2-25-82
Vol. 47 No. 38
Pages 8149-8318

federal register

Thursday
February 25, 1982

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

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

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

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

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

Contents

Federal Register
Vol. 47, No. 38
Thursday, February 25, 1982

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.

Federal Register
Vol. 47, No. 38
Thursday, February 25, 1982

Presidential Documents

Title 3—

The President

Executive Order 12347 of February 23, 1982

Agreement on Government Procurement

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Title III of the Trade Agreements Act of 1979 (19 U.S.C. 2511–2518), and to reflect that the Maritime Administration continues to be one of the agencies to whom the Agreement on Government Procurement is applicable, notwithstanding the transfer of the Maritime Administration from the Department of Commerce to the Department of Transportation (46 U.S.C. 1601), it is hereby ordered that the Annex to Executive Order No. 12260 is amended by adding thereto the following: "54. Maritime Administration of the Department of Transportation.".

Ronald Reagan

THE WHITE HOUSE,
February 23, 1982.

[FR Doc. 82-5353
Filed 2-24-82; 11:43 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 47, No. 38
Thursday, February 25, 1982

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1 CFR Part 3

Federal Register Subscription Rate

AGENCY: Administrative Committee of the Federal Register.

ACTION: Final rule.

SUMMARY: The Administrative Committee of the Federal Register raises the annual subscription price of the **Federal Register** to $300 in order to recover production and distribution costs to the Government for sales copies.

EFFECTIVE DATE: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Denise Normandin, Office of the Federal Register, National Archives and Records Service, Washington, DC 20408, 202–523–5240.

SUPPLEMENTARY INFORMATION: The Administrative Committee of the Federal Register, which establishes prices for **Federal Register** publications, has determined that the annual subscription price for the daily **Federal Register** shall be $300, the price for a six months subscription shall be $150, and the price for a single issue shall be $1.50. The increase represents the incremental costs to the Government of printing and distributing copies for sale to the public.

The Committee has determined that this regulation is not a major rule under E.O. 12291 and does not have a significant effect under the criteria of the Regulatory Flexibility Act.

In addition to the action on the subscription price increase, the Committee agreed to study the possibility of an alternative subscription in microform at a substantially lower price.

The **Federal Register** is available for research and use at 1,300 Federal Depository Libraries and over 40 Federal Information Centers.

PART 3—SERVICES TO THE PUBLIC

For the reasons set out in the preamble and under the authority given the Administrative Committee of the Federal Register by 44 U.S.C. 1506, Part 3 of Chapter I of Title 1 is amended as follows: 1. The authority citation for Part 3 reads as follows:

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp., p. 189.

2. In § 3.4, paragraph (b)(3) is revised to read as follows:

§ 3.4 Subscriptions and availability of Federal Register publications.

* * * * *

(b) * * *

(3) *Federal Register.* Daily issues will be furnished by mail to subscribers for $300 per year or $150 for six months. Subscription fees are payable in advance to the Superintendent of Documents, Government Printing Office. Limited quantities of current or recent copies may be obtained for $1.50 per copy from the Superintendent of Documents, Government Printing Office.

* * * * *

Approved: February 12, 1982.

William French Smith,
Attorney General.

February 19, 1982.

Gerald P. Carmen,
Administrator of General Services.

Robert M. Warner,
Chairman.

Danford L. Sawyer,
Member.

Stephen J. Wilkinson,
Member.

[FR Doc. 82-5078 Filed 2-24-82; 8:45 am]
BILLING CODE 1505-02-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 542; Navel Orange Reg. 541, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 26–March 4, 1982, and increases the quantity of such oranges that may be so shipped during the period February 19–February 25, 1982. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective February 26, 1982, and the amendment is effective for the period February 19–25, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1, and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. 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 recommendation and information submitted by the Navel Orange 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 October 6, 1981. The committee met again publicly on February 23, 1982 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

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 and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. 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 effective time.

1. Section 907.842 is added as follows:

§ 907.842 Navel Orange Regulation 542.

The quantities of navel oranges grown in Arizona and California which may be handled during the period February 26, 1982, through March 4, 1982, are established as follows:

(1) District 1: 1,350,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

2. Section 907.841 Navel Orange Regulation 541 (47 FR 7435), is hereby amended to read:

§ 907.841 Navel Orange Regulation 541.

* * * * *

(1) District 1: 1,436,000 cartons;
(2) District 2: 214,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

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

Dated: February 24, 1982.

D. S. Kuryloski,

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

[FR Doc. 82–5348 Filed 2–24–82; 11:17 am]

BILLING CODE 3410–02–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 546 and 563

[No. 82–103]

Delegation of Authority Regarding Merger Approvals

February 18, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rules.

SUMMARY: The Board has increased the authority delegated to the Principal Supervisory Agent to approve merger applications involving federal savings and loan associations or institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. These amendments are intended to reduce merger processing time and relieve the Board of a largely ministerial task.

EFFECTIVE DATE: February 23, 1982.

FOR FURTHER INFORMATION CONTACT: Gayle L. Radley ((202) 377–6903), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 546.2 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 546.2) prescribes the rules for mergers of federal savings and loan associations. Section 563.22 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.22) prescribes similar rules applicable to mergers involving institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

Under existing regulations, Board approval for a merger may be given, in specified circumstances, by the Board's Principal Supervisory Agent (*i.e.*, the president of the Federal Home Loan Bank of which the resulting institution in the proposed merger is a member), pursuant to a limited grant of delegated authority. The current delegation regulations result primarily from Board Resolution No. 80–446 (45 FR 50553; July 24, 1980).

During the past year, the Board further increased the delegation of merger approval authority, significantly liberalizing the criteria authorizing the Principal Supervisory Agent to approve mergers in the field. *See* Board Resolutions Nos. 81–18 (46 FR 9917; January 30, 1981), 81–90 (46 FR 14727; March 3, 1981) and 81–403 (46 FR 37628; July 22, 1981).

This liberalized delegation of authority has helped to facilitate successful mergers and serves the interests both of the public and of the savings and loan industry.

Given the likelihood of a continued high volume of merger applications, the board has determined to further liberalize the criteria to expand the scope of merger approval authority delegated to the Principal Supervisory Agent.

Goodwill as an Asset Arising in Mergers

Currently, the Board authorizes the Principal Supervisory Agent to approve mergers only where the resulting association's net worth, after subtracting any goodwill arising in the merger, would at least equal the amount required under 12 CFR 563.13. Merger applications requiring the inclusion in assets of goodwill in order to meet the net-worth test are referred to the Board for consideration. During the past year, the Board has reviewed and approved a number of mergers in which goodwill was included in the assets of the resulting association. In those cases, the Board required that the amount and use of goodwill be justified under and accounted for by generally accepted accounting principles ("GAAP"). On the basis of this experience, and in order to further reduce merger processing time, staff guidelines have been issued to the Supervisory Agents in the form of memoranda R–31b and SP–24 and the Board is expanding the scope of delegated authority to allow the Principal Supervisory Agent to approve merger applications in which goodwill is included in assets. The only limitation on this increased authority is that prior to the merger, the applicant must submit an opinion of a certified public accountant, satisfactory to the Principal Supervisory Agent, that goodwill is appropriate under and accounted for by GAAP and in accordance with memoranda R–31b and SP–24.

Supervisory Forbearances

Additionally, the Board is authorizing the Principal Supervisory Agent to grant forbearances in connection with certain supervisory mergers. At present, supervisory forbearance agreements must be approved by the Board. The Board has agreed to forbear from taking supervisory action, for a specified period, with respect to certain regulatory requirements that a resulting association might not to be able to fulfill, due to its acquisition of a financially troubled association. In Board Resolution No. 81–403 (46 FR 37628; July 22, 1981), the Board delegated to the Principal Supervisory Agent the authority to approve supervisory mergers that did not require agreements with the Federal Savings and Loan Insurance Corporation or forbearance agreements from the Board. The Board has decided to expand the delegation to allow the Principal Supervisory Agent to agree to certain forbearances in approving supervisory mergers which are currently granted by the Board.

Therefore, in connection with a supervisory merger, the Board is authorizing the Principal Supervisory Agent to agree to the following conditions with respect to regulatory enforcement: (1) The following may be excluded, for up to a five-year period, for purposes of calculating whether the resulting association has met the net-worth requirement of 12 CFR 563.13(b): operating losses on acquired assets,

capital losses sustained by the resulting association upon disposition of acquired assets, acquired scheduled items, and the amount of either (*a*) the net-worth deficiency at the date of merger or (*b*) all liabilities, including averaged liabilities, of the acquired association. (2) For one year, the liquidity requirements of 12 CFR 523.11(d) may be reduced by the amount of any liquidity deficiency which the acquired association has and, also for one year, any aggregate net withdrawals from the acquired association may be excluded in accordance with 12 CFR 523.12. (3) The building investment of an acquired association may be excluded in calculating the resulting association's investments under 12 CFR 545.10(b). (4) For up to a five-year period, the assets and liabilities balances of an acquired association may be excluded in calculating any holding company net-worth maintenance requirement.

In order to agree to supervisory forbearances regarding the rules for acquired liabilities and operating losses, the Principal Supervisory Agent must find that without merger, assistance would be required from the Federal Savings and Loan Insurance Corporation.

The Principal Supervisory Agent's authority to approve mergers under 12 CFR 546.2(h)(6) and 563.22(e)(6) is discretionary. It is the Board's expectation that when a merger subject to these delegations raises significant issues of law or policy for which the Board has not established a formal position, the Principal Supervisory Agent will refer that merger application to the Board for its consideration. Further, in agreeing to forbear from taking supervisory action with respect to acquired liabilities, the Principal Supervisory Agent must consider the real economic effect of the merger in determining which association is, in fact, the acquired association.

Because the amendments pertain to internal Board procedures and will facilitate the processing of applications for mergers, and because it is in the public interest to provide prompt action on such applications, the Board believes it is appropriate to implement the amendments without delay. Therefore, the Board has determined that observance of the notice and public procedure provisions of 12 CFR 508.11 and 5 U.S.C. 553(b) is unnecessary and that publication of these amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d), prior to the effective date of the amendments, is likewise unnecessary.

Accordingly, the Board hereby amends Part 546 of Subchapter C and Part 563 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

1. Amend § 546.2 by revising paragraphs (h) (6) and (8) to read as follows:

§ 546.2 Procedure; effective date.

* * * * *

(h) The approval of the Board (including recommending modification of a plan of merger, consolidation, or purchase of bulk assets) required by paragraph (c) of this section may be given by the Principal Supervisory Agent if all of the following conditions are met:

* * * * *

(6) The resulting association's net worth would at least equal the amount required for that association under § 563.13 of this Chapter. Where goodwill is included in the resulting association's assets, the applicant must submit an opinion of a certified public accountant, satisfactory to the Principal Supervisory Agent, that its use and value are appropriate under and accounted for by generally accepted accounting principles and in accordance with accounting memoranda issued by the Board's staff.

* * * * *

(8) The merger does not involve any agreement with the Federal Savings and Loan Insurance Corporation or forbearance, with respect to supervisory action, under any regulation except as follows:

(i) For purposes of the resulting association's satisfaction of the net-worth calculation of § 563.13(b) of this Chapter, the Principal Supervisory Agent may exclude, for up to a five-year period, operating losses on acquired assets, capital losses sustained by the resulting association upon disposition of acquired assets, acquired scheduled items, and the amount of either (*a*) the net-worth deficiency at the date of merger, or (*b*) all liabilities, including averaged liabilities, of the acquired association;

(ii) For purposes of satisfying the liquidity requirements of §§ 523.11(d) and 523.12 of this Chapter, the Principal Supervisory Agent may exclude, for up to one year, any liquidity deficiency which the acquired association has and, also for one year, any aggregate net withdrawals from the acquired association;

(iii) For purposes of calculating the resulting association's investments under § 545.10(b) of this Subchapter, the Principal Supervisory Agent may exclude the building investments of the acquired association; and

(iv) For the purposes of calculating any holding company networth maintenance requirement, the Principal Supervisory Agent may exclude, for up to a five-year period, the assets and liabilities balances of the acquired association.

In order to agree to supervisory forbearances regarding the rules for acquired liabilities and operating losses, the Principal Supervisory Agent must find that without merger, assistance would be required from the Federal Savings and Loan Insurance Corporation.

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

2. Amend § 563.22 by revising paragraphs (e) (6) and (8) to read as follows:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

* * * * *

(e) The approval of the Corporation (including recommending modifications of the plan of merger, consolidation, or purchase of bulk assets) required by paragraph (a) of this section may be given by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of this Chapter) if all of the following conditions are met:

* * * * *

(6) The resulting institution's net worth would at least equal the amount required for that institution under § 563.13 of this Part. Where goodwill is included in the resulting institution's assets, the applicant must submit an opinion of a certified public accountant, satisfactory to the Principal Supervisory Agent, that its use and value are appropriate under and accounted for by generally accepted accounting principles and in accordance with accounting memoranda issued by the Board's staff;

* * * * *

(8) The merger does not involve any agreement with the Federal savings and Loan Insurance Corporation or forbearance, with respect to supervisory action, under any regulation except as follows:

(i) For purposes of the resulting institution's satisfaction of the net-worth calculation of § 563.13(b), the Principal Supervisory Agent may exclude, for up

to a five-year period, operating losses on acquired assets, capital losses sustained by the resulting institution upon disposition of acquired assets, acquired scheduled items, and the amount of either (*a*) the net-worth deficiency at the date of merger, or (*b*) liabilities, including averaged liabilities, of the acquired institution;

(ii) For purposes of calculating the liquidity requirements of §§ 523.11(d) and 523.12 of this Chapter, the Principal Supervisory Agent may exclude, for up to one year, any liquidity deficiency which the acquired association has and, also for one year, any aggregate net withdrawals from the acquired association;

(iii) For purposes of calculating the resulting association's investments under § 545.10(b) of this Chapter, the Principal Supervisory Agent may exclude the building investments of the acquired association; and

(iv) For the purposes of calculating any holding company net-worth maintenance requirement, the Principal Supervisory Agent may exclude, for up to a five-year period, the assets and liabilities balances of the acquired association.

In order to agree to supervisory forbearances regarding the rules for acquired liabilities and operating losses, the Principal Supervisory Agent must find that without merger, assistance would be required from the Corporation.

* * * * *

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730) sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-5108 Filed 2-24-82; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 9245, Amdt. No. 2 to S.C. 23-3-EA-1]

Special Conditions: Piper Model PA-31T Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Special Conditions; request for comments.

SUMMARY: This amendment to Special Conditions No. 23-3-EA-1 permits their application to Piper Aircraft Corporation Model PA-31T1, PA-31T2, and PA-31T3 as well as future Model PA-31T derivative airplanes. The FAA has determined that the certification basis applicable to the aforementioned airplanes may also be applicable to other Piper Model PA-31T series airplanes. This amendment will allow future PA-31T derivative airplanes to be added to the type certificate without revising the special condition document.

DATES: Effective February 25, 1982. Comments related to this amendment must be received on or before March 28, 1982. Depending on comments received, this amendment may be modified.

ADDRESSES: Comments on this amendment may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE-7, ATTN: Rules Docket Clerk, Docket No. 9245, 601 East 12th Street, Kansas City, MO 64106; or delivered in duplicate to: Room 1558, 601 East 12th Street, Kansas City, MO 64106. All comments must be marked: Docket No. 9245. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 am and 4:00 pm.

FOR FURTHER INFORMATION CONTACT: William L. Olson, Aerospace Engineer, Aircraft Certification Division, 601 East 12th Street, Room 1659 Federal Office Building, Kansas City, Mo. 64106, Telephone (816) 374-6939.

SUPPLEMENTARY INFORMATION:

Type Certification Basis

The certification basis for the Piper Aircraft Corporation (Piper) Model PA-31T airplane is as follows: Part 3 of the Civil Air Regulations (CAR), effective May 15, 1956, through Amendment 3-8 effective December 18, 1962; Amendment 23-3 to Part 23 of the Federal Aviation Regulations (FAR), effective November 11, 1965; Amendment 23-7 to FAR Section 23.1557(c) effective September 14, 1969; the Eastern Region Engineering and Manufacturing Branch letter of December 6, 1965, covering the showing of equivalent safety with regard to CAR 3.682, 3.771, and 3.772; Special Conditions No. 23-3-EA-1 including Amendment No. 1 and AEA-210 letter of November 11, 1971, as amended by AEA-210 letter of February 1, 1978, referring to Amendment 23-14 and FAR Section 23.991 of Amendment 23-7 effective September 14, 1969; Part 36 of the FAR effective December 1, 1969, as amended up to Amendment 36-10; and SFAR 27 effective February 1, 1974, as amended up to Amendment 27-3.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are issued in accordance with §§ 21.16 and 21.101(b)(2) and become part of the type certification basis in accordance with § 21.17(a)(2).

Background

On May 30, 1980, the Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745, submitted an application to amend Type Certificate A8EA to add a new Model PA-31T3 airplane in the normal category. The airplane will consist of the Model PA-31-350 airplane's unpressurized fuselage with modifications to the fuselage to accept the Model PA-31T1 airplane's nose section and higher loads due to the increased gross weight of 9000 lbs. It will be an 11 place commuter or cargo carrier with PA-31T1 "Cheyenne" wings, tail, nacelles and nose section, with no tip tanks. The nose, main landing gears and brake system will be from the PA-31T2. Other features such as the turbopropeller engines, fuel system, electrical system, hydraulic system, air conditioning, deicing system, instrument panel, engine control pedestal and flight controls will be the same as those on the PA-31T1, while the heating, ventilating, static and pitot system and oxygen system will be the same as on the Model PA-31-350 airplane. Because the PA-31T airplane design included turbopropeller engines and the regulations incorporated by reference in the type certification (TC) did not contain adequate or appropriate safety standards for such engine installations, Special Conditions No. 23-3-EA-1 were developed for the PA-31T airplane to ensure a level of safety equivalent to that provided by Part 3 of the CAR and Part 23 of the FAR incorporated by reference in the TC for the Piper Model PA-31 airplanes with reciprocating engines. Special Conditions No. 23-3-EA-1, Docket No. 9245, issued November 13, 1968, as amended May 8, 1969, for type certification of the Piper Model PA-31T airplane are applicable to the Piper Models PA-31T, PA-31T1 and PA-31T2 airplanes, as well as other new Piper Model PA-31T series airplanes for the same novel or unusual design features for which the special conditions were developed. Accordingly, this amendment establishes the applicability status of Special Conditions No. 23-3-

EA–1 and will make it possible to add future models of the PA–31T series airplanes as appropriate, to Type Certificate A8EA without revising the special condition documents. This does not preclude the application of later amendments under the provisions of § 21.101(b)(1) or the issuance of special conditions that may be necessary under the provisions of § 21.101(b)(2) for future series of the Piper Model PA–31T airplanes.

Need for Immediate Adoption

The issuance of special conditions under §§ 21.16 and 21.101 is required where it is found that the airworthiness regulations otherwise applicable to an aircraft do not contain adequate or appropriate safety standards because of a novel or unusual design feature. In accordance with the policies announced in Amendment 21–51, effective October 14, 1980, the issuance of special conditions is usually initiated by a Notice of Proposed Special Conditions; however, public procedures were not required or used when these special conditions were applied to Piper Model PA–31T1 and PA–31T2 airplanes. The Aircraft Certification Office assumed that this was still the case and planned their workload on that basis. The manufacturer scheduled production on a mutually agreed on certification date based on this prior procedure. Accordingly, if notice procedures were utilized prior to adoption of the final special conditions, the delay would impose a severe economic hardship on the manufacturer and the public. Also, the Piper Model PA–31T3 airplane does not include any design features other than those in the Piper Model PA–31T airplane for which these special conditions were developed, and service experience has shown that they adequately provide for the design features in the previous Piper Model P–31T series airplanes. Accordingly, the FAA has determined that good cause exists for making this Amendment to Special Condition No. 23–3–EA–1 final without notice and public procedure thereon and for making it effective in less than 30 days. However, since it involves requirements affecting flight safety and was not proceeded by notice and public procedure, comments are invited on the amendment. When the comment period ends, the FAA will use the comments submitted, together with other available information to review the amendment. After the review, if the FAA finds that changes are appropriate, it will initiate appropriate rulemaking proceedings.

The Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Special Condition No. 23–3–EA–1 issued November 13, 1968, as amended by Amendment No. 1 issued May 8, 1969, to Piper Aircraft Corporation for the type certification of the Piper Model PA–31T airplane under Type Certificate No. A8EA is hereby amended by amending its applicability to read as follows:

"Special Conditions for the type certification of the Piper Model PA–31T series airplanes under Type Certificate No. A8EA."

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b))

Note.—This action is not a proposed rule of general applicability and is therefore not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as information contact.

Issued in Kansas City, MO on February 19, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82–5166 Filed 2–24–82; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 82–CE–7–AD; Amdt. 39–4325]

Airworthiness Directives; EMBRAER Models EMB–110P1 and EMB–110P2 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes existing Airworthiness Directive (AD), 79–24–03R1, applicable to EMBRAER Models EMB–110P1 and EMB–110P2 airplanes by expanding the wing flap actuator inspection and adjustment procedures, and replacing actuators of early design with those of improved design. This amendment is needed to provide a more reliable actuator, the failure of which may result in an asymmetrical or locked flap condition.

EFFECTIVE DATE: March 1, 1982.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: EMBRAER Service Bulletin No. 110–27–043, dated March 20, 1981, applicable to this AD, may be obtained from Empresa Brasileira de Aeronautica S/A (EMBRAER), P.O. Box 343–CEP 12.200, Sao Jose dos Campos-SP, Brasil. A copy of the Service Bulletin is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106, and/or at Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

George Carver, Systems Branch, ACE–130A, Atlanta Aircraft Certification Office, FAA, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 763–7781.

SUPPLEMENTARY INFORMATION: This rule supersedes Amendment 39–3616 (44 FR 6701), AD 79–24–03, as revised by Amendment 39–3974, AD 79–24–03R1 (45 FR 76653), which currently requires the inspection of the wing flap actuators and a new lubricating procedure on the flaps of EMBRAER Models EMB-110P1 and EMB–110P2 airplanes. Subsequent to amending AD 79–24–03R1, the FAA determined that corrosion continues to occur in the early design actuators causing malfunctioning of the ballscrew and subsequent failure of the affected actuators. Therefore, the agency is superseding AD 79–24–03R1 by issuing a new AD which expands the actuator inspection and adjustment procedures, and requires replacing actuators of early design with those of improved design on these airplanes. The FAA believes that the improved actuator will be more reliable in service. However, because of prior service history on the original actuator and the potential catastrophic results of an actuator failure, inspection of the new actuator is also being required until satisfactory reliability of this actuator has been established.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Empresa Brasileira De Aeronautica S/A (EMBRAER): Applies to Models EMB–110P1 and EMB–110P2 airplanes, certificated in any category.

Compliance: Required as indicated, unless already accomplished:

To prevent failure of wing flap actuators, accomplish the following:

(A) Within the next 50 hours time-in-service after the effective date of this AD, and thereafter at intervals not to exceed 250 hours time-in-service:

1. Prepare the wing flap actuators for inspection by extending the flaps to the fully-extended position.

Caution

Make sure that the Battery Switch is "Off" and that flaps are not inadvertently operated while the flap actuators are being serviced.

2. Disconnect each wing flap from the actuator lug by removing the cotter pin, nut, washer and attaching bolt.

Caution

When removing the attaching bolt, provide a support for flap to prevent its rotation and possible damage.

3. Remove the safety wire and four retaining screws from the outer cover of the actuator.

4. Slide the inner and outer covers toward the reduction gear box to expose the threaded shaft. Clean the shaft in accordance with good aircraft practices.

5. While manually retracting and extending the threaded shaft, determine:

a. General condition of the shaft.

b. Movement of the shaft while turning it by hand—must be free and smooth.

c. Longitudinal motion of the shaft in the ballscrew/nut assembly—play must be practically undetectable by handling manually.

d. That the transverse motion of the ballscrew/nut assembly, measured at the rod end of the shaft, does not exceed .20 inch (5 mm), when the shaft is fully extended, near the middle of the course, and retracted.

e. General condition of the ballscrew/nut, its attachment to the main carrier tube, the fastening of the ball-return tube and the general condition of its clamp in the D2246–3 and D2246–4 actuators, and safety of the ball-return cover in the D2246–5, D2246–6, D2246–31 and D2246–41 actuators. For access, it is necessary to remove the plastic strip EEMCO P/N A12139 from the primary cover (if the plastic strip is not damaged during removal, it may be reused).

(i) With the jackscrew extended, move both covers to the rod end, leaving the ball nut completely exposed.

(ii) Remove all dirt and grease from the ball nuts.

(iii) Check the ball-return tube fastening clamp for general condition and proper safety by attempting to move it longitudinally and rotationally. Also check the general condition and safety of the ball-return tube and for security of the ballscrew. Any indication of looseness of the ball-return tube fastening clamp or the ball-return tube is cause for replacement of the actuator.

(iv) Reinstall the plastic strip P/N A12139.

6. Inspect for damage and wear of sealing rings in the inner and outer actuator covers, used to protect the ballscrew and threaded shaft from moisture and dirt.

7. If any of the items inspected in Sections 5 and 6 above are not satisfactory, the actuator must be repaired, overhauled or replaced, as necessary.

8. Lubricate the actuator and reduction gearbox:

a. Remove the safety wire and upper screw where the actuator joins reduction gearbox.

b. Manually extend the jackscrew to the mechanical stop.

c. Inject MIL–G–23827 grease into the gearbox through the screw hole to fill the gearbox and main actuator tube.

d. Temporarily install the gearbox upper screw.

e. Manually retract the jackscrew until fresh grease appears between the ball nut and jackscrew.

f. Remove the gearbox upper screw again to remove the excess grease by continuing to manually retract the jackscrew to the mechanical stop.

g. Install the upper screw in the gearbox; safety screw with lockwire.

h. Clean the main actuator tube exterior by removing all grease to prevent dust deposits.

i. Lubricate the extended jackscrew by brush-daubing it with MIL–G–23827 grease.

9. Slide the outer cover aft to the proper position on the rod end cap.

10. Install the four retaining screws and safety wire.

11. Reconnect the flap to the actuator lug by installing attaching bolt, washer, nut and cotter pin. Adjust the wing flap control system to assure that the flap actuator does not contact the mechanical stop before the actuating motor stops rotating. The motor stop should be contacted, at a minimum distance of ¼ turn, before the actuator contacts its mechanical stop for actuators P/N D2246–3, D2246–4, D2246–31 and D2246–41. The minimum distance for P/N D2246–5 and D2246–6 actuators is ½ turn. Damage to the mechanism may result if these distances are not maintained.

12. Check for proper operation and rigging of the wing flaps and flap position indication according to EMBRAER Technical Manual T.O 1C95–2–5. Check and, if necessary, adjust the flap asymmetry detection system.

(B) On or before September 30, 1982, replace the flap actuators P/N 2246–3 and D2246–4 with actuators P/N 2246–5 and D2246–6 or P/N D2246–31 and D2246–41, respectively, and continue to comply with paragraph (A) of this AD.

(C) Upon request by the operator, an FAA Maintenance Inspector, subject to the approval of the Atlanta Aircraft Certification Office, may adjust the inspection compliance times to an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Atlanta Aircraft Certification Office, FAA, 3400 Norman Berry Drive, East Point, Georgia 30320; Telephone (404) 763–7428.

EMBRAER Service Bulletin No. 110–27–043, dated March 20, 1981, covers the subject matter of this AD.

This AD supersedes AD 79–24–03R1, Amendment 39–3974 which, in turn, revised AD 79–24–03, Amendment 39–3616.

This amendment becomes effective March 1, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89, Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation involves an emergency regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and certifies that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since the action prescribed herein is estimated to cost less than 1 percent of the value of any affected airplanes which may be owned by small entities. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the Courts of Appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Kansas City, Missouri, on February 12, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82–4807 Filed 2–24–82; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 82–CE–5–AD; Amdt. 39–4323]

Airworthiness Directives; Piper Model PA–34–220T Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires that protection be provided for landing gear selector and squat switch terminals on certain Piper Model PA–34–220T airplanes. The AD is needed to prevent a possible inadvertent gear retraction which could result in a potentially hazardous condition during landing or ground operation.

EFFECTIVE DATE: February 25, 1982.

COMPLIANCE: Required within the next 50 hours time-in-service after the effective date of this AD.

ADDRESSES: Piper Service Bulletin No. 732 dated November 11, 1981, pertaining to this AD, may be obtained from Piper Aircraft Corporation, 820 East Bald

Eagle Street, Lock Haven, Pennsylvania 17745. A copy of the Service Bulletin is also contained in the Rules Docket, Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106; and/or Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: W. H. Trammell, Systems and Equipment Section, ACE-130A, Atlanta Aircraft Certification Office, FAA, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 763-7781.

SUPPLEMENTARY INFORMATION: There has been a report of an inadvertent retraction of the landing gear on a Piper Model PA-34-220T airplane. This was caused by grounding of the landing gear selector switch terminals by the fuel flow indicator lines concurrently with a previously undetected grounding of the landing gear squat switch terminals. The inadvertent retraction of the landing gear during landing and ground operation is potentially hazardous. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued which requires protection of the terminals of the landing gear selector and squat switches on certain Piper Models PA-34-220T airplanes.

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register.**

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

Piper Aircraft Corporation: Applies to Piper Model PA-34-220T (Serial Numbers 34-8133001 through 34-8233020) airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished.

To prevent a potentially hazardous condition during landing and ground operation due to the inadvertent retraction of the landing gear, accomplish the following:

(A) Within the next 50 hours time-in-service after the effective date of this AD, inspect and modify the landing gear selector and squat switches in accordance with the Instructions Section contained in Piper Service Bulletin No. 732, dated November 11, 1981.

(B) Any equivalent method of compliance may be approved by the Chief, Atlanta Aircraft Certification Office, FAA, Southern Region, Room 275, 3400 Norman Berry Drive, East Point, Georgia 30344.

This amendment become effective February 25, 1982.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 11.89, Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation involves an emergency regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and certifies that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since the action prescribed herein is estimated to cost less than 1 percent of the value of any affected airplanes which may be owned by small entities. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the Regulatory Docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by the Courts of Appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on February 10, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-4808 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 81-WE-19-AD; Amdt. 39-4324]

Airworthiness Directives; Robinson Model R-22 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective to all persons, an amendment adopting a new Airworthiness Directive (AD) which was previously made effective on all Robinson Model R-22 helicopters. All known United States owners were notified by priority mail Emergency AD 82-03-07, dated January 29, 1982. The amendment is prompted by a report of fatigue cracking of the main rotor blade root fitting which could result in main rotor blade failure and crash of the helicopter.

DATES: Effective March 4, 1982, and was effective upon receipt for recipients of Emergency AD 82-03-07 dated January 29, 1982. Compliance schedule—Prior to further flight, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Robinson Helicopter Company, 24747 Crenshaw Boulevard, Torrance, California 90505.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western-Pacific Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Marshall Burquest, Aerospace Engineer, Airframe Section, ANM-172W, Western Aircraft Certification Field Office, Federal Aviation Administration, Northwest Mountain Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6359.

SUPPLEMENTARY INFORMATION: Emergency AD 82-03-07, dated January 29, 1982, was issued and distributed by priority mail. It was made effective immediately upon receipt to all known United States owners of Robinson Model R-22 helicopters. Emergency AD 82-03-07 is published in the **Federal Register** with no change. AD 82-03-07 supersedes Emergency AD 81-24-10 which was not published in the **Federal Register.** AD 81-24-10 required that main rotor blade (MRB) P/N A016-1, Revisions A through V be removed from service prior to further flight. It noted that a modified blade (Revision W) had a life limit of 300 hours and imposed repetitive inspections on this blade. The supersedure is necessary to relieve an undue economic burden on R-22 operators caused by these restrictions on the modified MRB. There are two reasons these restrictions are no longer appropriate. First, the life limit of the MRB Revision W has been increased from 300 to 1,000 hours based upon fatigue testing accomplished since AD 81-24-10 was issued. Second, since the life limit is now established at 1,000 hours the FAA is confident of the blade reliability and the repetitive inspections are no longer necessary. The inspection requirement was imposed only because of the low, 300 hour life limit and brief service history of the modified main rotor blade. AD 81-19-03 was issued because of a MRB fatigue failure which occurred in flight and resulted in a fatal crash. AD 81-19-03 established a

reduction of MRB life limit from 1,200 to 300 hours. The failed blade had 691 hours of time in service at the time of failure. Emergency AD 81–24–10, superseded AD 81–19–03 because cracks were found in both the upper and lower skins of an old designed blade which had only 207 hours of time in service. Disassembly of the blade revealed a crack in the root fitting. Fortunately, the cracks were found during pre-flight check and there was no accident. This airworthiness directive is necessary to prevent main rotor blade failure due to fatigue cracking of the main rotor blade root fitting. The origin of this fatigue failure was believed to be related to an accumulation of adverse tolerances on the fitting holes and the onset is unpredictable. The AD requires removal from service of certain main rotor blades and establishes a new life limit of 1,000 hours for the redesigned main rotor blades, P/N A016–1, Revision W (S/N 0600 through 0810).

Since this condition is likely to exist on the other helicopters of the same type design, an airworthiness directive is being adopted which requires that, prior to further flight, certain main rotor blades be removed from service on the Robinson Model R–22 series helicopter.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed to make the AD effective immediately. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Robinson Helicopter Company: Applies to Model R–22, certified in all categories.

Compliance required as indicated, unless already accomplished.

To prevent failure of the main rotor blade which would result in loss of control and crash of the helicopter, accomplish the following:

(a) Prior to further flight, after the effective date of this AD, remove all main rotor blades P/N A016–1, Revision A through Revision V, (S/N 0100 through S/N 0593) from service.

(b) Mark all main rotor blades, P/N A016–1, Revision A through Revision V, (S/N 0100 through S/N 0593), "UNAIRWORTHY" in letters at least ½" high and mark "UNAIRWORTHY" on data plate using a metal stamp.

(c) The life limit for main rotor blades P/N A016–1, Revision W (S/N 0600 through 0810), previously established at 300 hours has been increased to 1000 hours based upon fatigue testing.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate helicopters to a base for the accomplishment of actions required by this AD.

(e) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Western Aircraft Certification Field Office, FAA Northwest Mountain Region.

This amendment becomes effective March 4, 1982, to all persons except those to whom it was made immediately effective upon receipt of Emergency AD 82–03–07 dated January 29, 1982.

This supersedes priority mail AD 81–24–10 which had superseded AD 81–19–03, Amendment 39–4224, [46 FR 47442]

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It is certified that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on February 12, 1982.

R. L. Devereaux,

Acting Director, FAA Western-Pacific Region.

[FR Doc. 82–4904 Filed 2–24–82; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 47

Reporting Requirements for Aircraft Registered by Non-Citizen U.S. Corporations; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Reporting Dates, correction.

SUMMARY: This notice corrects the reporting dates for aircraft registered by U.S. corporations that are not U.S. citizens.

FOR FURTHER INFORMATION CONTACT: Joseph T. Brennan, Aeronautical Center Counsel (AAC–7), Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, Oklahoma 73125, Telephone: (405) 686–2296.

SUPPLEMENTARY INFORMATION: Section 501(b)(1)(A)(ii) of the Federal Aviation Act of 1958, as amended, provides that an aircraft owned by a corporation (other than a corporation which is a citizen of the United States) lawfully organized and doing business under the laws of the United States or any State thereof is eligible for registration if it is based and primarily used in the United States. This section has been implemented by § 47.9 of the Federal Aviation Regulations, and an aircraft is considered to be based and primarily used in the United States if it complies with the requirements of § 47.9(b) of the Federal Aviation Regulations. To provide assistance in insuring compliance, a requirement was established in § 47.9(f) for either a report of the hours in service during the required period and the number of those hours in flight in the United States or a statement that all flight hours were exclusively within the United States.

Although § 47.9 was adopted on October 24, 1979, and made effective January 1, 1980, § 47.9(f) could not become effective until 30 days after notice had been published in the **Federal Register** of approval by the Office of Management and Budget (OMB) of the reporting requirements of that paragraph.

On July 9, 1981, a notice was published in the **Federal Register** (46 FR 35491) stating that OMB approval had been received and that the effective date of the reporting requirements of § 47.9(f) of the Federal Aviation Regulations was August 10, 1981. However, the notice incorrectly stated that the first reporting period would end February 10, 1982. The purpose of this notice is to set forth the correct initial reporting periods for aircraft registered

by non-citizen U.S. corporations under section 501(b)(1)(A)(ii).

The reporting periods for these aircraft are determined by § 47.9(b) of the Federal Aviation Regulations, which divides the class of aircraft governed by § 47.9 into those registered on or before January 1, 1980, (the effective date of the section) and those registered after January 1, 1980. Under § 47.9(b) the 6-month reporting periods for aircraft registered on or before January 1, 1980, run from January 1 through June 30 and from July 1 through December 31 in any given year.

Since the reporting requirement in § 47.9(f) did not become effective until August 10, 1981, the FAA interprets that provision to require a report or statement only for those periods ending on or after its effective date, i.e., August 10, 1981. Thus the first reporting period ending after August 10, 1982, for aircraft registered on or before January 1, 1980, would have been July 1 through December 31, 1981, and the required report or statement for that period should have been submitted to the FAA Aircraft Registry on January 1, 1982. Reports for the three 6-month periods between January 1, 1980, and June 30, 1981, are not required.

For aircraft registered after January 1, 1980, the first reporting period under § 47.9(b) consists of the remainder of the month in which the aircraft was registered and the succeeding 6 calendar months. Subsequent reports are due at the end of each 6-month calendar period thereafter. While § 47.9(b) remains the means of determining the beginning and end of reporting periods for these aircraft, § 47.9(f) requires the submission of a report or statement only for periods ending on or after August 10, 1981. For example, the first reporting period ending after August 10, 1981, for an aircraft registered on April 12, 1981, would be April 12, 1981, through October 31, 1981. The first report should have been submitted to the FAA Aircraft Registry on November 1, 1981, and should have provided the information required by § 47.9(f) for the period April 12, 1981, through October 31, 1981.

In view of the incorrect data included in the notice published on July 9, 1981, the FAA will allow a grace period with respect to the reports or statements due for periods ending between August 10, 1981, and March 10, 1982. Those reports must be received on or before March 20, 1982. Reports for periods ending after March 10, 1981, should be received by the FAA within 10 days after the last day of the applicable reporting period as determined by § 47.9(b). The grace period allowed by this notice does not alter in any respect the manner of determining the beginning or end of a period as prescribed by § 47.9(b).

Issued in Oklahoma City, Okla., on February 12, 1982.

Benjamin Demps, Jr.,

Director, Aeronautical Center.

[FR Doc. 82-5079 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AWP-27]

Establishment of Transition Area, Ramona, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a 700 foot transition area for Ramona Airport, Ramona, California, in order to provide controlled airspace for aircraft executing an instrument approach procedure to the Ramona Airport.

EFFECTIVE DATE: February 19, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

On December 17, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area for Ramona, California (46 FR 61487). Establishment of this transition area will provide controlled airspace for protection of instrument operations at Ramona Airport.

Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 was republished in the **Federal Register** on January 2, 1981 (46 FR 540).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes a transition area at Ramona, California. This transition area provides protection for instrument operations at Ramona Airport, increases air traffic safety and improves flow control procedures

Adoption of the Amendment

Accordingly pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901, February 19, 1982, by adding the following:

Ramona, California

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ramona Airport (latitude 33°02'15" N. longitude 116°54'30" W) and within 3 miles each side of the Julian, California, VORTAC (latitude 33°08'26" N, longitude 116°35'06" W) 249° T (234° M), radials extending from the 5-mile radius area to the Julian VORTAC.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 49 U.S.C. 1348(a), 1354(a); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) is certified that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on February 8, 1982.

R. L. Devereaux,

Acting Director, Western Region.

[FR Doc. 82-4809 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-ASO-63]

Designation of Transition Area, Aurora, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates the Aurora, North Carolina, Transition Area and lowers the base of controlled airspace in the vicinity of Lee Creek Airport from 1,200 to 700 feet AGL to accommodate Instrument Flight Rule (IFR) operations. A special instrument approach procedure has been developed and additional controlled airspace is required before IFR flight procedures can become effective.

EFFECTIVE DATE: 0901 GMT, March 25, 1982.

FOR FURTHER INFORMATION CONTACT: Eleanor J. Williams, Airspace and

Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, December 17, 1981, (46 FR 61488), the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the Aurora, North Carolina, Transition Area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections to the proposal were received in response to this publication.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations establishes the Aurora, North Carolina, Transition Area. This action will provide controlled airspace for aircraft executing the special instrument approach procedure at the Lee Creek Airport. The operating status of the airport is changed from VFR to IFR.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 GMT, March 25, 1982, as follows:

Aurora, North Carolina

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lee Creek Airport (Lat. 35°23'22" N., Long. 76°47'06" W.); within 3 miles each side of the 263° bearing from the Aurora RBN (Lat. 35°23'15" N., Long. 76°48'12" W.), extending from the 8.5-mile radius area to 8.5 miles west of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on February 10, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-4812 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-ASO-60]

Designation of Transition Area, Erwin, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates the Erwin, North Carolina, Transition Area and lowers the base of controlled airspace in the vicinity of Harnett County Airport from 1,200 to 700 feet AGL. A standard instrument approach procedures has been developed and additional controlled airspace is required to accommodate Instrument Flight Rule (IFR) operations at the airport.

EFFECTIVE DATE: 0901 GMT, April 8, 1982.

