

WASHINGTON GENERAL COUNSEL FILE

Legal Memoranda

(See attached index)

- A OFI Authority**
- OFI Waiver Authority 8/23/79
 - Legal Authorities Vested in the Office of the Federal Inspector 3/24/80
 - Notice and Comment Requirements 7/10/80
 - OFI Rulemaking Authority 10/24/80
 - OFI Regulations/Overview
 - Legal Status of Pacific Gas & Electric Co.'s Proposed Facilities within California 1/29/81
 - Ltr to Jim Tozzi re: postponement of pending regs. 2/4/81
 - Division of Authority Between DOT and OFI for Waiving Pipeline Safety Standards 2/13/81
 - Ltr to Jeffrey Hill re: OFI's draft final EEO procedures 4/7/81
 - Ltr to Jeffrey Hill re: four sets of OFI rulemakings 4/15/81
 - Legal Interpretation of the Reorganization Plan Provision for F.I. Delegation of Enforcement Authority to AAOs 5/4/81
 - F.I. Authority to Modify or Waiver Permit Conditions and Other Legal Requirements 8/12/81
 - Separation of Functions and Ex Parte Contacts 2/26/82
 - Ltr to Lester Edelman - authority of modify permit terms 8/3/82
- B Alaska Natural Gas Transportation System**
- Antitrust Application to ANGTS 12/5/79
 - Waiver of Law Procedures 4/22/80
 - Court Jurisdiction and Venue 5/19/80
 - Analysis of Sponsors' 6/18/81 Waiver Concept Paper 6/23/81
 - Meaning of Billing Commencement Date Waiver-Senate Version 9/10/81
 - Comments on Senate Draft 7/24/81 Waiver Package 10/7/81
 - Analysis of Waivers for Congressional Testimony 10/9/81
 - Buy American and ANGTS Steel Pipe 10/21/81
 - House Committee Hearing on ANGTS 10/21/81 10/23/81
 - House Hearing on the Waiver Package 10/23/81 10/26/81
 - Summary of FERC Chairman Butler's Written and Oral Testimony on Waiver Package 10/29/81
 - Billing Commencement 11/6/81
 - Billing Commencement Waiver & Related Regulatory Responsibilities 11/12/81
 - Definition to "Completion of the Pipeline & Plant segments of ANGTS to be used to Commencement of Billing 6/1/82
 - F.I. Authority to Enforce FERC Certificate Conditions 7/1/82
 - ANGTS and TAPS Provisions in the New Tax Law 9/16/82
 - Relation of the Testing & Commissioning Procedures Employed for Completion of Eastern Leg Prebuild 9/17/82
 - List of Pending Issues w/Possible Legal Implications 3/10/83
 - Potential Impact of Gas Deregulation on ANGTS 3/8/83
- 1. Related Facility**
- Western Delivery System
- WDS Options 7/11/80
 - OFI Order No. 2, 45 Fed. Reg. 53850 8/6/80
- C Ethics/Conflicts of Interest**
- Interim List of Prohibited Securities 10/26/79
 - Exception to Prohibited Securities Ownership 1/25/80
 - OFI Standards of Conduct, 45 Fed. Reg. 60371 9/11/80
 - Updated List of Prohibited Financial Interests 12/22/80
 - Ltr. to Jerie Powell re financial disclosure 7/21/81
 - Potential for Conflict of Interest in Systems Development Corporation/Bank of America 12/8/81

WD30

- Recent Interpretation of Post-Employment Restrictions 12/23/82
- Post-Employment Conflicts of Interest 12/28/82
- Conflict of Interest Checklist When Leaving OFI 4/83

D OFI Contracting

- Indemnification Agreements 1/7/80
- Legal Status of NWA under Logistical Support Agreement 1/17/80
- Government Liability Clause 5/13/80
- Contractor Conflicts of Interest 9/4/80
- Proposed Revision to the OFI Policy for Management of Contract and Interagency Agreement Activities 12/18/80
- Conflict of Interest on FIMIS Contract fr: C. Lackey 4/13/81
- Conflict of Interest on FIMIS Contract fr: P. Esposito 5/11/81
- Liability Issue Relative to Fish and Wildlife Service Fish Study on Native Lands in Alaska 5/14/81
- UII Technical Support Services Contract opinion 12/7/81
- Termination of Contract for Convenience 5/24/82
- Tonya and Resources Inc. letter contracts 3/31/83

