieve adherence to the foregoing criterion by recipient non-nuclear weapon states.

- b. The criterion set forth in subsection a. shall be applied as an export criterion with respect to any application for the export of materials, facilities, or technology specified in subsection a. which is filed after eighteen months from the date of enactment<sup>2/</sup> of this section, or for any such application under which the first export would occur at least twenty-four months after the date of enactment<sup>2/</sup>

(3) If the Congress does not adopt a resolution of disapproval with respect to a license or authorization submitted pursuant to paragraph (1), the criterion set forth in subsection a. shall not be applied as an export criterion with respect to exports of materials, facilities and technology specified in subsection a. to that state: Provided, That the first license or authorization with respect to that state which is issued pursuant to this paragraph after twelve months from the elapse of the sixty-day period specified in paragraph (1), and the first such license or authorization which is issued after each twelve-month period thereafter, shall be submitted to the Congress for review pursuant to the procedures specified in paragraph (1); Provided further, That if the Congress adopts a resolution of disapproval during any review period provided for by this paragraph, the provisions of paragraph (2) shall apply with respect to further exports to such states.

Sec. 129. Conduct Resulting in Termination of Nuclear Exports.

No nuclear materials and equipment or sensitive nuclear technology shall be exported to:

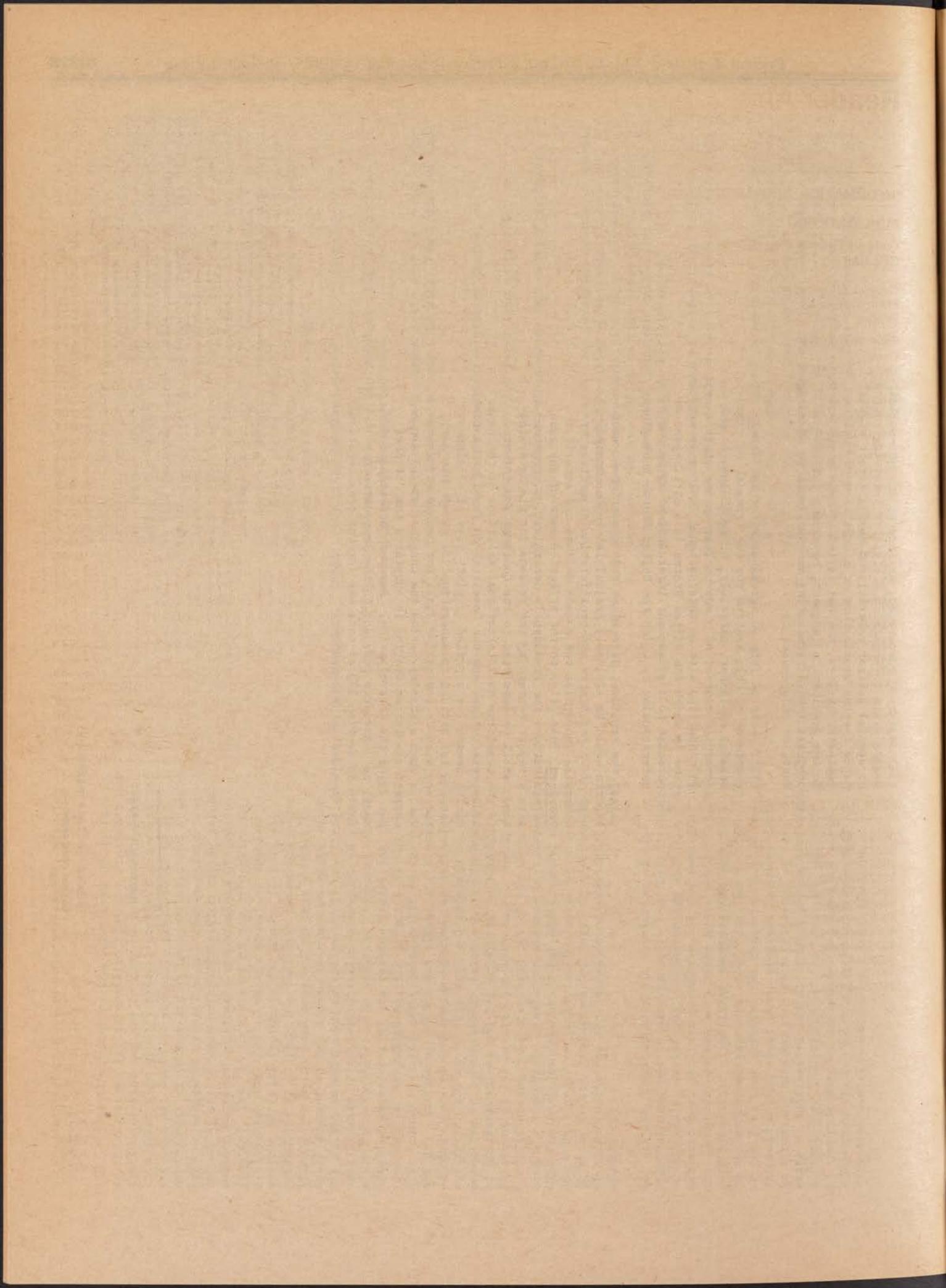
- (1) any non-nuclear-weapon state that is found by the President to have, at any time after the effective date of this section;
  - (i) detonated a nuclear explosive device; or
  - (ii) terminated or abrogated IAEA safeguards; or
  - (iii) materially violated an IAEA safeguards agreement; or
  - (iv) engaged in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices, and has failed to take steps which, in the President's judgment, represent sufficient progress toward terminating such activities; or
- (2) any nation or group of nations that is found by the President to have, at any time after the effective date of this section,
  - (i) materially violated an agreement for cooperation with the United States, or with respect to material or equipment not supplied under an agreement for cooperation materially violated the terms under which such material or equipment was supplied or the terms of any commitments obtained with respect thereto pursuant to section 402(a) of the Nuclear Non-Proliferation Act of 1978; or