FOR FURTHER INFORMATION CONTACT: Eleanor J. Williams, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, December 17, 1981 (46 FR 61489), the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the Erwin, North Carolina, Transition Area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections to the proposal were received in response to this publication.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations establishes the Erwin, North Carolina, Transition Area. This action provides controlled airspace for aircraft executing the standard instrument approach procedure to the Harnett County Airport. The operating status of the airport is changed from VFR to IFR.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 GMT, April 8, 1982, as follows:

Erwin, North Carolina

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Harnett County Airport (Lat. 35°22'43"N., Long. 78°44'04"W.); excluding that portion that coincides with the Fayetteville Transition Area.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on February 11, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-4813 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 82-AEA-1]

Alteration of Control Zone; Fort Belvoir, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Fort Belvoir, Virginia, Control Zone over Fort Davidson Army Airfield, Fort Belvoir, Virginia, by changing the description to permit changes in the hours of operation by a Notice to Airmen. This will facilitate such changes which can be anticipated due to a temporary reduction in staffing.

EFFECTIVE DATE: February 25, 1982.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International

Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION: This rule is editorial as it merely changes the method of notifying all persons of the minor and less restrictive changes to hours of operation and it imposes no additional burden on any person. Therefore, public comment and procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective February 25, 1982, as follows:

Amend § 71.171 of Part 71, Federal Aviation Regulations by altering the description of the Fort Belvoir, Virginia Control Zone by adding, "this control zone is effective 0600–2200 hours, local time, daily or during specific times and dates established in advance by a Notice to Airmen which thereafter will be published continuously in the Airport/Facility Directory."

(Secs. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York, on February 3, 1982.

Joseph M. Del Balzo,

Director, Eastern Region.

[FR Doc. 82-4810 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 91

[Docket No. 21022A; Reg. Notice No. 91-100]

Emergency Air Traffic Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Update of emergency air traffic regulations.

SUMMARY: Section 91.100 of the Federal Aviation Regulations (14 CFR 91.100) requires aircraft operators to comply with emergency air traffic regulations issued under that section and covered by Notices to Airmen (NOTAMs) that are also issued under that section. This document provides notice of regulations already adopted that were immediately effective under § 91.100, for which the FAA has also issued NOTAMs. It adds, to Notice 91–100, emergency regulations implementing Special Federal Aviation Regulation (SFAR) No. 44, as amended, that were necessary to respond to a shortage in air traffic control personnel.

DATES: Effective time: As stated in each regulation listed.

ADDRESSES: Send comments on the listed regulations, in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 21022A, 800 Independence Avenue SW., Washington, D.C. 20591. Comments may be examined in the Rules Docket, Room 915, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone (202) 426–3731.

SUPPLEMENTARY INFORMATION:

Comments Invited

The regulations issued under § 91.100 and listed herein are emergency final rules involving immediate air traffic requirements throughout the United States. The need for immediate regulatory response under § 91.100 is stated at 46 FR 16666, *et seq.* In issuing the regulations in this notice, the FAA has found that the conditions cited in § 91.100 exist or will exist and that the regulations are necessary in order to respond to those conditions in the public interest. Where necessary, these regulations may be supplemented or amended hourly, or even more frequently, as air traffic conditions change. Accordingly, good cause exists for making these regulations effective immediately, without prior notice and public procedure.

Comments are invited on any aspect of the listed regulations, individually or cumulatively, and on any aspect of the emergency air traffic control conditions they respond to. When § 91.100 was issued, the FAA noted that it was an emergency regulation under Executive Order 12291 and DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and had no cost impact in itself since it was only procedural. However, the FAA also stated (at 46 FR 16669) that the regulations distributed in accordance with § 91.100 will be evaluated individually, as appropriate, to determine whether they have cost impacts. To assist the FAA in determining, as soon as practicable after issuance, the cost impacts of the regulations issued under § 91.100, comments on economic impact are specifically invited.

Commenters wishing the FAA to acknowledge receipt of their comments in response to these rules must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 21022A." The postcard will be date/time stamped and returned to the commenter.

Effect of Publication

Publication, in the **Federal Register**, of emergency air traffic regulations issued under § 91.100 provides constructive legal notice of those regulations to all persons who may not have received the NOTAMs concerning those regulations or who otherwise may not have legal notice of the adoption of those regulations. This document provides this constructive legal notice of immediately effective emergency regulations that have already been adopted. Additional emergency regulations will be published periodically if the need for their adoption continues.

Availability Prior to Publication: Preflight Requirement

Since there is a necessary time lag between the issuance of emergency air traffic regulations and NOTAMs under § 91.100 and the publication of these regulations in the **Federal Register**, and since these regulations and NOTAMs respond to emergency conditions that exist, or will exist, relating to the FAA's ability to operate the Air Traffic Control System, the NOTAMs concerning these regulations are available at operating air traffic facilities and Regional Air Traffic Division offices prior to **Federal Register** publication and as long as they remain effective. Under § 91.5 *Preflight Action* (14 CFR 91.5), each pilot in command is required to familiarize himself or herself with all available information concerning each flight.

Air Traffic Controller Staffing: SFAR No. 44, as Amended

The air traffic regulations listed in this amendment to Notice 91–100 follow the adoption of SFAR No. 44, as amended, in response to an organized air traffic

controller job action. The emergency aspects of that action are described at 46 FR 39997, *et seq.* As a result, air traffic control facilities have experienced staffing shortages that have reduced the level of air traffic that can be handled with the required levels of safety and efficiency. To insure that these levels of safety and efficiency are fully maintained during this shortage of air traffic personnel, the emergency regulations listed in section 2 of this notice have been issued under § 91.100.

Regulatory Impact

The FAA has determined that the regulations listed in this notice are emergency regulations that are not major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to these regulations, since they were issued in response to existing or expected emergency conditions relative to FAA's ability to operate the Air Traffic Control System. It has been further determined that the listed regulations are emergency regulations under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If these regulations are later determined to be significant, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Notice of Adoption

Accordingly, pursuant to the authority delegated to me by the Administrator in § 91.100 of the Federal Aviation Regulations (14 CFR 91.100; 46 FR 16666, March 13, 1981) and that cited below, the following emergency air traffic regulation has been adopted and covered by a NOTAM under that section.

(Secs. 307, 313(a), 601, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, section 2 of Notice 91–100 is hereby amended by adding the following emergency regulation following the regulation numbered FDC 1/27/60.

Air Traffic Controller Shortage of 1981, and Related Emergency Conditions (SFAR–44, as Amended, Docket No. 21022A)

FDC 2/017 Emergency Flight Rules January 5, 1982. Flight Plan Filing—Detroit, Michigan/Super Bowl Reservation Rule. Rule effective January 5, 1982, 1930 G.m.t. The Super Bowl event is expected to cause approximately 2,000 IFR aircraft operations to be added to the air traffic control system. Additionally, low temperatures and inclement weather, typical of this period, make an unregulated situation, and is inherent delays, an unreasonable alternative to requiring arrival reservations. Therefore, to accommodate this traffic without excessive arrival delays and excessive inconvenience to the public, increased ATC staffing and arrival reservations will be required. The ATC facilities in the Detroit area can temporarily increase staffing to handle additional IFR operations. The additional operations will be equitably divided between general aviation and air carrier operations based on the traffic increase for last year's Super Bowl.

Current rules issued under SFAR 44, as amended, do not provide the air traffic system with the flexibility to accommodate much of this added traffic. For example, departure reservations and not arrival reservations are required by the General Aviation Reservation Rule (GAR). Further, under the GAR, a departure reservation cannot be obtained earlier than 24 hours prior to the estimated departure time. This restriction would not allow planning for accommodations on the part of many air travelers.

Pilots proposing general aviation IFR flight to and from Detroit area will be excluded from the requirements of the GAR once they have obtained an IFR arrival reservation from the Central Flow Control Facility (CFCF). However, IFR departure reservations for return flights will be required but will be subject to advance request and flight plan filing requirements.

Reservations for VFR flight will not be required; however, appropriately rated pilots should anticipate the possibility of instrument meteorological conditions and flight plan accordingly. Therefore, pilots planning VFR flight into the area with a planned IFR return will also be excluded from the GAR by obtaining a VFR arrival number from CFCF and complying with the provisions of this rule. Pilots that conduct VFR flight to the specified area without obtaining VFR arrival numbers as described in this rule can expect to experience unpredictable delays if an unplanned IFR departure from the specified area becomes necessary. Conversely, pilots who plan IFR return flights and elect to obtain IFR departure reservations under this rule in lieu of the GAR requirements, have the advantage of being able to know their departure reservation date and time prior to departing their "home" for the Super Bowl.

Accordingly, pursuant to Special Federal Aviation Regulation No. 44, as amended, and Federal Aviation Regulation § 91.100, the following rule is effective immediately to provide for the safe, orderly handling and movement of IFR traffic.

1. No person may operate a nonscheduled general aviation flight under IFR into the specified area during the period beginning at 0600 EST on January 21, 1982, and ending on January 26, 1982 at 2000 EST without an arrival reservation issued by the Central Flow Control Facility (CFCF).

2. For the purpose of this rule, the specified area includes the airspace within a 60-nautical mile radius of the Silverdome, Pontiac, Michigan, excluding Canadian airspace, and including the following airports:

Detroit Metropolitian (DTW)
Detroit Willow Run (YIP)
Detroit City (DET)
Ann Arbor Municipal (ARB)
Oakland Pontiac (PTK)
Berz-Macomb (UIZ)
Bishop (Flint) (FNT)
Oakland Troy Executive (7D2)
Romeo (D98)
Plymouth Mettetal (1D2)
McKinley (D13)
New Hudson (Y47)

3. Each person planning IFR flight into the specified area shall comply with paragraphs (5) through (8) of this rule in lieu of the GAR requirements.

4. Each person planning IFR flight out of the specified area between 2000 EST on January 24 and 2000 EST on January 26 may comply with paragraphs (5) through (8) of this rule in lieu of the GAR requirements.

5. Arrival reservations or VFR arrival numbers must be obtained from the CFCF. (Telephone No. (202) 382–6866.)

6. Departure reservations for return flight from the specified area must be obtained from the Detroit or Saginaw FSS, as appropriate, and may be requested immediately after obtaining an IFR arrival reservation or VFR arrival number from the CFCF. A person may file a return flight plan at this time but shall file no later than 4 hours prior to the proposed departure time.

7. No persons may contact the CFCF for the purpose of obtaining an IFR arrival reservation or VFR arrival number under this rule prior to 1400 GMT on January 18, 1982.

8. Each person receiving an IFR arrival reservation or VFR arrival number from the CFCF, must include it

in the remarks section of the IFR flight plan as filed with ATC for the inbound and outbound flights, as appropriate.

FDC 2/204. Cancel FDC 2/017.

Issued in Washington, D.C. on February 16, 1982.

R. J. Van Vuren,

Director, Air Traffic Service.

[FR Doc. 82-4903 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-13-M

[Docket No. 22639 Amdt. No. 95-303]

14 CFR Part 95

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t. March 18, 1982.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on February 12, 1982.

John M. Howard,

Acting Chief, Aircraft Programs Division.

BILLING CODE 4910-13-M

§95.1001 DIRECT ROUTES–U.S.
Is amended to delete:

FROM	TO	MEA
Hitop INT, Calif. *7700–MOCA	Hespe INT, Calif.	*8000 MAA–18000
Int. 349 M rad Seal Beach VOR & 096 M rad Van Nuys VOR	Seal Beach, Calif. VOR	3200
INT SBA VOR R-102 & VTU VOR R-015 *5100–MOCA	Los Angeles, Calif. VOR	*8000
Int. 058 M rad Seal Beach VOR & 343 M rad Santa Ana VOR *3500–MOCA	Pirro INT, CA	*4000
Int. 096 M rad Fillmore VOR & 305 M rad Seal Beach VOR	Stabo INT, Calif.	5000

§95.1001 DIRECT ROUTES–U.S.
Is amended to delete:

FROM	TO	MEA
Int. 106 M rad Oceanside VOR & 242 M rad Julian VOR	Pillo INT, Calif.	8000
Int. 305 M rad Seal Beach VOR & 323 M rad Los Angeles VOR	Int. 096 M rad Fillmore VOR & 305 M rad Seal Beach VOR	6000
Los Angeles, Calif. VOR Control 1318	Elkey INT, Calif.	26000
*Kilar INT, Calif. *4500–MRA	Sausalito, Calif. VORTAC	4000
Santa Barbara, Calif. VOR	Int. SBA VOR R.102 & VTU VOR R-015	6000
Santa Barbara, Calif. VOR	Palmdale, Calif. VOR COP 40 NM SBA	9000 MAA–45000
Santa Monica, Calif. VOR Via SMO R-063	Amtro INT, Calif.	4000

§95.1001 DIRECT ROUTES–U.S.
Is amended to delete:

FROM	TO	MEA
Sunol INT, Calif.	Oakland, Calif. VORTAC	18000 MAA–31000
Ventura, Calif. VORTAC *8800–MOCA	Big Sur, Calif. VORTAC COP 125 VTU	*18000 MAA - 31000
Ventura, Calif. VOR	*Int. 310 M rad Ventura VOR & 153 M rad Los Panoche VOR	25000 MAA–29000
*25000–MCA Int 310 M rad Ventura VOR & 153 M rad Los Banos VOR		
Ventura, Calif. VOR	Salinas, Calif. VORTAC COP 40 VTU	#18000 MAA - 45000

#MEA is established with a gap in navigation signal coverage.

Woodside, Calif. VORTAC	Kilar INT, Calif.	4500

§95.1001 DIRECT ROUTES - U.S.
Is added to read:

FROM	TO	MEA
	Bahama Routes	
59V:		
Nassau, BH VOR/DME	Treasure Cay, BH VOR/DME	2000
68V:		
Freeport, BH VOR/DME	Deers INT, BH	2000
Deers INT, BH	Treasure Cay, BH VOR/DME	2000
Treasure Cay, BH VOR/DME	Marsh Harbour, BH VOR/DME	2000

§95.1001 DIRECT ROUTES - U.S.
Is amended to read in part:

FROM	TO	MEA
	Panama Routes	
V-11		
Tobago Island, RP VOR/DME	Mandinga INT, RP	5000
V-29		
France, RP VOR	Mandinga INT, RP	5000

§95.6006 VOR FEDERAL AIRWAY 6
Is amended to read in part:

FROM	TO	MEA
North Platte, NE VOR *4300–MOCA	Rogar INT, NE	*5000
Rogar INT, NE *3600–MOCA	Grand Island, NE VOR	*5000

§95.6008 VOR FEDERAL AIRWAY 8
Is amended to read in part:

FROM	TO	MEA
Hayes Center, NE VOR Via N alter. *4300–MOCA	Rogar INT, NE Via N alter.	*5000
Rogar INT, NE Via N alter. *3600–MOCA	Grand Island, NE VOR Via N alter.	*5000

§95.6016 VOR FEDERAL AIRWAY 16
Is amended to read in part:

FROM	TO	MEA
Graham, TN VOR	Nashville, TN VOR	#3000

#V16 BNA VORTAC unusable. Use GHM VORTAC R-062 between GHM and BNA VORTACS.

§95.6035 VOR FEDERAL AIRWAY 35
Is amended to read in part:

FROM	TO	MEA
Coote INT, FL *1500–MOCA	Biscayne Bay, FL VOR	*2000

§95.6114 VOR FEDERAL AIRWAY 114
is amended to read in part:

FROM	TO	MEA
Knelt INT, LA	Covex INT, LA	
Via N alter.	Via N alter.	*3500
*1700-MOCA		
Wrack INT, LA	Clunk INT, LA	
Via N alter.	Via N alter.	*5500
*1500-MOCA		
Clunk INT, LA	Wolke INT, LA	
Via N alter.	Via N alter.	*2500
*1400-MOCA		

§95.6138 VOR FEDERAL AIRWAY 138
is amended to read in part:

FROM	TO	MEA
Grand Island, NE VOR	Brody INT, NE	*3600
*3100-MOCA		
Gambl INT, NE	Lincoln, NE VOR	3300
Lincoln, NE VOR	Neolo, IA VOR	3000

§95.6159 VOR FEDERAL AIRWAY 159
is amended to read in part:

FROM	TO	MEA
Vero Beach, FL VOR	*Presk INT, FL	2000
*2500-MRA		
Presk INT, FL	Orlando, FL VOR	2000

§95.6182 VOR FEDERAL AIRWAY 182
is amended to read in part:

FROM	TO	MEA
Ibeam INT, OR	Lezle INT, ID	*12000
*8100-MOCA		
Lezle INT, ID	Lewiston, ID VOR	*7000
*6200-MOCA		

§95.6219 VOR FEDERAL AIRWAY 219
is amended to read in part:

FROM	TO	MEA
Hayes Center, NE VOR	Wolbach, NE VOR	*5000
*4300-MOCA		

§95.6267 VOR FEDERAL AIRWAY 267
is amended to read in part:

FROM	TO	MEA
Worms INT, FL	Barbs INT, FL	*2100
*1500-MOCA		
Barbs INT, FL	Royes INT, FL	*2500
*1500-MOCA		

§95.6363 VOR FEDERAL AIRWAY 363
is amended to read:

FROM	TO	MEA
Mission Bay, CA VOR	Treso INT, CA	*4000
*2000-MOCA		
Treso INT, CA	Kroux INT, CA	4500
Kroux INT, CA	Prado INT, CA	4000
Prado INT, CA	Pomona, CA VOR	3500

95.6023 VOR FEDERAL AIRWAY
amended to delete:

#Course excursions may be experienced between 9NM and 19NM NW of Ft. Jones VOR on V-23 and V-23W below 15000 MSL.

FROM	TO	MEA
Ft. Jones, CA VOR Via W alter *10000-MRA **9100-MOCA	*Bayts INT, OR Via W alter	**10000
Bayts INT, OR Via W alter *10000-MRA **9100-MOCA	*Paple INT, OR Via W alter	**10000
Paple INT, OR Via W alter *6000-MOCA	Merli INT, OR Via W alter	*9000
Merli INT, OR Via W alter *7300-MOCA	Roseburg, OR VOR Via W alter	*8000
Roseburg, OR VOR Via W alter *7000-MRA **4400-MOCA	*Vaugn INT, OR Via W alter	**7000
Vaugn INT, OR Via W alter *4400-MOCA	Notti INT, OR Via W alter	*7000
Notti INT, OR Via W alter *5800-MCA Horte INT, S-Bound	*Horte INT, OR Via W alter N-Bound S-Bound	 4000 7000
Horte INT, OR Via W alter	Corvallis, OR VOR Via W alter	4000
Corvallis, OR VOR Via W alter	Newburg, OR VOR Via W alter	4000
Eugene, OR VOR Via E alter	Glorr INT, OR Via E alter	4000
Glorr INT, OR Via E alter	Maver INT, OR Via E alter	6000

95.6023 VOR FEDERAL AIRWAY
amended to delete:

FROM	TO	MEA
Maver INT, OR Via E alter	Portland, OR VOR Via E alter	5000
Newburg, OR VOR Via W alter	Portland, OR VOR Via W alter	4000
Portland, OR VOR Via E alter *8500-MRA	*Tonee INT, WA Via E alter N-Bound S-Bound	 9000 5000
Tonee INT, WA Via E alter *6500-MOCA	Alder INT, WA Via E alter	*9000
Alder INT, WA Via E alter	Wirtt INT, WA Via E alter N-Bound S-Bound	 5000 9000
Wirtt INT, WA Via E alter	Seattle, WA VOR Via E alter	5000

95.6023 VOR FEDERAL AIRWAY
amended to read in part:

FROM	TO	MEA
Ft. Jones, CA VOR *9400-MOCA	Talem INT, OR	*10000

95.6121 VOR FEDERAL AIRWAY
amended to read in part:

FROM	TO	MEA
Fort Jones, CA VOR *10000-MRA **9100-MOCA	*Bayts INT, OR	**15000

95.6287 VOR FEDERAL AIRWAY
amended to read in part:

FROM	TO	MEA
Eugene, OR VOR Via E alter	Corvallis, OR VOR Via E alter	3500

95.6386 VOR FEDERAL AIRWAY
added to read:

FROM	TO	MEA
Palmdale, CA VOR	Aples INT, CA	7000
Aples INT, CA	Soggi INT, CA E-Bound W-Bound	 11000 9000
Soggi INT, CA *7000-MCA Palm Springs, NW-Bound **9400-MOCA	*Palm Springs, CA VOR	**11000

95.6440 VOR FEDERAL AIRWAY
amended to delete:

FROM	TO	MEA
Seattle, WA VOR	Lofal INT, WA	3000
Lofal INT, WA	U.S. Canadian Border	4100

95.6448 VOR FEDERAL AIRWAY
amended by adding:

FROM	TO	MEA
Medford, OR VOR	Roseburg, OR VOR	7000
Roseburg, OR VOR	Drain INT, OR	5000
Drain INT, OR	Eugene, OR VOR	
	N-Bound	4000
	S-Bound	5000
Eugene, OR VOR	Glorr INT, OR	4000
Glorr INT, OR	Maver INT, OR	6000
Maver INT, OR	Portland, OR VOR	5000

95.6481 VOR FEDERAL AIRWAY
amended by adding:

FROM	TO	MEA
Eugene, OR VOR	Corvallis, OR VOR	3500
Corvallis, OR VOR	Kraft INT, OR	4000

95.6495 VOR FEDERAL AIRWAY
added to read:

FROM	TO	MEA
Ft. Jones, CA VOR *10000-MRA **9100-MOCA	*Bayts INT, OR	**15000
Bayts INT, OR *10000-MRA **9100-MOCA	*Paple INT, OR	**10000
Paple INT, OR *6000-MOCA	Merli INT, OR	*9000
Merli INT, OR *7400-MOCA	Roseburg, OR VOR	*8000

95.6495 VOR FEDERAL AIRWAY
added to read:

FROM	TO	MEA
Roseburg, OR VOR *7000-MRA **4400-MOCA	*Vaugn INT, OR	**7000
Vaugn INT, OR *4400-MOCA	Notti INT, OR	*7000
Notti INT, OR	*Horte INT, OR	
	N-Bound	4000
	S-Bound	7000
*5400-MCA Horte INT, S-Bound		
Horte INT, OR	Corvallis, OR VOR	4000
Corvallis, OR VOR	Newberg, OR VOR	4000
Newberg, OR VOR	Portland, OR VOR	4000
Portland, OR VOR	*Tonee INT, WA	
	N-Bound	9000
	S-Bound	5000
*8500-MRA		
Tonee INT, WA *6500-MOCA	Alder INT, WA	*9000
Alder INT, WA	Wirtt INT, WA	
	N-Bound	5000
	S-Bound	9000
Wirtt INT, WA	Seattle, WA VOR	5000
Seattle, WA VOR	Lofal INT, WA	3000
Lofal INT, WA	U.S. Canadian Border	4100

95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS
amended to delete:

FROM	TO	CHANGEOVER POINTS DISTANCE FROM
Portland, OR VOR Via E alter	Seattle, WA VOR Via E alter	20 Portland

95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS
added to read:

FROM	TO	CHANGEOVER POINTS DISTANCE FROM
Portland, OR VOR	Seattle, WA VOR	20 Portland
Seattle, WA VOR	Victoria, B. C. Canada VOR	50 Seattle

95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS
amended to delete:

FROM	TO	CHANGEOVER POINTS DISTANCE FROM
	V-440	
Seattle, WA	Victoria, B.C. Canada VOR	50 Seattle

95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM
J-42 IS ADDED TO READ: Memphis, TN VORTAC	Nashville, TN VORTAC	118 Memphis
J-60 IS AMENDED BY ADDING: Goshen, IN VORTAC	Dryer, OH VORTAC	90 Goshen
J-82 IS AMENDED BY ADDING: Goshen, IN VORTAC	Dryer, OH VORTAC	90 Goshen

[FR Doc. 82-4598 Filed 2-24-82; 8:45 am]
BILLING CODE 4910-13-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 970

Deep Seabed Mining Regulations for Exploration Licenses—Procedures for Pre-Enactment Explorer Applications and New Entrant Applications

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Suspension of final rules.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is temporarily suspending, until further notice, some sections of Subpart C of 15 CFR Part 970, which it issued on February 9, 1982, (47 FR 5966) to implement certain provisions of the Deep Seabed Hard Mineral Resources Act (Pub. L. 96–283, "the Act"). This action is necessary in order to insure that U.S. domestic regulations are consistent with the understandings still being finalized between the various deep seabed mining countries.

The sections of Subpart C which are suspended include: the deadline date for filing applications for exploration licenses based on pre-enactment exploration; the deadline date for indicating the size of the area applied for, whether the area was applied for in one or more other nations, and whether the "banking" option was pursued; and the date for identifying pre-enactment explorer applicants with reciprocating states.

DATE: This suspension is effective on February 19, 1982.

ADDRESS: Inquiries should be directed to: Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Page Building 1, Suite 410, 2001 Wisconsin Avenue NW., Washington, D.C. 20235, Telephone: (202) 653-7695.

FOR FURTHER INFORMATION CONTACT: James P. Lawless, Acting Director, Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Page Building 1, Suite 410, 2001 Wisconsin Avenue NW., Washington, D.C. 20235, Telephone: (202) 653–7695.

SUPPLEMENTARY INFORMATION: 15 CFR Part 970, Subpart C, issued by NOAA on February 9, 1982, (47 FR 5966) set forth the dates on which applications for exploration licenses will be accepted, certain procedures unique to applications filed by U.S. citizens who were engaged in deep seabed mining exploration prior to enactment of the Act and procedures for resolving conflicts resulting from multiple applications for the same area of the deep seabed.

Many dates specified in those Subpart C regulations were consistent with understandings reached among the U.S. and other seabed mining nations likely to become reciprocating states under section 118 of the Act. However, NOAA now has ascertained that the reciprocating state arrangements will not be in force by February 19, 1982, the date now specified in Subpart C as the deadline for receipt of applications based on pre-enactment exploration. Thus, that deadline date and some other dates in Subpart C may not be compatible with the reciprocating states arrangements ultimately implemented pursuant to section 118 of the Act.

Accordingly, NOAA is temporarily suspending the effectiveness of certain portions of Subpart C, as indicated below, to provide additional time for implementation of reciprocating state arrangements. NOAA anticipates that this suspension will be for one week. Subsequent dates, set forth in other portions of Subpart C, also likely will have to be amended after further discussion and agreement among nations likely to become reciprocating states under section 118. Such dates will be amended later by a separate notice.

The suspensions announced in this rulemaking do not prevent a prospective applicant from filing an application based on preenactment exploration. However, during the time this suspension is in force, NOAA will not accept any application which is not based on pre-enactment exploration.

NOAA hereby advises prospective applicants and other interested persons of the possibility that NOAA may find it necessary to amend the Subpart C regulations, including dates and other regulatory provisions, if certain provisions of agreements that have been reached with prospective reciprocating states are amended prior to their implementation.

NOAA statements with respect to the following legal matters appear at 47 FR 5967 (February 9, 1982) and are hereby incorporated and made a part of this preamble:

1. Classification under Executive Order 12291 (including discussion of the Regulatory Flexibility Act);
2. Paperwork Reduction Act; and
3. Environmental Impact Statement.

Effective Date.—In order to allow compatibility with the schedule for receiving and processing pre-enactment explorer applications under discussion between the United States Government and the governments of prospective reciprocating states, for the reasons described in the second paragraph of the **SUPPLEMENTARY INFORMATION** section of this preamble, and for other foreign policy reasons, NOAA finds under 5 U.S.C. 553(b) that notice and public procedure on this suspension are impracticable and contrary to the public interest. For the same reasons, NOAA finds under 5 U.S.C. 553(d) that good cause exists to make this suspension effective on February 19, 1982. Accordingly, several sections of Title 15, Part 970, Subpart C, of the Code of Federal Regulations are suspended as described below.

Dated: February 19, 1982.

John V. Byrne,

Administrator.

(30 U.S.C. 1401 *et seq.*)

PART 970—DEEP SEABED MINING REGULATIONS FOR EXPLORATION LICENSES

§§ 970.301, 970.302 [Partial suspension]

The following sections of 15 CFR Part 970, Subpart C, are suspended until the Administrator gives further legal notice: §§ 970.301(b); 970.301(g); and 970.302(b).

[FR Doc. 82–5008 Filed 2–22–82; 1:01 pm]

BILLING CODE 3510–12–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Earnings Test

Correction

In FR Doc. 82–3568 appearing on page 5999 in the issue of Wednesday, February 10, 1982; on page 6001, third column, the amendatory language for § 404.435 should read as follows: "2. Section 404.435 is amended by revising paragraph (c) (1) and (2) and by adding paragraph (c)(4) and revising example 2 to read as follows:"

BILLING CODE 1505–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 662

Off-System Roads Program Administrative Guidelines; Rescission of Regulation

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescission of regulation.

SUMMARY: This document rescinds the FHWA regulation on Off-System Roads Program Administrative Guidelines because the program is no longer part of title 23, United States Code.

EFFECTIVE DATE: February 25, 1982.

FOR FURTHER INFORMATION CONTACT: Steiner W. Silence, Office of Engineering, Federal-Aid Division, 202–426–0334, or Michael J. Laska, Office of the Chief Counsel, 202–426–0800, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: The regulations contained in 23 CFR Part 662 were published to prescribe procedures for carrying out the provisions of the Off-System Roads Program which was established by the Federal-Aid Highway Amendments of 1974 and was codified as section 219 of title 23, United States Code. Section 219 was amended and retitled "Safer Off-System Roads" by section 135(a) of the Federal-Aid Highway Act of 1976. A separate set of regulations were published to implement section 219 as amended and are contained in 23 CFR Part 922. Although Part 922 superseded Part 662 as the governing regulations for implementing 23 U.S.C. 219, Part 662 was retained because funds which had been apportioned when Part 662 was in effect were available for obligation for three years. Since all of such authorized funds have either been obligated or lapsed, Part 662 is no longer necessary and is, therefore, rescinded.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. No economic impacts are anticipated as a result of this action. Under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because is is not anticipated that such action would result in the receipt of useful information nor are they required under the Administrative Procedure Act because the matters affected relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2). Accordingly, this rescission is effective February 25, 1982.

PART 662—OFF-SYSTEM ROADS PROGRAM ADMINISTRATIVE GUIDELINES [REMOVED]

In consideration of the foregoing, the FHWA hereby removes Part 662 "Off-System Roads Program Administrative Guidelines" from title 23, Code of Federal Regulations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

(23 U.S.C. 219, 315; 49 CFR 1.48(b))

Issued on February 17, 1982.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 82–4974 Filed 2–24–82; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF JUSTICE

28 CFR Part 50

[Order No. 970–82]

Statements of Policy; Representation of Federal Officials and Employees

AGENCY: Department of Justice.

ACTION: Statement of policy.

SUMMARY: This statement amends the policy of the Department on representation of Federal officials, employees and former Federal officials or employees when they are sued individually for actions performed within the scope of their employment. This amendment is necessary to clarify and expand existing procedures.

EFFECTIVE DATE: February 17, 1982.

FOR FURTHER INFORMATION CONTACT: J. Paul McGrath, Assistant Attorney General, Civil Division, Department of Justice, Washington, D.C. 20530 (202–633–3301).

PART 50—STATEMENTS OF POLICY

By virtue of the authority vested in me by 28 U.S.C. 509, Part 50 of Chapter I of Title 28 of the Code of Federal Regulations is hereby amended by revising §§ 50.15 and 50.16 therof to read as follows:

§ 50.15 Representation of Federal officials and employees by Department of Justice attorneys or by private counsel furnished by the Department in civil and Congressional proceedings, and in state criminal proceedings in which Federal employees are sued or subpoenaed in their individual capacities.

(a) Under the procedures set forth below, a federal employee (hereby defined to include present and former Federal officials and employees) may be provided representation in civil and Congressional proceedings and in state criminal proceedings in which he is sued, subpoenaed, or charged in his individual capacity, not covered by § 15.1 of this chapter, when the actions for which representation is requested reasonably appear to have been performed within the scope of the employee's employment and providing representation would otherwise be in the interest of the United States. No special form of request for representation is required when it is clear from the pleadings in a case that the employee is being sued solely in his official capacity and only equitable relief is sought. (See USAM 4–13.000)

(1) When an employee believes he is entitled to representation by the Department of Justice in a proceeding, he must submit forthwith a written request for that representation, together with all process and pleadings served upon him, to his immediate supervisor or whomever is designated by the head of his department or agency. Unless the employee's employing federal agency concludes that representation is clearly unwarranted, it shall submit, in a timely manner, to the Civil Division or other appropriate litigating division (Antitrust, Civil Rights, Criminal, Land and Natural Resources or the Tax Division), a statement containing its findings as to whether the employee was acting within the scope of his employment and its recommendation for or against providing representation. The statement should be accompanied by all available factual information. In emergency situations the litigating division may initiate conditional representation after a telephone request from the appropriate official of the employing agency. In such cases, the written request and appropriate documentation must be subsequently provided.

(2) Upon receipt of the individual's request for counsel, the litigating division shall determine whether the employee's actions reasonably appear to have been performed within the scope of his employment and whether providing representation would be in the interest of the United States. In

circumstances where considerations of professional ethics prohibit direct review of the facts by attorneys of the litigating division (e.g. because of the possible existence of inter-defendant conflicts) the litigating division may delegate the fact-finding aspects of this function to other components of the Department or to a private attorney at federal expenses.

(3) Attorneys employed by any component of the Department of Justice who participate in any process utilized for the purpose of determining whether the Department should provide representation to a federal employee, undertake a full and traditional attorney-client relationship with the employee with respect to application of the attorney-client privilege. If representation is authorized, Justice Department attorneys who represent an employee under this section also undertake a full and traditional attorney-client relationship with the employee with respect to the attorney-client privilege. Any adverse information communicated by the client-employee to an attorney during the course of such attorney-client relationship shall not be disclosed to anyone, either inside or outside the Department, other than attorneys responsible for representation of the employee, unless such disclosure is authorized by the employee. Such adverse information shall continue to be fully protected whether or not representation is provided, and even though representation may be denied or discontinued. The extent, if any, to which attorneys employed by an agency other than the Department of Justice undertake a full and traditional attorney-client relationship with the employee with respect to the attorney-client privilege, either for purposes of determining whether representation should be provided or to assist Justice Department attorneys in representing the employee, shall be determined by the agency employing the attorneys.

(4) Representation is not available in federal criminal proceedings. In other proceedings for which representation is sought, where there appears to exist the possibility of a federal criminal investigation or indictment relating to the same subject matter, the litigating division shall contact a designated official in the Criminal, Civil Rights or Tax Division or other prosecutive authority within the Department (hereinafter "prosecuting division") to determine whether the employee is either a subject of a federal criminal investigation or a defendant in a federal criminal case. An employee is the subject of an investigation if, in addition to being circumstantially implicated by having the appropriate responsibilities at the appropriate time, there is some evidence of his specific participation in a crime.

(5) If a prosecuting division of the Department indicates that the employee is not the subject of a criminal investigation concerning the act or acts for which he seeks representation, then representation may be provided if otherwise permissible under the provisions of this section. Similarly, if the prosecuting division indicates that there is an ongoing investigation, but into a matter unrelated to that for which representation has been requested, then representation may be provided.

(6) If the prosecuting division indicates that the employee is the subject of a federal criminal investigation concerning the act or acts for which he seeks representation, the litigating division shall inform the employee that no representation by Justice Department attorneys will be provided in the related civil, congressional, or state criminal proceeding. In such a case, however, the litigating division, in its discretion, may provide a private attorney to the employee at federal expense under the procedures of § 50.16 provided no decision has been made to seek an indictment or file an information against the employee.

(7) In any case where it is determined that Department of Justice attorneys will represent a federal employee, the employee must be notified of his right to retain private counsel at his own expense. If he elects representation by Department of Justice attorneys, the employee and his agency shall be promptly informed.

(i) That in actions where the United States, any agency, or any officer thereof in his official capacity is also named as a defendant, the Department of Justice is required by law to represent the United States and/or such agency or officer and will assert all appropriate legal positions and defenses on behalf of such agency, officer and/or the United States;

(ii) That the Department of Justice will not assert any legal position or defense on behalf of any employee sued in his individual capacity which is deemed not to be in the interest of the United States;

(iii) Where appropriate, that neither the Department of Justice nor any agency of the United States Government is obligated to pay or to indemnify the defendant employee for any judgment for money damages which may be rendered against such employee;

(iv) That any appeal by Department of Justice attorneys from an adverse ruling or judgment against the employee may only be taken upon the discretionary approval of the Solicitor General, but the employee-defendant may pursue an appeal at his own expense whenever the Solicitor General declines to authorize an appeal and private counsel is not provided at federal expense under the procedures of § 50.16; and

(v) That while no conflict appears to exist at the time representation is tendered which would preclude making all arguments necessary to the adequate defense of the employee, if such conflict should arise in the future the employee will be promptly advised and steps will be taken to resolve the conflict as indicated by paragraphs (a)(6), (a)(9) and (a)(10) of this section, and by § 50.16.

(8) If a determination not to provide representation is made, the litigating division shall inform the agency and/or the employee of the determination.

(9) If conflicts exist between the legal and factual positions of various employees in the same case which make it inappropriate for a single attorney to represent them all, the employees may be separated into as many compatible groups as is necessary to resolve the conflict problem and each group may be provided with separate representation. Circumstances may make it advisable that private representation be provided to all conflicting groups and that direct Justice Department representation be withheld so as not to prejudice particular defendants. In such situations, the procedures of § 50.16 will apply.

(10) Whenever the Solicitor General declines to authorize further appellate review or the Department attorney assigned to represent an employee becomes aware that the representation of the employee could involve the assertion of a position that conflicts with the interests of the United States, the attorney shall fully advise the employee of the decision not to appeal or the nature, extent, and potential consequences of the conflict. The attorney shall also determine, after consultation with his supervisor (and, if appropriate, with the litigating division) whether the assertion of the position or appellate review is necessary to the adequate representation of the employee and

(i) If it is determined that the assertion of the position or appeal is not necessary to the adequate representation of the employee, and if the employee knowingly agrees to forego appeal or to waive the assertion of that position, governmental

representation may be provided or continued; or

(ii) If the employee does not consent to forego appeal or waive the assertion of the position, or if it is determined that an appeal or assertion of the position is necessary to the adequate representation of the employee, a Justice Department lawyer may not provide or continue to provide the representation; and

(iii) In appropriate cases arising under paragraph (a)(10) (ii) of this section, a private attorney may be provided at federal expense under the procedures of § 50.16.

(11) Once undertaken, representation of a federal employee under this subsection will continue until either all appropriate proceedings, including applicable appellate procedures approved by the Solicitor General, have ended, or until any of the bases for declining or withdrawing from representation set forth in this section is found to exist, including without limitation the basis that representation is not in the interest of the United States. If representation is discontinued for any reason, the representing Department attorney on the case will seek to withdraw but will take all reasonable steps to avoid prejudice to the employee.

(b) Representation is not available to a federal employee whenever:

(1) The representation requested is in connection with a federal criminal proceeding;

(2) The conduct with regard to which the employee desires representation does not reasonably appear to have been performed within the scope of his employment with the federal government;

(3) It is otherwise determined by the Department that it is not in the interest of the United States to provide representation to the employee.

§ 50.16 Representation of Federal Employees by Private Counsel at Federal Expense.

(a) Representation by private counsel at federal expense is subject to the availability of funds and may be provided to a federal employee only in the instances described in § 50.15(a)(6), (9) and (10), and in appropriate circumstances, for the purposes set forth in § 50.15(a)(2).

(b) To ensure uniformity in retention procedures among the litigating divisions, the Civil Division shall be responsible for establishing procedures for the retention of private counsel including the setting of fee schedules. In all instances where a litigating division decides to retain private counsel under § 50.16, the Civil Division shall be consulted before the retention is undertaken.

(c) Where private counsel is provided, the following procedures shall apply:

(1) While the Department of Justice will generally defer to the employee's choice of counsel, the Department must approve in advance any private counsel to be retained under this section. Where national security interests may be involved, the Department of Justice will consult with the agency employing the federal defendant seeking representation.

(2) Federal payments to private counsel for an employee will cease if the private counsel violates any of the terms of the retention agreement or the Department of Justice

(i) Decides to seek an indictment of, or to file an information against, that employee on a federal criminal charge relating to the conduct concerning which representation was undertaken;

(ii) Determines that the employee's actions do not reasonably appear to have been performed within the scope of his employment;

(iii) Resolves any conflict described herein and tenders representation by Department of Justice attorneys;

(iv) Determines that continued representation is not in the interest of the United States;

(v) Terminates the retainer with the concurrence of the employee-client for any reason.

Dated: February 17, 1982.

William French Smith,

Attorney General.

[FR Doc. 82-5049 Filed 2-24-82; 8:45 am]

BILLING CODE 4410-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Payment of Premiums

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment notifies the public of a change in the interest rate on late payment of premiums imposed by the Pension Benefit Guaranty Corporation on pension plans covered by the termination insurance program under Title IV of the Employee Retirement Income Security Act of 1974. The change in the interest rate is provided for and required by the Economic Tax Recovery Act of 1981.

EFFECTIVE DATE: This regulation is effective on February 25, 1982.

FOR FURTHER INFORMATION CONTACT: Lonie Hassel, Staff Attorney, Office of the General Counsel (210), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, (202) 254-3010. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.*, as amended (the "Act"), provides for a comprehensive pension plan insurance program administered by the Pension Benefit Guaranty Corporation ("PBGC"). Under the statutory scheme, covered plans currently pay annual premiums at $2.60 per participant for single-employer plans and $1.40 per participant for multiemployer plans. These amounts are kept in two separate funds and are used to help finance the program by funding benefits guaranteed by the PBGC. If, upon termination of a single-employer plan, the assets of the plan, plus amounts collectible under section 4062 of the Act, are insufficient to fund benefits guaranteed under sections 4022 and 4022B of the Act, the PBGC uses premiums in the single-employer fund to provide for these benefits. Similarly, premiums in the multiemployer fund are used to provide for the payment of benefits guaranteed under sections 4022A and 4022B of the Act.