E Equal Opportunity Program

- Native Preference 4/10/80, 4/2/80, and 11/19/79
- Interagency Section 17 Regulations, 43 CFR Part 34 5/12/80
- Native Training 5/20/80
- Proposed Enforcement Procedures, 45 Fed. Reg. 60362 9/11/80
- Affirmative Action Plans and Sponsors' Contractors and Subs 10/9/80
- Status of Umatilla Indian Matter 4/7/81
- Ltr. to Pamela Sturgeon re: Proposed MOU with OFI/EEOC 4/7/81
- Whether ANGTS is a Government Contract 5/21/81
- Possible Contractor Non-Compliance with EEO Regs. 8/14/81
- Possible Contractor and Vendor AAP Noncompliance on the Western Leg 9/14/81
- \$150,000 Threshold for Filing Affirmative Action Plans 10/6/81
- Regulatory and Statutory Thresholds for Filing AAP 4/7/82
- Comments on EEOC Compliance Manual Section 621 8/26/82
- EEO Complaint against Northern Border 9/24/82
- EEO Complaint alleging racial discrimination 11/1/82
- Ltr. to Ted Stevens re Dagg's discrimination complaint 3/10/83
- EEOC's Policy Statement on Sexual Harassment 4/14/83
- Progress report on OFI's AAP Review 5/9/83
- ANGTS sponsors meeting their insurance requirements 5/20/83

F Cost Control/FERC Functions

- Overview and Analysis of IROR 12/18/80
- Delegation of Authority by FERC to OFI Fed Reg. 12/29/80
- Rate Base Background 10/18/79
- OFI Responsibility for Rate Base Approval 1/18/80
- Delegation of Authority 3/28/80
- Timing of Approval of Management Plan 10/3/79
- Legal Parameters for Review Procedures of Final Design Cost Estimate 1/19/81
- Outline of Draft Rate Base Policy Statement/FYI 1/21/81
- Tracking Canadian Costs/FYI 1/26/81
- F.I. Final Design and Schedule Approval 3/20/81
- Comments on Analysis of Inflation Adjustment Mechanism 5/11/81
- Rate Base Policy and Procedures/F.I. Action 9/10/81
- Statement of Policy on General Standards and Procedures for Rate Base Audit and Approval for ANGTS 10/19/81
- Ltr. to McPhail re ANGTS design review relative to TAPS 12/17/81
- Ltr. to Dan O'Brien re Modifying IROR Inflation Indices 6/2/82
- Ltr. to Joseph Takacs re No Profit to Affiliates Rules 11/4/82
- OFI Response to letter from Nebraska Legislative Council 4/28/83

WD39

G Requirements of President's Decision

1. Canadian Issues

- OFI Legal Authority to Review Procurement 7/9/80
- Letter to Energy and Power Subcommittee 9/15/80
- FERC Certificate Order on Procurement Review Conditions 1/6/81
- Non-applicability of U.S. - Canadian Reciprocal Procurement Review to Gas Conditioning Plant 10/16/81

2. F.I. System Approval

- NBPL-President's Decision, Labor Relations Procedures [Reference M000581] 3/17/81
- List of ANGTS Issues Concerning Canada/FYI 2/10/82
- Insurance, Bonding, and Prequalification Requirements for Consultants and Execution Contractors 3/17/81
- Allocation of Risk Among ANGTS Sponsors, Lenders, Gas Producers, Alaska, and Consumers 8/14/81