(ii) assisted, encouraged, or induced any non-nuclear-weapon state to engage in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices, and has failed to take steps which, in the President's judgment, represent sufficient progress toward terminating such assistance, encouragement, or inducement; or

(iii) entered into an agreement after the date<sup>2/</sup> of enactment of this section for the transfer of reprocessing equipment, materials, or technology to the sovereign control of a non-nuclear-weapon state except in connection with an international fuel cycle evaluation in which the United States is a participant or pursuant to a subsequent international agreement or understanding to which the United States subscribes;

unless the President determines that cessation of such exports would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security:  
Provided, That prior to the effective date of any such determination, the President's determination, together with a report containing the reasons for his determination, shall be submitted to the Congress and referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act), but any such determination shall not become effective if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that it does not favor the determination. Any such determination shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions.

27  
March 10, 1978



# Reader Aids

## Federal Register

Vol. 47, No. 181

Friday, September 17, 1982

## INFORMATION AND ASSISTANCE

### PUBLICATIONS

#### Code of Federal Regulations

CFR Unit

202-523-3419

523-3517

General information, index, and finding aids

523-5227

Incorporation by reference

523-4534

Printing schedules and pricing information

523-3419

#### Federal Register

Corrections

523-5237

Daily Issue Unit

523-5237

General information, index, and finding aids

523-5227

Privacy Act

523-5237

Public Inspection Desk

523-5215

Scheduling of documents

523-3187

#### Laws

Indexes

523-5282

Law numbers and dates

523-5282

523-5266

Slip law orders (GPO)

275-3030

#### Presidential Documents

Executive orders and proclamations

523-5233

Public Papers of the President

523-5235

Weekly Compilation of Presidential Documents

523-5235

#### United States Government Manual

523-5230

### SERVICES

Agency services

523-4534

Automation

523-3408

Library

523-4986

Magnetic tapes of FR issues and CFR  
volumes (GPO)

275-2867

Public Inspection Desk

523-5215

Special Projects

523-4534

Subscription orders (GPO)

783-3238

Subscription problems (GPO)

275-3054

TTY for the deaf

523-5229

## FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

38493-38672.....	1
38673-38860.....	2
38861-39126.....	3
39127-39472.....	7
39473-39654.....	8
39655-39786.....	9
39787-40140.....	10
40141-40396.....	13
40397-40522.....	14
40523-40774.....	15
40775-41094.....	16
41095-41328.....	17

## CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

### 3 CFR

#### Proclamations:

4960.....39787

4961.....39789

4962.....39791

4963.....39793

4964.....40523

4965.....40525

4966.....40527

4967.....40529

4968.....40775

4969.....40777

4970.....40779

4971.....40781

Executive Orders:

October 10, 1906

(Revoked by

PLO 6332).....39683

April 19, 1912

(Amended by

PLO 6315).....38891

April 29, 1912

(Revoked in part

by PLO 6321).....39492

June 27, 1912

(Revoked in part

by PLO 6327).....39495

4231 (Revoked by

PLO 6325).....39494

4287 (Revoked by

PLO 6319).....39492

5581 (Revoked by

PLO 6336).....39826

5623 (Revoked by

PLO 6320).....39492

6696 (Revoked by

PLO 6320).....39492

6762 (Revoked by

PLO 6333).....39824

6817 (Revoked by

PLO 6318).....39491

7705 (Revoked by

PLO 6316).....39490

12148 (Amended by

12381).....39795

12381.....39795

12382.....40531

Administrative Orders:

Presidential Determinations:

No. 82-19 of

August 30, 1982.....39655

Memorandums:

September 8, 1982.....39797

### 5 CFR

Ch. XIV.....40783

Proposed Rules:

1320.....39515

610.....41136

620.....41136

630.....41136

### 7 CFR

52.....40533

54.....40141

272.....40397

273.....41095

277.....41096

301.....38861, 41096

901.....41096

910.....38862, 39799

932.....39657

946.....38493

967.....38494

981.....40783

1004.....38495

1076.....38863

1139.....38496

1701.....38864

1901.....39127

1904.....40398

1944.....40398

2700.....39128

2710.....39128

Proposed Rules:

29.....39688

180.....40443

272.....40443

273.....40443

278.....38905, 39832

621.....39833

910.....39836

932.....39530

989.....40447

1079.....40181, 40182

1945.....39532

8 CFR

238.....38864

242.....40786

332c.....38673

9 CFR

92.....38673

94.....38497

Proposed Rules:

74.....38704

10 CFR

2.....40535

10.....38675

11.....38675

25.....38675

35.....40149

50.....40536

95.....38675

204.....40786

460.....38498

461.....38600

1320.....39515

660.....40786

610.....41136

620.....41136

701.....40786

630.....41136

702.....40786

<b>Proposed Rules:</b>	803.....	40159	809.....	39155, 41106	60.....	39161	
50.....	39836	1700.....	40407	868.....	40410, 41107	541.....	39676
810.....	41320	<b>Proposed Rules:</b>	13.....	39695	<b>Proposed Rules:</b>	148.....	38909, 38912
<b>12 CFR</b>		<b>17 CFR</b>		158.....	38915	102.....	40770
201.....	39129	200.....	38505	182.....	38917, 40448, 41137	1601.....	38885
217.....	39657	211.....	38868	184.....	38917, 39199, 40448	1910.....	39161, 40410
309.....	39130	229.....	39799	186.....	41137, 41139	1952.....	39164
329.....	39473	230.....	39799	330.....	39470	2619.....	40541
545.....	38865	231.....	39809	333.....	38917, 39406, 39464	<b>Proposed Rules:</b>	
561.....	39661	239.....	39986	347.....	39436	220.....	411304
563.....	39661	249.....	39986	348.....	39412	<b>30 CFR</b>	
564.....	41099	251.....	39810	358.....	39906, 39102, 39108,	840.....	39678
618.....	38865	274.....	39986	39120	39120	842.....	39678
742.....	41100	279.....	39986	876.....	41139	843.....	39678
<b>Proposed Rules:</b>				892.....	41139	845.....	39678
226.....	38548			1306.....	41140	915.....	39482
541.....	39692	<b>18 CFR</b>		<b>22 CFR</b>		935.....	38886
543.....	39836	4.....	38506	Ch. V.....	40790	948.....	39821
545.....	39836	141.....	38869	<b>Proposed Rules:</b>		<b>Proposed Rules:</b>	
546.....	39836	157.....	38871	11.....	38548	700.....	39201
552.....	39836	271.....	38877-38881	<b>23 CFR</b>		701.....	39201
561.....	39692	274.....	38882	702.....	39201	715.....	39201
563.....	39692, 39836	282.....	38513	<b>24 CFR</b>		717.....	39201
584.....	39846	<b>Proposed Rules:</b>		703.....	39201	736.....	39201
<b>13 CFR</b>		2.....	40634	704.....	39201	760.....	39201
101.....	41101	32.....	39851	705.....	39201	762.....	39201
<b>14 CFR</b>		33.....	39851	706.....	39201	769.....	39201
39.....	38683, 39133-39136	34.....	39851	<b>25 CFR</b>		770.....	39201
	39664, 40150, 40787-	35.....	39851	707.....	39201	771.....	39201
	40789	45.....	39851	708.....	39201	772.....	39201
43.....	41076	152.....	40634	709.....	39201	773.....	39201
71.....	38684-38687, 39137-	154.....	40634	710.....	39201	775.....	39201
	39141, 39669-39673,	156.....	40634	711.....	39201	776.....	39201
	40151-40154, 40790	157.....	40634	712.....	39201	777.....	39201
73.....	39142-39145,	271.....	38906, 38907, 39862-	713.....	39201	779.....	39201
	40154, 40155	39865, 40814	39865, 40814	714.....	39201	780.....	39201
75.....	38687	284.....	40634	715.....	39201	782.....	39201
91.....	41076	292.....	39851	716.....	39201	783.....	39201
97.....	39145	375.....	39851	<b>Proposed Rules:</b>		784.....	39201
103.....	38770	381.....	39851, 40634	717.....	39201	785.....	39201
231.....	40537	<b>19 CFR</b>		721.....	39201	786.....	39201
250.....	39474	10.....	40160	722.....	39201	787.....	39201
298.....	40538	18.....	39478	723.....	39201	788.....	39201
324.....	39474	101.....	40163	724.....	39201	815.....	39201
375.....	39474	113.....	40163	725.....	39201	816.....	39201
1201.....	38867	<b>Proposed Rules:</b>		726.....	39201	817.....	39201
<b>Proposed Rules:</b>		134.....	39866	727.....	39201	818.....	39201
Ch. I.....	38705, 40808	<b>21 CFR</b>		728.....	39201	819.....	39201
39.....	39189, 40182, 40808-	14.....	38883	729.....	39201	822.....	39201
	40811	74.....	38883	730.....	39201	823.....	39201
71.....	38706, 39190	81.....	38883	731.....	39201	824.....	39201
253.....	40185	82.....	38883	601.....	39675	826.....	39201
290.....	40633	175.....	41102	<b>Proposed Rules:</b>		827.....	39201
299.....	40633	176.....	41102, 41103	1.....	38918, 41141	843.....	39201
321.....	40812	177.....	38884	31.....	38552	850.....	39201
<b>15 CFR</b>		178.....	40409, 41104	<b>27 CFR</b>		866.....	38556
369.....	38501	193.....	39478	9.....	38514, 39674	913.....	38555
371.....	40538	203.....	39147	3.....	39674	917.....	39536
373.....	40538	314.....	39155	5c.....	38688	931.....	38706
376.....	40538	433.....	39155	30.....	38515	934.....	39868
379.....	40538	510.....	39155, 40409	31.....	38515	936.....	38556
385.....	40538	520.....	39811, 39812, 41105	601.....	39675	941.....	41142
386.....	40538	540.....	39813	<b>Proposed Rules:</b>		946.....	39696, 41142
399.....	40538	558.....	39813, 39814, 41106	240.....	38521	<b>31 CFR</b>	
929.....	39474	561.....	39479	245.....	38521	500 (See	
<b>Proposed Rules:</b>		573.....	41106	270.....	38521	Memorandum	
922.....	39191	606.....	39816	285.....	38521	of September 8,	
		610.....	39816	4.....	40451	1982).....	39797
<b>16 CFR</b>		610.....	41106	5.....	38553	<b>505 (See</b>	
305.....	39674	640.....	39816	9.....	38553	Memorandum	
460.....	40156	660.....	41106	<b>28 CFR</b>		of September 8,	
				2.....	40410	1982).....	39797