The PBGC's Payment of Premiums regulations is set forth in 29 CFR Part 2610 (Part 2602 prior to recodification on June 29, 1981). This amendment revises Appendix A of that regulation to reflect a higher interest rate charge on overdue premiums. Sections 4007 of the Act requires the PBGC to charge interest at the rate established under section 6601(a) of the Internal Revenue Code. The Economic Tax Recovery Act, 95 Stat. 172, Pub. L. 97-34 revised the rates to be used under that section of the Code. Although no change is made in the method of calculating the late payment interest charge set forth in § 2610.7, Appendix A of Part 2610 is amended to reflect the new Internal Revenue Service interest rate that was announced on October 15, 1981 by the IRS (IR-81-124). The new rate of 20% will be effective from February 1, 1982 through December 31, 1982.

Because this amendment simply announces a statutorily imposed change in the interest rate, general notice of proposed rulemaking is not required. See 5 U.S.C. 553(b). Moreover, the PBGC has determined that it would be

impractical and contrary to the public interest to delay the effective date of the regulation because the interest rate charge is effective by law on February 1, 1982. Accordingly, the PBGC finds that good cause exists for issuing this regulation in final form without notice and opportunity for public comment and for making it effective immediately.

The PBGC has also determined that this rule is not a "major rule" within the meaning of Executive Order 12291, February 17, 1981 (46 FR 13193), because it will not have an annual effect on the economy of $100 million or more; nor will it create a major increase in costs or prices for consumers, individual industries, or geographic regions; nor will it have significant adverse effects on competition, employment, investment, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

PART 2610—PAYMENT OF PREMIUMS

In consideration of the foregoing, Part 2610 of Chapter XXVI of Title 29, Code of Federal Regulations, is hereby amended as follows:

1. The authority citation for Part 2610 is revised to read as follows:

Authority: Secs. 4002(b)(3), 4006, 4007, Pub. L. 93-406, as amended by secs. 105, 403(l), 402(a)(3), 403(b), Pub. L. 96-364, 94 Stat. 1208, 1302, 1298, 1300 (1980) (29 U.S.C. 1302(b), 1306, 1307).

2. Appendix A is revised to read as follows:

Appendix A—Late Payment Interest Charges

The following table lists the late payment interest charges under § 2610.7(a) for the specified time periods:

Time period	Interest rate (percent)
Sept. 2, 1974 to June 30, 1975	6
July 1, 1975 to Jan. 31, 1976	9
Feb. 1, 1976 to Jan. 31, 1978	7
Feb. 1, 1978 to Jan. 31, 1980	6
Feb. 1, 1980 to Jan. 31, 1982	12
Feb. 1, 1982 to Dec. 31, 1982	20

Effective date: February 25, 1982.

Robert E. Nagle,

Executive Director.

[FR Doc. 82-5091 Filed 2-24-82; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 221

Oil and Gas Operating Regulations; Correction

AGENCY: Geological Survey, Interior.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule relating to oil and gas operations on the National Petroleum Reserve, Alaska, published in the **Federal Register** on December 1, 1981 (46 FR 58304).

FOR FURTHER INFORMATION CONTACT: Stephen Spector, (703) 860-6259, (FTS) 928-6259.

SUPPLEMENTARY INFORMATION: Item 1 of the final rule revised the Authority provision of 30 CFR Part 221. It incorrectly cited 30 U.S.C. 221 which is hereby removed because it has expired.

Dated: February 8, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

[FR Doc. 82-5073 Filed 2-24-82; 8:45 am]

BILLING CODE 4310-MR-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 174

[CGD 79-087]

Application for Certificate of Number; Change in Required Contents

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations so that States are no longer required to obtain information on date of birth and citizenship of vessel owners applying for certificates of number. The need for the information is not sufficient to justify the requirement. Also, this information will no longer be collected in States where the Coast Guard is the sole issuing authority.

EFFECTIVE DATE: This amendment becomes effective March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Harry F. Schmecht, Office of Boating, Public, and Consumer Affairs, (G-BEL-3), U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426-4176.

SUPPLEMENTARY INFORMATION: On August 21, 1980, the Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** for these regulations (45 FR 55768). No comments had been received when the comment period on the rulemaking closed on October 6, 1980; however, two comments received after the comment period closed were considered.

Drafting Information

The primary persons involved in drafting this amendment are: Lieutenant Commander Harry F. Schmecht, Project Officer, Office of Boating, Public, and Consumer Affairs, and Lieutenant Walter J. Brudzinski, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Two written comments were received in this rulemaking. One of the comments was from within the Coast Guard and concerned clarification of Coast Guard policy regarding a numbered vessel which is subsequently documented. Information on citizenship status of a vessel's previous owners is required for applications in certain commercial vessel documentation procedures. This information was thought to be helpful, if collected during numbering procedures, for application in subsequent documentation efforts. The relatively few instances where this information could be utilized in subsequent documentation procedures does not justify imposing the requirement on all applications for certificates of number. Moreover, formal proof of citizenship or date of birth was not gathered by the Coast Guard for numbering functions and the requirement for formal proof of owner information is not in keeping with the purposes of the Federal Boat Safety Act of 1971. Hence, this information is not usable for Coast Guard documentation purposes.

The other comment suggested that the National Marine Fisheries Service, Department of Commerce, required the owner's date of birth and citizenship information. Further written inquiry and response verified that, under the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), this information is not required or necessary.

In light of the foregoing, the Final Rule will not be changed.

Previous forms, both State and Federal, which contain blocks for the vessel owner's date of birth and citizenship may be used. The States will no longer be required to obtain this information before issuing a certificate of number. States that have a need for this information may continue to gather it.

Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rulemaking. Additionally, these regulations are considered to be nonsignificant in accordance with the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). An economic evaluation has not been conducted since the impact of these regulations is expected to be minimal. There is no immediate need for States to eliminate the date of birth and citizenship items or to reprint application forms. Existing forms could be used until exhausted. Alternatively, the forms could be issued with these items crossed out or with instructions informing applicants that these items may be left blank. This will allow the changes to be adopted at the convenience of the States and at minimal expense. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

Final Regulations

PART 174—STATE NUMBERING AND CASUALTY REPORTING SYSTEMS

In consideration of the foregoing, Part 174 of Title 33, Code of Federal Regulation, is amended as follows:

1. The authority citation for Part 174 is revised to read as follows:

Authority: Secs. 18, and 39, 85 Stat. 220, 228, as amended, (46 U.S.C. 1467, 1488); 49 CFR (n)(1), unless otherwise noted.

2. Section 174.17 is amended by: removing and reserving paragraphs (a)(3) and (4), and revising paragraph (a)(15). This section will then be revised to read as follows:

§ 174.17 Contents of application for certificate of number.

(a) Each form for application for a certificate of number must contain the following information:

(1) Name of the owner.

(2) Address of the owner, including ZIP code.

(3) [Reserved]

(4) [Reserved]

(5) State in which vessel is or will be principally used.

(6) The number previously issued by an issuing authority for the vessel, if any.

(7) Whether the application is for a new number, renewal of a number, or transfer of ownership.

(8) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use.

(9) Make of vessel.

(10) Year vessel was manufactured or model year.

(11) Manufacturer's hull identification number, if any.

(12) Overall length of vessel.

(13) Type of vessel (open, cabin, house, or other).

(14) Whether the hull is wood, steel, aluminum, fiberglass, plastic, or other.

(15) Whether the propulsion is inboard, outboard, inboard-outdrive, sail or other.

(16) Whether the fuel is gasoline, diesel, or other.

(17) The signature of the owner.

(b) An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit items 9 through 16 of paragraph (a) of this section.

(c) An application made by a person who intends to lease or rent the vessel without propulsion machinery may omit items 15 and 16 of paragraph (a) of this section.

Dated: February 18, 1982.

H. W. Parker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 82-5093 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-14-M

PANAMA CANAL COMMISSION

35 CFR Part 70

Revised Procedures for Changing Rules of Measurement or Rates of Tolls

AGENCY: Panama Canal Commission.

ACTION: Final rule; request for comments.

SUMMARY: The Panama Canal Commission amends its regulations which establish notice and hearing procedures for changing the rules of measurement or rates of tolls for vessels transiting the Panama Canal. The Panama Canal Act of 1979, the statute which implemented the Panama Canal Treaty of 1977, rendered obsolete certain portions of Part 70 of 35 CFR. This revision sets forth the new statutory requirements and provides interested parties with instructions for participating in any change in the rules of measurement or rates of tolls.

EFFECTIVE DATE: April 1, 1982.

DATES: Comments related to this amendment must be received on or before March 29, 1982. Depending on the comments received, this amendment may be modified.

ADDRESS: Send written comments to: Michael Rhode, Jr., Secretary, Panama Canal Commission, Rm 312, Pennsylvania Bldg, 425 13th Street, NW., Washington, D.C. 20004 [Telephone: (202) 724-0104].

FOR FURTHER INFORMATION CONTACT: Dwight A. McKabney, General Counsel, Panama Canal Commission, APO Miami, Florida 34011. Telephone in Balboa Heights, Republic of Panama: 52-7511. Telephone in Wash., D.C. (202) 724-0104.

SUPPLEMENTARY INFORMATION: Upon entry into force, on October 1, 1979, of the Panama Canal Treaty of 1977 between the United States and the Republic of Panama, the United States relinquished and Panama assumed plenary jurisdiction over the Canal Zone Pursuant to the Panama Canal Act of 1979, Pub. L. 96-70, 93 Stat. 452, the statute implementing the new treaty, the Canal Zone Government was disestablished and the Panama Canal Company was replaced by a new United States Government agency, the Panama Canal Commission, which is charged with the responsibility of the United States to manage, operate, and maintain the waterway until the termination of the treaty on December 31, 1999. Pursuant to the treaty and the Panama Canal Act of 1979, the regulations published in Title 35, CFR, are being rewritten in accordance with the new agency's substantially different authority and responsibilities.

Some of the changes to Part 70 of Title 35, CFR, made herein are designed to reflect the new agency's organization, structure and responsibilities. Other changes are required by section 1604 of the Panama Canal Act of 1979 (Pub. L. 96-70, 93 Stat. 490), as follows: Notice of any proposed change must be published at least 30 days (formerly 15 days) prior to the date of public hearing; the notice must contain certain required information; the Commission must make available an analysis for public use; any post-hearing revision recommending rates greater than those originally proposed requires a repeat of the procedures of notice, analysis and hearing; notice of the recommendation to the President must be published in the **Federal Register**; the President has final authority to approve, disapprove or modify the proposed changes; and the changes may not take effect until at

least 30 days after they are published by the President in the **Federal Register.**

The material contained in this part is a matter relating to public property and to rules of agency procedure or practice. Accordingly, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and opportunity for public participation are inapplicable and, therefore, the regulation is published herein as a final rule. Nevertheless, in the spirit of the policy set forth in 5 U.S.C. 553, to give the public an opportunity to participate in the rulemaking process, interested persons may submit written comments, suggestions, data, or argument within 30 days of the publication of the procedural rules contained in this part. When the comment period ends, the Panama Canal Commission will use any materials presented to review the regulation.

This revision of Part 70 of Title 35, Code of Federal Regulations does not constitute a "major rule" as defined in section 1(b) of Executive Order 12291, dated February 17, 1981. The regulations are procedural and are, therefore, expected to have no direct impact on the economy. They will not result in a major increase in costs or prices for consumers, individual industries, Federal, state or local governmental agencies or geographic regions. Moreover, the regulations will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation does not significantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969. Furthermore, the Regulatory Flexibility Act is inapplicable, since this regulation is one relating to "rates", or "practices relating" thereto (5 U.S.C. 601(2)).

The following is an overview of the proposed revisions, amendments and redesignation of materials of Part 70 of Title 35, Code of Federal Regulations: First, the heading and the citation of authority have been revised. Second, with the repeal of applicable sections of the Canal Zone Code, the scope (§ 70.1) has been narrowed to refer specifically to rules of measurement or rates of tolls. Third, definitions have been deleted and changed in § 70.2 in order to reflect the proper nomenclature for the new agency organization and structure. Fourth, §§ 70.4, 70.5, 70.6, 70.12, 70.14, 70.15, and new § 70.16 contain statutory requirements set forth in section 1604 of the Panama Canal Act of 1979. Fifth, former § 70.6 has been redesignated as § 70.7, with only minor changes. Sixth, portions of former §§ 70.7 and 70.10 have been retained, combined and redesignated as § 70.8. Seventh, former § 70.8 has been redesignated as § 70.9, with the Chairman of the Commission's Board given responsibility for selecting the panel. Eighth, former § 70.9 has been combined with, and redesignated, § 70.10. Ninth, former § 70.12 has been redesignated as § 70.13, with only minor changes.

Accordingly, the Panama Canal Commission hereby amends Subchapter B of Chapter 1 of Title 35, Code of Federal Regulations, by revising Part 70 to read as follows:

PART 70—PROCEDURES FOR CHANGING RULES OF MEASUREMENT OR RATES OF TOLLS

Sec.

Authority: Secs. 1601–1604 and 1801 of Pub. L. 96–70, 93 Stat. 489–491 and 492; EO 12215, 45 FR 36043.

§ 70.1 Scope.

These regulations establish procedures for prescribing or changing the rules of measurement of vessels for the Panama Canal and the rates of tolls that shall be levied for the use of the Canal.

§ 70.2 Definitions.

As used in this part:

(a) "Board" means the nine-member Board of the Panama Canal Commission, appointed pursuant to section 1102 of the Panama Canal Act of 1979, Pub. L. 96–70, 93 Stat. 456.

(b) "Commission" means the Panama Canal Commission.

(c) "Hearing" means a public proceeding at which interested persons are afforded an opportunity to participate in rulemaking through submission of written data, views or arguments with or without oral presentation.

(d) "Panel" means the members of the Board of the Panama Canal Commission, who are designated by the Chairman of the Board to conduct a hearing in accordance with § 70.9.

(e) "Party" includes an individual, partnership, corporation, association, or public or private organization other than an agency of the United States Government.

§ 70.3 Official language.

Hearings, arguments, views, and other data provided for by these rules shall be in the English language.

§ 70.4 Publication of notice.

The Commission shall publish in the **Federal Register** notice of any proposed change in the rules of measurement or rates of tolls. Such notice must be published at least 30 days prior to the date of the public hearing referred to in § 70.8.

§ 70.5 Contents of notice.

The notice referred to in § 70.4 shall include:

(a) The substance of the proposed change;

(b) A statement of the time, place, and nature of the proceedings; and

(c) A statement of the time by which interested parties must submit the notices of appearance required by § 70.10.

§ 70.6 Analysis for public use.

At the time of publication of the notice referred to in §§ 70.4 and 70.5, the Commission shall make available to the public an analysis showing:

(a) The basis and justification for the proposed change, which, in the case of a change in the rates or tolls, shall indicate the conformity of the existing and proposed rates of tolls with the requirements of section 1602 of the Panama Canal Act of 1979; and

(b) The Commission's full consideration of the following factors:

(1) The costs of operating and maintaining the Panama Canal;

(2) The competitive position of the use of the Canal in relation to other means of transportation;

(3) The interests of the United States and the Republic of Panama in maintaining their domestic fleets;

(4) The impact of such a change in rates of tolls on the various geographical areas of each of the two countries; and

(5) The interests of both countries in maximizing their international commerce.

§ 70.7 Data filed by interested parties.

After notice required by § 70.4, interested parties shall be given the

opportunity to participate in the change in the rules of measurement or rates of tolls through submission of written data, views, or arguments, which shall be filed with the Secretary of the Commission within the time prescribed in the notice. Copies of such data or other materials shall be available for distribution to other interested parties on payment of the cost prescribed by the Commission.

§ 70.8 Hearing.

Interested parties shall have the opportunity to participate in a hearing which shall be held not less than 30 days after the date of publication of the notice required by § 70.4. Such hearing shall be held at the time and place prescribed in the notice. In fixing the time and place for the hearing, due regard shall be had for the convenience of the parties and their representatives. Parties appearing at such hearing may present data supplementary to any material already submitted by them, or any oral argument or statement concerning the rules of measurement or tolls, as appropriate. Upon presentation of such supplementary data, arguments, or statements, the panel may request further information or clarification.

§ 70.9 Hearing panel.

One or more members of the Board shall be designated by the Chairman of the Board as a panel to conduct the hearing. If two or more members are so designated, one shall be appointed by the Chairman of the Board to act as Chairman of the Panel.

§ 70.10 Notice of appearance; witnesses.

Interested parties may appear at the hearing in person or by or with counsel or other qualified representative if notice of that appearance, including the names and addresses of the parties appearing, is furnished in writing to the Commission's Secretary within the time prescribed by the notice of the hearing. Such notice of appearance shall also state the names and addresses of any witnesses to appear, the capacity in which they will appear, the place at which they desire to be heard if hearings are scheduled to be held at more than one place, and the approximate time requested for the presentation of each witness.

§ 70.11 Conduct of hearing.

The panel shall conduct the hearing in an impartial manner. Subject to applicable statutes and rules, the panel may:

(a) Regulate the course of the hearing;

(b) Administer or require the administration of oaths or affirmations;

(c) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(d) Dispose of procedural requests or similar matters;

(e) Exclude irrelevant, immaterial or unduly repetitious material offered by the parties or witnesses; and

(f) Exclude any party or witness for contumacious or other conduct which interferes with the proceedings.

§ 70.12 Post-hearing revision.

After consideration of the panel's findings and other relevant matters, the Commission may revise the proposed rules of measurement or rates of tolls, as the case may be. However, in the case of rates of tolls, if such revision proposes rates greater than those originally proposed, the proceedings set out above (making an analysis available to the public, minimum of 30 days notice, submission of data, hearing, etc.) shall be repeated. This requirement shall apply to any subsequent revision which proposes rates higher than those in the preceding proposal.

§ 70.13 Transcript.

A transcript of the proceedings at the hearing(s) shall be made available to any party on request and payment of the costs prescribed by the Commission.

§ 70.14 Notice of recommendation to the President.

Upon completion of the proceedings set out above, the Commission shall publish in the **Federal Register** a notice of the changes in the rules of measurement or rates of tolls, as the case may be, to be recommended to the President of the United States.

§ 70.15 Action by the President.

Upon publication of the notice required by § 70.13, the Commission shall forward a complete record of the proceedings, with the recommendation of the Commission, to the President for his consideration. The President may approve, disapprove, or modify any or all of the changes in the rules of measurement or rates of tolls recommended by the Commission.

§ 70.16 Effective date.

Rules of measurement or rates of tolls prescribed by the President, pursuant to Pub. L. 96–70 and these regulations, shall take effect on a date prescribed by the President which is not less than 30 days after the President publishes such rules or rates in the **Federal Register.**

Dated: February 22, 1982.

D. P. McAuliffe,

Administrator.

[FR Doc. 82-5012 Filed 2-24-82, 8:45 am]

BILLING CODE 3640-01-M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual; Miscellaneous Amendments

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby describes the numerous miscellaneous revisions consolidated in the Transmittal Letter for Issue 7 of the Domestic Mail Manual (DMM), which is incorporated by reference in the **Federal Register,** 39 CFR 111.1.

Some of the revisions are minor, editorial, or clarifying. Substantive changes, such as the treatment of unpaid and part-paid mail addressed to U.S. Government offices, have previously been published in the **Federal Register** both in the proposed rule and the final rule stages.

EFFECTIVE DATE: November 1, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J Kemp, (202) 245–4638.

SUPPLEMENTARY INFORMATION: The Domestic Mail Manual, which is incorporated by reference in the **Federal Register** (See 39 CFR 111.1), has been amended by the publication of a transmittal letter for Issue 7, dated November 1, 1981. The text of all published changes is filed with the Director of the Federal Register. Subscribers to the Domestic Mail Manual receive these amendments automatically from the Government Printing Office.

The following excerpt from the Summary of Changes section of the transmittal letter for Issue 7 covers the minor changes not previously described in final rules published in the **Federal Register.**

Summary of Changes

Note.—Issue 7 contains all DMM revisions published between July 9, 1981 and October 29, 1981. Rate changes announced in Postal Bulletin 21319 (10–6–81) were incorporated into Issue 6.

1. Section 122.422 is revised to allow the use of the exceptional form of address on all bulk third-class and bulk fourth-class matter (PB 21310, 8–6–81).

2. Section 124.382 and 124.392 are revised to remove the requirement for shipper's certification of parcels

containing 5 pounds or less dry ice (PB 21312, 8–20–81).

3. Section 124.516 is revised to require that Form 1508, *Statement by Shipper of Firearms,* be retained for one year (PB 21306, 7–9–81).

4. Section 137.273e and 137.276 are revised to implement new reporting requirements for official business reply mail (PB 21317, 9–24–81).

5. Sections 141.11, 141.21, and 141.3 are revised to correct denominations and prices for envelopes and postal cards (PB 21319, 10–6–81).

6. Section 143.421a is revised to eliminate the requirement that pieces bearing stamps precanceled by bars only must show the city, state and ZIP Code where the mailing is made (PB 21321, 10–15–81).

7. Section 144.13 and 144.41 are revised to list the Rockaway Corporation as an authorized postage meter manufacturer and to include their meter stamp design (PB 21312, 8–20–81).

8. Section 144.354c is added to outline conditions under which the Postal Service will set postage meters at the premises of the mailer without requiring a meter setting fee (PB 21314, 9–3–81).

9. Section 144.355a(1) is revised to provide uniform on-site postage meter license approval procedures (PB 21322, 10–22–81).

10. Section 145.883 is revised to reduce the record retention requirement for mailers using optional acceptance procedures for permit imprint mail to one year (PB 21309, 7–30–81).

11. * * *

12. Section 149.252i is deleted to clarify the fact that any parcel packaged in such a way as to be mailable is insurable, and that indemnity claims will not be denied for inadequate packaging (PB 21314, 9–3–81).

13. Section 149.352a is revised to allow customers to file duplicate indemnity claims by telephone (PB 21314, 9–3–81).

14. Section 153.85 is deleted in accordance with the policy requiring mail to be delivered to the address immediately preceding the city and state of destination (PB 21318, 10–1–81).

15. Exhibit 159.151, sections 392.12, 392.2d, 492.1, and parts 693 and 793 are revised to indicate that a temporary address must not be given to a mailer requesting address correction service (PB 21314, 9–3–81).

16. Section 159.561 is revised to indicate that the San Francisco dead parcel branch now serves the Denver and Seattle bulk mail centers (PB 21311, 8–13–81).

17. Section 164.92 is revised to allow the approval of cancellations at temporary philatelic stations for events sponsored by or involving specific types of organizations (PB 21307, 7–16–81).

18. Subchapter 170 is completely revised to prohibit the use of special cancellations for recruitment programs or post office anniversaries, to limit the use of special cancellations to one 60-day period annually, and to require that applications for special cancellations be submitted to the appropriate mail classification center at least 4 months before the intended date of use (PB 21310, 8–6–81).

19. Section 224.22 is revised to permit postage refunds for late Next Day Service shipments delivered to rural addresses (PB 21309, 7–30–81).

20. Sections 464.31 and 661.2 are revised to clarify the policy regarding the inclusion of the ZIP Code on second-class mail sent at the transient rate and third-class mail sent at the single piece rate (PB 21314, 9–3–81).

21. Section 467.114 is revised to correct the ZIP Codes for Gainesville, FL.

22. Exhibit 482c (p. 2) is revised to correct erroneous entries in item 5.

23. Sections 622.11c, 724.22, and 724.24, are revised to allow commingling of nonidentical weight pieces in carrier route third-class mailings and special fourth-class mailings (PB 21312, 8–20–81).

24. * * *

25. Sections 622.12c, 672.3, and 681.2 are revised to clarify procedures for preparing third-class 5-digit presort level rate mailings (PB 21306, 7–9–81).

26. Part 667 is revised to include 667.5 (formerly 667.4, *Bundling Instead of Sacking*), which was inadvertently omitted from issue 6, and to renumber 667.5 and 667.6.

27. Exhibit 711.3 is revised to correct a printing error in footnote (2). Level B presort rates apply to mailings of 500 or more pieces prepared and presorted to BMCs (PB 21319, 10–6–81).

28. Section 912.61a is revised to require delivery employees to account for return receipts on certified mail, and sections 912.62–912.66 are renumbered. Section 913.73 is revised to incorporate a check of return receipts with the quarterly verification of delivery receipts (PB 21323, 10–29–81).

29. * * *

30. Section 951.272b is revised to allow agencies of the U.S. Government whose lockbox payment period coincides with the Federal fiscal year to pay box rent during the first quarter of the fiscal year (PB 21318, 10–1–81).

31. Appendix A is revised to update information on Postal Service publications.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

In consideration of the foregoing, 39 CFR 111.3 is amended by adding at the end thereof the following:

§ 111.3 Amendments to the Domestic Mail Manual.

* * * * *

Transmittal letter for issue	Dated	FEDERAL REGISTER publication
• • • • •		
7	Nov. 1, 1981	47 FR

(5 U.S.C. 552(a); 39 U.S.C. 401, 407, 408, 3001–3011, 3201–3218; 3403–3405, 3601, 3621; 42 U.S.C. 1973 cc–13, 1973 cc–14)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 82–5075 Filed 2–24–82; 8:45 am]

BILLING CODE 7710–12–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

41 CFR Ch. 18, Parts 1, 3, 7, 21 and Supplement 50

[Procurement Regulation Directive 81–8 (Dated December 15, 1981)]

Regulatory Coverage for Procurement Management Reporting System

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments to Part 21 and Supplement 50 to clarify the requirements of NASA's Procurement Management Reporting System.

EFFECTIVE DATE: February 25, 1982.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP–1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 202–755–2237.

SUPPLEMENTARY INFORMATION: Following are key changes that are made in this Procurement Regulation Directive:

a. In Part 1, Subpart 1 is revised to update and clarify the requirements of NASA's Procurement Management Reporting System.

b. In Part 21, Subpart 3 is added to establish new NASA Procurement Regulation coverage for the reporting of profit/fee data for new, negotiated procurements or new-work modifications with business or nonprofit

organizations when cost analysis is required or used.

c. In Supplement 50, S50.201 is revised by adding a new category for "Research and Developmnet (R&D)" and other categories are amended by adding new codes.

(42 U.S.C. 2473(c)(1))

Stuart J. Evans,

Director of Procurement.

PART 1—GENERAL PROVISIONS

1.1004-1 [Amended]

1. In Part 1, 1.1004–1 is amended by removing "1.1009 and" from the last sentence.

PART 3—PROCUREMENT BY NEGOTIATION

3.112 [Amended]

2. In Part 3, 3.112 is amended by removing the reference "2.406–4" and inserting in its place "1.314–3(c)."

PART 7—CONTRACT CLAUSES

7.104-53 [Amended]

3. In Part 7, 7.104–53(b) is amended by removing the "B" in (NHB 9501.2B) and inserting "A" in its place.

PART 21—PROCUREMENT MANAGEMENT REPORTING SYSTEM

21.101 [Amended]

4. In Part 21, 21.101 is amended to change the title "Federal Preparedness Agency" to read "Federal Emergency Management Agency."

5. In Part 21, 21.102(a)(3)–(5), the "Note" following (a), and (b) are revised to read as follows:

21.102 Applicability and Coverage. * * *

(a) * * *

(3) All *intragovernmental* procurements of $10,000 or more.

(4) All delivery orders for ordering supplies and services of $10,000 or more (see 3.608–6).

(5) All contracts and purchase orders covering consulting services (see 4.5206).

Note.—Except for purchase orders covering consulting services (see 4.5206), all other purchase orders under $10,000 are *not* reportable.

(b) Modifications of procurements that are individually reportable and require NASA Form 507.

(1) Modifications of $10,000 and over.

(2) Modifications which change the estimated cost and/or fee by $10,000 or more; and modifications which extend the completion date by three months or more beyond the date previously reported.

(3) Modifications which change procurement statistics previously reported.

6. In Part 21, 21.107 is revised to read as follows:

21.107 Contract numbering Scheme.

The method of numbering contracts and purchase orders is set forth in 20.203 and 20.204 (e.g., NAS9–14000, NAS10–9080, NASW–2080).

The method of numbering grants is set forth in the NASA Grant and Cooperative Agreement Handbook, NHB 5800.1A, paragraph 306.1 (e.g., NAGW–1).

The method of numbering cooperative agreements is set forth in the NASA Grant and Cooperative Agreement Handbook, NHB 5800.1A, paragraph 306.2 (e.g., NCC 2–1).

21.111 [Amended]

7. In Part 21, 21.111 is amended by substituting the word "Contract" for the word "Order" in the title of the paragraph.

8. In Part 21, 21.120 the category "Modification to Existing Contracts" is revised to read as follows:

21.120 Item 16—Kind of action. * * *

* * * * *

Modifications to Existing Contracts

07 New Work Modification—Enter this code for reporting modifications to existing contracts which add new procurement. New procurement for the purpose of this report shall be a modification action which requires the preparation of a Determination and Findings (D&F) to justify the use of authority to negotiate.

08 Supplemental Agreement—Use this code for reporting bilateral, definitized modifications except those covered in code 10.

09 Change Order—Enter this code for reporting change orders issued pursuant to the "Changes" clause of the contract (26.200).

10 S/A Definitizing Change Order—Enter this code when definitizing change orders.

11 Administrative—Enter this code when reporting all administrative contract modifications such as funding actions and novation agreements.

12 Termination for Default—Enter this code when reporting a termination for default.

13 Termination for Convenience—Enter this code when reporting a termination for convenience.

9. In Part 21, 21.121 the category "Business" is revised to read as follows:

21.121 Item 17—Type of Contractor (2 positions).

Business

01 Section 8(a)—Disadvantaged—Enter this code when the award is placed through the Small Business Administration to a disadvantaged business firm under section 8(a) of the Small Business Act.

02 Reserved.

03 Disadvantaged Direct—Enter this code when the award is placed directly with a disadvantaged business firm.

04 Other Business—Enter this code if codes 01 and 03 do not apply.

* * * * *

10. In Part 21, 21.124 the introductory text is revised to read as follows:

21.124 Item 20—Subject to Statutory Requirements (1 position).

Enter appropriate code listed below:

* * * * *

11. In Part 21, 21.127 through 21.140 are revised to read as follows:

21.127 Item 23—Type of Service or Product (4 positions).

Enter the appropriate 4-digit code for research and development work, services, or supplies obtained under the contract using the FPDS "Product and Service" coding manual or NASA PR Supplement 50, Subpart 2. Each basic NASA Form 507 must contain an entry for this item. If more than one classification is applicable to the procurement, enter the code that represents the largest dollar value.

(a) *Research and Development (R&D) Procurements*—R&D codes are used for the following:

(1) All contracts negotiated under the authority of 10 U.S.C. 2304(a)(11), Experimental Development, or Research work;

(2) Most, but not all, contracts negotiated under 10 U.S.C. 2304(a)(5), Services of Educational Institutions;

(3) All contracts funded by R&D appropriations;

(4) All contracts for research and development work, even though not authorized under 10 U.S.C. 2304(a)(11) or (5), or funded by R&D appropriations.

If the procurement involves space research and development, enter one of the following codes:

R. & D. Code	Type of R. & D. Procurement
AR1*	Aeronautics & Space Technology.
AR2*	Space Science.
AR3*	Space Transportation Systems.
AR4*	Tracking and Data Acquisition.
AR5*	Space and Terrestrial Applications.
AR9*	Other Space R&D.

*For the fourth digit of the R&D Code use *o* or one of the following "Stages of R&D":

STAGES OF R. & D. CODES (4TH POSITION)

Code	Meaning
1	Research.
2	Exploratory Development.
3	Advanced Development.
4	Engineering Development.
5	Operational Systems Development.
6	Management and Support.
7	Commercialization.

If the procurement involves other than space research and development, enter the applicable R&D code from the Federal Procurement Data System (FPDS) Product and Service Coding Manual or NASA PR Supplement 50, Subpart 2.

(b) *Service Procurements*—Enter the service code from the Federal Procurement Data System (FPDS) Product and Service Coding Manual or NASA PR Supplement 50, Subpart 2, which best describes the type of service being obtained by the contract.

(c) *Supplies and Equipment Procurements*—Enter the supplies and equipment code from the Federal Procurement Data System (FPDS) Product and Service Coding Manual or NASA PR Supplement 50, Subpart 2, which best describes the type of supplies and equipment being obtained by the contract.

(d) *Definition of Stages of R&D.* The following terms and categories relating to "research and development" are for management of R&D programs. The term "research and development" ordinarily encompasses only the first five and the seventh categories below. Generally, it does not cover category (6). For example, construction of recreational facilities at an installation used exclusively or generally for research and development would not be procurement of "research and development." Nevertheless, in an exceptional case, depending upon the particular facts, some kinds of work within category (6) could be "research and development."

(1) *Research*—Includes all efforts of scientific and experimentation directed toward increasing knowledge and understanding in those fields of the physical, engineering, environmental and life sciences related to long-term national security needs. It provides fundamental knowledge required for the solution of social, economic, political, physical, or military problems. It forms a part of the base for subsequent exploratory and advanced developments in the various technologies, and new or improved functional capabilities in areas such as communications, construction, detection, tracking, surveillance, propulsion, medicine, mobility, guidance and control, navigation, energy conversion, materials and structures, transportation, personnel support, and social services.

(2) *Exploratory Development*—includes all effort directed toward the solution of specific problems, short of major development projects. This type of effort may vary from fairly fundamental applied research to quite sophisticated breadboard hardware, study, programming and planning efforts. It would thus include studies, investigations, and minor development effort. The dominant characteristic of this category of effort is that it be pointed toward specific problem areas with a view toward developing and evaluating the feasibility and practicability of proposed solutions and determining their parameters.

(3) *Advanced Development*—includes all effort directed toward projects which have moved into the development of hardware for test. The prime result of this type of effort is proof design concept rather than the development of hardware for service use. Projects in this category have a potential application.

(4) *Engineering Development*—includes those projects in full-scale engineering development for Government use but which have not yet received approval for production or had production funds included in the budget submission for the budget or subsequent fiscal year. This area is characterized by major line item projects and program control will be exercised by review of the individual projects.

(5) *Operational System Development*—includes those projects still in full-scale engineering development but which have received approval for production, or production funds have been included in the budget submission for the budget or subsequent fiscal year. Program control will be exercised by review of the individual projects.

(6) *Management and Support*—includes all effort directed toward support of installations or operations required for general research and development use. Included would be construction of a general nature unrelated to specific programs, maintenance support of laboratories, operation and maintenance of test ranges, and maintenance of test aircraft equipment, or ships. Costs of laboratory personnel, either in-house or contractor-operated, would be assigned to appropriate projects or as a line item in the Research, Exploratory Development or Advanced Development Program areas, as appropriate.

(7) *Commercialization*—is the process of transferring a new or improved technology from engineering development into the competitive market place. This process is generally accomplished by the private sector on its own but the Federal Government may take an active role as a stimulator when there are strong national benefits, such as reduced dependence on oil imports or improved environmental performance. Appropriate Federal action may include some combination of information dissemination, regulation, commercial demonstration, and/or financial incentives, depending on the particular case.

21.128 Item 24—Proposed Procurement Synopsized (1 position).

Enter Y (yes) or N (no) to indicate whether the procurement was synopsized in the Department of Commerce publication "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards" (see 1.1003–2).

21.129 Item 25—Contract Administration Delegated (1 position).

Enter Y (yes) or N (no) to indicate whether any contract administration functions have been delegated to another Government agency (see 20.604).

21.130 Item 26—Consultant Type Contract (1 position).

Enter Y (yes) or N (no) to indicate whether the contract is for consulting services. For the definition of consulting services see 4.5202 and NMI 5104.5.

21.131 Item 27—Support Services Type Contract (1 position).

Enter Y (yes) or N (no) to indicate whether the contract is for support services. Definitions are as follows:

(a) On or near site is defined as being on a NASA installation or within normal commuting distance of the Center as determined by the Center Director.

(b) Support services contracts are defined in three categories as follows:

(1) *In-House:*

(i) Provides a service to the installation, and

(ii) Is performed on or near the installation, and

(iii) Is continuous in nature, and

(iv) Is not provided by prime product development contractor when the work is for the purpose of fulfilling the prime contract, and

(v) Is characterized as: that support necessary due to the on or near site population and activated facilities (housekeeping M and O function), and the effort necessary to support the research, development or test efforts the installation performs in-house; and

(vi) Excludes:

1. Construction, alteration and repair contractor;
2. Purchase and incidental services;
3. Prime product development contractor;
4. Operations support contractors; and
5. Tenants.

(2) *Operations Support Contractors.* Contracts performed on or near site due to the location of major operations facilities. (This is the effort associated with carrying out mission operations and is done on-site because that is where the captured facility is—a launch pad or Mission Control Center or a tracking station.)

(i) Restricted to major national operations facilities and foreign and domestic tracking network stations:

JPL—Mission Control Center (DSN), Goldstone, Mesa Antenna Range
JSC—Mission Control Center (MSF)
GSFC—Mission Control Center (STDN)
World—Wide Network Tracking Stations
OTDA—Operations Funded Support
KSC—Launch Complex 39 and related support facilities;

(ii) That support funded by STS operations at MSFC, KSC, and JSC;

(iii) Tracking operations support contractors are subdivided as on-site (at or near GSFC or JPL) and as off-site.

(3) *Purchased and/or Incidental Services*

(i) Purchased services (described in terms of funds only) are:

1. Delivery orders against Federal supply schedules;
2. Purchase orders;
3. Blanket purchase agreements; or
4. Basic ordering agreements not exceeding $10K per order.

(ii) Incidental services are:

1. Described in terms of manpower required to perform the services;
2. Procured from vendors who provide similar services to the local community;
3. Vendor provides all or a substantial amount of the capital investment required to perform the work under the contract;
4. Includes small contracts generally not exceeding four to five man-years per annum.

21.132 Item 28—Cost Accounting Standards Clause (1 position).

Enter Y (yes) or N (no) to indicate whether the contract contains the clause "Cost Accounting Standards" (see 3.1204).

21.133 Item 29—New Technology Clause (1 position).

Enter Y (yes) or N (no) to indicate whether the contract contains the "New Technology" clause (see 9.107–5) or the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause (see 9.108–5). For purchase under Federal Supply Schedule contracts, enter N (no).

21.134 Item 30—Subcontracting Program Plan (1 position).

Enter Y (yes) or N (no) to indicate whether the contract contains a subcontract plan which would require the contractor to furnish the information prescibed on Standard Forms 294 and 295 (see 21.600).

21.135 Item 31—Report on Geographical Distribution of NASA Subcontracts (1 position).

Enter Y (yes) or N (no) to indicate whether the contract contains the clause requiring the contractor to furnish the information prescribed on NASA Form 667 (see 21.500).

21.136 Item 32—Affirmative Action Plan (1 position).

Enter Y (yes) or N (no) to indicate whether the business firm certified that an affirmative action plan has been developed and is on file. Only contractors with 50 or more employees and receiving awards of $50,000 or more are required to develop a plan (see 12.807). Enter E (Exempt) if contractor is exempt.

21.137 Item 33—Previously Held Contract Subject to Affirmative Action Program Requirements (1 position).

Enter Y (yes) or N (no) to indicate whether the business firm certified that there has been a previous contract(s) subject to Affirmative Action Program requirements of the rules and regulations of the Secretary of Labor. (Refer to Standard Form 33) (see 12.812). Enter E (Exempt) if contractor is exempt.

21.138 Item 34—Contract Physically Complete (1 position).

Enter Y (yes) or N (no) when the contract becomes physically complete, i.e., after all articles and services called for under the contract including such related items as reports, spare parts, and exhibits have been delivered to and accepted by the Government (see 51.602). Submit this item as a *correction* record only.

21.139 Item 35—Modification Obligations (1 position).

Enter the modification increase or decrease of $10,000 or more. Round the entry to the nearest dollar.

21.140 Item 36—Woman-Owned Business (1 position).

Enter Y (yes) or N (no) to indicate whether the business firm is woman-owned. Enter 1 to indicate the business firm did not certify as woman-owned.

Woman-Owned Business.—A woman-owned business is a business that is at least 51 percent owned, controlled and operated by a woman or group of women. Controlled is defined as exercising the power to make policy decisions. Operated is defined as actively involved in the day-to-day management. For the purposes of this definition, businesses that are publicly owned, joint stock associations and business trusts are exempted. Exempted businesses may voluntarily represent that they are or are not women-owned if this information is available.

12. In Part 21, 21.146 has been amended by adding the following note:

21.146 Item 42—Description of Contract/Modification. * * *

* * * * *

Note.—See Subpart 3 for reporting items 43 to 47 on NASA Form 507A—Individual Contract Profit/Fee Plan Reporting.

13. In Part 21, 21.148 is added to read as follows:

21.148 Special Procurement Placement Codes (PPC) for Certain Procurements Under $10,000 (no NASA Form 507 required).

(a) The Accounting copies on all procurements under $10,000 to "Disadvantaged Business Firms—Direct" shall be coded with a second letter M— of the PPC, e.g., BM, KM, etc. (See PPC matrix in Supplement 50, Subpart 1.)

(b) The Accounting copies on all procurements under $10,000 to "Women-Owned Business Firms" shall be coded with a second letter W— of the PPC, e.g., BW, KW, etc. (See PPC matrix in Supplement 50, Subpart 1.)