H Information and Documents

1. FOIA

- Draft OFI Regulations
- U.S. Ownership of Information 5/30/80
- Letter Agreement with Alyeska for Touche Ross Information 2/8/80
- Ltr to William Moses re: secrecy agreement 5/4/81
- Ltr to Edward Canfield re: FOI Appeal 5/13/81
- Legality of OFI Request to DCAA for Fluor Corp. Cost Accounting Standards Disclosure Statement 9/17/81
- Policy Statement and Procedures for Treatment of OFI Investigative Reports, Weld Studies & Similiar Documents 2/17/82
- Ltr to Cuba Wadlington re: Treatment of Audit Documents 2/22/82
- Access to DCAA Disclosure Statement/Update 3/11/82
- Ltr to Joseph Englert re FOIA 4/5/82
- Ltr to Joe Greenlief re Unified Industries 4/5/82
- Status of FOIA requests 4/5/82
- Review of OFI Policy Statement for Treatment of OFI Investigative Reports & Weld Studies 8/9/82
- Peer Review Comments on East Leg Mid-Construction 9/1/82
- Peer Review Panel Assessment of Two Reports 9/14/82
- FOIA Request for NWA-Fluor Contract 9/20/82
- Ltr to Edwin Kuhn re FOIA Request Between Fluor & NWA 9/20/82
- Ltr to Joseph Trimble re FOIA Request Between Fluor/NWA 9/20/82
- Ltr to David Talton re FOIA request 10/15/82
- Ltr to W.C. Breen re FOIA 10/18/82
- Ltr to D.H. Talton re FOIA request 11/3/82
- Memo to Hengerer re Assessment of OFI Reports 11/10/82
- Ltr to Carol Barton re FOIA request 11/16/82
- Memo to Rhett - New Policy on Waiving FOIA Fees 1/12/83
- Ltr to Vinton Lide re annual report to Congress 4/14/83

WD39

2. Sensitive/Business

- Ltr. to Kuhn re sensitive treatment Canadian Procurement 2/17/82
- Ltr to Kuhn re treatment of business documents 6/3/82
- Revision of Internal Procedures for Handling Sensitive Inf. 6/10/82
- Sensitive Designation of SELEXOL Information 6/30/82
- Ltr. to Barry Yates re sensitive/business documents 8/3/82
- Ltr. to Kuhn re Frost Heave Parametric Studies 8/4/82
- Ltr. to Kuhn re Frost Heave Test Facility 8/4/82
- Ltr to Barry Yates re Frost Heave Parametric Studies 8/5/82
- Ltr to Kuhn re AGCF Design Review, Part IV, Pkg. 3 8/20/82
- Ltr. To Kuhn re AGCF Design Review Apendix B, Pkg. 4 9/1/82
- Ltr. to Alyeska on sensitive designation - frost heave 12/29/82

- Ltr. to Kuhn re sensitive designation - frost heave 1/6/83
- Edwin Kuhn re Frost Heave Laboratory Soil Sample Test 2/18/83
- Ltr. to Miller re sensitive/business designation 3/23/83
- Ltr. to Edwin Kuhn re sensitive designations 4/21/83
- Edwin Kuhn re Battelle Thermal Model Frost Heave 5/4/83
- Edwin Kuhn re Frost Heave Laboratory Test Program 5/4/83
- Edwin Kuhn re dissemination of trade secret infor. 5/5/83

I Litigation

1. OFI Court Capability

- Independent OFI Capability 5/21/80
- OFI Options in Negotiating with DOJ 7/15/80
- Draft MOU with DOJ 9/12/80
- OFI Authority under Natural Gas Act 9/22/80
- DOJ Concurrence on NGA Authority 9/22/80
- Ltr. to Robert Ford re: DOJ's litigating capability 5/19/81

2. OFI vs. North Dakota

- North Dakota Siting Statute Implementation Consistent with Court Judgement Limiting PSCND Role 4/15/81
- Ltr. to Hill re: FERC and OFI's proposed final judgement 4/28/81