515 (See Memorandum of September 8, 1982).....	39797	171.....40667	232.....41108	1117.....40816
520 (See Memorandum of September 8, 1982).....	39797	180.....39541, 39542	233.....41108	1118.....40816
520 (See Memorandum of September 8, 1982).....	39797	716.....38800	234.....41108	1127.....39700
520 (See Memorandum of September 8, 1982).....	39797	<b>41 CFR</b>	238.....41108	1135.....40816
520 (See Memorandum of September 8, 1982).....	39797	Ch. 19.....40790	240.....41108	<b>50 CFR</b>
520 (See Memorandum of September 8, 1982).....	39797	109-35.....39823	<b>46 CFR</b>	17.....38540, 39827
32 CFR		405.....40796	4.....39683	20.....41252
1-39.....40542		421.....38535	10.....40800	32.....40298
724.....39166		<b>42 CFR</b>	26.....39683	258.....40437
851.....41107		<b>43 CFR</b>	35.....39683	285.....40179
865.....40411		1820.....40412	78.....39683	611.....38543, 39186, 40438
890.....38524		2800.....38804, 38806	97.....39683	652.....38544
989.....38524		5440.....38695	109.....39683	661.....38545
<b>Proposed Rules</b>		5450.....38695	151.....40805	671.....40180
199.....40644		5460.....38695	157.....40800	672.....40441
292a.....38921		<b>Proposed Rules:</b>	167.....39683	674.....39513
<b>33 CFR</b>		3100.....38923	185.....39683	<b>Proposed Rules:</b>
147.....39678		3110.....38923	196.....39683	11.....40670
320.....38530		3120.....38923	502.....40624	12.....40670
321.....38530		3130.....38923	507.....40413	17.....40196, 40673, 41145
322.....38530		<b>Public Land Orders:</b>	531.....38685	23.....39219
323.....38530		4873 (Revoked by PLO 6323).....39493	536.....39685	37.....41060
324.....38530		5150 (Amended by PLO 6329).....39495	<b>Proposed Rules:</b>	216.....40676
325.....38530		5173 (Amended by PLO 6329).....39495	Ch. I.....38707	611.....38947
326.....38530		5178 (Amended by PLO 6329).....39495	7.....40815	645.....38948
327.....38530		5184 (Amended by PLO 6329).....39495	32.....38707	654.....39221
328.....38530		5179 (Amended by PLO 6329).....39495	534.....40667	
329.....38530		5180 (Amended by PLO 6329).....39495	536.....40667	
330.....38530		<b>47 CFR</b>		
<b>Proposed Rules:</b>		6229 (Corrected by PLO 6326).....39495	Ch. I.....40413, 41116	
161.....40185		6315.....38891	15.....40166	
<b>34 CFR</b>		6316.....39490	22.....39685	
<b>Proposed Rules</b>		6317.....39491	68.....39686	
300.....39652, 40815		6318.....39491	73.....38902, 38903, 39185, 40168-40173, 40428-40436	
<b>37 CFR</b>		6319.....39492	74.....40170-40175	
1.....40134, 41272		6320.....39492	90.....39502, 41002, 41045	
2.....38693, 41272		6321.....39492	97.....40178	
3.....40134		6322.....39493	<b>Proposed Rules:</b>	
4.....40134		6323.....39493	1.....38927	
203.....39483		6324.....39494	2.....38561	
204.....39483		6325.....39494	34.....38927	
<b>38 CFR</b>		6326.....39495	35.....38927	
<b>Proposed Rules:</b>		6327.....39595	43.....38927	
21.....40650		6328.....39495	73.....38930-38937, 39207, 39697, 40451-40459	
<b>39 CFR</b>		6329.....39495	74.....38561	
10.....40624		6330.....39682	76.....39207, 39212	
<b>40 CFR</b>		6331.....39683	81.....40187	
52.....38531, 38532, 38886, 38887, 39167, 39484		6332.....39683	83.....40187, 40189	
61.....39168, 39485		6333.....39824	90.....40194, 41046	
65.....39680		6334.....39825	94.....38561	
81.....38888, 38890, 39822, 40165, 41107		6335.....39825	<b>49 CFR</b>	
180.....38533, 38534, 39488-39490, 40166		6336.....39826	1.....39687	
410.....38810		6337.....39827	179.....38697	
716.....38780		<b>44 CFR</b>	212.....41048	
763.....38535		64.....38891, 39499	213.....39398	
<b>Proposed Rules:</b>		65.....38893, 39179	232.....40807	
52.....39202, 39203, 39696, 40185		67.....38894	571.....38698	
55.....38557		70.....38894-38901	1011.....40631	
60.....38832, 39204, 39205, 41143		<b>Proposed Rules:</b>	1039.....38904	
65.....38557		64.....38923-38926	1057.....39185	
81.....38922, 41143		350.....39697	1090.....38904	
123.....38922		<b>45 CFR</b>	1137.....39687	
162.....39538, 40659		206.....41108	1300.....38904	
			<b>Proposed Rules:</b>	
			173.....38708, 40816	
			178.....38708, 40816	
			391.....39698	
			1102.....38946	
			1033.....41144	
			1111.....40668	

**AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK**

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next

work day following the holiday.  
This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

**List of Public Laws**

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing September 15, 1982

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Publisher