14. In Part 21, Subpart 3 is added to read as follows:

Subpart 3—Individual Contract Profit/Fee Plan Reporting

21.300 Scope of Subpart.

This Subpart establishes the requirement to report individual contract profit/fee data which will provide management with the data necessary to analyze the effectiveness of procurement policy.

21.301 Applicability and coverage.

The Individual Procurement Action Report Supplement (NASA Form 507A), an addendum to the Individual Procurement Action Report (NASA Form 507), is required to be completed for each new negotiated procurement action or each new work modification (modification requiring a D&F) with business firms and non-profit organizations when cost analysis is required or used. Complete instructions covering the preparation of this report

are provided on the back of the report form.

21.302 Submission of data.

The Individual Procurement Action Report Supplement (NASA Form 507A) shall be completed by contracting personnel who shall supply the data requested in Items 43 to 47. The completed NASA Form 507A will then be attached to the NASA Form 507 and forwarded to the center's procurement management office. These offices will on a monthly basis submit this data as part of the FACS Report System, which has been expanded to accommodate this data, not later than the close of business on the 8th workday following the end of the month being reported.

Supplement 50 [Amended]

15. In Supplement 50, the heading "Federal Procurement Data System Codes" of the Supplement is revised to read "Financial and Contractual Status (FACS) Reporting System."

16. Supplement 50, S50.000 is revised to read as follows:

S50.000 Scope of Supplement. This Supplement is issued for reporting procurement information on an Individual Procurement Action Report, in accordance with Part 21 of this Regulation. It consists of a Procurement Placement Code Matrix which identifies the type of contractor, the extent of competition on the procurement and the negotiation authority cited on the contract.

17. In Supplement 50, S50.100 is revised by replacing the Matrix with a new Matrix as follows:

BILLING CODE 7510-01-M

PROCUREMENT PLACEMENT CODE MATRIX

TYPE OF PROCUREMENT REPORTING $ LEVELS: IPAR REQUIRED (NF507) $1 AND OVER: ALL CONTRACTS, GRANTS, AGREEMENTS AND CONSULTANT SERVICE PURCHASE ORDERS. $10K & OVER: AWARDS TO OTHER GOVERNMENT AGENCIES AND DELIVERY ORDERS FOR ORDERING SUPPLIES AND SERVICES. MODIFICATIONS TO CONTRACTS.		NEGOTIATION AUTHORITY Under 10 U.S.C. 2304(a)																			
	Advertised (Includes FSS)	(1) National Emergency	(2) Public Exigency	(3) Purchases Not in Excess of $10,000	(4) Personal or Professional Services	(5) Services of Educational Institutions	(6) Purchases Outside the U.S.	(7) Medicine or Medical Supplies	(8) Supplies Purchased for Authorized Resale	(9) Perishable or Non-Perishable Subsistence Supplies	(10) Supplies or Services for Which It Is Impractical to Secure Competition by Formal Advertising	(11) Experimental, Development or Research Work	(12) Classified Purchases	(13) Technical Equipment Requiring Standardization and Interchangeability of Parts	(14) Technical or Specialized Services Requiring Substantial Initial Investment of Extended Period of Preparation for Manufacturing	(15) Negotiation After Advertising	(17) Otherwise Authorized by Law	Grants	Space Act Agreements	Cooperative Agreements	Intragovernmental	Federal Supply Schedule Contracts and Miscellaneous
LARGE BUSINESS																					
[1] Advertised, Non FSS	AX																				
Advertised, FSS	AY																				
Negotiated Competitive, Non FSS		BA	BB	BC	BD			BG	BH	BI	BJ	BK	BL	BN	BP	BR	BS				
Negotiated Competitive, FSS																					BY
Negotiated Noncompetitive		DA	DB	DC	DD			DG	DH	DI	DJ	DK	DL	DN	DP	DR	DS				
SMALL BUSINESS																					
[1] Advertised, Non FSS	FX																				
Advertised, FSS	FY																				
Individual Set-Asides, Negotiated Competitive, Non Disadv		GA															GS				
Individual Set-Asides, Negotiated Competitive, Disadv		GM															GO				
Class Set-Asides, Negotiated Competitive, Non Disadv		JA															JS				
Class Set-Asides, Negotiated Competitive, Disadv		JM															JO				
Negotiated Competitive, Non FSS		KA	KB	KC	KD			KG	KH	KI	KJ	KK	KL	KN	KP	KR	KS				
Negotiated Competitive, FSS																					KY
Negotiated Noncompetitive		NA	NB	NC	ND			NG	NH	NI	NJ	NK	NL	NN	NP	NR	NS				
Negotiated Noncompetitive, Disadvantaged, (8a) SBA																	PS				
UNIVERSITIES																					
Advertised	RX																				
Negotiated Competitive				RC		RE	RF														
Negotiated Noncompetitive				SC		SE	SF											ST	SW	SX	
OTHER NONPROFIT																					
Advertised	TX																				
Negotiated Competitive			TB	TC	TD			TG	TH	TI	TJ	TK	TL	TN	TP	TR	TS				
Negotiated Noncompetitive			WB	WC	WD			WG	WH	WI	WJ	WK	WL	WN	WP	WR	WS	WT	WW	WX	
WORK OUTSIDE THE U.S.																					
Negotiated Competitive							XF														
Negotiated Noncompetitive							YF														
INTRAGOVERNMENTAL																				98	
MISCELLANEOUS	(RESERVED FOR ACCOUNTING TRANSACTIONS - DO NOT CITE ON PROCUREMENT DOCUMENTS)																				99

[1] Set-aside procurements resulting from "Small Business Restricted Advertising" shall be reported as negotiated procurement under Authority 1 (unilateral determination) or 17 (joint determination)—NASA PR 1.706-2

All procurement awards **under $10,000** to "Disadvantaged Business Firms—Direct" shall be reported with a second letter "M" of the procurement placement code, e.g. BM, KM, etc.

All procurement awards **under $10,000** to "Women-Owned Firms" shall be coded with a second letter "W" of the procurement placement code, e.g. BW, KW, etc.

BILLING CODE 7510-01-C

18. In Supplement 50, S50.200 is revised to read as follows:

S50.200 Scope of Subpart. This Subpart contains the codes for research and development work, services, and supplies and equipment procured under the contract.

19. In Supplement 50, the paragraph number and introductory text of S50.202 is removed. The category codes in S50.202 are moved to S50.201. As amended, S50.201 reads as follows:

S50.201 Codes for R&D, Services and Supplies and Equipment. One of the following codes shall be entered in item 23 on NASA Form 507 in accordance with 21.127 to identify the type of effort procured under the contract.

Research and Development (R&D) Codes

Agriculture (AA)

AA1* Agricultural Insect and Disease Control R&D
AA2* Agricultural Marketing R&D
AA3* Agricultural Production R&D
AA9* Other Agricultural R&D

Community Services and Development (AB)

AB1* Crime Prevention and Control R&D
AB2* Fire Prevention and Control R&D
AB3* Rural Community Services and Development R&D
AB4* Urban Community Services and Development R&D
AB9* Other Community Services and Development R&D

Defense Systems (AC)

AC1* Defense Aircraft R&D
AC2* Defense Missile & Space Systems R&D
AC3* Defense Ships R&D
AC4* Defense Tank—Automated R&D
AC5* Weapons R&D
AC6* Defense Electronics & Communication Equipment R&D
AC9* Miscellaneous Defense Hard Goods R&D

Defense—Other (AD)

AD1* Ammunition R&D
AD2* Services R&D
AD3* Subsistence R&D
AD4* Textiles R&D
AD5* Fuels and Lubricants R&D
AD6* Construction R&D
AD9* Other Defense R&D

Economic Growth & Productivity (AE)

AE1* Employment Growth & Productivity R&D
AE2* Product or Service Improvement R&D
AE3* Manufacturing Technology R&D
AE9* Other Economic Growth & Productivity R&D

Education R&D (AF)

AF1* Educational R&D

Energy (AG)

AG1* Coal R&D
AG2* Gas R&D
AG3* Geothermal R&D
AG4* Hydro R&D
AG5* Nuclear R&D
AG6* Petroleum R&D
AG7* Solar R&D
AG8* Conservation of Energy R&D
AG9* Other Energy R&D

Environment (AH)

AH1* Pollution Control & Abatement R&D
AH2* Air Pollution R&D
AH3* Water Pollution R&D
AH4* Noise Pollution R&D
AH5* Other Pollution R&D
AH9* Other Environment R&D

General Science and Technology R&D (AJ)

AJ1* General Science and Technology

Housing R&D (AK)

AK1* Housing R&D

Income Security (AL)

AL1* Employment R&D
AL2* Income Maintenance R&D
AL9* Other Income Security R&D

International Affairs and Cooperation R&D (AM)

AM1* International Affairs and Cooperation R&D

Medical (AN)

AN1* Biomedical R&D
AN2* Drugs Dependency R&D
AN3* Alcohol Dependency R&D
AN4* Health Services R&D
AN5* Mental Health R&D
AN6* Rehabilitative Engineering R&D
AN7* Specialized Medical Services R&D
AN9* Other Medical R&D

Natural Resources (AP)

AP1* Aquaculture R&D
AP2* Land R&D
AP3* Mineral R&D
AP4* Recreation R&D
AP5* Marine R&D
AP9* Other Natural Resources R&D

Social Services (AQ)

AQ1* Geriatric R&D (Other than Medical)
AQ9* Other Social Services R&D

Space (AR)

AR1* Aeronautics and Space Technology R&D
AR2* Space Science R&D
AR3* Space Transportation Systems R&D
AR4* Space Tracking and Data Acquisition R&D
AR5* Space and Terrestrial Application R&D
AR9* Other Space R&D

Transportation—Modal (AS)

AS1* Air Transportation R&D
AS2* Surface Motor Vehicles R&D
AS3* Rail Transportation R&D
AS4* Marine Transportation R&D
AS9* Other Modal Transportation R&D

Transportation—General (AT)

AT1* Highways, Roads, and Bridges R&D
AT2* Human Factors Concerning Transportation R&D
AT3* Navigation & Navigational Aids R&D
AT4* Passenger Safety and Security R&D
AT5* Pipeline Safety R&D
AT6* Traffic Management R&D
AT7* Tunnels & Other Subsurface Structures R&D
AT9* Other General Transportation R&D

Transportation—Commodity (AU)

AU1* Transporting Hazardous Material R&D
AU9* Other Commodity Transportation R&D

Mining Activities (AV)

AV1* Subsurface Mining Equipment R&D
AV2* Surface Mining Equipment R&D
AV3* Subsurface Mining Methods R&D
AV4* Surface Mining Methods R&D
AV5* Mining Reclamation Methods R&D
AV6* Mining Safety R&D
AV7* Metallurgical R&D
AV9* Other Mining Activities R&D

Other Research and Development (AZ)

AZ1* Other Research and Development

Financial and Contractual Status (FACS) Reporting System—Services Codes

Natural Resources Management (F)

F001 Aerial Fertilization/Spraying Services
F002 Aerial Seeding Services
F003 Forest/Range Fire Suppression/Presuppression Services
F004 Forest/Range Fire Rehabilitation Services (non-construction)
F005 Forest Tree Planting Services
F006 Land Treatment Practices Services (plowing/clearing, etc.)
F007 Range Seeding Services (ground equipment)
F008 Recreation Site Maintenance Services (non-construction)
F009 Seed Collection/Production Services
F010 Seedling Production/Transplanting Services
F011 Surface Mining Reclamation Services (non-construction)
F012 Survey Line Clearing Services
F013 Tree Breeding Services
F014 Tree Thinning Services
F015 Well Drilling/Exploratory Services
F016 Wildhorse/Burro Management Services
F018 Other Range/Forest Improvements Services (non-construction)
F019 Other Wildlife Management Services
F099 Other Natural Resources Management Services

Social Services (G)

G001 Care of Remains and/or Funeral Services
G002 Chaplain Services
G003 Recreational Services
G004 Social Rehabilitation Services
G005 Geriatric Services
G006 Government Life Insurance Programs
G007 Government Health Insurance Programs
G008 Other Government Insurance Programs
G099 Other Social Services

*For low order position, enter zero or optional code 1–6 for stage of R&D. Asterisks are not to be entered as part of the code.

Quality Control, Testing and Inspection Services (H)

H1** Quality Control Services
H2** Equipment and Materials Testing
H3** Inspection Services
H999 Miscellaneous Testing and Inspection Services

Maintenance, Repair and Rebuilding of Equipment (J)

J0** Maintenance, Repair and Rebuilding of Equipment
J099 Maintenance, Repair and Rebuilding of Miscellaneous Equipment

Modification of Equipment (K)

K0** Modification of Equipment
K099 Modification of Miscellaneous Equipment

Technical Representative Services (L)

L0** Technical Representative Services
L099 Miscellaneous Technical Representative Services

Operation of Government Owned Facility (M)

Note.—See Multiple Use Codes at the end of the Service Codes.

Installation of Equipment (N)

N0** Installation of Equipment
N099 Installation of Miscellaneous Equipment

Salvage Service (P)

P100 Preparation and Disposal of Excess and Surplus Property
P200 Salvage of Aircraft
P300 Salvage of Marine Vessels
P400 Demolition of Buildings
P500 Demolition of Structures of Facilities (other than Building)
P999 Other Salvage Services

Medical Services (Q)

Q101 Dependent Medicare Services
Q201 General Health Care Services
Q301 Laboratory Testing Services
Q401 Nursing Services
Q402 Nursing Home Care Contracts

Specialized Medical Service (Q5)

Q501 Anesthesiology Services
Q502 Cardio-Vascular Services
Q503 Dentistry Services
Q504 Dermatology Services
Q505 Gastroenterology Services
Q506 Geriatric Services
Q507 Gynecology Services
Q508 Hematology Services
Q509 Internal Medicine Services
Q510 Neurology Services
Q511 Opthalmology Services
Q512 Optometry Services
Q513 Orthopedic Services
Q514 Otolaryngology Services
Q515 Pathology Services
Q516 Pediatrics Services
Q517 Pharmacology Services
Q518 Physical Medicine & Rehabilitation Services
Q519 Psychiatry Services
Q520 Podiatry Services
Q521 Pulmonary Services
Q522 Radiology Services
Q523 Surgery Services
Q524 Thoracic Services
Q525 Urology Services
Q526 Medical/Psychiatric Consultation Services
Q999 Other Medical Services

Professional, Technical, and Management Services (R)

Architect and Engineer Services—Construction (R1)

Buildings & Facility Structures (R11)

R111 Administrative & Service Buildings
R112 Airfield, Missile & Communication Facilities
R113 Educational Buildings
R114 Hospital Buildings
R115 Industrial Buildings
R116 Residential Buildings
R117 Warehouse Buildings
R118 Research & Development Facilities
R119 Other Buildings

Non-Building Structures (R12)

R121 Conservation & Development
R122 Highways, Roads, Streets & Bridges
R123 Electric Power Generation
R124 Utilities
R129 Other Non-Building Structures

Architects and Engineers Services—General (R2)

R211 Architect-Engineer Services (non-construction)
R212 Engineering Drafting Services
R213 A&E Inspection Services (non-construction)
R214 A&E Management Engineering Services
R215 A&E Production Engineering Services
R216 Marine Architect-Engineer Services
R219 Other Architect and Engineering Services

Automatic Data Processing Services (R3)

R301 ADP Facility Management Services
R302 ADP Systems Development and Programming Services
R303 ADP Entry Services
R304 ADP Transmission Services
R399 Other ADP Services

Management and Professional Services (R4)

R401 Advertising Services
R402 Management Data Collection Services
R403 Financial/Auditing Services
R404 Land Surveys, Cadastral Services (non-construction)
R405 Operations Research Services
R406 Policy Review/Development Services
R407 Program Evaluation Services
R408 Program Management/Support Services
R409 Program Review/Development Services
R410 Public Relations Services
R411 Real Property Appraisals Services
R412 Simulations
R413 Specifications Development Services
R414 Systems Engineering Services
R415 Technology Sharing/Utilization Services
R416 Care of Animals
R497 Personal Services
R498 Other Professional Services
R499 Other Management Services

Special Studies and Analyses (R5)

R501 ADP Systems Analyses
R502 Air Quality Analyses
R503 Archeological/Paleontological Studies
R504 Chemical/Biological Studies and Analyses
R505 Cost Benefit Analyses
R506 Data Analyses (Other than Scientific)
R507 Economic Studies and Analyses
R508 Endangered Species Studies—Animal
R509 Endangered Species Studies—Plant
R510 Environmental Assessments
R511 Environmental Baseline Studies
R512 Environmental Impact Studies
R513 Feasibility Studies (non-construction)
R514 Federal, Local Government Cooperative Studies and Analyses
R515 Federal, State Government Cooperative Studies and Analyses
R516 Fisheries Studies and Analyses
R517 Geological Studies
R518 Geophysical Studies
R519 Geotechnical Studies
R520 Grazing/Range Use Studies
R521 Historical Studies
R522 Legal/Litigation Studies
R523 Legislative Studies
R524 Mathematical/Statistical Analyses
R525 Natural Resource Studies
R526 Oceanological Studies
R527 Recreation Studies
R528 Regulatory Studies
R529 Scientific Data Studies
R530 Seismological Studies
R531 Socio-economic Studies
R532 Soils Studies
R533 Water Quality Studies
R534 Wildlife Studies
R535 Medicare Health Studies
R536 Medicaid Health Studies
R537 General Health Studies
R599 Other Special Studies and Analyses

Utilities and Housekeeping Services (S)

Utilities (S1)

S111 Gas Services
S112 Electricity Services
S113 Telephone and/or Communications Services
S114 Water Services
S119 Other Utilities

Housekeeping Services (S2)

S201 Custodial—Janitorial Services
S202 Fire Protection Services
S203 Food Service
S204 Fueling and Other Petroleum Services—Excluding Storage
S205 Garbage Collection Service
S206 Guard Services
S207 Insect and Rodent Control Services
S208 Landscaping/Groundskeeping Services
S209 Laundry and Dry Cleaning Services
S211 Surveillance Services
S212 Solid Fuel Handling Services
S299 Other Housekeeping Services

Photographic, Mapping, Printing and Publication Services (T)

T001 Arts/Graphics Services
T002 Cartography Services

**In these two positions, enter first 2 digits of FSC Code or 99 for miscellaneous or general work. Asterisks are not to be entered as part of the code.

T003 Cataloging Services
T004 Charting Services
T005 Film Processing Services
T006 Film/Video Tape Production Services
T007 Microform Services
T008 Photogrammetry Services
T009 Aerial Photographic Services
T010 General Photographic Services
T011 Printing/Binding Services
T012 Reproduction Services
T013 Technical Writing Services
T014 Topography Services
T015 General Photographic Services—Motion
T099 Other Photographic, Mapping, Printing, and Publication Services

Training Services (U)

U001 Lectures for Training
U002 Personnel Testing
U003 Reserve Training (Military)
U004 Scientific and Management Education
U005 Tuition Fees
U006 Vocation/Technical
U007 Faculty Salaries for Dependent Schools
U009 Other Training

Transportation and Travel (V)

V001 GBL & GTR Procurements

Transportation of Things (V1)

Cargo & Freight Services for Transportation of Things (V11)

V111 Air Freight
V112 Motor Freight
V113 Rail Freight
V114 Stevedoring Freight
V115 Vessel Freight
V119 Other Transportation Services

Vehicle Charter for Transportation of Things (V12)

V121 Air Charter for Things
V122 Motor Charter for Things
V123 Rail Charter for Things
V124 Marine Charter for Things
V125 Vessel Towing Service
V129 Other Vehicle Charter for Transportation of Things

Travel of Persons (V2)

Passenger Service (V21)

V211 Air Passenger Service
V212 Motor Passenger Service
V213 Rail Passenger Service
V214 Marine Passenger Service

Vehicle Charter for Passengers (With Operator) (V22)

V221 Passenger Air Charter Service
V222 Passenger Motor Charter Service
V223 Passenger Rail Charter Service
V224 Passenger Marine Charter Service
V225 Ambulance Service

Lodging—Hotel/Motel (V23)

V231 Lodging—Hotel/Motel

Military Personnel Recruitment (Including Subsistence and/or Lodging) (V24)

V241 Military Personnel Recruitment

Civilian Personnel Recruitment (V25)

V251 Civilian Personnel Recruitment
V999 Other Travel Services

Lease or Rental of Equipment (W)

WO** Lease or Rental of Equipment

Lease or Rental of Facilities (X)

Note.—See Multiple Use Codes at the end of the Service Codes.

Construction of Structures and Facilities (Y)

Note.—See Multiple Use Codes at the end of the Service Codes.

Maintenance, Repair or Alteration or Real Property (Z)

Note.—See Multiple Use Codes at the end of the Service Codes.

Multiple Use Codes

Use the three digit identifiers shown below preceded by the appropriate Category letter "M" for Operation of Government Owned Facility; "X" for Lease or Rental of Facilities; "Y" for Construction of Structures & Facilities; or "Z" for Maintenance, Repair or Alteration of Real Property.

Administrative and Service Buildings

111 Office Buildings
119 Other Administrative & Service Buildings

Airfield, Communications, and Missile Facilities

121 Air Traffic Control Towers
122 Air Traffic Control Training Facilities
123 Radar & Navigational Facilities
124 Airport Runways
125 Airport Terminals
126 Missile System Facilities
127 Electronic & Communications Facilities
129 Other Airfield Structures

Educational Buildings

131 Schools
139 Other Educational Buildings

Hospital Buildings

141 Hospitals and Infirmaries
142 Laboratories and Clinics
149 Other Hospital Buildings

Industrial Buildings

151 Ammunition Facilities
152 Maintenance Buildings
153 Production Buildings
154 Ship Construction & Repair Facilities
159 Other Industrial Buildings

Residential Buildings

161 Family Housing Facilities
162 Recreational Buildings
163 Troop Housing Facilities
164 Dining Facilities
165 Religious Facilities
169 Other Residential Buildings

Warehouse Buildings

171 Ammunition Storage Buildings
172 Food or Grain Storage Buildings
173 Fuel Storage Buildings
174 Open Warehouse Buildings
179 Other Warehouse Buildings

Research and Development Facilities

181 Government-Owned Company-Operated (G.O.C.O.) R&D Facilities
182 Government-Owned Government-Operated (G.O.G.O.) R&D Facilities

Other Buildings

191 Museums and Exhibition Buildings
192 Testing and Measurement Buildings
199 Miscellaneous Buildings

Conservation and Development Facilities

211 Dams
212 Canals
213 Mine Fire Control Facilities
214 Mine Subsidence Control Facilities
215 Surface Mine Reclamation Facilities
219 Other Conservation and Development Facilities

Highways, Roads, Streets, and Bridges

221 Airport Service Roads
222 Highways, Roads, Streets, and Bridges
223 Tunnels and Subsurface Structures
224 Parking Facilities

Electric Power Generation (EPG) Facilities

231 EPG Facilities—Coal
232 EPG Facilities—Gas
233 EPG Facilities—Geothermal
234 EPG Facilities—Hydro
235 EPG Facilities—Nuclear
236 EPG Facilities—Petroleum
237 EPG Facilities—Solar
239 EPG Facilities—Other, including Transmission

Utilities

241 Fuel Supply Facilities
242 Heating and Cooling Plants
243 Pollution Abatement and Control Facilities
244 Sewage and Water Facilities
245 Water Supply Facilities
249 Other Utilities

Other Non-Building Facilities

291 Recreation Facilities (Non-Building)
299 All Other Non-Building Facilities

Supplies and Equipment Codes

Weapons (10)

1005 Guns, through 30 mm
1010 Guns, over 30 mm up to 75 mm
1015 Guns, 75 mm through 125 mm
1020 Guns, over 125 mm through 150 mm
1025 Guns, over 150 mm through 200 mm
1030 Guns, over 200 mm through 300 mm
1035 Guns, over 300 mm
1040 Chemical Weapons and Equipment
1045 Launchers, Torpedo and Depth Charge
1055 Launchers, Rocket and Pyrotechnic
1070 Nets and Booms, Ordnance
1075 Degaussing and Mine Sweeping Equipment
1080 Camouflage and Deception Equipment
1090 Assemblies Interchangeable Between Weapons in Two or More Classes
1095 Miscellaneous Weapons

Nuclear Ordnance (11)

1105 Nuclear Bombs
1110 Nuclear Projectiles
1115 Nuclear Warheads and Warhead Section

** In these two positions, enter first 2 digits of FSC Code or 99 for miscellaneous or general work. Asterisks are not to be entered as part of the code.

1120 Nuclear Depth Charges
1125 Nuclear Demolition Charges
1127 Nuclear Rockets
1130 Conversion Kits, Nuclear Ordnance
1135 Fuzing and Firing Devices, Nuclear Ordance
1140 Nuclear Components
1145 Explosive and Pyrotechnic Components, Nuclear Ordnance
1190 Specialized Test and Handling Equipment, Nuclear Ordnance
1195 Miscellaneous Nuclear Ordnance

Fire Control Equipment (12)

1210 Fire Control Directors
1220 Fire Control Computing Sights and Devices
1230 Fire Control Systems, Complete
1240 Optical Sighting and Ranging Equipment
1250 Fire Control Stabilizing Mechanisms
1260 Fire Control Designating and Indicating Equipment
1265 Fire Control Transmitting and Receiving Equipment, except Airborne
1270 Aircraft Gunnery Fire Control Components
1280 Aircraft Bombing Fire Control Components
1285 Fire Control Radar Equipment, except Airborne
1287 Fire Control Sonar Equipment
1290 Miscellaneous Fire Control Equipment

Ammunition and Explosives (13)

1305 Ammunition, through 30 mm
1310 Ammunition, over 30 mm up to 75 mm
1315 Ammunition, 75 through 125 mm
1320 Ammunition, over 125 mm
1325 Bombs
1330 Grenades
1336 Guided Missile Warheads and Explosive Components
1337 Guided Missile and Space Vehicle Explosive Propulsion Units, Solid Fuel; and Components
1338 Guided Missile and Space Vehicle Inert Propulsion Units, Solid Fuel; and Components
1340 Rockets, Rocket Ammunition and Rocket Components
1345 Land Mines
1350 Underwater Mine Inert Components
1351 Underwater Mine Explosive Components
1355 Torpedo Inert Components
1356 Torpedo Explosive Components
1360 Depth Charge Inert Components
1361 Depth Charge Explosive Components
1365 Military Chemical Agents
1370 Pyrotechnics
1375 Demolition Materials
1376 Bulk Explosives
1377 Cartridge & Propellant Actuated Devices and Components
1380 Military Biological Agents
1385 Explosive Ordnance Disposal Tools, Surface
1386 Explosive Ordnance Disposal Tools, Underwater
1390 Fuzes and Primers
1395 Miscellaneous Ammunition
1398 Specialized Ammunition Handling and Servicing Equipment

Guided Missiles (14)

1410 Guided Missiles
1420 Guided Missiles Components
1425 Guided Missile Systems, complete
1427 Guided Missile Subsystems
1430 Guided Missile Remote Control Systems
1440 Launchers, Guided Missile
1450 Guided Missile Handling and Servicing Equipment

Aircraft, and Airframe Structural Components (15)

1510 Aircraft, Fixed Wing
1520 Aircraft, Rotary Wing
1540 Gliders
1550 Drones
1560 Airframe Structural Components

Aircraft Components and Accessories (16)

1610 Aircraft Propellers
1615 Helicopter Rotor Blades, Drive Mechanisms and Components
1620 Aircraft Landing Gear Components
1630 Aircraft Wheel and Brake Systems
1650 Aircraft Hydraulic, Vacuum, and De-icing System Components
1660 Aircraft Air Conditioning, Heating, and Pressurizing Equipment
1670 Parachutes; Aerial Pick Up, Delivery, Recovery Systems; and Cargo Tie Down Equipment
1680 Miscellaneous Aircraft Accessories and Components

Aircraft Launching, Landing, and Groundhandling, Equipment (17)

1710 Aircraft Arresting, Barrier, and Barricade Equipment
1720 Aircraft Launching Equipment
1730 Aircraft Ground Servicing Equipment
1740 Airfield Specialized Trucks and Trailers

Space Vehicles (18)

1810 Space Vehicles
1820 Space Vehicle Components
1830 Space Vehicle Remote Control Systems
1840 Space Vehicle Launchers
1850 Space Vehicle Handling and Servicing Equipment
1860 Space Survival Equipment

Ships, Small Craft, Pontoons, and Floating Docks (19)

1900 Frigates and Corvettes
1901 Aircraft Carriers
1902 Cruisers
1903 Destroyers
1904 Submarines
1905 Subchasers
1906 Minelayers and Minesweepers
1907 Landing Craft
1908 Torpedo Boats and Gun Boats
1909 Hydrofoils
1910 Transport Vessels, Passenger and Troop
1911 Amphibious Assault Ships
1915 Cargo and Tanker Vessels
1920 Fishing Vessels
1921 Tugs and Towboats
1922 Fire Boats
1923 Ice Breakers
1924 Repair Ships
1925 Tender Vessels
1926 Lightships
1927 Cable Ships
1928 Salvage Vessels
1929 Rescue Vessels
1930 Barges and Lighters, Cargo
1935 Barges and Lighters, Special Purpose
1940 Small Craft
1945 Pontoons and Floating Docks
1950 Floating Drydocks
1955 Dredges
1990 Miscellaneous Vessels

Ship and Marine Equipment (20)

2010 Ship and Boat Propulsion Components
2020 Rigging and Rigging Gear
2030 Deck Machinery
2040 Marine Hardware and Hull Items
2050 Buoys
2060 Commercial Fishing Equipment
2090 Miscellaneous Ship and Marine Equipment

Railway Equipment (22)

2210 Locomotives
2220 Rail Cars
2230 Right-of-Way Construction and Maintenance Equipment, Railroad
2240 Locomotive and Rail Car Accessories and Components
2250 Track Materials, Railroad

Ground Effect Vehicles, Motor Vehicles, Trailers, and Cycles (23)

2305 Ground Effect Vehicles
2310 Passenger Motor Vehicles
2320 Trucks and Truck Tractors, Wheeled
2330 Trailers
2340 Motorcycles, Motor Scooters, and Bicycles
2350 Combat, Assault & Tactical Vehicles, Tracked

Tractors (24)

2410 Tractors, Full Track, Low Speed
2420 Tractors, Wheeled
2430 Tractors, Track Laying, High Speed

Vehicular Equipment Components (25)

2510 Vehicular Cab, Body, and Frame Structural Components
2520 Vehicular Power Transmission Components
2530 Vehicular Brake, Steering, Axle, Wheel, and Track Components
2540 Vehicular Furniture and Accessories
2590 Miscellaneous Vehicular Components

Tires and Tubes (26)

2610 Tires and Tubes, Pneumatic, Except Aircraft
2620 Tires and Tubes, Pneumatic Aircraft
2630 Tires, Solid and Cushing
2640 Tire Rebuilding and Tire and Tube Repair Materials

Engines, Turbines, and Components (28)

2805 Gasoline Reciprocating Engines, Except Aircraft; and Components
2810 Gasoline Reciprocating Engines, Aircraft; and Components
2815 Diesel Engines and Components
2820 Steam Engines, Reciprocating; and Components
2825 Steam Turbines and Components
2830 Water Turbines and Water Wheels; and Components
2835 Gas Turbines and Jet Engines, Except Aircraft; and Components

2840 Gas Turbines and Jet Engines, Aircraft, and Components
2845 Rocket Engines and Components
2850 Gasoline Rotary Engines and Components
2895 Miscellaneous Engines and Components

Engine Accessories (29)

2910 Engine Fuel System Components, Nonaircraft
2915 Engine Fuel System Components, Aircraft
2920 Engine Electrical System Components, Nonaircraft
2925 Engine Electrical System Components, Aircraft
2930 Engine Cooling System Components, Nonaircraft
2935 Engine Cooling System Components, Aircraft
2940 Engine Air and Oil Filters, Strainers, and Cleaners, Nonaircraft
2945 Engine Air and Oil Filters, Strainers, and Cleaners, Aircraft
2950 Turbosuperchargers
2990 Miscellaneous Engine Accessories, Nonaircraft
2995 Miscellaneous Engine Accessories, Aircraft

Mechanical Power Transmission Equipment (30)

3010 Torque Converters and Speed Changers
3020 Gears, Pulleys, Sprockets, and Transmission Chain
3030 Belting, Drive Belts, Fan Belts, and Accessories
3040 Miscellaneous Power Transmission Equipment

Bearings (31)

3110 Bearings, Antifriction, Unmounted
3120 Bearings, Plain, Unmounted
3130 Bearings, Mounted

Woodworking Machinery and Equipment (32)

3210 Sawmill and Planing Mill Machinery
3220 Woodworking Machines
3230 Tools and Attachments for Woodworking Machinery

Metalworking Machinery (34)

3405 Saws and Filing Machines
3408 Machining Centers and Way-Type Machines
3410 Electrical and Ultrasonic Erosion Machines
3411 Boring Machines
3412 Broaching Machines
3413 Drilling and Tapping Machines
3414 Gear Cutting and Finishing Machines
3415 Grinding Machines
3416 Lathes
3417 Milling Machines
3418 Planers and Shapers
3419 Miscellaneous Machine Tools
3422 Rolling Mills and Drawing Machines
3424 Metal Heat Treating and Non-Thermal Treating Equipment
3426 Metal Finishing Equipment
3431 Electric Arc Welding Equipment
3432 Electric Resistance Welding Equipment
3433 Gas Welding, Heat Cutting, and Metalizing Equipment
3436 Welding Positioners and Manipulators
3438 Miscellaneous Welding Equipment
3439 Miscellaneous Welding, Soldering, and Brazing Supplies and Accessories
3441 Bending and Forming Machines
3442 Hydraulic and Pneumatic Pressers, Power Driven
3443 Mechanical Presses, Power Driven
3444 Manual Presses
3445 Punching and Shearing Machines
3446 Forging Machinery and Hammers
3447 Wire and Metal Ribbon Forming Machines
3448 Riveting Machines
3449 Miscellaneous Secondary Metal Forming and Cutting Machines
3450 Machine Tools, Portable
3455 Cutting Tools for Machine Tools
3456 Cutting and Forming Tools for Secondary Metalworking Machinery
3460 Machine Tool Accessories
3461 Accessories for Secondary Metalworking Machinery
3465 Production Jigs, Fixtures, and Templates
3470 Machine Shop Sets, Kits, and Outfits

Service and Trade Equipment (35)

3510 Laundry and Dry Cleaning Equipment
3520 Shoe Repairing Equipment
3530 Industrial Sewing Machines and Mobile Textile Repair Shops
3540 Wrapping and Packaging Machinery
3550 Vending and Coin Operated Machines
3590 Miscellaneous Service and Trade Equipment

Special Industry Machinery (36)

3605 Food Products Machinery & Equipment
3610 Printing, Duplicating & Bookbinding Equipment
3611 Industrial Marking Machines
3615 Pulp & Paper Industries Machinery
3620 Rubber & Plastic Working Machinery
3625 Textile Industries Machinery
3630 Clay & Concrete Products Industries Machinery
3635 Crystal & Glass Industries Machinery
3640 Tobacco Manufacturing Machinery
3645 Leather Tanning & Leather Working Industries Machinery
3650 Chemical & Pharmaceutical Products Manufacturing Machinery
3655 Gas Generating & Dispensing Systems, Fixed or Mobile
3660 Industrial Size Reduction Machinery
3670 Specialized Semiconductor, Microcircuit, & printed Circuit Board Manufacturing Machinery
3680 Foundry Machinery, Related Equipment & Supplies
3685 Specialized Metal Container Manufacturing Machinery & Related Equipment
3690 Specalized Ammunition & Ordnance Machinery & Related Equipment
3693 Industrial Assembly Machines
3694 Clean Work Stations, Controlled Environment & Related Equipment
3695 Miscellaneous Special Industry Machinery

Agricultural Machinery and Equipment (37)

3710 Soil Preparation Equipment
3720 Harvesting Equipment
3730 Dairy, Poultry, & Livestock Equipment
3740 Pest, Disease, & Frost Control Equipment
3750 Gardening Implements & Tools
3760 Animal Drawn Vehicles & Farm Trailers
3770 Saddlery, Harness, Whips & Related Animal Furnishings

Contruction, Mining, Excavating, and Highway Maintenance Equipment (38)

3805 Earth Moving & Excavating Equipment
3810 Cranes & Crane-Shovels
3815 Crane & Crane-Shovel Attachments
3820 Mining, Rock Drilling, Earth Boring & Related Equipment
3825 Road Clearing & Cleaning Equipment
3830 Truck & Tractor Attachments
3835 Petroleum Production & Distribution Equipment
3895 Miscellaneous Construction Equipment

Materials Handling Equipment (39)

3910 Conveyors
3915 Materials Feeders
3920 Materials Handling Equipment, Non-Self-Propelled
3930 Warehouse Truck & Tractors, Self-Propelled
3940 Blocks, Tackle, Rigging & Slings
3950 Winches, Hoists, Cranes & Derricks
3960 Elevators & Escalators
3990 Miscellaneous Materials Handling Equipment

Rope, Cable, Chain and Fittings (40)

4010 Chain & Wire Rope
4020 Fiber Rope, Cordage, & Twine
4030 Fittings for Rope, Cable, & Chain

Refrigeration, Air Conditioning, and Air Circulating Equipment (41)

4110 Refrigeration Equipment
4120 Air Conditioning Equipment
4130 Refrigeration and Air Conditioning Components
4140 Fans, Air Circulators, and Blower Equipment

Fire Fighting, Rescue, and Safety Equipment (42)

4210 Fire Fighting Equipment
4220 Marine Lifesaving and Diving Equipment
4230 Decontaminating and Impregnating Equipment
4240 Safety and Rescue Equipment

Pumps and Compressors (43)

4310 Compressors and Vacuum Pumps
4320 Power and Hand Pumps
4330 Centrifugals, Separators, and Pressure and Vacuum Filters

Furnace, Steam Plant, and Drying Equipment: and Nuclear Reactors (44)

4410 Industrial Boilers
4420 Heat Exchangers and Steam Condensers
4430 Industrial Furnaces, Kilns, Lehrs, and Ovens
4440 Driers, Dehydrators, and Anhydrators
4460 Air Purification Equipment
4470 Nuclear Reactors

Plumbing, Heating, and Sanitation Equipment (45)

4510 Plumbing Fixtures and Accessories
4520 Space Heating Equipment and Domestic Water Heaters
4530 Fuel Burning Equipment Units
4540 Miscellaneous Plumbing, Heating and Sanitation Equipment

Water Purification and Sewage Treatment Equipment (46)

4610 Water Purification Equipment
4620 Water Distillation Equipment, Marine and Industrial
4630 Sewage Treatment Equipment

Pipe, Tubing, Hose, and Fittings (47)

4710 Pipe and Tube
4720 Hose and Tubing, Flexible
4730 Fittings and Specialties: Hose, Pipe, and Tube

Valves (48)

4810 Valves, Powered
4820 Valves, Nonpowered

Maintenance and Repair Ship Equipment (49)

4910 Motor Vehicle Maintenance and Repair Shop Specialized Equipment
4920 Aircraft Maintenance and Repair Shop Specialized Equipment
4921 Torpedo Maintenance, Repair, and Checkout Specialized Equipment
4923 Depth Charges and Underwater Mines Maintenance, Repair and Checkout Specialized Equipment
4925 Ammunition Maintenance, Repair, and Checkout Specialized Equipment
4927 Rocket Maintenance, Repair and Checkout Specialized Equipment
4930 Lubrication and Fuel Dispensing Equipment
4931 Fire Control Maintenance and Repair Shop Specialized Equipment
4933 Weapons Maintenance and Repair Shop Specialized Equipment
4935 Guided Missile Maintenance, Repair, and Checkout Specialized Equipment
4940 Miscellaneous Maintenance and Repair Shop Specialized Equipment
4960 Space Vehicle Maintenance, Repair, and Checkout Specialized Equipment

Hand Tools (51)

5110 Hand Tools, Edged, Nonpowered
5120 Hand Tools, Nonedged, Nonpowered
5130 Hand Tools, Power Driven
5133 Drill Bits, Conterbores, and Countersinks: Hand and Machine
5136 Taps, Dies, and Collets: Hand and Machine
5140 Tools and Hardware Boxes
5180 Sets, Kits, and Outfits of Hand Tools

Measuring Tools (52)

5210 Measuring Tools, Craftmen's
5220 Inspection Gages and Precision Layout Tools
5280 Sets, Kits, and Outfits of Measuring Tools

Hardware and Abrasives (53)

5305 Screws
5306 Bolts
5307 Studs
5310 Nuts and Washers
5315 Nails, Keys, and Pins
5320 Rivets
5325 Fastening Devices
5330 Packing and Gasket Materials
5335 Metal Screening
5340 Miscellaneous Hardware
5345 Disks and Stones, Abrasive
5350 Abrasive Materials
5355 Knobs and Pointers
5360 Coil, Flat and Wire Springs
5365 Rings, Shims and Spacers

Prefabricated Structures and Scaffolding (54)

5410 Prefabricated and Portable Buildings
5420 Bridges, Fixed and Floating
5430 Storage Tanks
5440 Scaffolding Equipment and Concrete Forms
5445 Prefabricated Tower Structures
5450 Miscellaneous Prefabricated Structures

Lumber, Millwork, Plywood, and Veneer (55)

5510 Lumber and Related Basic Wood Materials
5520 Millwork
5530 Plywood and Veneer

Construction and Building Materials (56)

5610 Mineral Construction Materials, Bulk
5620 Building Glass, Tile, Brick and Block
5630 Pipe and Conduit, Nonmetallic
5640 Wallboard, Building Paper, and Thermal Insulation Materials
5650 Roofing and Siding Materials
5660 Fencing, Fences, and Gates
5670 Architectural and Related Metal Products
5680 Miscellaneous Construction Materials

Communication, Detection and Coherent Radiation Equipment (58)

5805 Telephone and Telegraph Equipment
5810 Communications Security Equipment and Components
5811 Other Cryptologic Equipment and Components
5815 Teletype and Facsimile Equipment
5820 Radio and Television Communication Equipment, Except Airborne
5821 Radio and Television Communication Equipment, Airborne
5825 Radio Navigation Equipment, Except Airborne
5826 Radio Navigation Equipment, Airborne
5830 Intercommunication and Public Address Systems, Except Airborne
5831 Intercommunication and Public Address Systems, Airborne
5835 Sound Recording and Reproducing Equipment
5840 Radar Equipment, Except Airborne
5841 Radar Equipment, Airborne
5845 Underwater Sound Equipment
5850 Visible and Invisible Light Communication Equipment
5855 Night Vision Equipment, Emitted and Reflected Radiation
5860 Stimulated Coherent Radiation Devices, Components, and Accessories
5865 Electronic Countermeasures, Counter-Counter Measures and Quick Reaction Capability Equipment
5895 Miscellaneous Communication Equipment

Electrical and Electronic Equipment Components (59)

5905 Resistors
5910 Capacitors
5915 Filters and Networks
5920 Fuses and Lighting Arresters
5925 Circuit Breakers
5930 Switches
5935 Connectors, Electrical
5940 Lugs, Terminals, and Terminal Strips
5945 Relays and Solenoids
5950 Coils and Transformers
5955 Piezoelectric Crystals
5960 Electron Tubes and Associated Hardware
5961 Semiconductor Devices and Associated Hardware
5962 Microcircuits, Electronic
5965 Headsets, Handsets, Microphones and Speakers
5970 Electrical Insulators and Insulating Materials
5975 Electrical Hardware and Supplies
5977 Electrical Contact Brushes and Electrodes
5985 Antennas, Waveguides, and Related Equipment
5990 Synchros and Resolvers
5995 Cable, Cord, and Wire Assemblies: Communication Equipment
5999 Miscellaneous Electrical and Electronic Components

Fiber Optics Materials, Components, Assemblies, and Accessories (60)

Note.—Fiber Optics is a general term used to describe the function where optical energy (i.e., light rays) is guided to another location through fiber(s). This group includes Fiber Optics items such as parts, materials, and devices used for communications, data transmission, image transmission, or illumination. Excludes imaging devices under FSG 65 (Medical).