J Cost Reimbursement

- Notice of Proposed Rulemaking 45 Fed. Reg. 73081 11/4/80
- Cost Reimbursement Final Regs./F.I. Action 1/27/81
- Cost Reimbursement Regulations 5/21/81
- Reimbursement of Environmental Master Guide System 7/29/81
- Ltr. to Jon Empson re Cost Reimbursement Percentage 8/10/81
- Ltr. to Jon Empson re: Cost Reimbursement Percentage OFI Response to Northern Plains' Comments 9/10/81
- Ltr. to Jon Empson re Agreement on Accounting Procedures 9/16/81
- Ltr. to Edwin Kuhn re Cost Reimbursement Percentage 9/30/81
- NWA Cost Reimbursement 12/30/81
- DOI/NWA Reimbursement Controversy 1/26/82
- Ltr. to Empson re: Reimbursement Percentages for 1982 2/22/82
- Ltr. to Kuhn re: Final Reimbursement Percentages 3/17/82
- DOI/Reimbursement/NWA Withholding (Restricted) 3/31/82
- Ltr. to Kuhn re Reimbursement Percentages for 1982 4/1/82
- Ltr to Cobleigh re DOI/NWA Reimbursement Controversy 4/5/82
- Ltr. to Empson re reimbursement bill 4/8/82
- Ltr. to Kuhn re tentative reimbursement % for 1982 6/23/82
- Ltr to Kuhn re petition in protest of billing 7/2/82
- Ltr to Empson re tentative reimbursable % for 1982 7/14/82
- Ltr to Empson re tentative reimbursable % for 1982 8/13/82
- Ltr to Marsha Payne (Northern Plains) re billing 8/24/82
- Ltr to Marsha Payne OFI's Reimbursement Billing 9/7/82
- Ltr to Kuhn re tentative percentages 9/30/82
- Ltr to Kuhn re development of reimbursable percentages 10/1/82
- Ltr to Kuhn re 1st quarter billing 11/17/82
- John Empston - 4th quarter reimbursable percentages 1/31/83
- Status of Reimbursement Settlement Negotiations 2/24/83
- Reimbursement Refund to NWA 3/11/83

WD39

K Alaska Issues

Federal/State Agreement

1. Joint Federal/Alaska Agreement

- Enforcement of State Laws on Federal Land 11/19/79
- Negotiating Strategies 1/16/80
- Draft Agreement 10/16/80
- Permissible Regulatory Role of the State of Alaska over TAPS Haul Road Right-of-Way on Federal Land 5/20/81
- Ltr. to Edwin Kuhn re: Workcamp Permits 10/7/81

- Respective Roles and Interrelationships of the Design Criteria and 1.6.1 Plans	10/22/81
- Joint Agreement with State of Alaska, Philosophical Issues Briefing Paper	1/18/82
- Ltr. to Walton re additions to Article V	5/18/82
- Ltr. to Kuhn re draft OFI/State of Alaska Agreement	6/17/82
- Ltr. to McHale re draft OFI/State of Alaska Agreement	6/17/82
- Memo to Rhett re Followup on §404 Meetings	9/23/82
- Comments on Stipulation 1.6.1 Draft Position Plan	11/12/82
2. Joint Federal Lower 48 agreement	
- General Principles for the Development of Joint OFI/State Surveillance and Monitoring Agreement	3/23/81
- Proposed Memorandum of Agreement for States	4/24/81
- Ltr to Charles Kenow re: coordination and integration of monitoring and enforcement activities	4/30/81
- OFI/State Memorandums of Agreement	6/25/81
- Ltr. to Richard Elkin re MOA	7/29/81
3. Socioeconomics	
- Impact of Alaskan Funding on Actions in Canada	2/15/80
- Input to FERC Determination on Alaska Socioeconomic Costs	8/12/81
- Statement of Work for Socioeconomic Contract	11/23/81
- Socioeconomic Programs	12/8/81
- Proposed Alaska Symposium on Social, Economic & Cultural Impacts of Natural Resource Development	2/12/81
- Legal Authority for OFI Participation in Joint Procurement for Alaska Symposium on Social & Economic Impacts	2/22/82
- Conflicts - Socioeconomic Research Contract	5/19/82
4. Conditioning Plant	
- Ltr to William Niskanen re: treatment of the costs of conditioning Alaskan natural gas for transportation to the Lower 48 states	6/8/81
- Price Provisions of Prudhoe Bay Unit Gas Sales Contracts	9/17/81
- Application of Decision Terms & Conditions to Conditioning Plant	12/11/81
- Conditioning Plant (draft statement of policy)	12/31/81
- Contracting for Professional Services to Support of AGCF	1/27/82
- Comments on Design Review Procedure	2/25/82
- NWA Comments on Draft OIF Policy Statement on AGCF	3/9/82
- DOT AAO Letter on AGCF	5/27/82
- Status Report on Preparation for OFI Design Review	6/15/82
- Ltr. to Kuhn re AGCF Gov't Design Review Submission Plan	6/25/82
- AGCF Design Review	8/6/82
- Federal Inspector Approval of Design for AGCF	12/6/82
- Federal Inspector Approval of Revised Design for AGCF	10/3/83
L Environmental Issues	
- OFI Policy on Environmental Analysis, draft	10/1/80
- OFI Policy on Environmental Analysis, revised draft	1/29/81
- Comments on Draft MOA for Oil Spill Containment	7/10/81
M Cultural Resources Protection	
- OFI Options	1/18/80
- F.I. Letter to Advisory Counsel	2/8/80
- R-O-W Preceding Cultural Resource MOA	2/14/80
- Proposed Amendments to the Northern Border Grant of Right-of-Way and Stipulations	11/3/80

WD39

N Inter-Agency Issues	
1. DOI Issues	
Wilderness Study	

WD40

- Bitter Creek Area/N.B.	1/4/80
- John Day Area/PGT	12/21/79
Endangered Species Act	
- Strategy on Peregrine Falcons in Alaska	2/14/80
Indian Issues	
- OFI Enforcement Responsibility for Indian Reservation Right-of-Way Lease and Related Conditions	5/22/81
Cooperative Agreement	
- Suggested Revisions to Draft BLM/Alaska Cooperative Agreement	7/28/81
- Ltr. to Horn re: comments on Cooperative Agreement Between OFI and State of Alaska	7/30/81
Permit Issues	
- BLM Permit Issues	1/5/82
- DOI Policy Letter to NWA on TUPS	5/18/82
DOI/MOA	
- DOI/OFI Memorandum of Agreement	8/19/82
- DOI/OFI Memorandum of Agreement	8/20/82
- DOI/OFI MOA (final draft)	9/9/82
2. Energy Mobilization Board	
- Comparison of EMB to OFI	9/21/79
- Proposed Amendment to PEPA for ANGTS	5/28/80
3. U.S. Department of Labor	
- OSHA and MSHA/OFI Agreement with DOL	7/31/80
4. Federal Register	
- Publication in the Federal Register and Code of Federal Regulations	5/7/80
5. Department of Transportation	
- Applicability of Section 4(f) of the Department of Transportation Act to the Coast Guard's Process of Issuing Bridge Permits	2/5/81
- Retransfer to DOT Enforcement Authority on Eastern and Western Leg Phase I Facilities	11/19/82
6. Department of Justice	
- Constitutional Torts and Representation by the DOJ	7/16/82
7. Maritime Administration	
- Status of the Federal Ship Financing Program	7/30/82
- Status of LNG Tankers mortgaged under the Federal Ship Financing Program	8/26/82
0 Intra-agency Issues	
Personnel	
- Legal Interpretation and Consequences of Hiring Freeze	1/26/81
- Personal Liability for OFI Employees	1/28/81
- Functional/Geographical Analysis	7/10/81
- Payment of State Sales Tax	7/24/81
- Procedures for Handling Federal Employee Vehicle Accidents	7/26/82
- Whether COLA is Part of Severance Pay	8/18/82

WD40

P Compliance Issues

- Compliance Manual/Addition of Chapter 7 4/1/81
- Comments on the Interim Compliance Manual 4/13/81
- Comments on Chapter 1 3/11/82
- Comments on Chapter 2 3/11/82
- Comments on Chapter 3 3/11/82
- Comments on Chapter 4 3/11/82
- Comments on Chapter 5 3/11/82
- Comments on Chapter 6 3/11/82

WD40