6010 Fiber Optic Conductors

Note.—Included in this class are bulk discrete fibers.

6015 Fiber Optic Cables

Note.—Included in this class are one or more discrete fiber optic conductors with a common protective covering in bulk form. May include electrical conductors/cables and/or reinforcing material.

6020 Fiber Optic Cable Assemblies and Harnesses

Note.—Included in this class are items having one or more fiber optic conductors/cables with processed end(s) or terminated in fitting(s).

6030 Fiber Optic Devices

Note.—Included in this class are fiber optic devices that perform an active function in a fiber optics system.

6060 Fiber Optic Interconnectors

Note.—Included in this class are all fiber optic terminations, such as connectors, couplers, dividers, and splices. May include electrical connectors.

6070 Fiber Optic Accessories and Supplies

Note.—Included in this class are mode stripping materials, index matching materials, cladding materials, and other related materials. Also included are all other fiber optics items (accessories and supplies) that are not classified in a more specific FSC within this group.

6080 Fiber Optic Kits and Sets

Electric Wire, and Power Distribution Equipment (61)

6105 Motors, Electrical
6110 Electrical Control Equipment
6115 Generators and Generator Sets, Electrical
6116 Fuel Cell Power Units, Components and Accessories
6120 Transformers: Distribution and Power Station
6125 Converters, Electrical, Rotating
6130 Converters, Electrical, Nonrotating
6135 Batteries, Primary
6140 Batteries, Secondary
6145 Wire and Cable, Electrical
6150 Miscellaneous Electric Power and Distribution Equipment

Lighting Fixtures and Lamps (62)

6210 Indoor and Outdoor Electric Lighting Fixtures
6220 Electric Vehicular Lights and Fixtures
6230 Electric Portable and Hand Lighting Equipment
6240 Electric Lamps
6250 Ballasts, Lampholders, and Starters
6260 Nonelectrical Lighting Fixtures

Alarm and Signal Systems (63)

6310 Traffic and Transit Signal Systems
6320 Shipboard Alarm and Signal System
6330 Railroad Signal and Warning Devices
6340 Aircraft Alarm and Signal Systems
6350 Miscellaneous Alarm and Signal Systems

Medical, Dental, and Veterinary Equipment and Supplies (65)

6505 Drugs, Biologicals, and Official Reagents
6506 Blood
6507 Blood Derivatives
6508 Medicated Cosmetics and Toiletries
6510 Surgical Dressing Materials
6515 Medical and Surgical Instruments, Equipment Supplies
6520 Dental Instruments, Equipment, and Supplies
6525 X-Ray Equipment and Supplies: Medical, Dental, Veterinary
6530 Hospital Furniture, Equipment, Utensils, and Supplies
6532 Hospital & Surgical Clothing & Related Special Purpose Items
6540 Opticians' Instruments, Equipment, and Supplies
6545 Medical Sets, Kits, and Outfits

Instruments and Laboratory Equiment (66)

6605 Navigational Instruments
6610 Flight Instruments
6615 Automatic Pilot Mechanisms and Airborne Gyro Components
6620 Engine Instruments
6625 Electrical and Electronic Properties Measuring and Testing Instruments
6630 Chemical Analysis Instruments
6635 Physical Properties Testing Equipment
6636 Environmental Chambers and Related Equipment
6640 Laboratory Equipment and Supplies
6645 Time Measuring Instruments
6650 Optical Instruments
6655 Geophysical and Astronomical Instruments
6660 Meteorological Instruments and Apparatus
6665 Hazard-Detecting Instruments and Apparatus
6670 Scales and Balances
6675 Drafting, Surveying, and Mapping Instruments
6680 Liquid and Gas Flow, Liquid Level, and Mechanical Motion Measuring Instruments
6685 Pressure, Temperature, and Humidity Measuring and Controlling Instruments
6695 Combination and Miscellaneous Instruments

Photographic Equiment (67)

6710 Cameras, Motion Picture
6720 Cameras, Still Picture
6730 Photographic Projection Equipment
6740 Photographic Developing and Finishing Equipment
6750 Photographic Supplies
6760 Photographic Equipment and Accessories
6770 Film, Processed
6780 Photographic Sets, Kits, and Outfits

Chemical and Chemical Products (68)

6810 Chemicals
6820 Dyes
6830 Gases: Compressed and Liquified
6840 Pest Control Agents and Disinfectants
6850 Miscellaneous Chemical Specialities

Training Aids and Devices (69)

6910 Training Aids
6920 Armament Training Devices
6930 Operational Training Devices
6940 Communication Training Devices

General Purpose Automatic Data Processing Equipment, Software, Supplies and Support Equipment (70)

7010 ADP Configuration
7020 ADP Central Processing Unit (CPU, Computer) Analog
7021 ADP Central Processing Unit (CPU, Computer) Digital
7022 ADP Central Processing Unit (CPU, Computer) Hybrid
7025 ADP Input/Output and Storage Devices
7030 ADP Software
7035 ADP Accessorial Equipment
7040 Punched Card Equipment
7045 ADP Supplies and Support Equipment
7050 ADP Components

Furniture (71)

7105 Household Furniture
7110 Office Furniture
7125 Cabinets, Lockers, Bins, and Shelving
7195 Miscellaneous Furniture and Fixtures

Household and Commercial Furnishings and Appliances (72)

7210 Household Furnishings
7220 Floor Coverings
7230 Draperies, Awnings, and Shades
7240 Household and Commercial Utility Containers
7290 Miscellaneous Household and Commercial Furnishings and Appliances

Food Preparation and Serving Equipment (73)

7310 Food Cooking, Baking, and Serving Equipment
7320 Kitchen Equipment and Appliances
7330 Kitchen Hand Tools and Utensils
7340 Cutlery and Flatware
7350 Tableware
7360 Sets, Kits, and Outfits: Food Preparation and Serving

Office Machines and Visible Record Equipment (47)

7420 Accounting and Calculating Machines
7430 Typewriters and Office Type Composing Machines
7450 Office Type Sound Recording and Reproducing Machines
7460 Visible Record Equipment
7490 Miscellaneous Office Machines

Office Supplies and Devices (75)

7510 Office Supplies
7520 Office Devices and Accessories
7530 Stationery and Record Forms
7540 Standard Forms

Books, Maps, and Other Publications (76)

7610 Books and Pamphlets
7630 Newspapers and Periodicals
7640 Maps, Atlases, Charts, and Globes
7650 Drawings and Specifications
7660 Sheet and Book Music
7670 Microfilm, Processed
7690 Miscellaneous Printed Matter

Musical Instruments, Phonographs, and Hometype Radios (77)

7710 Musical Instruments
7720 Musical Instruments Parts and Accessories
7730 Phonographs Radios, Television Sets: Home Type
7740 Phonograph Records

Recreational and Athletic Equipment (78)

7810 Athletic and Sporting Equipment
7820 Games, Toys and Wheeled Goods
7830 Recreational and Gymnastic Equipment

Cleaning Equipment and Supplies (79)

7910 Floor Polishers and Vacuum Cleaners
7920 Brooms, Brushes, Mops and Sponges
7930 Cleaning and Polishing Compounds and Preparations

Brushes, Paints, Sealers, and Adhesives (80)

8010 Paints, Dopes, Varnishes, and Related Products
8020 Paint and Artists' Brushes
8030 Preservatives and Sealing Compounds
8040 Adhesives

Containers, Packing, and Packing Supplies (81)

8105 Bags and Sacks
8110 Drums and Cans
8115 Boxes, Cartons and Crates
8120 Commercial and Industrial Gas Cylinders
8125 Bottles and Jars
8130 Reels and Spools
8135 Packaging and Packing Bulk Materials
8140 Ammunition and Nuclear Ordnance Boxes, Packages and Special Containers
8145 Specialized Shipping and Storage Containers

Textitles, Leather, Furs, Apparel, and Shoe Findings, Tents and Flags (83)

8305 Textitle Fabrics
8310 Yarn and Thread
8315 Notions and Apparel Findings
8320 Padding and Stuffing Materials
8325 Fur Materials
8330 Leather
8335 Shoe Findings and Soling Materials
8340 Tents and Tarpaulins
8345 Flags and Pennants

Clothing, Individual Equipment, and Insignia (84)

8405 Outerwear, Men's
8410 Outerwear, Women's
8415 Clothing, Special Purpose
8420 Underwear and Nightwear, Men's
8425 Underwear and Nightwear, Women's
8430 Footwear, Men's
8435 Footwear, Women's
8440 Hosiery, Handwear, and Clothing Accessories, Men's
8445 Hosiery, Handwear, and Clothing Accessories, Women's
8450 Children's and Infants' Apparel and Accessories
8455 Badges and Insignia
8460 Luggage
8465 Individual Equipment
8470 Armor, Personal
8475 Specialized Flight Clothing and Accessories

Toiletries (85)

8510 Perfumes, Toliet Preparations and Powers
8520 Toilet Soap, Shaving Preparations, and Dentifrices
8530 Personal Toiletry Articles
8540 Toiletry Paper Products

Agricultural Supplies (87)

8710 Forage and Feed
8720 Fertilizers
8730 Seed and Nursery Stock

Live Animals (88)

8810 Live Animals, Raised for Food
8820 Live Animals, Not Raised for Food

Subsistence (89)

8900 Perishable Subsistence
8905 Meat, Poultry, and Fish
8910 Dairy Foods and Eggs
8915 Fruits and Vegetables
8920 Bakery and Cereal Products
8925 Sugar, Confectionery, and Nuts
8930 Jams, Jellies, and Preserves
8935 Soups and Bouillons
8940 Special Dietary Foods and Food Specialty Preparations
8945 Food Oils and Fats
8950 Condiments and Related Products
8955 Coffee, Tea, and Cocoa
8960 Beverages, Nonalcoholic
8965 Beverages, Alcoholic
8970 Composite Food Packages
8975 Tobacco Products
8999 Food Items for Resale

Fuels, Lubricants, Oils, and Waxes (91)

9110 Fuels, Solid
9130 Liquid Propellants, and Fuels, Petroleum Base
9135 Liquid Propellant Fuels and Oxidizers, Chemical Base
9140 Fuel Oils
9150 Oils and Greases: Cutting, Lubricating, and Hydraulic
9160 Miscellaneous Waxes, Oils, and Fats

Nonmetallic Fabricated Materials (93)

9310 Paper and Paperboard
9320 Rubber Fabricated Materials
9330 Plastics Fabricated Materials
9340 Glass Fabricated Materials
9350 Refractories and Fire Surfacing Materials
9390 Miscellaneous Fabricated Nonmetallic Materials

Nonmetallic Crude Materials (94)

9410 Crude Grades of Plant Materials
9420 Fibers: Vegetable, Animal, and Synthetic
9430 Miscellaneous Crude Animal Products, Inedible
9440 Miscellaneous Crude Agricultural and Forestry Products
9450 Nonmetallic Scrap, Except Textile

Metal Bars, Sheets, and Shapes (95)

9505 Wire, Nonelectrical, Iron and Steel
9510 Bars and Rods, Iron and Steel
9515 Plate, Sheets, and Strip: Iron and Steel
9520 Structural Shapes, Iron and Steel
9525 Wire, Nonelectrical, Nonferrous Base Metal
9530 Bars and Rods, Nonferrous Base Metal
9535 Plate, Sheet, Strip, and Foil: Nonferrous Base Metal
9540 Structural Shapes, Nonferrous Base Metal
9545 Plate, Sheet, Strip, Foil, and Wire: Precious Metal

Ores, Minerals, and Their Primary Products (96)

9610 Ores
9620 Minerals, Natural and Synthetic
9630 Additive Metal Materials and Master Alloys
9640 Iron and Steel Primary and Semifinished Products
9650 Nonferrous Base Metal Refinery and Intermediate Forms
9660 Precious Metals Primary Forms
9670 Iron and Steel Scrap
9680 Nonferrous Metal Scrap

Miscellaneous (99)

9905 Signs, Advertising Displays, and Identification Plates
9910 Jewelry
9915 Collectors' Items
9920 Smokers' Articles and Matches
9925 Ecclesiastical Equipment, Furnishings, and Supplies
9930 Memorials: Cemeterial and Mortuary Equipment and Supplies
9998 Non Food Items for Resale
9999 Miscellaneous Items.

[FR Doc. 82-4993 Filed 2-24-82; 8:45 am]

BILLING CODE 7510-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-43

[FPMR Amdt. H-132]

Excess Personal Property Reporting Requirements

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation revises excess personal property reporting requirements to ensure that excess personal property having reasonable utilization potential is reported to GSA for disposition.

EFFECTIVE DATE: February 25, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley M. Duda, Director, Utilization Division (703-557-0714).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

Section 101-43.4801 is amended to revise paragraphs (b)(1), (b)(2), (c), and (d) to read as follows:

§ 101-43.4801 Excess personal property reporting requirements.

* * * * *

(b) * * *

(1) The table in paragraph (d) of this section states that line items as specified herein shall be reported when in class 1510, 1520, 2810, 2840, or any class in group 16. In agencies other than the Department of Defense all line items in these classes shall be reported when dollar and condition criteria are met. In the Department of Defense, aircraft in class 1510 which are in the Cargo/Transport, Observation, Anti-Sub, Trainer, or Utility series, all aircraft in class 1520, and line items in the other

classes which are components of these aircraft shall be reported when dollar and condition criteria are met.

(2) Items in classes 1510 and 1520 held by the Department of Defense or other agencies shall be reported to the General Services Administration (9DP), San Francisco, California 94105.

(c) Automated data processing equipment as defined in § 101–36.301–1, whether or not it falls within group 70, shall be reported in the manner set forth in Subpart 101–36.47 to the General Services Administration (CISE), Washington, DC 20405.

Note.—Auxiliary and accessorial ADPE with a unit original acquisition cost of $1,500 or less shall be reported to GSA regional offices in accordance with this Part 101–43.

(d) The table follows:

Federal supply classification			Not reportable to GSA	Reportable to GSA	Minimum reportable disposal condition code
Group No.	Group identification	Classes			
10	Weapons	All	x		
11	Nuclear ordnance	All	x		
12	Fire control equipment	All	x		
13	Ammunition and explosives	All	x		
14	Guided missiles	All except		x	9
		1410 guided missiles	x		
		1440 launchers, guided missile	x		
15	Aircraft; and airframe structural components	All except	x		
		1510 aircraft, fixed wing, as specified by § 101–43.4801(b)		x	9
		1520 aircraft, rotary wing, as specified by § 101–43.4801(b)		x	9
		1560 airframe structural components, as specified by § 101–43.4801(b).		x	9
16	Aircraft components and accessories	All		x	9
17	Aircraft launching, landing, and ground handling equipment	All	x		
18	Space vehicles	All		x	7
19	Ships, small craft, pontoons, and floating docks	All except		x	8
		Vessels over 1500 gross tons	x		
20	Ship and marine equipment	All	x		
22	Railway equipment	All		x	9
23	Ground effect vehicles, motor vehicles, trailers, and cycles	All		x	9
24	Tractors	All		x	9
25	Vehicular equipment components	All		x	2
26	Tires and tubes	All except	x		
		2610 tires and tubes, pneumatic, except aircraft		x	4
28	Engines, turbines, and components	All except	x		
		2805 gasoline reciprocating engines, except aircraft; and components.		x	9
		2810 gasoline, reciprocating engines, and components; as specified by § 101–43.4801(b).		x	9
		2815 diesel engines and components		x	9
		2840 gas turbines and jet engines, aircraft and components as specified by § 101–43.4801(b).		x	9
29	Engine accessories	All		x	9
30	Mechanical power transmission equipment	All	x		
31	Bearings	All	x		
32	Woodworking machinery and equipment	All		x	9
34	Metalworking machinery	All		x	9
35	Service and trade equipment	All		x	7
36	Special industry machinery	All except		x	9
		3690 specialized ammunition and ordnance machinery and related equipment.	x		
37	Agricultural machinery and equipment	All		x	9
38	Construction, mining, excavating, and highway maintenance equipment.	All		x	9
39	Materials handling equipment	All		x	9
40	Rope, cable, chain and fittings	All		x	9
41	Refrigeration, air-conditioning, and air circulating equipment	All		x	9
42	Firefighting, rescue, and safety equipment	All		x	9
43	Pumps and compressors	All		x	9
44	Furnace, steam plant, and drying equipment, and nuclear reactors.	All		x	4
45	Plumbing, heating, and sanitation equipment	All		x	7
46	Water purification and sewage treatment equipment	All		x	7
47	Pipe, tubing, hose, and fittings	All		x	9
48	Valves	All		x	4
49	Maintenance and repair shop equipment	All except		x	9
		4921 torpedo maintenance, repair, and checkout specialized equipment.	x		
		4923 depth charges and underwater mines maintenance, repair, and checkout specialized equipment.	x		
		4925 ammunition maintenance, repair, and checkout specialized equipment.	x		
		4927 rocket maintenance, repair, and checkout specialized equipment.	x		
		4931 fire control maintenance and repair shop specialized equipment.	x		
		4933 weapons maintenance and repair shop specialized equipment.	x		
51	Hand tools	All		x	9
52	Measuring tools	All		x	7
53	Hardware and abrasives	All		x	9
54	Prefabricated structures and scaffolding	All		x	9
55	Lumber, millwork, plywood and veneer	All		x	3
56	Construction and building materials	All		x	9
58	Communication, detection and coherent radiation equipment	All except		x	9
		5810 communications security equipment and components	x		

Federal supply classification			Not reportable to GSA	Reportable to GSA	Minimum reportable disposal condition code
Group No.	Group identification	Classes			
		5811 other cryptologic equipment and components	x		
59	Electrical and electronic equipment components	All		x	9
60	Fiber optics	All		x	9
61	Electrical wire, and power and distribution equipment	All		x	9
62	Lighting fixtures and lamps	All		x	7
63	Alarm and signal systems	All	x		
65	Medical, dental, and veterinary equipment and supplies	All except		x	9
		6505 drugs, biologicals, and official reagents	x		
		6508 medicated cosmetics and toiletries	x		
66	Instruments and laboratory equipment	All		x	8
67	Photographic equipment	All except		x	7
		6770 film, processed	x		
68	Chemicals and chemical products	All		x	2
69	Training aids and devices	All		x	9
70	General purpose automatic data processing equipment including firmware, software, supplies and support equipment (see 101–43.4801(c)).	All		x	9
71	Furniture	All		x	9
72	Household and commercial furnishings and appliances	All		x	8
73	Food preparation and serving equipment	All		x	8
74	Office machines, text processing equipment, and visible record equipment.	All		x	9
75	Office supplies and devices	All		x	7
76	Books, maps, and other publications	All except	x		
		7610 books and pamphlets		x	4
77	Musical instruments, phonographs, and home-type radios	All except		x	5
		7710 musical instruments		x	9
78	Recreational and athletic equipment	All		x	5
79	Cleaning equipment and supplies	All		x	5
80	Brushes, paints, sealers, and adhesives	All		x	4
81	Containers, packaging, and packing supplies	All		x	8
83	Textiles, leather, furs, apparel, and shoe findings, tents, and flags.	All except	x		
		8305 textiles fabrics		x	9
		8340 tents and tarpaulins		x	9
84	Clothing and individual equipment and insignia	All except	x		
		8455 badges and insignia	x		
85	Toiletries	All	x		
87	Agricultural supplies	All	x		
89	Subsistence	All except	x		
		8965 beverages, alcoholic		x	2
91	Fuels, lubricants, oils and waxes	All		x	3
93	Nonmetallic fabricated materials	All		x	2
94	Nonmetallic crude materials	All	x		
95	Metal bars, sheets, and shapes	All		x	5
96	Ores, minerals, and their primary products	All		x	4
99	Miscellaneous	All except	x		
		9905 signs, advertising displays, and identification plates		x	9
		9910 jewelry		x	9
		9999 miscellaneous items		x	9

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 2, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82–4889 Filed 2–24–82; 8:45 am]

BILLING CODE 6820–96–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 82–57]

Delegations of Authority to the Chief, Cable Television Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends Part 0, § 0.288(m) of the Commission's Rules and Regulations concerning the delegations of authority to the Chief, Cable Television Bureau relating to the monetary limitations involved in the imposition of forfeitures. This action is necessary to reduce the Commission's workload of routine cases, and to increase the Cable Television Bureau's efficiency in handling routine matters in order to reduce the Bureau's backlog.

EFFECTIVE DATE: February 26, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Ronald Parver, Cable Television Bureau. (202–254–3407).

SUPPLEMENTARY INFORMATION:

Adopted: January 28, 1982.

Released: February 12, 1982.

1. In November 1978, the Commission revised its delegation of authority to the Chief of the Cable Television Bureau, *inter alia,* to impose forfeitures pursuant to Section 503(b) of the Communications Act of 1934, as amended, in amounts not to exceed $4,000 against cable television system operators found to have violated the Communications Act and the Commission's rules, and $2,000 against licensees of Cable Television Relay Service (CARS) stations. *Amendment of Part 0,* FCC 78–764, 69 FCC 2d 1435 (1978). Since that time, there has been an increase in the number of cases involving forfeitures which have had to be referred to the Commission *en banc.* that otherwise might have been

processed pursuant to delegated authority, but for the monetary limitations placed on the Chief of the Cable Television Bureau to impose forfeitures.

2. The Commission has reviewed the delegations of authority to the Chief of the Cable Television Bureau and has concluded that the public interest would be served by amending § 0.288(m) of the Commission's rules to permit the Chief of the Cable Television Bureau to impose forfeitures pursuant to Section 503(b) of the Communications Act of 1934, as amended, against both cable television system operators and CARS station licensees in amounts not to exceed $10,000 for violations of the Communications Act and the Commission's rules. This amendment should result in more efficient handling of forfeiture matters and aid the Cable Television Bureau in expediting the processing of pending cases as well as reduce the Commission's workload of routine cases. Since this amendment relates only to Commission organization and procedures, the prior notice provisions of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. Authority for the rule amendment adopted herein is contained in Sections 4 (i) and (j), 5 (b) and (d), 301, 303, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, that, effective February 26, 1982, Part 0 of the Commission's rules and regulations is amended as set forth in the attached Appendix.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 0—COMMISSION ORGANIZATION

Section 0.288(m) is revised to read as follows:

§ 0.288 Authority delegated.

* * * * *

(m) To issue citations pursuant to § 1.80 of this chapter, and to issue notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under § 1.80(f) in amounts of $10,000 or less for cable television systems and for facilities in the Cable Television Relay Service.

[FR Doc. 82-5051 Filed 2-24-82; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1120

[Ex Parte No. 392]

Application Procedures for a Certificate To Construct, Acquire or Operate Railroad Lines

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Final Rules.

SUMMARY: The rules adopted here revise the procedures to be followed for the construction, acquisition or operation of rail lines, 49 CFR Part 1120. Since the rules were last revised, there have been a number of statutory and regulatory changes. The new regulations eliminate the filing of redundant and unnecessary information and streamline the application procedure.

On August 31, 1981 the Commission published proposed rules to reflect these changes and requested public comment (46 FR 43721). After reviewing the comments, the Commission has decided to adopt the proposed rules with certain modifications. The new rules are set forth in the appendix to this notice.

The rules also provide procedures for obtaining a certificate of designated operator that have not previously been codified, and the modified certificate procedures under which abandoned lines acquired by a State or State agency may be operated.

DATES: These regulations are effective on February 25, 1982.

FOR FURTHER INFORMATION CONTACT: Richard A. Kelly, (202) 275-7245; or Warren Wood, (202) 275-7977; or Elaine Sehrt, (202) 275-7899.

For copies of these rules: Contact the Office of the Secretary, (800) 424-5230.

SUPPLEMENTARY INFORMATION: The notice of proposed rules published August 31, 1981, contemplated a complete revision of the informational requirements and the procedures to be followed for applications under 49 CFR Part 1120. That notice explains that these revisions were in response to current transportation policy, as reflected in present legislation and regulations. The notice also explains that data which had not been found to be useful in reaching an informed decision would be eliminated from the informational requirements of the regulations.

Comments on the proposed rules were submitted by Consolidated Rail Corporation (Conrail), Wisconsin Department of Transportation (WIDOT), the Washington Legal Foundation (WLF), Union Pacific Railroad Company (UP), the Association of American Railroads (AAR), Patrick W. Simmons, Illinois Legislative Director for the United Transportation Union (UTU), and the Commission's Office of Special Counsel (OSC). Except for UTU, the parties have expressed overall support for the new rules, although a number of specific points are raised which require minor changes in language or emphasis. UTU, however, has mounted a broad-based attack on many aspects of the new rules. Its contentions, as well as the matters raised by the other parties, are discussed below.

Jurisdictional Scope of Section 10901

Conrail is concerned that the statement in section 1120.1(a) that the acquisition of an active rail line by a carrier falls within the ambit of 49 U.S.C. 11343 rather than section 10901 is overly broad. It believes that section 11343 would apply only where the purchaser is a carrier and the acquisition is part of a unification, consolidation, or merger proceeding. Conrail's concern is shared by AAR, which points out that the acquisition by a carrier of a rail line owned by a noncarrier would not be subject to section 11343.[1] The jurisdictional scope of sections 10901 and 11343 has been discussed in numerous Commission decisions. The distinction is an important one, in view of the discretion afforded the Commission in imposing labor protective conditions under section 10901.[2]

The Commission has uniformly held that acquisition of a line of railroad by a noncarrier (including a newly formed entity organized for the purpose of providing interstate common carrier rail service) is governed by the filing requirements of 49 U.S.C. 10901. See "Prairie Trunk Railway—Acquisition and Operation", 348 I.C.C. 832 (1977) and cases cited therein. Section 10901 is

[1] Under section 11343(e), the Commission has jurisdiction over "a purchase, lease, or contract to operate property of *another carrier* by any number of carriers."

[2] Under section 10901(e), the "Commission may require any rail carrier proposing both to construct and operate a new railroad line pursuant to this section to provide a fair and equitable arrangement for the protection of the interests of railroad employees who may be affected thereby * * *". By contrast, labor protection in consolidation proceedings is mandatory under 49 U.S.C. 11347.

intended to deal with the extension or acquisition of an individual line of railroad and is essentially directed at the transportation-oriented activities of a single carrier. Cf. "Okmulgee Northern Ry. Co. Abandonment", 320 I.C.C. 637, 639 (1964); and "Iowa Term. R. Co. Acquisition and Operation", 312 I.C.C. 546, 548–549 (1961). An application by a noncarrier will be considered under section 10901 even if it is incorrectly filed under section 11343 [3] and regardless of whether the common carrier owner of the line sought to be acquired has filed an application to abandon it.[4]

The Commission has also permitted existing rail carriers to acquire additional rail lines under section 10901, provided the selling carrier first seeks authority to abandon the line and that application is granted. "Okmulgee Northern Ry. Co., *supra*; and Tennessee Central Ry. Co. Abandonment", 334 I.C.C. 235 (1969). Section 11343 would be inapplicable to these situations because upon abandonment, the line would no longer function in interstate or foreign commerce and, in effect, would no longer be an active rail line. "Central R. Co. of New Jersey—Abandonment", 342 I.C.C. 227, 264 (1972). On the other hand, the acquisition of an *active* rail line by an existing carrier is governed by section 11343, which we have found to be analytically more appropriate for dealing with the unification or *existing* railroad facilities. "Prairie Trunk", *supra*, at 850.

AAR correctly notes that section 11343 is applicable only to acquisition where both the buyer and the seller are carriers. Section 1120.1 will be modified to clarify that acquisition by a carrier of an active rail line *owned by a carrier* is covered by section 11343.

Waiver Procedure

OSC and UTU believe that the waiver procedure in the new rules is both unnecessary and inappropriate. OSC points out that the new rules will eliminate the "return to questionnaire" aspect of the present application procedures and thus substantially reduce the amount of information required to be filed. OSC believes that further relaxing the informational requirements through use of a separate waiver process may deprive parties of data needed to assess a proposal properly. It contends that the regulations pertaining to mergers and consolidations (49 CFR Part 1111) and abandonments (49 CFR Part 1121) require extensive information and that waiver procedures there reflect a greater need to eliminate the submission of redundant and irrelevant data. If the waiver procedure is retained, OSC suggests that notice of approval of any waiver request be given to the public by including it in the newspaper publication under § 1120.10(f).

First, we note that although the "return to questionnaire" has been eliminated, much of the information required to be included in it has been incorporated into the application. The new rules generally require the submission of only that information necessary for proper analysis of the transaction. However, there may be circumstances in which the required information would not materially aid either our evaluation of the transaction or a potential party's decision as to whether to participate. In reviewing a waiver request, we will balance our need for the data against the burden required to produce it. Information which is essential for an informed decision will not be waived. Indeed, under § 1120.8 the Commission may require additional information to be filed where necessary. Although we believe the reduction in information contemplated by the new rules will result in infrequent use of the waiver provisions, we nevertheless see a continuing need for flexibility in this area. That need will best be served by retaining a specific waiver procedure in the final rules.

We also do not believe that a summary of the waived information should be included in the newspaper publication which notices the filing of the application. First, such a requirement would impose an additional burden and expense on applicant. Also, it is preferable, in terms of administrative procedure, to encourage a party or potential party to review the information which has been filed in the application (rather than merely to highlight the data which have been waived) before reaching a decision as to whether production of the data is necessary.[5] OSC's proposed notice procedure might encourage reflexive and unnecessary demands that the waived information be made available. We note, however, that once an application has been filed and accepted, protestants have the opportunity to demonstrate that the waived information is relevant and necessary to full consideration of an issue in the proceeding. They can seek to have the record supplemented at that time. See "Ryder System, Inc.—Control—Atlantic Express, Inc.", 127 M.C.C. 728, 730 (1980); "Aberdeen and Rockfish Railroad Co. v. United States", 270 F. Supp. 695 (E.D. La. 1967). At that time, both protestants and the Commission can better judge the substantive completeness of the application and better assess the need for and utility of omitted information.

Finally, UTU contends that the waiver procedures in the new rules will encourage improper ex parte contacts between applicants and the Commission's staff. We disagree. Although an applicant may seek guidance at an early stage from the Commission in framing a request for waiver, we do not consider such communications to be improper. The purpose of the Commission's regulations concerning ex parte communications, Appendix C following 49 CFR Part 1100, is to prevent parties from attempting improperly to influence the Commission's decisionmaking process in proceedings pending before it. The Commission's staff is under direction not to discuss with prospective applicants (or other potential parties to a prospective proceeding) the merits of any potential proposal. Any discussion by Commission staff of prospective waiver requests is limited to the type of advice and guidance that would be offered to any member of the public using the Commission's regulations—an explanation of the purpose of the Commission's various requirements and the type of circumstances which have, in the past, been considered to allay the need for or benefit of particular requirements. We do not consider such general, uniform assistance, even when offered in the context of a particular prospective proposal, to be prohibited.

Actual Date Comments Are Due

OSC also believes that the newspaper notice should indicate the actual calendar date on which comments are due. Under proposed rule 1120.10(f), the notice need only indicate that comments are due within 35 days of the filing of the application.

We believe OSC's suggestion should be adopted. The date of filing is a matter within a applicant's control and knowledge. Requiring that a date certain be given by which comments may be timely filed will impose only a marginal burden and will not materially delay publication of the notice. Participants in the proceeding will be spared the necessity of independently verifying the

[3] See "Iowa Term. R. Co. Acquisition and Operation", *supra*, at 549.

[4] See "Prairie Trunk Railway—Acquisition and Operation", *supra*, at 850. In general, if a related abandonment application has been filed by the transferor, that application has been dismissed.

[5] Under § 1120.10(b), copies of the application are to be furnished to interested parties promptly on request.

filing date. In cases where public participation is likely to be extensive, this procedure will save a substantial amount of effort on the part of all concerned. The proposed rule will be modified to reflect this change.

Substantive Informational Requirements

WIDOT in general supports the proposed rules but requests that certain additional information be required under § 1120.3. First, WIDOT requests us to require the application to include reference to State statutes and the jurisdictions in which the applicant and any affiliated companies are organized, and whether they are corporations or partnerships. Also, if special tax provisions come into consideration, WIDOT requests that they be identified. It believes that the submission of this information will aid in determining the organizational structure, business purpose, and financial objectives of an applicant.

The additional organizational information requested by WIDOT is required under the proposed rules for entities other than corporations, partnerships and individuals. We believe that the information would be potentially useful to parties in evaluating a proposed service. Accordingly, we shall require it to be submitted by all applicants, regardless of the form or nature of their enterprise. Such information should be readily available and present only a minor filing burden on an applicant.

AAR believes that organizational information required under § 1120.3 should be eliminated for existing carriers on the grounds that the Commission already has this information. We agree. A major purpose of these rules is to reduce unnecesary filing and reporting burdens on the industry. An applicant may satisfy the informational requirements of § 1120.3 by making appropriate reference to prior applications filed within three years of the date of filing of the section 10901 application in which the information has been furnished.

WIDOT also requests that the present requirement for a five-year pro forma income projection and a statement as to how and when the enterprise will become self-supporting be continued. It believes the latter requirement could be satisfied by reference to the level of traffic expected to be generated under § 1120.4(b) and the revenue divisions needed to achieve financial viability. AAR, on the other hand, questions whether even a two-year projection of income should be required, arguing that such matters are within management's discretion and that a valid decision can be made on the basis of other information presented in the application.

We disagree with AAR's position that a two-year pro forma analysis of the projected income is solely a managerial concern. The Commission has a duty under the rail transportation policy, 49 U.S.C. 10101a, to ensure the availability of accurate cost information in regulatory proceedings (subsection 14) and also to ensure that transportation facilities and equipment are operated without detriment to the public health and safety (subsection 8). We cannot fulfill this duty without first determining whether revenues are sufficient to maintain safe operations. In addition, under section 10901, we must find that the public convenience and necessity require or permit the proposed construction or acquisition and operation. Unless it is demonstrated that the operation has a reasonable prospect of financial success, we cannot make this finding. Thus, a revenue projection of at least two years is necessary for proper analysis of an application.

However, we are not convinced that the requirement of a five-year pro forma analysis of projected income, as required under the present rules, should be continued. As WIDOT itself notes, such analyses are speculative in nature. In the past, we have generally not found extended revenue forecasts to be useful in assessing a proposal. The level of uncertainty in such data increases markedly as a function of time. Forecasts beyond two years are dependent on too many aleatory, and often imponderable events (e.g., the overall business cycle, export-import policies, and possible competition for freight from other modes) to provide a consistent or accurate picture of future profitability. In a rare situation where additional financial information is needed, we can require that it be filed. Section 1120.8.

AAR also requests that a dichotomy should be made between transactions that constitute a major market extension and minor proposals. It believes the full range of information called for under the new rules should be required only for proposals of the former type.

As noted, the new rules generally require the submission of information which is needed to evaluate the transaction properly. However, some of the information referenced by AAR may not be relevant or applicable to certain transactions of limited scope. AAR's recommendation would give an applicant the initial choice as to the level of information which should be provided. This, in turn, might generate a substantial number of requests by parties for supplementary information. By contrast, the waiver process gives the Commission the option to reduce the filing burden and to reach an informal decision in the matter on the basis of clearly identified reasons in support of the request.

Opportunity for Reply

AAR believes that the proposed rules should be amended to permit an applicant to reply to comments. We believe AAR's suggestion should be adopted. There is a clear advantage both to the Commission and to interested parties in developing a full and complete record in all proceedings. However, we must be mindful of the strict time constraints under which we must decide rail proceedings under the Staggers Act. So as not to prolong unduly the procedural stages of a proceeding, we shall permit replies to written comments, provided they are filed and served within 5 days of the due date of the pleadings they address.[6]

Notice of Common Carrier Status of Designated Operators and Operators Under a Modified Certificate

AAR notes that many industry agreements which it administers, including rules for the joint movement and interchange of freight cars and traffic, and arrangements for accounting, billing and settlements, require that a subscriber be a common carrier by railroad subject to the Commission's jurisdiction. AAR wishes to receive notice of the start up and termination of operations by designated operators and holders of a modified certificate and requests that we clarify their common carrier status.

Both designated operators and holders of a modified certificate are common carriers by railroad. See §§ 1120.16 and 1120.11 of the rules included here. Therefore, both are entitled to participate in AAR agreements for which common carrier status is a prerequisite. Under the present procedure, AAR is served with the modified certificate notice. In the future, it will also receive copies of designated operator certificates. We will not publish those certificates in the **Federal Register** as requested by AAR. The service provided under these provisions is usually a local service, and generally of concern only to local shippers and the AAR. Our rules already require notification of shippers when service terminates.

[6] See recently revised § 1121.36(c)(4), which permits replies under these conditions in abandonment proceedings.

Modified Certificate Procedures and Designated Operator Rules

WIDOT belives that carriers which operate under a modified certificate should be required to file for a full certificate of public convenience and necessity when either (1) any financial assistance they receive terminates or (2) the operator assumes ownership of the line.

The modified certification procedures of Section 1120 Subpart C have been included for informational purposes only. The final rules have already been adopted and are not being modified here. Although we are not precluded from reopening the modified certificate rulemaking proceeding and instituting a new proceeding to effect needed changes, we do not believe that either of the proposed changes advanced by WIDOT warrants adoption.

The first change, requiring an operator to apply for a certificate if an operating subsidy is discontinued, defeats the main purpose of these rules. The modified certificate rules were designed to remove regulatory hurdles which might otherwise discourage new operators from initiating service over marginal lines. "Common Carrier Status of State, State Agencies", 363 I.C.C. 132, 133 (1980). A number of operators now providing service under modified certificates receive no operational subsidies from the governmental bodies which own the tracks over which they operate. Requiring them to obtain a full-fledged certificate of public convenience and necessity might discourage continuation of their service.

In addition, WIDOT's suggestion that operators under a modified certificate be required to apply for a full-fledged certificate when they acquire a line is already implicit in the rules. Under § 1120.21, the modified certificate procedures "apply to the operators over abandoned rail line, which has been acquired (through purchase or lease) by a State." Acquisition of the line from the State would require our approval under 49 U.S.C. 10901 and a certificate of public convenience and necessity would be needed for the operations to continue.

UTU's Remaining Contentions

UTU objects to the inclusion in 49 CFR Part 1120 of the Designated Operator and Modified Certificate regulations. It believes that use of the designated operator rules (Subpart B of Part 1120) will become less frequent in the future as federal subsidies are reduced. As indicated in the notice of proposed rulemaking, the designated operator rules have not previously been codified in the Code of Federal Regulations. Our intent is thus to make the rules available on a wider basis for the convenience of the public.

UTU correctly notes that in No. 79-2457, "John W. McGinness, Brotherhood of Locomotive Engineers and Railway Labor Executives' Association v. Interstate Commerce Commission and United States of America" (U.S.C.A. D.C. Cir., decided August 17, 1981), the Court determined that designated operators may not be relieved of the obligation under 49 U.S.C. 11347 to protect the interest of employees who may be affected by a consolidation transaction under 49 U.S.C. 11343 and 11344, but otherwise affirmed the Commission's decision in Ex Parte No. 361, 361 I.C.C. 379 (1979). The procedures adopted here reflect the court's ruling.[7]

UTU contends that the recodification of the rules adopted here has eliminated the need for a subsidy arrangement as a prerequisite for receiving a designated operator certificate. However, under 49 CFR 1120.15, Information about Offeror, the necessity for a rail service continuation payment or subsidy is clearly indicated. The designated operator rules adopted here have been recodified without substantive modification, in this and all other respects.

UTU objects to deletion of the term "extension" from the title of the new rules, noting that this term is contained in the statute and that it has appeared in many Commission decisions since its initial introduction as part of the Transportation Act of 1920.

The term "extension" is frequently used to differentiate the acquisition or construction of a line of railroad (over which the Commission exercises jurisdiction) from that of a spur or industrial track which is exempt under 49 U.S.C. 10907. See, e.g., "Texas & Pac. Ry. v. Gulf, etc., Ry.", 270 U.S. 266, 277-279 (1920); "Powell v. United States", 300 U.S. 276, 286-88 (1937); "Georgia Southern F. Ry. Co. v. Atlantic Coast Line R. Co.", 373 F.2d 497, 499-500 (Fifth Cir. 1967); and "Central of Georgia Ry. Co.—Operator—In Ala.", 336 I.C.C. 623, 631-636 (1970). If a proposed transaction involves an extension of a line of railroad, the prior approval of the Commission is needed before it can be consummated. Thus, the term "extension" characterizes the nature of the trackage. The words "construction" and "acquisition" delineate the manner in which a new line of railroad—an "extension"—is brought into interstate commerce. We believe the term is redundant and should be omitted.

UTU also objects to the reduction in public notice contemplated by the new rules (the new rules would require only one publication rather than three). It believes that even the present notice requirement is inadequate and that further reduction would lower the level of public awareness of construction and acquisition applications.

Under recently revised § 1108.6(a), an Environmental Impact Statement (EIS) is normally required for most types of rail constructions.[8] Prior to its preparation of an EIS, the Commission's Energy and Environmental Branch publishes a notice of intent in the **Federal Register**. After preparation of a draft EIS, comments are elicited by publishing a Notice of Availability. Thus, for many transactions within the scope of the rules, extensive public notice arises out of the environmental scoping process. Although an EIS is generally not required for the acquisition of an existing rail line (and hence notice of the proposal will not be given by the Energy and Environment Branch), acquisitions imply the continuance of rail service by a new carrier. The potential for injury to the public through lack of notice in such situations is less likely than where new rail facilities are to be built. Therefore, although the new rules envision a reduction in notice by eliminating the requirement that a second and third announcement of the proposed transaction be given, we believe the cumulative burden on the industry outweighs the remote possibility of injury to the public or to affected shippers.

Environmental Impact

We conclude that this proceeding will not have a significant impact upon either the quality of the human environment or the conservation of energy resources. Each application decided under Section 10901 must contain an independent environmental analysis and finding. Although these rules relax environmental reporting requirements to reflect the fact that this information is presented elsewhere, they in no way affect standards under which environmental data are evaluated.

Regulatory Flexibility Analysis

Under section 604 of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164 (September 19, 1980), we are required to analyze the economic impact

[7] UTU's opposition to inclusion of the modified certificate procedures parallels a judicial appeal taken to the Commission's decision in "Common Carrier Status of States, State Agencies", *supra*.

[8] An EIS is required under Section 102(e)(c) of NEPA for all actions which may have a significant environmental impact.

of the rules adopted here on small entities (e.g., small businesses, not-for-profit organizations, and small governmental bodies). The primary purpose of these rules is to reduce the administrative filing burden on the rail industry so that applications under 49 U.S.C. 10901 can be processed more expeditiously. The rules will be particularly helpful to small rail carriers which may file section 10901 applications only occasionally. Format requirements have been substantially relaxed and the level of information required to be presented in an application has been greatly reduced. We have decreased the required time period for operational and financial analysis to two years. This should eliminate or greatly lessen the need of small carriers to pay for economic analysis more extensive than that needed for their own purpose. In sum, the new rules should enable small carriers to submit, either as is or in slightly modified form, information that is already available on a proprietary basis. Shippers should benefit from more rapid access to rail transportation service which the new rules will make possible. Not-for-profit organizations and small governmental bodies will not be measurably affected by the new rules. To the extent such entities are affected, the impact of the new rules will be salutary. They will participate indirectly in the benefits to be enjoyed by the rail industry through adoption of these rules.

Although notice requirements are reduced somewhat for proceedings which involve the acquisition of existing rail lines and minor construction projects, it is unlikely that this will adversely affect any sector. Such proceedings are unlikely to have significant environmental or economic impacts, and often involve a mere change in ownership of a rail facility, with service patterns either remaining unchanged or improved. The right of all interested persons to participate in a section 10901 transaction is clearly and fully preserved. The rules adopted here are the best alternative among those considered in terms of effectuating legislative goals.

Conclusion

We adopt the final rules set forth in the appendix.

(49 U.S.C. 10321 and 10901 and 5 U.S.C. 553)

Dated: February 11, 1982.

By the Commission, Chairman Taylor, Vice-Chairman Gilliam, Commissioners Gresham and Clapp.

Agatha L. Mergenovich,

Secretary.

Appendix

49 CFR Part 1120 is revised to read as follows:

PART 1120—CERTIFICATE TO CONSTRUCT, ACQUIRE OR OPERATE RAILROAD LINES

Subpart A—Applications Under 49 U.S.C. 10901

Sec.

Subpart B—Designated Operator

Subpart C—Modified Certificate of Public Convenience and Necessity

Authority: 49 U.S.C. 10321 and 10901 and 5 U.S.C. 553.

Subpart A—Applications Under 49 U.S.C. 10901

§ 1120.1 Introduction.

(a) *When an application is required.* This subpart governs applications under 49 U.S.C. 10901 for a certificate of public convenience and necessity authorizing the construction, acquisition or operation of railroad lines. Noncarriers require Commission approval under section 10901 to construct, acquire or operate a rail line in interstate commerce. Existing carriers require approval under section 10901 only to construct a new rail line or operate a line owned by a noncarrier, since acquisition by a carrier of an active rail line owned by a carrier is covered by 49 U.S.C. 11343. We have exempted from these requirements the acquisition by a State entity of a rail line that has been approved for abandonment, as well as operations over these lines. See subpart C of this part. In addition, where appropriate, we have granted individual exemptions from these certification requirements. See 49 U.S.C. 10505.

(b) *Content of the application.* Applications filed under this subpart shall include the information set forth in §§ 1120.2 through 1120.9. The applicant must also comply with the Energy and Environmental Regulations, at 49 CFR Parts 1106 and 1108 (including consulting with the Commission's Energy and Environmental Branch at least 6 months prior to filing an application, to begin the scoping process to identify environmental issues and outline procedures for analysis of this aspect of the proposal).

§ 1120.2 Overview.

(a) A brief narrative description of the proposal.

(b) The full name and address of applicant(s).

§ 1120.3 Information about applicant(s).

(a) The name, address, and phone number of the representative to receive correspondence concerning this application.

(b) Facts showing that applicant is either a common carrier by railroad or has been organized to implement the proposal for which approval is being sought.

(c) A statement indicating whether the rail line will be operated by applicant. If not, the operator which has been selected must join in the application, and provide all information required for an applicant. If the operator has not yet been selected, state who is being considered.

(d) A statement indicating whether applicant is affiliated by stock ownership or othewise with any industry to be served by the line. If so, provide details about the nature and extent of the affiliation.

(e) Date and place of organization, applicable State statutes, and a brief description of the nature and objectives of the organization.

(f) If a corporation, submit:

(1) A list of officers, directors, and 10 principal stockholders of the corporation and their respective holdings. A statement whether any of these officers, directors or major shareholders control other regulated carriers. Also a list of entities, corporation(s) individual(s), or group(s) who control applicant, the extent of control, and whether any of them control other common carriers.

(2) As exhibit A, any resolution of the stockholders or directors authorizing the proposal.

(g) If a partnership or individual, submit the name and address of all general partners and their respective interests, and whether any of them control other carriers.

(h) If applicant is an entity other than as described in paragraphs (e) or (f) of this section, submit name, title, and business address of principals or trustee, and whether the entity controls any other common carriers.

(i) If applicant is a trustee, receiver, assignee, or a personal representative of the real party in interest, details about the appointment (including supporting documents, such as the court order authorizing the appointment and the filing) and about the real party in interest.

(j) If applicant is an existing carrier, it may satisfy the informational requirements of f–i above by making appropriate reference to the docket number of prior applications that have been filed within the previous three years in which the information has been submitted.

§ 1120.4 Information about the proposal.

(a) A description of the proposal and the significant terms and conditions, including consideration to be paid (monetary or otherwise). As exhibit B, copies of all relevant agreements.

(b) Details about the amount of traffic and a general description of commodities.

(c) The purposes of the proposal and an explanation of why the public convenience and necessity require or permit the proposal.

(d) As exhibit C, a map which clearly delineates the area to be served including origins, termini and stations, and cities, counties and States. The map should also delineate principal highways, rail routes and any possible interchange points with other railroads. If alternative routes are proposed for construction, the map should clearly indicate each route.

(e) A list of the counties and cities to be served under the proposal, and whether there is other rail service available to them. The names of the railroads with which the line would connect, and the proposed connecting points; the volume of traffic estimated to be interchanged; and a description of the principal terms of agreements with carriers covering operation, interchange of traffic, division of rates or trackage rights.

(f) The time schedule for consummation or completion of the proposal.

(g) If a new line is proposed for construction:

(1) The approximate area to be served by the line.

(2) The nature or type of existing and prospective industries (e.g., agriculture, manufacturing, mining, warehousing, forestry) in the area, with general information about the age, size, growth potential and projected rail use of these industries.

(3) Whether the construction will cross another rail line and the name of the railroad(s) owning the line(s) to be crossed. If the crossing will be accomplished with the permission of the railroad(s), include supporting agreements. If a Commission determination under 49 U.S.C. 10901(d)(1) will be sought, include such requests.

§ 1120.5 Operational data.

As exhibit D, an operating plan, including traffic projection studies; a schedule of the operations; information about the crews to be used and where employees will be obtained; the rolling stock requirements and where it will be obtained; information about the operating experience and record of the proposed operator unless it is an operating railroad; any significant change in patterns of service; any associated discontinuance or abandonments; and expected operating economies.

§ 1120.6 Financial information.

(a) The manner in which applicant proposes to finance construction or acquisition, the kind and amount of securities to be issued, the approximate terms of their sale and total fixed charges, the extent to which funds for financing are now available, and whether any of the securities issued would be underwritten by industries to be served by the proposed line. Explain how the fixed charges will be met.

(b) As exhibit E a recent balance sheet. As exhibit F, an income statement for the latest available calendar year prior to filing the application.

(c) A present value determination of the full costs of the proposal. If construction is proposed, the costs for each year of such construction (in a short narrative or by chart).

(d) A statement of projected net income for 2 years, based upon traffic projections. Where construction is contemplated, the statement should represent the 2 years following completion of construction.

§ 1120.7 Environmental and energy data.

As exhibit H, information and data prepared under 49 CFR Part 1108, and the "Revision of the Nat'l. Guidelines Environmental Policy Act of 1969," 363 I.C.C. 653 (1980), and in accordance with "Implementation of the Energy Policy and Conservation Act of 1975," 49 CFR Part 1106.

§ 1120.8 Additional support.

Any additional facts or reasons to show that the public convenience and necessity require or permit approval of this application. The Commission may require additional information to be filed where appropriate.

§ 1120.9 Notice.

A summary of the proposal which will be used to provide notice under § 1120.10(f).

§ 1120.10 Procedures.

(a) *Waivers.* Prior to filing an application, prospective applicants may seek an advance waiver, either on a permanent or temporary basis, of required information which is unavailable or not necessary or useful in analysis of the proposal. However, if the information is clearly not applicable to the individual proposal, a waiver is not necessary and need not be sought. A petition must specify the sections for which waiver or clarification is sought and the reasons why it should be granted. No replies will be permitted. Parties may, upon an appropriate showing, demonstrate their need to examine data which have previously been waived. In such circumstances, the Commission only requires that it be produced under § 1120.8 above.

(b) *Filing procedures.* The original and five copies of the application and all documents shall be filed with the Secretary. A $700 fee is required to file an application. (49 CFR 1002.2(d)(1).) Copies of documents shall be furnished promptly to interested parties upon request. The application shall include a stamped self-addressed envelope to be used to notify applicant of the docket number. Additionally, if possible, telephonic communication of the docket number shall be made.

(c) *Signatures.* The original of the application shall be signed by applicants (if a partnership, all general partners must sign; and if a corporation, association, or other similar form of organization, the signature should be that of the executive officer having knowledge of the matters and designated for that purpose). Applications shall be made under oath and shall contain an appropriate certification (if a corporation, by its secretary) showing that the affiant is duly authorized to verify and file the application. Any persons controlling an applicant shall also sign the application.

(d) *Related applications.* Applicant shall file concurrently all directly related applications (e.g., to issue securities, control motor carriers, obtain access to terminal operations, acquire trackage rights). All such applications will be considered with the main application.

(e) *Service.* As soon as the docket number is obtained the applicant shall serve a conformed copy of the application by first-class mail upon the Governor (or Executive Officer), Public Service Commission, and Department of Transportation of each State in which any part of the properties involved in the proposed transaction is located. Within 2 weeks of filing, applicant shall submit to the Commission a copy of the certificate of service indicating that all persons so designated have been served a copy of the application.

(f) *Publication.* Within 2 weeks of filing, applicant shall have published the summary of the application (prepared under § 1120.9) in a newspaper of general circulation in each county in which the line is located. The notice should inform interested parties of the date by which they must advise the Commission of their interest in the proceeding. This date shall be calculated as the 35th day after the filing of the application which is neither a Saturday, Sunday, or legal holiday in the District of Columbia. Applicant must file an affidavit of publication immediately after the publication has been completed. The Commission will, as soon as practicable, either publish the notice summary in the **Federal Register** or reject the application if it is incomplete.

(g) *Public participation.* Written comments (with five copies) must be filed within 35 days of the filing of the application. Comments must contain the basis for the party's position either in support or opposition. Applicant must be served with a copy of each comment. On the basis of the comments and the assessment by the Energy and Environmental Branch, the Commission will decide if a hearing is necessary. A hearing may be either oral or through receipt of written statements (modified procedure). (See 49 CFR 1100.43 *et seq.*) If there is no opposition to the application, additional evidence normally need not be filed, and a decision will be reached using the information in the application.

(h) *Replies to written comments.* Applicant's replies will be considered by the Commission provided they are filed and served within 5 days of the due date of the pleadings they address.

Subpart B—Designated Operators

§ 1120.11 Introduction.

A certificate of designated operator will be issued to an operator providing service pursuant to a rail service continuation agreement under section 304 of the Regional Rail Reorganization Act of 1973, as amended by the Railroad Revitalization and Regulatory Reform Act of 1976. The designated operator (D–OP) may commence and terminate the service in accordance with the terms of the agreement. When service is terminated the D–OP must notify all shippers on the line. To obtain a D–OP certificate, the information in this subpart must be filed with the Commission. A copy of the certificate of designated operator shall be served on the Association of American Railroads.

§ 1120.12 Information about the designated operator.

(a) The name and address of the D–OP.

(b) If a new corporation or other new business entity, a copy of the certificate of incorporation or, if unincorporated, the facts and official organizational documents relating to the business entity.

(c) The names and addresses of all officers and directors, with a statement from each which indicates present affiliation, if any, with a railroad.

(d) Sufficient information to establish its financial responsibility for the proposed undertaking, unless the D–OP is a common carrier by railroad. The nature and extent of all liability insurance coverage, including insurance binder or policy number, and name of insurer.

§ 1120.13 Relevant dates.

The exact dates of the period of operation which have been agreed upon by the D–OP, the offeror of the rail service continuation payment, and the owner of the line to be operated, in their lease and operating agreements.

§ 1120.14 Proposed service.

(a) A copy of all agreements between the D–OP, the offeror of the rail service continuation payment, and the owner of the line to be operated.

(b) Any additional information which is necessary to provide the Commission with a description of:

(1) The line over which service is to be provided (e.g., U.S.R.A. Line); and

(2) All interline connections, including the names of the connecting railroads.

§ 1120.15 Information about offeror.

(a) The name and address of the offeror of the rail service continuation payment.

(b) Sufficient information to establish the financial responsibility of the offeror for the proposed undertaking, or if the offeror is a State or municipal corporation or authority, a statement that it has authority to perform the service or enter into the agreement for subsidy.

§ 1120.16 Procedures.

Upon receipt of this information, the matter will be docketed by the prefix initials "D–OP." Operators may begin operating immediately upon the filing of the necessary information (plus three copies). Although the designated operator will not be required to seek and obtain authority from the Commission either to commence or to terminate operations, the designated operator is a common carrier by railroad subject to all other applicable provisions of 49 U.S.C. Subtitle IV. However, we have exempted designated operators from some aspects of regulation. See "Exempting of Certain Designated Operators from section 11343, 361 ICC 379 (1979), as modified by No. 79–2457, John W. McGinness, Brotherhood of Locomotive Engineers and Railway Labor Executives' Association v. Interstate Commerce Commission and United States of America." (U.S.C.A. D.C. Cir., decided August 17, 1981).

Subpart C—Modified Certificate of Public Convenience and Necessity

§ 1120.21 Scope of rules.

These special rules apply to operations over abandoned rail lines, which have been acquired (through purchase or lease) by a State. The rail line must have fully abandoned, or approved for abandonment by the Commission or a bankruptcy court. As used in these rules, the term "State" includes States, political subdivisions of States, and all instrumentalities through which the State can act. An operator has the option of applying for a modified certificate of public convenience and necessity under this subpart or a common carrier certificate under Subpart A. of this part. A copy of the modified certificate shall be served on the Association of American Railroads.

§ 1120.22 Exemptions and common carrier status.

The acquisition by a State of a fully abandoned line is not subject to the jurisdiction of the Interstate Commerce Commission. The acquisition by a State of a line approved for abandonment and

not yet fully abandoned is exempted from the Commission's jurisdiction. If the State intends to operate the line itself, it will be considered a common carrier. However, when a State acquires a rail line described under § 1120.21 and contracts with an operator to provide service over the line, only the operator incurs a common carrier obligation. The operators of these lines are exempted from 49 U.S.C. 10901 and 10903 which are the statutory requirements governing the start up and termination of operations. Operators exempted from these requirements must comply with the requirements of this part and must apply for a modified certificate of public convenience and necessity. The operator is a common carrier and incurs all benefits and responsibilities under 49 U.S.C. Subtitle IV; however, the State through its operational agreement or the operator of the line may determine certain preconditions, such as payment of a subsidy, which must be met by shippers to obtain service over the line. The operator must notify the shippers on the line of any preconditions. The modified certificate will authorize service to shippers who meet these preconditions and the operator will be required to provide complete common carrier service under this certificate only to those shippers. (See 363 ICC 132.)

§ 1120.23 Modified certificate of public convenience and necessity.

(a) The operator must file a notice with the Commission for a modified certificate of public convenience and necessity. Operations may commence immediately upon the filing; however, the Commission will review the information filed, and if complete, will issue a modified certificate notice.

(b) A notice for a modified certificate of public convenience and necessity shall include the following information:

(1) The name and address of the operator and, unless the operator is an existing rail carrier:

(i) Its articles of incorporation or, if it is unincorporated, the facts and organizational documents relating to its formation;

(ii) The names and addresses of all of its officers and directors and a statement indicating any present affiliation each may have with a rail carrier; and

(iii) Sufficient information to establish the financial responsibility of the operator.

(2) Information about the prior abandonment, including docket number, status and date of the first decision approving the abandonment.

(3) The exact dates of the period of operation which have been agreed upon by the operator and the State which owns the line (if there is any agreement, it should be provided);

(4) A description of the service to be performed including, where applicable, a description of:

(i) The line over which service is to be performed;

(ii) All interline connections including the names of the connecting railroads;

(iii) The nature and extent of all liability insurance coverage, including binder or policy number and name of insurer; and

(iv) Any preconditions which shippers must meet to receive service.

(5) The name and address of any subsidizers, and

(6) Sufficient information to establish the financial responsibility of any subsidizers (if the subsidizer is a State, the information should show that it has authority to enter into the agreement for subsidized operations).

(c) The service offered and the applicable rates, charges, and conditions must be described in tariffs published by the operator to the Commission's rules.

§ 1120.24 Termination of service.

The duration of the service may be determined in the contract between the State and the operator. An operator may not terminate service over a line unless it first provides 60 days' notice of its intent to terminate the service. The notice of intent must be: (a) Filed with the State and the Commission, and (b) mailed to all persons that have used the line within the 6 months preceding the date of the notice.

[FR Doc. 82-5050 Filed 2-24-82; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 47, No. 38
Thursday, February 25, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Interim Requirements Related to Hydrogen Control; Extension of Comment Period and Editorial Corrections

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; extension of comment period and editorial corrections.

SUMMARY: The Nuclear Regulatory Commission is extending the public comment period on its notice of proposed rulemaking, published on December 23, 1981 (46 FR 62281), for an additional 45-day period. This will provide additional time for interested members of the public to evaluate the issues raised and to develop comments on the proposed rule. The proposed rule would amend 10 CFR Part 50 to improve hydrogen control capability during and following an accident in light-water reactor facilities. The public comment period was scheduled to expire on February 22, 1982.

DATES: The new comment period expires April 8, 1982. Comments received after that date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before that date.

ADDRESS: Written comments or suggestions for consideration in connection with the proposed amendments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received and a copy of NUREG/CR-2540, when available, may be examined in the Commission's Public Document Room at 1717 H Street NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Morton R. Fleishman, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 443-5981.

SUPPLEMENTARY INFORMATION: This document also corrects errors that appeared in the notice of proposed rulemaking published in the **Federal Register** on December 23, 1981 (46 FR 62281) as follows:

1. Table II on page 62284 is corrected to read as follows:

Table II. Parametric Variations of a PWR Small-Break Scenario

Rate of H_2 Release[1] [lb/min]	Timing of H_2 Release	Rate of Steam (Enthalpy) Release [lb/min (millions of Btu/min)][2]	Concurrent Failures & Recoveries
2 10 30 100 1,000	- Starting at time of uncovering of top of core - Prior to major steam release - Concurrent with major steam release - Following major steam release	- 600(1) - 3,600(6) - 10,000(16)[3]	- Fans - Containment sprays - All AC power - Recirculation

[1] These rates should be assumed to be constant during the period of release and represent release from the primary system to the containment building.

[2] The conversion from mass rate to enthalpy rate is based on 1600 Btu/lb which is believed to be appropriate for steam which is superheated by excessively hot fuel.

[3] This high rate of steam release may occur for about 10 min. during ECC recovery.

2. The third paragraph following the tables in the first column of page 62284 should read as follows:

1. BWRs with Mark I and II type containments are required to be inerted by the companion rule on inerted containments that appeared in the **Federal Register** on December 2, 1981 (46 FR 58484). There are no further analyses required of these plants.

On page 62283, it was indicated that the Commission would publish for comment hydrogen and steam generic source terms as part of the third approach it was considering for performing the hydrogen design analyses. A report on these source terms, NUREG/CR-2540 (BMI-2090), "A Method for the Analysis of Hydrogen and Steam Release to Containment During Degraded Core Cooling Accidents", is being issued and will be sent to those persons on the mailing list for the proposed rule. Comments on the report may be included with comments on the proposed rule.

Dated at Washington, D.C., this 19th day of February 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-5048 Filed 2-24-82; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 531 and 563

[No. 82-105]

Transfer and Repurchase of Government Securities

February 18, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Board proposes to amend its regulations concerning retail repurchase agreements to confirm and expand significant consumer protections, including the prohibition against the sale of retail repurchase agreements by insured institutions which do not meet the Board's net-worth requirement, the requirements that retail repurchase agreement purchasers be given a perfected security interest in the security or securities underlying retail repurchase agreements, that the securities underlying retail repurchase agreements be marked-to-market on a monthly basis, and that prospective retail repurchase agreement purchasers be provided with offering documents which contain full and accurate disclosure of all material information regarding the retail repurchase agreement and the issuing institution. In addition, the Board proposes to delete the current regulatory prohibition against the automatic renewal of retail repurchase agreements.

DATE: Comments must be received by: March 29, 1982.

ADDRESS: Please send comments to Information Services, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C., 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Donna K. Ralston (202-377-6417) Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1979, the Board amended the Federal Home Loan Bank System Regulations to provide in § 531.12 (12 CFR 531.12; 44 FR 46445, August 8, 1979) that a member of a Federal Home Loan Bank may issue to the public "obligations * * * evidencing an indebtedness arising from the transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof that [the] member institution is obligated to repurchase", provided that the obligations, commonly referred to as retail repurchase agreements, are issued in denominations less than $100,000, have a maturity less than 90 days, are not subject to automatic renewal or extension, and have the following legend:

> This obligation is not a savings account or deposit and is not insured by the Federal Savings and Loan Insurance Corporation.

In order to permit member institutions to sell retail repurchase agreements at their offices, the Board on February 13, 1981, amended § 563.8(f) of the Insurance Regulations (12 CFR 563.8(f); 46 FR 13982, February 24, 1981) to exempt retail repurchase agreements from the minimum denomination rule applicable to outside borrowings.

To provide guidance to issuing member institutions, on September 9, 1981, the Board's staff issued R Memorandum No. 51a, which set forth the staff's views regarding the requirements imposed by § 531.12 and other regulations of the Board on retail repurchase agreements. The Board has found that the staff views expressed in R Memorandum No. 51a constitute a reasonable interpretation of the applicable regulations and now proposes to formally adopt several of those interpretations in regulatory form. Moreover, the Board believes that the confirmation and expansion in its regulations of certain consumer protections will ensure that insured institutions will be able to offer and sell to their customers superior consumer investments that will combine competitive market rates and significant investor security.

Because retail repurchase agreements are borrowings, the Board believes that it would be appropriate to redesignate § 531.12 as § 563.8-4 of the Board's Insurance Regulations, and to amend the regulation to expressly establish the requirements that insured institutions must meet in connection with the issuance of retail repurchase agreements. In addition, because the proposed regulations would establish significant consumer protections, the Board proposes to remove the prohibition against the automatic renewal of retail repurchase agreements. This will substantially lessen administrative costs to issuing institutions and, therefore, enable issuing institutions to offer and consumers to receive higher rates of return. Also, it will give issuing institutions greater flexibility in developing competitive retail repurchase agreement programs.

Proposed Regulation

Proposed § 563.8-4 provides the following:

1. The interest of the purchaser in the security or securities underlying a retail repurchase agreement shall constitute a perfected security interest under applicable state law.

2. The market value of the security or securities underlying a retail repurchase agreement shall be at least equal to the principal amount of the issuing institution's obligation as of the date of the original issuance of the retail repurchase agreement and as of a date certain in each succeeding month of the original or renewed term of the repurchase agreement.

3. An institution issuing retail repurchase agreements shall provide to each prospective purchaser an offering document which shall contain full and accurate disclosure of all material information regarding the retail repurchase agreement and the issuing institution. Any significant change in any of the material representations set forth in the offering document shall be reflected in a revised offering document which shall be provided to retail repurchase agreement purchasers before any renewal of a retail repurchase agreement may be effected.

4. An institution which does not meet the net worth required under § 563.13(b) of institutions that have reached the twentieth anniversary of insurance of accounts shall be prohibited from issuing retail repurchase agreements. An institution that fails to meet the net-worth requirement at a time when it has retail repurchase agreements outstanding shall be prohibited from renewing its outstanding retail repurchase agreements.

5. An institution issuing retail repurchase agreements shall not use in its advertisements or offering documents the terms "guaranteed", "no risk", "account" "deposit", "withdrawal" or any other terms that imply that the retail repurchase agreement is insured or guaranteed by the United States government or any agency of the United States government, or the term "fund", or any other terms that imply that a retail repurchase agreement constitutes an interest in an investment company. In addition, an institution issuing retail repurchase agreements shall state in its

advertisements, offering documents and retail repurchase agreements, in plainly legible form, that the agreements are not insured or guaranteed by the United States government or any agency of the United States government.

6. Retail repurchase agreement may be renewed for any term or terms not exceeding 89 days for each renewal pursuant to the written agreement of the purchaser that the retail repurchase agreement may be renewed at the option of the issuing institution for a term or terms not exceeding 89 days for each renewal in the absence of the oral or written instruction of the purchaser that the retail repurchase agreement shall not be renewed.

In connection with the proposal to delete the prohibition against automatic renewal, the Board solicits comments regarding what notice, if any, should be required to be given to retail repurchase agreement purchasers prior to renewal, particularly when the rate of interest payable during the renewal term is different from the rate of interest payable during the original term.

Initial Regulatory Flexibility Analysis

Pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164 (September 13, 1980), the Board is providing the following regulatory flexibility analysis.

1. *Reasons, objective and legal basis underlying the proposed rule.* These elements have been incorporated elsewhere in the supplementary information regarding the proposal.

2. *Small entities to which the proposed rule will apply.* The proposed rule will apply only to institutions the accounts of which are insured by the FSLIC.

3. *Impact of the proposed rules on small institutions.* The proposal would confirm and expand certain consumer protections. In addition, the proposal would remove the prohibition against automatic renewal. There would be no additional regulatory impact on small institutions.

4. *Overlapping or conflicting Federal rules.* There are no known Federal rules that may duplicate, overlap or conflict with the proposal.

5. *Alternatives to the proposed rule.* Most alternatives to the proposal would lessen flexibility afforded institutions. Moreover, because retail repurchase agreements are not accounts insured by the Federal Savings and Loan Insurance Corporation, alternatives to the proposal which would decrease regulatory requirements would reduce consumer protections.

Regulatory Analysis

The elements of regulatory analysis for major proposed regulations required by Board Resolution No. 80–584 (September 11, 1980) have been incorporated into the supplementary information regarding the proposal.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Parts 531 and 563, in subchapters B and D, respectively, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 531—STATEMENTS OF POLICY

1. Transfer § 531.12 of Subchapter B to Subchapter D and redesignate it as § 563.8–4.

§ 531.12 Transfer and repurchase of government securities. [Redesignated]

[Redesignated effective (effective date of final rule)].

PART 563—OPERATIONS

2. Amend § 563.8(f)(2)(i)(*c*) to read as follows:

§ 563.8 Borrowing limitations.

* * * * *

(f) *Minimum denominations of securities evidencing outside borrowings.*

* * * * *

(2) *Exceptions.* (i) there is no minimum denomination for securities;

* * * * *

(*c*) Complying with § 563.8–4 of this Part.

* * * * *

3. Revise § 563.8–4 to read as follows:

§ 563.8–4 Transfer and repurchase of government securities.

(a) An insured institution shall not issue repurchase agreement obligations in denominations under $100,000 with a maturity of 90 days or more evidencing an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof that a member institution is obligated to repurchase, unless such obligations are issued to financial institutions the accounts of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or to a broker or dealer registered with the Securities and Exchange Commission.

(b) Any repurchase agreement obligation under $100,000 with a maturity of less than 90 days shall meet the following requirements.

(1) *Eligibility requirement.* Repurchase agreements shall not be issued or renewed unless the issuing institution meets the new worth required under § 563.13(b) of institutions that have reached the twentieth anniversary of insurance of accounts. Institutions issuing repurchase agreements shall calculate their net worth on a monthly basis in compliance with this section.

(2) *Legend.* Each repurchase agreement and all advertisements and offering documents relating to repurchase agreements shall state, on their face, in plainly legible form, the following legend: "this obligation is not a savings account or deposit, is not insured by the Federal Savings and Loan Insurance Corporation, and is not insured or guaranteed by the United States government or any agency of the United States government."

(3) *Prohibited representations.* An institution issuing repurchase agreements shall not use in its agreements, advertisements or offering documents the terms "guaranteed", "no risk", "account", "deposit", "withdraw" or other terms which imply that the repurchase agreement is insured or guaranteed by the United States government, an agency of the United States government or any third party; or the term "fund" or other terms which imply that the repurchase agreement is an interest in an investment company.

(4) *Security interest.* The interest of a repurchase agreement purchaser in the security or securities underlying the repurchase agreement shall constitute a perfected security interest under applicable state law.

(5) *Value of collateral.* The market value of the security or securities underlying a repurchase agreement shall be at least equal to the principal amount of the issuing institution's repurchase agreement obligation as of the date of the issuance of the repurchase agreement and as of a date certain in each succeeding month of the original or renewed term of the repurchase agreement.

(6) *Disclosure.* An institution issuing repurchase agreements shall provide each prospective repurchase agreement purchaser with an offering document which shall contain full and accurate disclosure of all material information regarding the repurchase agreement and the issuing institution. Any significant change in any of the material representations set forth in the offering document shall be reflected in a revised offering document which shall be provided to purchasers before any renewal of a repurchase agreement may be effected.

(7) *Renewal.* Repurchase agreements may be renewed for any term or terms not exceeding 89 days for each renewal pursuant only to the written agreement between the purchaser and the issuing institution that the repurchase agreement may be renewed at the option of the issuing institution for a specific term or terms not exceeding 89 days for each renewal in the absence of the oral or written instruction of the purchaser that the repurchase agreement shall not be renewed.

(Sec. 5, 48 Stat. 134, as amended; 12 U.S.C. 1464, secs. 402, 403, 406, 48n Stat. 1256, 1257, 1259, as amended; 12 U.S.C. 1725, 1726, 1729. 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. 82–5107 Filed 2–24–82; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81–ACE–7]

Transition Area, Maryville, Mo.; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the 700-foot transition area at Maryville, Missouri, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Maryville, Missouri Memorial Airport utilizing a non-directional radio beacon (NDB) being installed on the airport as a navigational aid.

DATES: Comments must be received on or before March 29, 1982.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedure and Airspace Branch, Air Traffic Division, ACE–530, 601 E 12th Street, Kansas City, MO 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before March 29, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374–3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181), by altering the 700-foot transition area at Maryville, Missouri. To enhance airport usage, an additional instrument approach procedure to the Maryville Memorial Airport is being established utilizing an NDB being installed on the airport as a navigational aid. The establishment of this new instrument approach procedure, based on this navigational aid, entails alteration of the transition area at Maryville, Missouri, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and en route environment. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft oeprating under Visual Flight Rules (VFR).

The Proposed Amendment

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by altering the following transition area:

Maryville, Missouri

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Maryville, Missouri, Airport (latitude 40°21′00″ N. and longitude 94°54′45″ W.), and 3 miles either side of the 333° bearing from the Maryville, Missouri NDB (latitude 40°20′54″ N. and longitude 94°54′55″ W.) from the 5-mile radius to 8.5 miles northwest of the NDB excluding that airspace within a 1.25-mile radius of Rankin Airport (latitude 40°20′00″ N. and longitude 94°50′00″ W.).

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.65, Federal Aviation Regulations (14 CFR 11.65))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) is certified at promulgation, it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued In Kansas City, Mo., on February 8, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82–4811 Filed 2–24–82; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 81–AWA–15]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke two alternate VOR Federal

Airways and renumber certain other alternate airway segments in the central part of the U.S. This action would reduce chart clutter and support our agreement with the International Civil Aviation Organization (ICAO) to phase out alternative airway descriptions from the National Airspace System.

DATES: Comments must be received on or before March 29, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Central Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWA-15, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Robert Maxey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWA-15." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also require a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulation (14 CFR Part 71) to revoke segments of alternate VOR Federal Airways V-14S and V-15E. In addition, this action would renumber segments of V-14S, V-14N, and V-17W in the central part of the U.S. This action will reduce chart clutter and support our commitment to eliminate all alternate route designations as outlined in the ICAO agreement. Section 71.123 of Part 71 was republished on January 2, 1981 (46 FR 409).

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

1. V-14 [Amended]

By removing the words ", including a N alternate and also a S alternate via INT Tulsa 087° and Neosho 223° radials" and ", including a S alternate via INT Neosho 074° and Springfield 210° radials" and between the words Vicky, MO, and Foristell, ", including a N alternate"

2. V-506 [New]

By adding "V-506 From Tulsa, OK, INT Tulsa 044°T(036°M) and Neosho, MO, 255°T(248°M) radials; Neosho; INT Neosho 074°T(067°M) and Springfield, MO, 210°T(203°M) radials; Springfield 043°T(036°M) and Vicky, MO, 242°T(248°M) radials; Vicky."

3. V-15 [Amended]

By removing the words between Sioux Falls and Huron, SD ", including an E alternative"

4. V-17 [Amended]

By removing the words after Garden City, KS "., including a W alternate from Gage to Garden City via Liberal, KS"

5. V-507 [New]

By adding "V-507 From Gage, OK, via Liberal, KS, to Garden City, KS."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on February 18, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-5034 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

Public Comment and Opportunity for Public Hearing on Modified Portions of the Colorado Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of program amendments submitted (1) to satisfy conditions imposed by the Secretary of the Interior on the approval of the Colorado Permanent Regulatory Program (hereinafter referred to as the Colorado program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), and (2) as further modifications of the Colorado program.

This notice sets forth the times and locations that the Colorado program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments must be received on or before 4:00 p.m. on March 29, 1982, to be considered in the Secretary's decision on whether the proposed amendments satisfy the conditions.

A public hearing on the proposed modifications has been scheduled for March 23, 1982, from 1:00 p.m. to 4:00 p.m., or until all comments have been heard.

Any person interested in making an oral or written presentation at the hearing should contact Robert H. Hagen at the address and phone number listed below by March 18, 1982. If no person has contacted Mr. Hagen to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register.**

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

A public hearing will be held at the Main Conference Room, Office of Surface Mining, Technical Service Center, 1020 15th Street, Denver, Colorado 80202.

Copies of the Colorado program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM New Mexico State Office and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

New Mexico State Office, Suite 216, 219 Central Avenue, NW., Albuquerque, New Mexico 87102;

Colorado Mined Land Reclamation, Department of Natural Resources, 1313 Sherman Street, Denver, Colorado 82020.

FOR FURTHER INFORMATION CONTACT: Robert H. Hagen, Director, New Mexico State Office, Suite 216, 219 Central Avenue, NW., Albuquerque, New Mexico 87102, Telephone: (505) 766–1486.

SUPPLEMENTARY INFORMATION: On February 29, 1980, OSM received a proposed regulatory program from the State of Colorado. On December 15, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of forty-five minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the December 15, 1980, **Federal Register** (45 FR 82173–82214).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Colorado program can be found in the December 15, 1980 **Federal Register** (45 FR 82173–82214).

The forty-five deficiencies in the Colorado program for which the Secretary required correction as conditions of approval were as follows:

a. Colorado did not have fully promulgated regulations incorporating large structure criteria consistent with 30 CFR 780.25(f), 784.16(f), 816.46(q), 817.46(q), 816.46(t), 817.46(t), 816.49(a)(5), 817.49(a)(5), 816.49(f) or 817.49(f).

b. Colorado did not have fully promulgated regulations containing provisions addressing rills and gullies deeper than nine inches consistent with 30 CFR 816.106 and 817.106.

c. Colorado did not have fully promulgated regulations requiring the approval of the Director of OSM in the selection of alternative technical guidance documents for revegetation success consistent with 30 CFR 816.116(b) and 817.116(b).

d. Colorado did not have fully promulgated regulations providing for the approval of the Director of OSM of revegetation success standards on small mines consistent with 30 CFR 816.116 and 817.116.

e. Colorado did not have fully promulgated regulations including the term "sinuosity" in the characteristics to be considered in the evaluation of an alluvial valley floor consistent with 30 CFR 785.19.

f. Colorado's regulations provided for unspecified alternative design standards for excess spoil disposal, mountaintop removal and steep slope mining, which is inconsistent with 30 CFR 816.71 and 817.71.

g. Colorado's regulations provided for a waiver to the limmitation on casting flyrock beyond the property line, which is inconsistent with 30 CFR 816.65(g) and 817.65(g).

h. Colorado did not have fully promulgated regulations containing provisions which require plans for sedimentation ponds, coal processing waste dams and embankments to comply with the requirements of the Mine Safety and Health Administration pursuant to 30 CFR 780.25 and 784.16.

i. Colorado's regulations included the term "immediate vicinity" and omitted the term "adjacent area" in the consideration of prime farmlands and revegetation success, which is inconsistent with 30 CFR 785.17.

j. Colorado did not have fully promulgated regulations including a definition of the term "willful violation" consistent with 30 CFR 786.5.

k. Colorado did not have fully promulgated regulations requiring, as a permit condition, that an applicant submit proof that all reclamation fees required by 30 CFR Chapter VII, Subchapter R have been paid consistent with 30 CFR 786.19(h).

l. Colorado did not have fully promulgated regulations requiring that each permit issued by Colorado allow right of entry to authorized representatives of the Secretary consistent with 30 CFR 786.27(b).

m. Colorado did not have fully promulgated regulations requiring that notice of a formal hearing on a permit application be given to all interested parties consistent with 30 CFR 787.11(b)(2)(i).

n. Colorado did not have a fully enacted statute defining the term "operator" to mean any person engaged in surface coal mining and reclamation operations who removes or intends to remove more than 250 tons of coal from the earth within 12 consecutive calendar months in any one location consistent with SMCRA Section 701(13).

o. Colorado did not have a fully enacted statute containing a definition of "surface coal mining operations" to include the phrase, "or other processing or preparation, loading of coal for interstate commerce at or near the mine site," consistent with SMCRA Section 701(28).

p. Colorado did not have a fully enacted statute providing that the holder of a valid permit may not continue mining beyond the expiration date of the permit if the final administrative decision is not to renew the permit, consistent with SMCRA section 506(d)(3).

q. Colorado did not have a fully enacted statute requiring consideration in the application process of an applicant's violation of any applicable rule or regulation of the United States, Colorado or any other State, consistent with SMCRA section 510(c).

r. Colorado did not have a fully enacted statute providing for inspections

on an "irregular basis," consistent with SMCRA section 517(c)(1).

s. Colorado did not have a fully promulgated regulation providing that a search warrant is not required to conduct inspections, except for entry into a building, consistent with 30 CFR 840.12(b).

t. Colorado did not have fully promulgated regulations providing that the Administrator furnish a complainant with a written statement describing (1) whether adequate and complete or periodic inspections are being made, and (2) any appropriate remedial action taken, consistent with 30 CFR 842.14.

u. Colorado's regulations included a provision waiving the requirement that informal conferences on bond release be held on the locality of the mine site, which is inconsistent with 30 CFR 807.11(e).

v. Colorado did not have fully promulgated regulations specifying that the time period for requesting a hearing on a bond release decision shall begin when the Division's proposed decision is mailed to the permittee and other interested parties, consistent with 30 CFR 807.11(g).

w. Colorado did not have fully promulgated regulations clearly extending the liability of a bond, including separate bond increments or indemnity agreements applicable to a single operation, to the entire permit area, consistent with 30 CFR 800.11(b) and 808.12(c).

x. Colorado did not have fully promulgated regulations requiring the Division to review each outstanding performance bond at the time permit renewals are processed, consistent with 30 CFR 805.14(a).

y. Colorado did not have fully promulgated regulations consistent with the percentages for bond release provided for in 30 CFR 807.12(a).

z. Colorado did not have fully promulaged regulations providing that no acreage shall be released from the permit area until the bond liability applicable to the permit area has been fully released, consistent with 30 CFR 807.12(b).

aa. Colorado did not have fully promulgated regulations specifying that in no case shall the total bond amount applicable to a permit area be less than $10,000, consistent with 30 CFR 807.12(d).

bb. Colorado did not have fully promulgated regulations which provide: (1) Qualifications for determining whether selective husbandry practices should be allowed, consistent with 30 CFR 805.13(b), (2) for bond forfeiture, form of bond, bonding for subsidence, consistent with 30 CFR Part 801, as proposed, (3) for issuance of a cessation order to operators who have not replaced a surety bond within 90 days after incapacity of the surety, consistent with 30 CFR 806.12(e)(6)(iii) and 806.12(g)(7)(iii).

cc. Colorado did not have fully promulgated regulations providing that the amount of bond retained be sufficient for the Division to complete the reclamation, consistent with 30 CFR 807.12(d).

dd. Colorado did not have fully promulgated regulations containing provisions consistent with the bond forfeiture criteria of 30 CFR 808.13(a).

ee. Colorado did not have a fully enacted statute requiring a showing that a violation or order would immediately affect the legal interest of the plaintiff as a condition precedent to commencement of a citizen's suit without 60 days prior notice, consistent with SMCRA section 520(b)(2).

ff. Colorado did not have fully promulgated regulations including a requirement that if the Board review results in an order increasing a civil penalty, the person to whom the notice was issued shall forward the amount of the difference to the Division within 15 days after the order is mailed to such person, consistent with 30 CFR 845.20(d).

gg. Colorado did not have fully enacted statute consistent with SMCRA section 520(a), allowing the Division or Board, if not a party, to intervene as a matter of right in citizen suits.

hh. Colorado statute section 34–33–123(4) requires personal service on the operator or his designated agent within 24 hours of issuance of the notice or order, which is inconsistent with SMCRA section 521(a)(5).

ii. Colorado statue section 34–33–123(8)(d) specified that a notice or order shall be served on the operator or his designated agent no later than 60 days after the notice or order describing the violation was originally issued, which is inconsistent with the State's own time constraints regarding assessment conferences.

jj. Colorado did not have a fully enacted statute allowing any person with an interest which is, or may be, adversely affected, to seek temporary relief from the Board, consistent with SMCRA section 525(c).

kk. Colorado's regulations included a criterion for determining the existence of a pattern of violations based on degree of fault, which is inconsistent with 30 CFR 843.13(a)(2).

ll. Colorado statute section 34–33–126(2) included a requirement for only a good faith effort by petitioners to identify surface and mineral owners with respect to petitions to designate lands unsuitable, which is inconsistent with SMCRA section 522(c).

mm. Colorado did not have fully promulgated regulations providing for the award of costs and expenses including attorney's fees in administrative proceedings, consistent with 43 CFR Part 4.

nn. Colorado did not have a fully enacted statute which provided for protection of State employees equivalent to that afforded Federal employees by SMCRA section 704.

oo. Colorado statute section 34–48–102 allowed a priority of right exception to the restriction on mining under any building or other impoundments without securing the owner against damages, which is inconsistent with SMCRA section 516(c).

pp. Colorado's regulations involving the definition of "permittee" did not include a person required to have a permit, which is inconsistent with 30 CFR 701.5.

qq. Colorado did not have fully promulgated regulations specifying minimum top widths for embankments less than ten feet in height consistent with the formula in 30 CFR 816.46(1) and 817.46(1).

rr. Colorado did not have a fully enacted statute providing for advanced notice to all interested parties of the time and place of any hearing concerning a show cause order or a hearing to review citations issued for a violation of the Act's requirements, which is inconsistent with SMCRA sections 521(a)(4) and 525(a).

ss. Colorado did not have fully promulgated regulations consistent with 30 CFR 840.11(d)(3), requiring that inspection reports be adequate to enforce the requirements of, and carry out the terms and purposes of, the State program.

Submission of Material To Satisfy Conditions

In accepting the Secretary's conditional approval, Colorado agreed to correct deficiencies b–m, s–dd, kk, mm, pp, qq, and ss by June 1, 1982, and a, n–r, ee–jj, 11, oo, and rr by December 1, 1982. Colorado submitted to OSM on January 7, 1982, material to correct all of these deficiencies.

(a) Colorado adopted rules 2.05.3(4)(a)(iii), 2.05.3(8)(a)(iii), 4.05.6(10), 4.05.6.(11)(b). 4.05.6(11)(c), 4.05.9(1)(e) and 4.05.9(10)(a) to incorporate the large structure criteria found in the Federal regulatory program.

(b) Colorado adopted rule 4.14.6 which contains provisions requiring that when rilling and gullying deeper than nine inches occurs in areas that have been

regraded and topsoiled, the rills and gullies shall be filled, graded or otherwise stabilized in the area reseeded or replanted in accordance with Rule 4.15, unless the permittee demonstrates to the satisfaction of the Division that such rilling and gullying is not excessive and is consistent with the approved post-mining land use.

(c) Colorado has provided explanatory material which, it asserts, demonstrates that the corresponding provisions of the State program are "no less effective than" those at 30 CFR 816.116(b) and 817.116(b) for obtaining the approval of the Director of OSM in the selection of technical guidance documents for evaluating revegetation success.

(d) Colorado has adopted rule 4.15.7(2)(d)(vi) and has provided explanatory material which, it asserts, demonstrates that the corresponding provisions of the State program are "no less effective than" those at 30 CFR 816.116 and 817.116 providing for approval of revegetation success standards on small mines by the Director of OSM.

(e) Colorado has adopted rule 2.06.8(4)(c)(iii)(A) to include the term "sinuosity" in the characteristics to be considered in the evaluation of an alluvial valley floor.

(f) Colorado has provided explantory material which, it asserts, demonstrates that the corresponding provisions of the State program are "no less effective than" those at 30 CFR 816.71 and 817.71 regarding alternative methods for excess spoil fills in the place of materials related to mountain top removal in steep slope mining operations.

(g) Colorado has adopted rule 4.08.4(8) to exclude the waiver to the limitation on casting flyrock beyond the property line of a permittee.

(h) Colorado has adopted rule 4.11.,3, in combination with the rules adopted under condition (a), above, to require plans for sedimentation ponds, coal processing waste dams and embankments to comply with the requirements of the Mine Safety Health Administration.

(i) Colorado has adopted rule 2.06.6(2)(g) to include the phrase "adjacent area" in the consideration of revegetation success on prime farmlands.

(j) Colorado has adopted rule 1.04(152) modifying the definition of "willful" violation to include violations of SMCRA and the Federal rules promulgated thereunder.

(k) Colorado has adopted rule 2.07.6(2)(o) to require that an applicant submit proof that all reclamation fees required by 30 CFR Chapter VII, Subchapter R have been paid.

(l) Colorado has submitted explanatory material which, it asserts, demonstrates that the corresponding provisions of the State program are "no less effective than" those at 30 CFR 786.27(b), requiring that as a condition of each permit issued by the State, the permittee allows right of entry to authorized representatives of the Secretary.

(m) Colorado has adopted Rule 2.07.4(3)(b) allowing for notice of a formal hearing on a permit application decision to all interested parties.

(n) Colorado has amended section 34–33–103(14) of the Colorado Surface Coal Mining Reclamation Act (CSCMRA), modifying the term "operator" to mean any person engaged in surface coal mining and reclamation operations who removes or intends to remove more than 250 tons of coal from the earth (and deleting "by surface coal mining") within 12 consecutive calander months in any one location. Further, Colorado has adopted rule 1.04(80) to reflect this statutory change.

(o) Colorado has amended section 34–33–101(26)(a) of CSCMRA to modify the definition of "surface coal mining operations" to include the phrase, "other processing or preparation, loading of coal for interstate commerce * * *" Further, Colorado has adopted rule 1.04(132)(a) to reflect this statutory change.

(p) Colorado has submitted explanatory material which, it asserts, demonstrates that the corresponding provisions of the State program are "no less effective than" those of SMCRA section 506(d)(3), providing that the holder of a valid permit may continue surface coal mining operations under said permit beyond its expiration date until a final administrative decision on renewal is rendered, if a renewal application is received by the Division at least one year prior to the expriation date of the permit.

(q) Colorado has amended section 34–33–114(3) of CSCMRA to require consideration in the application process of an applicant's violation of any applicable rule or regulation of the United States, Colorado or any other State. Further, Colorado had adopted rules 2.03.5(3) and 2.,07.6(1)(b) to reflect this statutory change.

(r) Colorado has amended section 34–33–122(4)(b) of CSCMRA to provide for inspections on an irregular basis. Further, Colorado has adopted rule 5.02.2(3) to reflect this statutory change.

(s) Colorado has adopted rule 5.02.3(2) to provide for inspections without a search warrant.

(t) Colorado has adopted rule 5.02.6(2) to require the Administrator to furnish the complainant with a statement of reasons for any determinations or actions resulting from a citizen complaint of noncompliance.

(u) Colorado has adopted rule 2.07.3(6)(b)(i), thus deleting the provision allowing informal conferences on bond releases to be held at some place other than the locality of the mining operation if that requirement is waived by all parties to the conference.

(v) Colorado has adopted rule 3.03.2(6)(a) to specify that issuance of the Division's proposed decision, relating to a request for bond release, be dated from the time the written notification to the permittee and other interested parties is mailed.

(w) Colorado has adopted rules 3.02.1(4) and 3.04.2(3) to delete the phrase, "unless otherwise provided for in the bond," from those regulations relating to bond liability, and to provide an exception from liability, under any bond to all lands disturbed when (1) two or more bonds apply in combination to a permit area although a particular bond may apply to less than all lands disturbed prior to a date specified in the bond, and (2) the Division or Board determines that, in combination, a liability under such bonds extends to all lands disturbed.

(x) Colorado has adopted rule 3.02.2(4) to require the Division to review each outstanding performance bond at the time permit renewals are processed.

(y) Colorado has submitted explanatory material which, it asserts, demonstrates that the corresponding provisions of the State program are "no less effective than" those at 30 CFR 807.12(a), regarding bond release percentages.

(z) Colorado has adopted rule 3.03.1(4) to provide that no acreage be released from the permit until the bond liability applicable to the permit area has been released.

(aa) Colorado, in its adoption of rule 3.03.1(4), above, has specified that in no case should the total bond amount applicable to a permit area be less than $10,000.

(bb) Colorado has submitted explanatory material which, it asserts, demonstrates that the corresponding provisions of the State program are "no less effective than" (1) the qualifications for determining whether selective husbandry practices should be allowed in 30 CFR 805.13(b), and (2) the bona forfeiture, form of bond, bonding for subsidence, and other provisions in 30 CFR Part 801. Colorado has also submitted explanatory material which, it

asserts, demonstrates that it need not remove language in the State rule, concerning amending the permit area in lieu of issuance of a cessation order for unbonded areas, to show that the Colorado program is "no less effective than" 30 CFR 806.12(g)(7)(iii).

(cc) The State has adopted rule 3.03.1(3)(e) to provide that the amount of bond retained be sufficient for the Colorado Mined Land Reclamation Division to complete the reclamation.

(dd) Colorado has adopted 3.04.1 to include provisions for bond forfeiture consistent with the criteria of 30 CFR 808.13(a).

(ee) Colorado has submitted explanatory material which, it asserts, demonstrates that the corresponding provisions of the State program are "no less effective than" SMCRA section 520(b)(2), requiring a showing that a violation or order would immediately affect the legal interest of the plaintiff as a condition precedent to commencement of a citizen's suit without 60 days prior notice.

(ff) Colorado has submitted explanatory material which, it asserts, demonstrates that the corresponding provisions of the State program are "no less effective than" 30 CFR 845.20(d) in that if the Board review of a civil penalty results in an order increasing the penalty, the person to whom the notice of violation or cessation order was issued must forward the amount of the difference to the Division within 30 days after the order increasing the penalty is mailed to such person.

(gg) Colorado has amended section 34–33–135 of CSCMRA to include a provision allowing the Division or Board, if not a party, to intervene as a matter of right in citizen suits. Further, the Division will initiate rulemaking procedures to ensure that this statutory change is reflected in the regulations.

(hh) Colorado has amended section 34–33–123(4) of CSCMRA to require that each notice of violation or cessation order shall be served on the operator or his designated agent in person or by certified mail, return receipt requested, to the mine or the designated mine agent, and deleting the requirement of personal service within 24 hours after issuance. Further, Colorado has adopted rules 5.04.3(5)(c) and 5.03.4(1) to reflect this statutory change.

(ii) Colorado has amended section 34–33–123(8)(d) of CSCMRA to specify that the notice of fixed penalty and order to pay the fixed penalty shall be served on the operator or his designated agent no later than 120 days after the notice of violation or cessation order describing the violation was originally issued. Further, Colorado has adopted rule 5.04.3(5)(d) to reflect this statutory change.

(jj) Colorado has amended section 34–33–124(3) of CSCMRA to allow any person with an interest which is or may be adversely affected by the pending investigation or outcome of a hearing contesting Division action on a notice of violation or cessation order, to file a written request with the Board for temporary relief. Further, Colorado has adopted rule 5.03.5(5)(a) to reflect this statutory change.

(kk) Colorado has adopted rule 5.03.3(2)(a)(iii) deleting the additional criterion for determining the existence of a pattern of violations found in rule 5.04.5(2)(a).

(ll) Colorado has submitted explanatory material and its form describing the information required for a petition to designate lands unsuitable which, it asserts, demonstrates that the corresponding provisions of the State program are "no less effective than" SMCRA section 522(c) in requiring a petitoner to identify the surface and mineral owners property whose land may be included in the area of the petition.

(mm) Colorado has adopted rule 5.03.6 and has submitted explanatory material which, it asserts, with one exception, demonstrates that the corresponding provisions of the State program are "no less effective than" 43 CFR 4.1290–.1296, relating to the award of costs and expenses, including attorney's fees, in administrative hearings. With regard to the one exception concerning the collection of such costs and expenses from the Division, Colorado has adopted rule 5.03.6(d) to provide for such collection by operators. Colorado further refers to its petition of November 1980, requesting that OSM repeal the requirement of 30 CFR 840.15 that State programs be consistent with 43 CFR Part 4 (see 46 FR 58465–58466, December 1, 1981).

(nn) Colorado has submitted explanatory material which, it asserts, demonstrates that the corresponding provisions of the State program are "no less effective than" the protection afforded Federal employees by SMCRA section 704.

(oo) Colorado has submitted explanatory material which, it asserts, demonstrates that it need not delete the priority of right exception to the restrictions of mining under any building or other impoundment without securing the owner against damages, in order to show that the corresponding provisions of the State program are "no less effective than" SMCRA 516(c).

(pp) Colorado has submitted explanatory material which, it asserts, demonstrates that the State regulates "a person required to have a permit," and that the corresponding provisions of the State program are "no less effective than" the definition of "permittee" at 30 CFR 701.5.

(qq) Colorado has adopted rule 4.05.6(8)(h) to specify minimum top widths for embankments less than ten feet in height.

(rr) Colorado has amended section 34–33–124(1)(b) of CSCMRA to provide advanced notice to all interested persons of hearings on (1) show cause orders, and (2) to review citations issued for violations. Further, Colorado has adopted rule 5.03.5(3)(b) to reflect this statutory change.

(ss) Colorado has submitted its inspection report form to demonstrate that it requires that inspection reports be adequate to enforce the requirements of and carry out the terms and purposes of the State program, and that the State program is "no less effective than" 30 CFR 840.11(d)(3).

The Secretary seeks public comment on whether the provisions submitted correct all the deficiencies in the Colorado program. If the program amendments are approved, the conditions specified in 30 CFR 906.11 will be removed.

Submission of Additional Program Amendments

On February 9, 1982, OSM received from the State of Colorado, pursuant to the 30 CFR 732.17 procedures, the following revisions to the State program:

1. An addition to rule 1.01, providing a written statement of the basis and purpose of these amendments.

2. An addition to rule 1.13 regarding the limitation on the effect of regulations required by Federal law, rules or regulations which become ineffective.

3. The deletion of certain portions of rule 2.07.6(3), relating to the criteria for permit approval or denial regarding existing structures.

The Secretary seeks public comment on these additional proposed amendments to the Colorado program. If these amendments are approved, they will become part of the Colorado program.

Additional Information

Pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this proposed rule. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM exemption from sections 3, 4, 6 and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State regulatory

programs, actions or amendments. Therefore, these proposed program amendments are exempt from the preparation of a Regulatory Impact Analysis and regulatory review by OMB.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96–354, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: February 22, 1982.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82–5127 Filed 2–24–82; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5 81–10R]

Drawbridge Operation Regulations: Roanoke River, North Carolina

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the North Carolina Division of Highways, the Coast Guard is considering the establishment of regulations that would limit the opening of the drawbridge across the Roanoke River, mile 37.5, at Williamston, North Carolina. This proposal is being made because vessel traffic through the bridge has declined in recent years. The records show that the bridge was opened 28 times in 1979 and it was opened only 6 times in 1980. This action will result in a substantial monetary saving to the bridge owner and still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before March 29, 1982.

ADDRESS: Comments should be submitted to and are available for review from 8 a.m. to 4:30 p.m., Monday through Friday at the office of the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705.

FOR FURTHER INFORMATION CONTACT: Wayne J. Creed, Bridge Administrator, Aids to Navigation Branch, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705, (804) 398–6222.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their name and address, identify this proposed rule by Docket No. or bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The rule may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that an opportunity to make oral presentations will aid the rulemaking process.

Discussion of Proposed Rule

The proposed change in regulations would require a 24-hour advance notice for all draw openings year round. The bridge is currently operated under the general regulations that are contained in Title 33, *Code of Federal Regulations*, § 117.240, which requires the bridge to open on signal. Therefore, draw operators are in constant attendance. The proposed regulations would relieve the bridge owner of the responsibility for keeping draw operators in constant attendance. The 24-hour advance notice for draw openings is being considered because water traffic at this location has declined in recent years.

Records of draw openings show that the bridge was opened 28 times for the passage of water traffic during 1979, and the bridge was only opened 6 times during 1980. Moreover, the prospect for any significant increase in water traffic is poor because the oil terminal upstream of the bridge has been closed and petroleum products are currently moved by pipeline and truck. Barge traffic to and from the oil terminal accounted for about 95% of the draw openings. Therefore, the proposed change in regulations may be made without significantly affecting water traffic and the proposed change will relieve the bridge owner of the responsibility of providing constant operator attendance at the bridge. There are no businesses that will be impacted by the proposed change in operating regulations.

Evaluation

This proposed regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, the proposed regulation is considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation of the proposal has not been conducted because the expected economic impact is so minimal as to not warrant the evaluation. In accordance with Section 605 (b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Proposed Regulation

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is proposed to be amended as follows:

In 33 CFR 117.245, paragraph (g) is amended by adding a new sub-paragraph (2–b) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(g) * * *

(2–a) * * *

(2–b) Roanoke River, N.C.; North Carolina Division of Highways bridge at Williamston. At least 24-hours advance notice required for draw openings.

* * * * *

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2), 49 CFR 1.46 (c)(5), 33 CFR 1.05–1(g)(3))

Dated: January 28, 1982.

John D. Costello,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 82–5092 Filed 2–24–82; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–1–FRL–1969–1]

Approval and Promulgation of Implementation Plans; Connecticut Alternative Emission Reductions Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The purpose of this document is to announce that EPA is proposing to approve Connecticut's Alternative Emission Reductions regulation. This

regulation allows surface coaters of metal cans; magentic wire insulation; metal furniture; metal coil; miscellaneous metal parts and products; graphic arts—rotogravure and flexography; pneumatic rubber tires; paper; fabric and vinyl; and manufacturers of synthesized pharmaceutical products to "bubble" volatile organic compound (VOC) emissions. The intended effect of this action will be to provide more cost-effective air pollution control strategies.

DATES: Comments must be received on or before March 29, 1982.

ADDRESSES: Comments should be submitted to Harley Laing, Chief, Air Branch, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston, MA 02203. Copies of the Connecticut submittals and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460 and the Air Compliance Unit, 165 Capitol Avenue, Hartford, Connecticut 06115.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: Description of the Connecticut Alternative Emission Reduction regulation for surface coating operations of metal cans; magnetic wire insulation; metal furniture; metal coil; miscellaneous metal parts and products; graphic arts—rotogravure and flexography; paper; fabric and vinyl; and the manufacture of synthesized pharmaceutical products: EPA designated the entire state of Connecticut as nonattainment for ozone in the March 3, 1978, **Federal Register** (43 FR 8977). Connecticut was then required to submit an implementation plan for ozone to meet the requirements of Part D of the Clean Air Act. It submitted such a plan on June 27 and December 28, 1979; and February 1, May 1, September 8, November 12, and December 15, 1980. The plan includes regulations establishing requirements for reasonably available control technology (RACT) at existing stationary volatile organic compound (VOC) sources. These regulations, codified in Regulation 19-508-20, specify particular control measures for certain designated source categories listed in Regulation 19-508-20 (m) through (v), inclusive. Regulation 19-508-20 (cc), submitted on June 27, 1979 and resubmitted on December 15, 1980 in a revised form, provides an opportunity for owners of VOC sources covered by subsections (m) through (v) to propose an alternative emission reduction plan containing a mix of emission limits such that the total emissions from all source lines is less than or equal to the sum of emissions which results if each individual line is in compliance with the specified emission limitation. In EPA parlance, the procedure when a source trades emission reductions in one process for emission reductions from another is called "bubbling".

Although the Connecticut bubble regulation applies to Regulations 19-508-30(m) through (v), only the following subsections have been adopted into the federally-approved SIP: (m), can coating; (n), coil coating; (o), fabric and vinyl coating; (p), metal furniture coating; (q), paper coating; and (r), wire coating. Three other subsections, (s), miscellaneous metal parts and products; (t), manufacture of synthesized pharmaceutical products and (v), graphic arts-rotogravure and flexography, are currently being proposed for approval into the federal SIP. A fourth regulation, 19-508-20(u), manufacture of pneumatic rubber tires, is being excluded from this regulation because on August 18, 1981 the state certified that there were no such sources in Connecticut. Should EPA finally approve Regulation 19-508-20 (cc) for the first six source categories listed above, they would be eligible to apply to the state to propose an alternative set of emission limitations. If EPA takes final action approving the bubble regulation for the second three source categories, they also will be eligible to "bubble."

Presently, EPA must approve a bubble for an individual source as a revision to the Connecticut SIP. The Connecticut bubble regulation is a "generic" VOC bubble rule which will not require each individual bubble from the sources mentioned above to be submitted to EPA for inclusion in the SIP and therefore will reduce the amount of time necessary for a source to receive approval for its bubble. This proposed bubble regulation will permit owners of the sources included under this regulation which contain two or more emission points, to propose emission limits different from those now specified in the SIP, so long as on a solids-applied basis the total allowable emissions for the plant remains the same or is reduced. Each emission point under the bubble must have a specified emission limitation which will be included in an Order issued to the source under Connecticut Regulation 19-508-12. These emission points must be existing lines in one of the already promulgated Control Technique Guideline (CTG) categories identified above. (EPA has issued a series of documents, CTGs, which establish a "presumptive norm" for controlling nationally important industrial source categories.)

The Connecticut Regulation provides for mechanical procedures to change SIP emission limits and those new limits must be a mathematical equivalent of the existing limits. EPA need not approve each application of those procedures since the mathematical equivalency means that the impact on ambient air quality is equivalent. In proposing to approve this VOC bubble rule EPA is, in essence, proposing to approve in advance all bubbles adopted under the rule. In this way EPA is expressing confidence that Connecticut emission limitations, developed under this rule, will not interfere with attainment and maintenance of the ozone standard and that EPA review of each application of these rules is therefore unnecessary.

In its bubble policy published December 11, 1979 (44 FR 71780) EPA provided that a bubble could be approved for individual sources as a SIP revision. In the **Federal Register** approving the New Jersey bubble rule (46 FR 20551), however, EPA approved a generic VOC bubble regulation for New Jersey. That Notice specified guidance for other States that wish to implement a similar generic bubble regulation. In today's rulemaking EPA is proposing to approve Connecticut's bubble Regulation, 19-508-20(cc), since Connecticut's program has been made consistent with the policy set forth in the New Jersey rulemaking and in the EPA bubble policy set forth on December 11, 1979.

The Connecticut Regulation meets EPA's requirement that pollutants that pose significant health hazards cannot be traded against less harmful pollutants. See 19-508-20(cc)(1)(iii). The Connecticut Regulation also is in conformity with EPA requirements that a bubble not be used to increase emissions above limitations set under the Prevention of Significant Deterioration Program, The New Source

Review Program, Federal New Source Performance Standards, National Emission Standards of Hazardous Air Pollutants, or any Clean Air Act requirement for new or modified sources. Connecticut's bubble regulation allows variations only from the RACT requirements for existing sources set out in 19–508–20.

The Connecticut VOC bubble regulation, Rule 19–508–20(cc), does not fully address all of EPA's provisions governing VOCs and bubbles. EPA has identified five deficiencies in Connecticut's rule. In response, the State has committed to satisfy each of these deficiencies, thus bringing the rule into full compliance with EPA's provisions. A letter from the State, dated January 11, 1982, specifically committed to the following:

1. To provide adequate opportunity for public notice and comment on each alternative set of emission limitations developed under the bubble program and notify the public after each final approval.

2. To submit as an individual SIP revision any alternative reasonably available control technology determination approved under Regulation 19–508–20(cc)(3).

3. To promptly transmit to EPA notice of an alternative set of emission limitations assigned when they are adopted pursuant to the bubble regulation. The emission limits set for each emission point under the bubble will be verified as enforceable according to the test methods specified in 19–508–5(b)(6) and only those test methods which have been federally approved will be used.

4. To keep a record of each approved bubble under Regulation 19–508–20(cc) and a record of the emission limitations to which the source was originally subject.

5. To require that compliance schedules for new emission limitations developed under the bubble regulation be subject to compliance dates as set forth in Regulation 19–508–8.

Regulation 19–508–20(cc) applies to some State regulations which control some source categories which are not presently part of the federally approved SIP. EPA is proposing to approve Regulation 19–508–20(cc) as it applies to those source categories presently in the approved SIP with the additional categories to be added if they are finally approved by EPA and made part of the SIP. EPA will issue a Final Rulemaking Notice approving the application of Regulation 19–508–20(cc) to these additional categories if they are finally approved.

Action: Since it is consistent with actions taken on the New Jersey bubble rule, EPA is proposing to approve Connecticut's bubble Regulation 19–508–20 (cc) as it applies to Regulations 19–508–20 (m), (n), (o), (p), (q) and (r) which have already been approved by EPA and to Regulations 19–508–20 (s), (t), and (v) which are being acted on separately and will be eligible for bubbling if they are finally approved by EPA. This proposed approval is being made with the understanding that bubbles submitted under this regulation will be processed in a manner consistent with the commitments in the January 11, 1982 letter.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that the attached rule, if promulgated, constitute a SIP approval under Section 110 and 172 within the terms of the January 27 certification. This action imposes no new requirements and provides for greater flexibility and the use of more cost-effective measures in meeting existing state requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because, if promulgated, it will only approve Connecticut state actions enabling sources to meet the existing state requirements with more cost-effective control strategies and with greater flexibility. It adds no new requirements. Further, this regulation should decrease the time between application and implementation of certain alternative, more cost-effective control strategies by eliminating the requirement that they be approved, individually, by EPA through the SIP revision process.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 11291.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act as amended, and EPA regulations in 40 CFR Part 51.

(Secs. 110(a) and 301, Clean Air Act, as amended 42 U.S.C. 7410 and 7601)

Dated: February 11, 1982.

Lester A. Sutton,

Region Administrator.

[FR Doc. 82–5047 Filed 2–24–82; 8:45 am]

BILLING CODE 6560–38–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[Gen. Docket No. 79–144; FCC 82–47]

Biological Effects of Radiofrequency Radiation When Authorizing the Use of Radiofrequency Devices and Potential Effects of a Reduction in the Allowable Level of Radiofrequency Radiation

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: It is proposed to amend § 1.1305 of the Commission's Rules implementing the National Environmental Policy Act (NEPA). NEPA requires the Commission to consider whether the equipment and operations it authorizes "significantly affect the quality of the human environment." Therefore, this amendment would treat applications for equipment authorization as "major actions" when the equipment does not comply with federal health and safety standards for emission of radiofrequency or microwave radiation. The amendment would treat applications for construction permits or licenses to transmit as "major actions" if the proposed operation would result in the exposure of workers or the general public to levels of radiofrequency or microwave radiation in excess of federal standards.

DATES: Comments must be submitted on or before June 18, 1982 and replies on or before August 18, 1982.

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

FOR FURTHER INFORMATION CONTACT: Dr. Robert F. Cleveland, Office of Science and Technology, Federal Communications Commission, Washington, D.C. 20554, (202) 632–7073.

SUPPLEMENTARY INFORMATION:

Adopted: January 28, 1982.

Released: February 18, 1982.

I. Background

1. This *Notice of Proposed Rule Making* follows action by the Federal Communications Commission (FCC) at its public meeting on June 7, 1979, at which we initiated a *Notice of Inquiry* on the responsibility of the FCC to consider biological effects of radiofrequency (RF) radiation when authorizing the use of radio-frequency devices.[1] At that meeting the

[1] *Notice of Inquiry*, Docket No. 79–144, 72 F.C.C. 2d 482 (1979).

Commission was advised that studies by the Environmental Protection Agency (EPA) and the National Institute for Occupational Safety and Health (NIOSH) had documented instances of workplace environments near FCC-regulated equipment that could result in employees being exposed to RF radiation levels in excess of the existing Occupational Safety and Health Administration (OSHA) radiofrequency (RF) radiation protection guide. The *Notice of Inquiry* was designed to: (1) Assist the FCC in determining whether it is appropriate for the Commission to take any action under existing standards now applied by the health and safety agencies, and (2) provide documentation so that the FCC can adequately participate in rule making proceedings of these other agencies to ensure that any standard adopted adequately takes into account the impact on the licensees and equipment regulated by the FCC. A summary of the comments received in response to the *Notice of Inquiry* can be found in section III of this proceeding.

2. The comments from the *Notice of Inquiry* were useful in gathering information relevant to each of the above areas. As a result of the comments, we are proposing to amend § 1.1305 of our rules and regulations implementing the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.* (1976), to expand the list of "major actions" subject to our environmental processing standards, 47 CFR 1.1305. We propose to treat applications for equipment authorizations as "major actions" when the equipment does not comply with radiofrequency or microwave radiation emission standards set by federal agencies, such as the Bureau of Radiological Health of the Food and Drug Administration, having jurisdiction over such standards. We also propose to treat applications for construction permits or licenses to transmit as "major actions" when the proposed operation would result in the exposure of workers or the general public to radiofrequency or microwave radiation levels in excess of those established by federal agencies having jurisdiction to set standards for such exposure. The Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor has established an exposure standard for workers.[2] The U.S. Environmental Protection Agency has jurisdiction to set standards for exposure of the general public. However, its has not yet done so. Until it or another agency with competent jurisdiction does, we propose to treat applications as "major actions" if the proposed operation would result in exposure of the general population to levels of RF radiation in excess of those allowed for workers. While we shall defer to the federal health and safety agencies for determining safe levels of exposure to RF radiation, we believe that NEPA requires us to consider the environmental impact of equipment or operations which would exceed the standards for RF emission or exposure levels set by these agencies. On the other hand, we believe that applications for equipment authorizations or transmitting facilities which are in compliance with such standards normally would not have a significant effect on the quality of the human environment and, thus, should be categorically excluded from our environmental processing requirements. *See Notice of Proposed Rule Making*, Docket 79-163, 44 FR 38913 (July 3, 1979), proposing amendments to our rules implementing NEPA.

II. Previous FCC Proceedings

3. Since the question of biological hazards from RF radiation first became a matter of public concern, the FCC has increasingly had to address this issue. Although most of these instances have involved informal inquiries, we have addressed the question several times in the context of formal proceedings. In our 1972 *Memorandum Opinion and Order* in Docket No. 16595[3] this Commission addressed the issue of microwave radiation from domestic satellite facilities. Applying the agency's rules (then still in proposed form), for implementation of the National Environmental Policy Act of 1969 (NEPA)[4] we required all applicants for earth stations and satellite facilities:

1. To make a satisfactory showing that their operation will comply with governmentally prescribed standards for protection of employees and the general public against excess levels of non-ionizing radiation;

2. To make a full showing of the measures the applicant has taken to comply with these standards; and

3. To conduct studies to predict radiation levels in and around earth stations and their associated terrestrial facilities.

Also, we stated that licensees shall identify areas above 10 mW/cm² with prominently posted signs.[5]

4. The FCC next addressed the RF radiation issue when we adopted rules to implement NEPA.[6] Recognizing that exposure to sufficiently high concentrations of non-ionizing electromagnetic (RF) radiation can cause biological damage, the Commission stated its policy to be:

> (T)o require licensees to observe applicable exposure safety standards [and i]f, for any reason, it is not possible to limit exposure to prescribed levels, existing licensees should notify the Commission to this effect while new appicants should prepare and submit a( ) * * * statement dealing with the matter.[7]

5. In Appendix 3 to the *Report and Order* we provided more detail of our reasoning for specifying these requirements.

> In the case of satellite earth stations * * * (i)f the antenna is not significantly elevated, exposure to hazardous power densities is possible at ground level at the antenna site * * *. The Commission has accordingly required applicants for earth stations to identify any hazardous area and to take such measures as are necessary (e.g., warning signs, fencing and shielding) to protect against exposure. (Citation omitted) Similar requirements will be imposed in any other situation which we discover, or is called to

---

[2] The current OSHA exposure limit is 10 milliwatts per square centimeter (mW/cm²) or the mean-square electric field strength and mean-squared magnetic field strength equivalents of 40,000 volts²/meter² (V²/M²) or 0.25 amperes²/meter² (A²/m²), respectively, averaged over any six minute period. In terms of field strength the OSHA standard translates to 200 V/m and 0.5 A/m, respectively. The current OSHA standard applies to electromagnetic frequencies between 10 MHz and 100 GHz. *See* 36 FR 10522 (No. 105), 29 CFR 1910.97(a)(2); Joint NIOSH/OSHA Current Intelligence Bulletin 33 (December 4, 1979) "Radio Frequency (RF) Sealers and Heaters: Potential Health Hazards and Their Prevention" at 4. *See generally Swimline Corp.*, OSHRC Docket No. 12715, (1975-1976) Empl. Safety & Health Guide (CCH) ¶20,379 (Dec. 31, 1975), *aff'd without review* (1977) Empl. Safety & Health Guide (CCH) § 21,656 (March 23, 1977) (standard is advisory rather than mandatory). See also, OSHA Notice CPL 2-2 on Nonionizing Radiation Citations (Sept. 26, 1979), (1979, Current Report) Occupational Safety and Health Reporter (BNA) 499, 511 (citation procedures for nonionizing ratiation exposures).

[3] In re: *Establishment of Domestic Communications-Satellite Facilities by Non-Government Entities*, 38 F.C.C. 2d 665, 700-704 (1972).

[4] *Notice of Proposed Rule Making*, Docket No. 19555, 36 F.C.C. 2d 108 (1972).

[5] *Establishment of Domestic Communications-Satellite facilities by Non-Government Entities, supra*, 38 F.C.C. 2d at 703-704.

[6] *Report and Order* in Docket No. 19555, 49 F.C.C. 2d 1313 (1974).

[7] *Id.* at 1327, n. 12. The footnote just quoted accurately states the Commission's policy in this area, which is reaffirmed at paragraph 183, *infra*. However, applicants should note that the Commission, in that footnote, erroneously indicated that applicants should submit an "environmental impact statement." Under the Commission's rules implementing NEPA, applicants are to submit "narrative statements" when required, but the Commission ultimately prepares the environmental impact statement. *See* 47 CFR 1.1311(a), 1.315(b) (1980). Our policy under NEPA is clarified at paragraph 184, *infra*.

our attention, in which protective measures are needed.[8]

This level of involvement is required because "(t)he Commission's role in this area is to * * * see that the OSHA [RF radiation exposure] standard and such other applicable official standards as may be established by the responsible Government agencies are met by Commission licensees."[9]

6. The FCC again addressed the question of RF radiation and its licensees in its denial of a petition opposing the license renewal application of the Far East Broadcasting Company, Inc.[10] Finding that the "part of the sewage treatment plant where [excessive radiation] occur(s) will not be manned" and "that coordination will permit operation of the plant without exposing personnel to radiation exceeding the OSHA standard," the FCC rejected a request to deny license renewal of a 250 kW transmitter on the basis of alleged radiation effects. The FCC went on to:

> * * * Urge Far East to take appropriate measures to warn persons of areas where they could be exposed to radiation exceeding 10 mW/cm². These measures might include warning signs * * * and notice to persons whose activities might take them into such areas. We ask Far East to report to us these measures once they have been taken.[11]

7. In the *Far East* opinion the FCC also examined the question of the potential hazard of long-term exposure below the OSHA RF exposure level. Emphasizing that although "(t)he possibility of one of our licensees (or authorized equipment users) jeopardizing the public health or safety is a matter of serious concern," the Commission concluded it was not qualified to act.[12]

> Since we have no expertise in the area of public health, we see no alternative but to defer to the judgment of professionals, as evidenced by official exposure standards of bodies such as the Occupational Health and Safety Administration (sic) or the Environmental Protection Agency.[13]

The FCC therefore rejected the objection to the license renewal based on long-term/low-level exposure effects and declined to attempt to resolve, in an evidentiary hearing, questions that scientists have spent years investigating without resolving.[14]

8. Another case involving consideration of potentially hazardous RF radiation was the application of Megamedia (KISR–FM) involving a change in antenna site.[15] In its application Megamedia stated that its present site was unsuitable because the area in which "hazardous radiation" occurs from the KISR antenna includes virtually all KISR studios and offices, an apartment in the rear of the building, part of a private residence, part of a beauty shop, and a relatively heavily-traveled alley. KISR used the equation in Appendix 3 of the *Report and Order* in Docket No. 19555, *supra*, 49 F.C.C. 2d at 1367, to calculate the area in which "hazardous radiation" occurs.[16] This equation is used to determine the distance from an antenna at which the power density has a value of 10 mW/cm².

9. KISR proposed to eliminate the problem by changing its antenna site. The position of the antenna at the proposed site would be such that the "hazard area" (defined in Appendix 3 of Docket 19555) would be substantially above ground. The proposed site, which would be eight miles short-spaced, was the least short-spaced site of any available, and Megamedia requested that the minimum spacing requirement of Section 73.207 of the FCC Rules, 47 CFR 73.207, be waived in this case. The Commission granted the waiver and in its decision stated:

> (W)e believe that there is sufficient question concerning the possible exposure of persons to radiation of 10 mW/cm² or more from the KISR antenna. While there may, in fact, be no problem in these particular circumstances, we would rather err on the side of safety. Therefore, we believe that a waiver of our minimum spacing requirements would be in the public interest.[17]

10. The FCC's most recent action concerning RF radiation effects was our release, on June 15, 1979, of the *Notice of Inquiry* to examine comprehensively the whole question of the FCC's responsibilities in this area. Prompted by increased public concern, continued growth in the use of the radio spectrum, the possibility of new standards by OSHA and EPA,[18] and the progress of continuing research efforts in the biological effects area, the FCC initiated an inquiry "to gather information and views that will assist it in establishing the course it should pursue in fulfilling its regulatory responsibility * * *"[19]

11. In its Notice the FCC noted its responsibility under the provisions of NEPA:[20]

> (T)he Commission, as a Federal Agency, has certain explicit responsibilities under (the National Environmental Policy Act) * * * If a contemplated Commission action might create a situation where the resulting RF radiation levels would exceed an exposure guideline or standard (set) by one of (the health) agencies, we would be required to consult that concerned agency before acting. Following such consultation, the Commission may have to prepare an environmental impact statement that would become part of the record on which the Commission bases its decision.[21]

Reiterating that "the Commission's present policy is to require licensees and manufacturers of authorized equipment to observe applicable exposure safety standards" (including the existing OSHA standard), the Commission added that should one of the health agencies promulgate stricter standards for RF radiation exposure of people, the Commission will consider those new standards with the possible result that some entities will have to modify their equipment or operations to come into compliance.[22]

III. Summary of Comments From the Notice of Inquiry

12. The FCC *Notice of Inquiry*[23] on the bioeffects issue resulted in more

---

[8] *Report and Order* in Docket No. 19555, *supra*, 49 F.C.C. 2d at 1367.

[9] *Id.* at 1367 (Appendix 3). The FCC also stated here that part of its role was to "assist in current Government efforts to develop a dependable understanding of biological effects and realistic exposure levels, primarily by furnishing measurement data for existing Commission-licensed communications facilities * * *" *Id.* at 1367.

[10] *Far East Broadcasting Company, Inc.*, 65 F.C.C. 2d 496 (1977).

[11] *Id.* at 501.

[12] *Id* at 502.

[13] *Id.* at 502.

[14] The FCC qualified this strict reliance on standards promulgated by health and safety agencies by stating that:

> "Of Course, even in the absence of official exposure standars, we would consider appropriate action if it were shown either that a station's transmissions were causing health problems near the station or that reliable scientific experiments showed that radiation or that reliable scientific experiments showed that radiation equivalent to that produced by the station (particularly in frequenty and level) caused harmful effects." *Id.* at 502.

[15] *Megamedia (KISR–FM)*, 67 F.C.C. 2d 1527 (1978).

[16] In Appendix 3, para. 2, 49 F.C.C. 2d at 1367, the formula given for calculating hazardous radiation distances is incorrect as printed. The correct formula is:

$$d = \frac{EIRP}{5.4024}$$

Where: d = distance in feet.
EIRP = effective isotropic radiated power in watts.

[17] 67 F.C.C. 2d at 1528.

[18] *See* "Radiation Exposure Standard due from ANSI, EPA, NIOSH," *Electronic Engineering Times*. (October 29, 1979), "Criteria for a Recommended Standard * * * Occupational Exposure to Radiofrequency and Microwave Radiation," Director's Review Draft, NIOSH Criteria Document (November 1979).

[19] *Notice of Inquiry*, Docket No. 79–144, *supra*, 72 F.C.C. 2d at 482.

[20] Id. at 488.

[21] *See* National Environmental Policy Act, 42 U.S.C. 4321–4347 (1976); 47 CFR 1.1301–1.1319 (Procedures Implementing the National Environmental Policy Act of 1969).

[22] *Id.* at 488–489.

[23] Docket 79–144, 72 F.C.C. 2d (1979).

than 25 responses. Comments were submitted by broadcasters, telecommunications companies, industrial manufacturers and users of RF and microwave equipment, trade and professional associations, private individuals, a Federal agency, and a public interest group. A list of the parties filing comments in this proceeding can be found in Appendix I.

13. The Inquiry was primarily designed to gather information to help: (1) determine whether the FCC should take any action under existing standards now applied by health and safety agencies, and (2) assess the impact of standards on the telecommunications industry so that the FCC can effectively participate in rulemaking proceedings of the health and safety agencies.

14. Several commenters expressed opinions to the effect that there is little, if any, evidence that RF radiation levels routinely encountered by the public are hazardous. This view was expressed by a number of broadcasters and their representatives. For example, the National Association of Broadcasters (NAB), the TV Broadcasters All Industry Committee (TVBAC), and the National Broadcasting Company (NBC) all maintained that the absence of evidence for harmful effects over the past 50–60 years of broadcasting makes it unlikely that a hazard exists, and as NAB put it "* * * we find it difficult to understand the basis for the high degree of concern for controlling nonionizing radiation." NAB did concede, however, that there may have been certain cases of cataract production, high-voltage shock, or RF burns due to accidents or improper maintenance procedures.

15. Most respondents did not favor FCC adoption of interim health and safety standards with respect to RF and microwave radiation. In fact, in at least one case (the Oregon Association of Broadcasters), the appropriateness of the FCC's even inquiring into this matter was questioned. However, FCC participation in the rulemaking proceedings of other Federal agencies was strongly encouraged by many. The American Broadcasting Companies (ABC), among others, noted that the Commission has a responsibility to inform appropriate health and safety agencies of the potential impact of proposed standards on the communications industry. Also, as expressed by TVBAC, the FCC has the authority and responsibility to assure that communications services "* * * are not unnecessarily impaired by overly restrictive standards."

16. The *Notice of Inquiry* included a list of twenty-four specific questions and requests for information. Many of the respondents to the Inquiry addressed these questions individually in their comments, and these responses have been condensed and summarized in the following paragraphs. Others responded with general comments which often applied to one or more of the listed questions. These comments were also considered and, if relevant, were included in the discussion of the appropriate question.

17. *Question 1* asked for information concerning typical near-field and far-field radiation levels from a variety of RF and microwave sources. Many respondents provided detailed information on fields produced by transmitters or devices in one or more of the various categories listed. In addition, some general comments were made.

18. The Special Industrial Radio Service Association (SIRSA) had no specific information to contribute to this particular topic but expressed concern over conclusions the FCC might draw from such data. SIRSA noted that there was a lack of "uniform methodology" in making measurements of this sort and in calibrating equipment. SIRSA further stated that such data should not form the basis of any new standard but could be helpful in a preliminary survey only. Similar concerns were expressed by the Central Committee on Telecommunications of the American Petroleum Institute (API) which questioned the practical value of near-field data obtained using present-day measurement techniques.

19. The U.S. Environmental Protection Agency (EPA) provided a good deal of information in response to Question 1: The Office of Radiation Programs of EPA has made extensive measurements of RF fields over the past several years, and their response included a list of relevant EPA publications. Measurements of field strengths and power densities have been made by EPA in the vicinity of mobile communications equipment, microwave ovens, broadcasting transmitters, and radar systems. In addition, EPA has conducted extensive surveys of general RF/microwave levels in urban areas of the U.S. With regard to the general population of the U.S., the EPA has estimated that the median exposure level to RF and microwave radiation is about 0.005 microwatts/square centimeter ($\mu W/cm^2$) and that less than 1% of the population is potentially exposed to levels greater than 1 $\mu W/cm^2$.[24] These estimates are based on studies of a population group representing 20 percent of the total U.S. population. Additional data have shown that in areas where tall buildings are illuminated by the main beam of an RF source it is difficult to find areas where intensities are above 100 $\mu W/cm^2$. However, cases do exist of limited-time exposure of some individuals to RF/microwave fields of higher intensities, and future work by EPA will increasingly investigate such situations.

20. EPA plans to continue their measurements program. Future work will increasingly be devoted to a more detailed examination of unique kinds of exposure conditions. Analyses of pulsed-fields and examinations of near-field exposure conditions are of particular interest. In addition, EPA would like to develop modeling techniques for the prediction of RF/microwave levels near emitters with known characteristics.

21. Nine different categories of RF and microwave sources were listed under Question 1. Summaries of responses in the various categories follow:

(a) Hand-held transmitters operating from 25 to 900 MHz with minimum to maximum powers.

22. The Electronic Industries Association (EIA) pointed out that extensive experimentation has been conducted by Motorola, Inc. to determine the degree of RF/microwave exposure of individual users of mobile and portable hand-held transmitters. Since power-density meters do not accurately measure near-field exposure the experiments performed by Motorola were designed to measure *absorbed* power and specific absorption rate (SAR) in simulated human models. Localized peak SAR's (referred to as "hot spots") have been found in these experiments, but the intensity of these peaks depends strongly on the frequency of the radiation, the distance between the body and the transmitter, and the geometry of the antenna.

23. Measurements using transmitters with powers of less than 7 watts and frequencies below 150 MHz have yielded peak SAR's of 0.4 watts/kilogram (W/kg) or less in tissues rich in water. Depending on frequency, transmitters have shown greatest power deposition in surface fatty layers (150 MHz) or in water-rich tissue (400–900 MHz). At the higher frequencies peak energy deposition reportedly occurred near the feed-point of the antenna. According to these studies, a 6.4 W portable transmitter held 5–8 cm from the face or body exposes the user to much less radiation than would result from a 1 mW/cm^2 plane wave. However, the American Radio Relay League (ARRL) stated in their response that the present 10 mW/cm^2 standard

[24] One $\mu W/cm^2$ equals 0.001 mW/cm^2.

could be exceeded 2 inches (5 cm) or less from the antenna of a low-powered portable transmitter. According to ARRL most amateur equipment is operated in the frequency range of 150–470 MHz with transmitter powers of 1–5 watts. John Abbott, a licensed amateur, submitted tables showing practical operating distances for most amateur installations and hand-held units.

24. EPA published an investigation of exposures resulting from a hand-held walkie-talkie operating at 164 MHz and 1.8 watts with a 5-inch antenna. The maximum electric-field energy density in the area of the head was found to be over 200 nanojoules/cubic meter (nJ/m^3; 10 mW/cm^2 corresponds to about 177 nJ/m^3). This maximum value occurred near the eye closest to the antenna and represented a "worst case" since the antenna was located within 3 inches of the eye. Levels exceeding 10% of the 10 mW/cm^2 standard (about 20 nJ/m^3) were found in the middle of the forehead and on the tip of the nose. Exposure levels rapidly diminished by a factor of ten within 1 or 2 inches of exposure sites.

(b) Land mobile transmitting antennas with gains from 0 to 10 dB operating from 25–900 MHz with powers of 200 mW to 400 W antenna input and mounted on vehicles or towers.

25. In their response to this question the GTE Companies (GTE) indicated that field measurements have not been made with regard to paging services and mobile telephone services offered by them in the VHF/UFH bands. However, a mathematical analysis of one VHF installation with up to four carriers (maximum ERP: 350 W per carrier) showed a maximum far-field power density of about 0.04 μW/cm^2 per carrier.

26. ARRL noted that simple tests have been conducted by amateur radio operators using input powers on the order of 1 kW at frequencies of up to 144 MHz. Various antennas have been used with forward gains of 10 dB or more. According to ARRL no "significant" readings using "available sensors" were detected within the main beam or in the surrounding area.

27. Extensive comments were provided by EIA in response to this question. With regard to 100 W mobile transmitters, EIA reported the results of experiments in which SAR's were measured using human phantoms (models) inside a car with a metal body. The results showed SAR's of 0.3 W/kg or less and total power absorption of less than 2 W for all antenna mounts tested using a frequency of 150 MHz. A field strength of 1.5 V/cm was detected 5 cm from the steering wheel. However, if the steering wheel were held the field collapsed, and no detectable SAR could be measured.

28. EIA observed that 100 W mobile transmitters operating at 150–900 MHz could be expected to produce levels of about 1 mW/cm^2 at a distance of about 1 m from the antenna. At 30 MHz, measurements were difficult and not conclusive. Reactive fields at this frequency can extend 30 cm or more from metal parts. However, according to EIA, these fields do not result in appreciable deposition of energy in deep tissue, and maximum exposure at a distance of 1 m from the antenna should be 1 mW/cm^2 or less. It was noted by EIA that exposure from a mobile transmitter at distances on the order of 1 m from the antenna actually constitutes partial-body exposure. Under these conditions the total power absorbed by an individual would be less since whole-body resonant phenomena would not be present.

29. EIA reported that Motorola has conducted surveys of several base-station sites having land mobile communications antennas with about 100 W power. Because of the physical separation of the transmitters exposure of technicians and repair personnel was found to be less than 1 mW/cm^2, provided that the transmitter to be serviced was turned off during servicing. Cases in which land-mobile installations share sites with FM and TV transmitters have shown that power density levels are no greater than 0.7 mW/cm^2 near *unexcited* land mobile antennas if sufficient separation exists between broadcasting and land mobile antennas.

30. Tall buildings where power density levels exceeded current OSHA guidelines were listed by EIA. The buildings involved were the John Hancock and Sears buildings in Chicago and the Prudential Center in Boston. Frequencies involved were within the range of 10–300 MHz. A large number of locations were measured at each building, and the higher readings were obtained in only a few instances. In all cases the average or background levels were below 1 mW/cm^2.

31. The American Telephone and Telegraph Company (AT&T) has conducted an extensive program of RF measurements for some time under the auspices of its Bell Labs division. With regard to mobile antennas operating in the 800-MHz band AT&T reported the following. An inpout power to an antenna of 10 W resulted in a maximum power density of less than 0.2 mW/cm^2 in the passenger compartment of a vehicle. Outside the passenger compartment power densities of 10 mW/cm^2 (2.5 inches from the antenna) and 1 mW/cm^2 (12 inches from the antenna) were measured. AT&T also reported results involving cellsite antennas operating in the 800-MHz band. Measurements were made of RF radiation levels in the vicinity of an omni-directional antenna with 96 transmitters (10 W each). Measured power densities in the main beam were below 1 mW/cm^2 approximately 40 feet from the antenna. Near the base of the antenna power densities did not exceed 1 mW/cm^2 at any distance beyond 2.3 feet.

32. Electric field intensities have been investigated by EPA in and around none separate vehicles with mobile communications equipment. Two carrier frequencies were investigated, 41.3 MHz (100 W) and 164.5 MHz (60 W). The only instances in which the 10 mW/cm^2 standard (equivalent to 177 nJ/mG23) was exceeded occurred within 6 inches of an active antenna. In most cases the antenna was located such as to minimize human contact or approach within 6 inches. At several other locations exposure exceeded 10% of the 10 mW/cm^2 standard (about 17.7 nJ/m^3). EPA noted that these values should represent maximum probable levels for typical mobile communications systems. At 6 and 12 feet from each vehicle exposures were considerably lower (average about 0.5 nJ/m^3).

(c) *Point-to-point relay transmitting antennas with gains from 20 to 50 dB operating below 300 GHz with typical and maximum radiated powers.*

33. Early in 1979 GTE measured power densities in and around selected radio-relay transmitting facilities in Florida using sensitive, specialized instrumentation. Frequencies involved were in the range of 2–6 GHz. For each radio-relay path power density measurements were made along the direction of sight as well as close to the tower. At a satellite earth station measurements were made in the station building, around the base of the antenna, and at an off-site location under the antenna beam. Predicted intensity levels were found along transmission paths. Highest power densities were found at or near the location where the edge of the mainlobe of the antenna pattern first encountered the ground. For all measurements, maximum levels found in areas accessible to the public were below 1 μW/cm^2. GTE noted that during one survey on a nearby building RF levels due to non-GTE transmissions were found to be on the order of 150 μW/cm^2. A commercial RF monitor used in such a situation would probably have read cumulative power density, leaving the

user with no information on the source of the radiation.

34. EIA provided information based on two recent papers describing measured and calculated power densities near typical microwave radio-relay sites. Frequencies involved were in the 4-GHz, 6-GHz, and 11-GHz common-carrier bands. Calculated on-bean power densities from an antenna with 20 transmitters ranged from 1.4 mW/cm^2 (directly in front of the antenna) to several nanowatts/square centimeter (nW/cm^2) at the receiving antenna, 28 miles away.[25] At ground level directly below the axis of the major lobe of the radiation pattern measured values for 4-GHz and 6-GHz systems were generally less than 10 nW/cm^2. None of the systems approcached a ground level power density of 1 $\mu W/cm^2$.

35. AT&T has also measured power densities in the vicinity of point-to-point microwave antennas. Levels were generally below 1 mW/cm^2 even in the case of relatively high-powered systems. Measured levels in microwave radio equipment rooms and associated areas averaged less than 10 nW/cm^2. Measurements inside and outside of two satellite ground stations did not exceed 0.25 $\mu W/cm^2$. In general, exposure levels for various earth station designs would not be expected to exceed 50 $\mu W/cm^2$ except in the main beam, which is generally inaccessible.

36. EPA has also analyzed RF/microwave levels in the vicinity of earth satellite ground stations. In general, the possibility of exposure from such ground stations is low, primarily because the emitted microwave radiation is directed skyward. Measurements and calculations have shown that power densities may exceed 10 mW/cm^2 in the main transmission beam of certain high-powered ground stations. However, such levels should not constitute a hazard if no possibility exists for exposure of individuals to the beam. Several factors must be considered with regard to potential exposure from ground stations. They include:

(a) The actual transmitter power routinely used

(b) Procedures employed in operation of the system

(c) Height of the station above ground

(d) Characteristics of the surrounding terrain

(e) Sidelobe radiation characteristics of the antenna

(f) Minimum elevation angle of the antenna below which the system cannot operate

(g) Population characteristics within the area of operation

37. Raytheon Company commented on item (c) only to state that they supply 6-GHZ and 11-GHz point-to-point radio equipment to common carriers.

(d) *AM radio broadcast antennas with typical and maximum powers.*

38. EPA has conducted a survey of broadcast radiation levels in Hawaii, and, included in that survey, is an analysis of electric field strength levels resulting from AM broadcast transmitters. AM radio stations transmit vertically polarized signals by means of vertical towers located above ground or occasionally on the roofs of buildings. The entire tower constitutes the radiating element, and a ground-wave field is produced. Ground-level field strengths were calculated as a function of distance up to 5 km from one 10 kW transmitter. At 100 m electric field strength was computed to be 9.3 V/m (equivalent to about 23 $\mu W/cm^2$). At another location five 5–kW stations used the same tower, and the maximum expected equivalent power density at ground level was computed as 57.8 $\mu W/cm^2$.

(e) *FM radio broadcast antennas with typical and maximum powers.*

39. EPA has made over 14,000 measurements of VHF and UHF signal field intensities at approximately 500 urban locations. They have concluded that the VHF and UHF broadcast services (including FM) are the main sources of ambient RF exposure of the U.S. population. In particular, it appears that the FM radio broadcast band is most responsible for overall exposure, especially at the higher levels. These relatively high fields result from a combination of relatively low tower heights and broad vertical antenna radiation patterns in spite of the relatively lower ERP's authorized for FM broadcasting compared to VHF and UHF television frequencies.

40. EPA surveyed the multiple-frequency RF environment on Mt. Wilson in California where a total of 27 broadcast transmitters are located (12 FM radio transmitters and 15 VHF and UHF television transmitters). Maximum radiation levels were found to be in the range of 1–7 mW/cm^2, depending on location. The higher values were generally encountered near conducting objects and usually involved only small areas of concern. Levels near 1 mW/cm^2 were likely to be present in areas near the base of FM towers. The major proportion of total exposure on Mt. Wilson was found to be due to the FM broadcast stations. This observation is due to the broader radiation pattern of FM antennas in the vertical plane as compared to TV antennas.

41. EPA noted that one situation of concern is the potential exposure of operating and maintenance personnel to high RF levels in the immediate vicinity of FM broadcast towers. EPA has made measurements near such towers, and the results have shown that exposure intensities can exceed the present OSHA recommended safety level of 10 mW/cm^2 by a factor of more than ten. This suggests the need for corrective action to protect personnel who must climb these towers or otherwise be in their immediate vicinity. An example of such a protective measure would be a requirement that transmitters be turned off while personnel are on the tower. EPA field measurements have also shown that intense RF levels may occur near the base of certain FM antennas.

(f) *Television broadcast antennas with typical and maximum powers.*

42. As mentioned in section (e), EPA has surveyed the RF environment on Mt. Wilson in California. A total of 15 VHF and UHF television transmitters are located there. However, despite this large number and despite the high ERP's of the transmitters, it was found that the FM radio transmitters were the greatest contributors to RF exposure levels. At one location, in a parking lot, essentially the entire broadcast spectrum could be analyzed. Results showed that the combined VHF–TV and UHF–TV contribution (about 26 $\mu W/cm^2$) was lower than the FM radio contribution (about 30 $\mu W/cm^2$).

43. In another report, EPA summarized its findings with respect to a high-powered UHF–TV broadcasting facility used cooperatively by two channels (combined visual and aural ERP about 5.6 MW). Calculations showed that exposure levels fell sharply as distance from the tower increased. At locations greater than 0.5 mile from the transmitter site the maximum exposure at ground level was calculated to be about 2.7 $\mu W/cm^2$.

(g) *Industrial, scientific, and medical (ISM) units at typical maximum power levels now in use.*

44. EPA has published the results of field-strength measurements made in the vicinity of microwave ovens operating at 915 MHz (an ISM frequency). Field strengths were measured under laboratory conditions 10 and 1000 feet from an oven and also near two large buildings equipped with almost 400 ovens. The tested oven produced maximum electric field strengths of about 1.5 V/m (at 10 ft) and about 11 mV/m (at 1000 ft). In the vicinity of the buildings the highest levels observed

[25] One nW/cm^2 equals 1×10^{-6} mW/cm^2.

were about 8.9 mV/m at a location approximately 500 feet away.[26]

45. The Industrial Electronics and Control Instrumentation Group of the Institute of Electrical and Electronics Engineers (IEEE) commented that near-field radiation pattern from ISM equipment depend on such factors as shielding, design and construction of the equipment, operating frequency, size and shape of work electrodes, electrode voltage and current, and presence or lack of a conveyor.

(h) *Radar transmitters (marine, police, airport, military, etc.) with typical and maximum powers.*

46. Raytheon provided data which indicated that power density levels in the beam of a typical radar system, i.e., considerably above ground level ranged from slightly over 70 mW/cm² (near-field at 27 m) to less than 1 μW/cm² (far-field at 10,000 m). For a high-powered radar system this range increases to slightly over 300 mW/cm² (near-field at 50 m) down to less than 10 μW/cm² (far-field at 10,000 m).

47. EIA provided a figure and chart from the General Electric Company which showed the distances from an antenna necessary to avoid a field (in the main beam) of 10 mW/cm² or more. Depanding on the type of radar, these distances ranged from 0 to just over 1000 feet.

48. Various radar systems have been studied by EPA including military radars, air traffic control radars, weather radars, and traffic radars used by police personnel. In general, time-averaged power density levels associated with these systems depend on several factors including: a) transmitter power, b) pulse duty cycle, c) antenna dimensions, d) aperture efficiency, e) electromagnetic frequency, and f) for rotating antennas: angle through which the scan occurs.

49. According to EPA, most U.S. radars produce rotational time-averaged power densities of less than 0.01 mW/cm² at ground level in the far-field region of the antenna. Non-rotational tracking radars can produce higher power densities at greater distances from antennas. Traffic radars used by police departments are generally low-powered devices which are incapable of producing environmental levels greater than about 1 μW/cm² at distances where persons would be exposed. Measured levels near the units themselves did not exceed 4 mW/cm².

(i) *Any other sources of non-ionizing electromagnetic radiation on which experimental or empirical data is available.*

50. ARRL noted that radiation patterns in the near-field of amateur radio stations are highly variable. However, they felt that the combination of relatively low power and intermittent operation make it unlikely that RF emissions from amateur stations would constitute a health hazard. Use of shielded transmission cables or field-cancelling lines and careful positioning of antennas should essentially eliminate unecessary exposure to RF fields from amateur radio facilities.

51. COMSAT General Corporation (COMSAT) provided information on maritime satellite ship terminals used in their MARISAT system. Power density measurements were made in the vicinity of a terminal using a 40 W transmitter (1.64 GHz) with a 1.2 m parabolic antenna in a fiberglass radome. With power input of 20 W (EIRP = 37 dBW) power densities along the antenna boresight ranged from 5.5 mW/cm² (6 feet) to 0.6 mW/cm² (32 feet). According to COMSAT, these levels should be representative of ship terminals of other manufacturers. Ship terminals are usually mounted on masts or upper levels of the ship to minimize antenna blockage and to minimize exposure to personnel. In some cases installations can be as little as 10 feet above deck. However, exposure should still be well below 1 mW/cm² because the antenna is pointed skyward. Most of the near-field pattern of a typical terminal is limited to the interior of the radome (about 2 feet from antenna aperture to the radome wall). This precludes the formation of standing waves since they require the presence of large reflecting surfaces in the near-field pattern. Another factor limiting personnel exposure is the intermittent operation of a typical ship terminal.

52. *Question 2* provided further instructions on the information sought in Question 1. *Question 3* asked for statistics relating to morbidity of individuals operating RF/microwave equipment. None of the respondents provided such data. However, this is not surprising in view of the limited availability of this kind of information. Responses to the remaining questions are summarized in the following paragraphs.

53. *Question 4: Describe the applicability (or lack thereof) of the standard adopted for microwave ovens (1 mW/cm² at five centimeters) to other radio equipment with appropriate adjustment for frequency and manner of use. What studies support your conclusion?*

54. Most of the comments received in response to this question expressed the opinion that the Bureau of Radiological Health's microwave oven standard could not be translated into an enforceable standard for other radio equipment. However, GTE thought it possible that certain sections of Part 73 of the FCC rules could be expanded to include maximum tolerable leakage from RF equipment.

55. COMSAT expressed a commonly-held view that emission standards are not appropriate for controlling human exposure to RF radiation. They pointed out that an emission standard fails to consider the potential for controlling access to areas where hazardous radiation occurs. Emission standards, according to COMSAT, are more appropriate for RF emitters which are designed to be used with people in close proximity to the device. Examples of such devices would be microwave ovens and hand-held, land-mobile transmitters.

56. *Question 5: Describe the pros or cons of adopting the 10 mW/cm² ANSI guideline if it were adopted as an interim standard pending completion of definitive studies establishing safe radiation levels.*

57. The responses to this question were divided. Several commenters were favorably disposed toward FCC adoption of the present ANSI guideline of 10 mW/cm², while others were opposed to such an action. Raytheon felt that the ANSI guideline should be adopted until studies indicate that the 10 mW/cm² level should be changed. They currently have no information to indicate that this level is unsafe for the general public. Similarly, NAB, TVBAC, ABC, and NBC each expressed opinions to the effect that stricter standards were not necessary.

58. Satellite Business Systems (SBS) favored federal adoption of the ANSI guideline as an interim standard. They were concerned primarily about the possible proliferation of state and local standards as a consequence of inaction by the federal government. This fear of proliferation of standards was expressed by several other respondents including NBC, TVBAC, ABC, NAB, and the Utilities Telecommunications Council (UTC).

59. EPA pointed out that the current ANSI standard represents an upper limit for occupational exposure in light of recent information showing a resonance for human whole-body absorption of electromagnetic energy in the frequency range of 30–300 MHz. They felt that the 10 mW/cm² limit should be mandatory and went on to suggest that:

[26] One mV/m corresponds to a power density of about 0.0003 nW/cm².

If FCC could accomplish this through a rulemaking procedure then we would at least have an interim, enforceable occupational standard while OSHA is developing its position on a standard.

60. The Air Transport Association of America (ATA) noted that they have no problem with the current ANSI standard of 10 mW/cm^2 as an interim standard. The Association of Federal Communications Consulting Engineers (AFCEE) felt that until new standards are adopted, the FCC should apply the 10 mW/cm^2 criterion in the frequency range of 10 MHz to 100 GHz. The Natural Resources Defense Council (NRDC) felt that the FCC should follow guidelines at least as strict as 1 mW/cm^2 with respect to occupational exposure. As NRDC put it:

Only if the Commission adopts adequate exposure guidelines and routinely requires data on potential exposure levels will it be able to carry out its public safety responsibilities under its own statute and NEPA.

61. The 10 mW/cm^2 guideline is presently being revised by ANSI, and GTE proposed that the FCC consider incorporating the *new* ANSI limits into the FCC Rules and Regulations. This could be accomplished, according to GTE, by following the structure of § 73.317 (Subpart B). They suggested that the Rules could caution that personnel not be exposed above the ANSI limits and that licensees take special precautions to restrict areas in which overexposure was possible. GTE suggested that applications for station licenses and renewals contain a clause stating that the applicant will comply with the ANSI guideline. GTE also proposed that examinations for Class I and Class II operator licenses include material on RF emission and exposure standards and on measurement techniques.

62. AT&T and ARRL also pointed out that the 10 mW/cm^2 ANSI standard was being revised. ARRL considered it premature at this time to adopt the 10 mW/cm^2 standard. AT&T urged the Commission:

* * * to delay any action in connection with adoption of the present ANSI guideline until the guideline is reissued, which is expected in the near future.

63. Other commenters opposed adoption of the ANSI standard. IEEE thought the 10 mW/cm^2 standard to be unnecessarily low, and they noted that many individuals have worked in RF fields exceeding this level without suffering harmful effects.

64. API felt that establishment of an interim standard would lead to public confusion because they did not think it would have adequate scientific basis. Also, they did not believe that the Commission has the authority to set new or interim standards or to enforce standards beyond the issuance of a restricted authorization. This view was also expressed by SIRSA. API stated that the development and enforcement of non-ionizing radiation standards is the responsibility of the Occupational Safety and Health Administration (OSHA), the Environmental Protection Agency (EPA), and the Bureau of Radiological Health (BRH). Other commenters, including EIA, SIRSA, NAB, UTC, and CBS, Inc. (CBS), were also of the opinion that the FCC should not adopt interim standards at this time. In the words of NAB, the Commission should not:

* * * consider applying occupational and/or public safety standards in the absence of a request by safety and health agencies operating on a full and well-substantiated record of public need.

65. *Question 6: Should measurements of field intensities within the area of FCC authorized facilities be made? By whom?*

66. Reaction to this question was varied. In the case of ISM devices, IEEE expressed the view that measurements should be made by those individuals who are responsible for preparing "annual reports" on such equipment. Raytheon stated that:

* * * all FCC-authorized facilities should be required to make microwave field intensity measurements. The operator of the facility should make these measurements and such records would be made available by the FCC for inspection.

However, Raytheon proposed that if field intensities are calculated to be below 0.1 mW/cm^2, the FCC should have the option of deleting this requirement on a case-by-case basis. EPA recommended that, at a minimum, a study should be made to determine field levels in the vicinity of typical transmitters. Ford Motor Company was of the opinion that little information is publicly available concerning existing or anticipated RF field environments. They felt that:

* * * the Federal Communications Commission and the Department of Commerce through the National Bureau of Standards and the National Telecommunications and Information Administration would appear to be in the best position to define the RF field environment.

Ford also expressed concern over the lack of techniques available for making non-perturbing, accurate measurements.

67. Negative opinions on this issue were expressed by ARRL, SIRSA, and the Central Committee on Telecommunications of the American Petroleum Institute (API). SIRSA and API questioned whether the FCC was the proper agency to perform such measurements. They considered the taking of field intensity measurements in all locations licensed by the Commission to be impractical, and SIRSA characterized such measurements as unnecessary and economically wasteful.

68. With respect to amateur operations, ARRL felt that the FCC does not have the resources to make such measurements and that self-monitoring would be impractical and beyond the means of most operators. ARRL contended that an FCC-controlled monitoring effort would not be feasible and cost-effective when compared to the usefulness of such measurements.

69. EIA felt that in certain cases it may be necessary to require field intensity measurements, and, if so, the licensee should see that the appropriate measurements are made at the time of installation of the equipment. As measurement techniques improve, they continued, prediction methods may obviate the need for most measurements.

70. AT&T expressed the view that measurements would constitute a considerable burden to licensees. They proposed alternatives of using standardized, conservative calculations or of referring to similar measurements made previously. AT&T also suggested that the Commission may want to consider a temporary program of making measurements at selected, typical facilities to confirm the reliability of predictions based on calculations. They pointed out that it may be difficult or impossible to rely on standardized calculations to predict field intensities in radio equipment rooms, and in those cases direct measurements, or references to previous measurements at similar facilities, may be necessary. However, AT&T noted, because of the possibility of unacceptable transmission or interference problems caused by even low-level leakage, operators are inclined to control such leakage at levels well below those considered to be hazardous.

71. GTE also felt that measurement conducted on a routine basis would be an unnecessary burden, both for the licensees and for the FCC. However, if calculated power density levels exceeded an emission standard GTE would consider it appropriate for the licensee to make measurements as necessary.

72. *Question 7: Should the Commission do a study to determine*

what services use FM and TV towers for mounting their equipment (e.g., point-to-point transmitters, CATV receivers and land mobile transceiver antennas)?

73. Varying opinions were expressed by those responding to this question. EPA thought that results of such a study could help define the number of workers who climb towers and might be exposed to high RF fields. However, API and EIA questioned the usefulness of this proposal. API would not endorse such a study without an explanation of what benefits the FCC expected from it, and EIA did not think that this kind of study would of itself identify those areas which meet applicable safety regulations. CBS thought that an FCC study to determine the extent to which RF equipment is used is worthwhile as long as it does not result in an unnecessary administrative burden.

74. GTE noted that of 14 GTE domestic telephone companies only 5 had one or more sets of facilities mounted on an FM or TV tower. If the FCC decides to make a study, they continued, it will be necessary to obtain the Particulars of Operation of each of the collocated antennas to determine the total radiated power.

75. *Question 8: Should measurements of field intensities on all FM and TV towers be required? If so, how, when, where, how often and by whom? If field intensity measurements are required, how would the ability of private industry to perform the required measurements be affected by the current availability of measurement equipment?*

76. This issue was also raised, in general, in Question 6, and many commenters expressed their opinions on this matter at that time. In response to Question 8, EPA commented that if an enforceable standard is established conformance should be required before access to a tower is allowed. This would require measurements, they continued, unless access was not allowed while the station was transmitting. A single evaluation should be sufficient until there is a change in equipment or in operation procedure.

77. NRDC proposed that all licensing applications made to the FCC contain information on field intensities in the vicinity of FM and TV towers. In the case of new applicants this information would be in the form of estimates. NRDC felt that on-site measurements are necessary to determine worker exposure, and that the responsibility for such measurements should rest with FCC licensees.

78. Both CBS and TVBAC disagreed with this position. They saw no need for widespread field intensity measurements in the vicinity of FM and TV towers. CBS suggested that theoretical values could be compared with those previously obtained by EPA and OSHA to predict field intensity levels near broadcasting towers. If field measurements should be required, however, CBS thought that the broadcasters should be responsible for making such measurements. They noted that monitoring equipment could be leased or purchased, or broadcasters could contract with consulting firms for such services.

79. *Question 9: Should the Commission establish procedures for protecting personnel when working on antenna towers?*

80. Many respondents to this question felt that the responsibility for establishing such procedures rests with OSHA and not with the FCC. Among those expressing this opinion were API, SIRSA, Raytheon, and AT&T. EPA, however, thought that either the FCC *or* OSHA should establish such procedures. EPA commented further on this matter in their responses to Questions 1(e) and 10.

81. AT&T argued that:

> Any efforts by the FCC to establish procedures for tower workers could create confusion for both employers and employees and might lead to jurisdictional confrontations between the FCC and OSHA.

82. SBS was also of the opinion that it was inappropriate for the FCC to adopt such procedures. They maintained that radio operators have a vested interest in the health and safety of their employees:

> * * * such that more than adequate motivation exists for the voluntary implementation of operating procedures at RF transmitter sites, as may be necessary, to protect personnel during the course and scope of their employment.

83. GTE felt that training by the licensees themselves was the best approach. They also expressed the view that antenna towers should be clearly posted where RF emissions may exceed permissible standards.

84. With regard to amateur radio operations, ARRL noted that it was unlikely that individuals would be exposed to near-field RF energy on an amateur installation because work is rarely done on live antennas. They concluded that such regulations with respect to amateur facilities would be both impractical and unnecessary.

85. EIA proposed that the FCC consider the following actions to assure the safety of tower workers: (1) appropriate standards could be promulgated as soon as other agencies have established adequately justified guidelines, (2) dependable measurement procedures should be established to permit accurate determination of adherence to standards, and (3) other general procedures for assuring personnel safety could be promulgated, e.g., warning signs could be required in areas where hazardous RF levels exist. EIA pointed out, however, that it would be difficult for the FCC to establish detailed procedures that could be universally applied to a large number of transmitter sites. An example of such a problem would be a location with a large number of transmitters operating at various powers, frequencies, etc.

86. Broadcasting groups expressed varying opinions on this issue. CBS felt that once a standard was established by federal health and safety agencies the FCC "* * * would be the most appropriate agency to establish procedures for protecting personnel in the employ of Commission licensees." ABC commented that while environmental effects cannot be controlled by the broadcaster, occupational effects can be controlled to an extent. They noted that procedures that involve using auxiliary facilities or reducing power have been established for use during maintenance of certain of their transmitters.

87. NAB registered its opposition to stringent occupational standards for broadcasting facilities, and they did not think that this was an area for direct action by the FCC. NAB stated that:

> * * * after years of experience, during which broadcast personnel have routinely climbed in between actual operating elements of radio and television antennas, and performed other maintenance without any known ill effects, we find that the need for stringent occupational standards is unwarranted. Employee exposure with such higher level radiation is of relatively short duration and need not occur on an overly frequent basis.

88. *Question 10: Are there any procedures used by personnel in the operation, testing and maintenance of transmitting equipment that require personnel to be exposed to high field intensities? If so, what measures can be employed to reduce or eliminate such exposure?*

89. From the response to this question, it appears that such situations exist, although not at all RF-emitting facilities. COMSAT knew of no such situations involving its MARISAT satellite system. GTE employees are trained to avoid situations which might result in excessive exposure to RF radiation, and, according to GTE, possible RF exposures are well-controlled in their various operations. Similarly, EIA knew of no such situations where excessive

exposure could occur. They noted that work rules exist to ensure that personnel are not overexposed. An example of such a rule would be a requirement for disabling a transmitter before admission of personnel to areas in its vicinity. According to EIA, operators are generally removed from high RF fields, and there is no opportunity for excessive exposure. For example, testing of an active emitter can be done remotely or with adequate shielding to prevent exposure of personnel.

90. AT&T noted that their normal operating and testing procedures do not present the possibility for excessive exposure to RF radiation. However, they continued, special situations could arise in which the potential for exposure to high intensities could exist. In those circumstances employees are instructed, by the Bell System Practices, to wear protective garments (radiation suits). AT&T suggested that to avoid cases of overexposure the following precautions should be taken: (1) maintenance and operating personnel should be given information on potential hazards from RF radiation, (2) personnel should be provided with detailed safety instructions, and (3) maintenance and repair should be performed with transmitters deactivated if possible.

91. ARRL commented that there are undoubtedly situations where overexposure could occur. An example given was the adjustment of an RF power amplifier with the power on. ARRL suggested that risk could be reduced by identifying hazards and by training personnel to use the safest procedures.

92. The only situation of possible overexposure mentioned by SBS was the replacement procedure for a malfunctioning traveling wave tube (TWT). However, they indicated that tests have shown that any exposure of personnel in such a situation would fall within levels considered "safe."

93. API believes that technicians are sufficiently aware of existing RF hazards, such as open waveguides, to realize that precautions must be taken to avoid overexposure. Raytheon felt that in the isolated cases where exposure of an extremity is absolutely necessary the matter should be handled on a case-by-case basis. However, they noted that routine operating procedures in industry do not normally expose personnel to levels above 10 mW/cm^2.

94. According to IEEE, with respect to ISM equipment, procedures such as initial set-up, alignment, power adjustments, etc. may require exposure of personnel to high field intensities. They maintained, however, that these exposures are for a short time and, therefore, not serious. IEEE noted that the reduction of hazards depended primarily on the knowledge and training of the individuals involved and that, although safety devices such as interlocks could be built into a system, maintenance personnel sometimes will bypass them, thereby defeating their purpose.

95. EPA's response to Question 10 provided considerable information on personnel who work on FM towers. EPA's publication ORP/EAD 76–2 summarizes data obtained on RF radiation levels on an FM broadcast tower. A number of activities apparently require work on such towers. These activities include painting, beacon replacement, repairs to de-icing equipment, antenna adjustment, and tower rigging and replacement.

96. According to EPA, an examination of their data showed:

> * * * that exposure intensities on FM broadcast towers can exceed the OSHA recommended safety level of 10 mW/cm^2 by more than a factor of 10.

Furthermore:

> It is common practice for this tower work to be done while the broadcast station is operating at full power * * * exposure times are significant for some of (these activities) * * *

The EPA publication proposed that:

> The most effective method of controlling excessive exposure would be turn off or drastically limit the power fed to the antenna while the necessary work is done. This would probably require a rulemaking procedure by the FCC or promulgation of specific work procedures for broadcast towers by OSHA.

97. *Question 11: Can prediction methods be employed to determine absolute power density at locations of interest and would such methods produce sufficiently reliable results? If so, please describe the method and explain how verification was accomplished.*

98. Opinion differed among those responding to this question. The principal conclusion appears to be that fairly reliable far-field prediction methods are available but that near-field exposure situations do not generally lend themselves to accurate prediction by calculation.

99. Some commenters did not feel that sufficient information is presently available to rely on prediction methods. This view was expressed by API, for example, and they noted that, in at least one case, appreciable variations are found between predicted and measured RF levels. IEEE indicated that prediction methods can sometimes be used for ISM equipment, but their accuracy is unsatisfactory, and measurements are still necessary.

100. AT&T noted that results of studies conducted by Bell Laboratories showed that standardized calculations can be developed to reliably predict the upper limit of power density for a single source at an open location. Sources included in these studies were point-to-point microwave systems, satellite earth stations, and cellular mobile-radio systems. AT&T found that comparisons between predicted and measured values indicated that the predicted values were always larger than the corresponding measured values.

101. Raytheon has been using techniques for predicting power densities for several years. These methods are now computerized, and their accuracy has been checked by comparison with field measurements on a large number of radar systems. These comparisons have shown that their predictions are generally conservative, with calculated values exceeding those actually measured.

102. With respect to parabolic reflector antennas, COMSAT stated that in the far-field, and in the transition region between near- and far-field, prediction methods can be used to determine power densities along the boresight of the antenna. Comparisons with actual measurements have indicated that these methods are accurate.

103. EPA agreed that reliable models for predicting far-field exposure levels are available. However, they pointed out that the most intense exposures are likely to occur in the near-field of an RF source, and additional study is required to determine if near-field exposure levels can be accurately predicted.

104. Similar sentiments were expressed by EIA and GTE. GTE felt that the chief usefulness of available prediction methods is in determining the upper bounds of power density. Both they and EIA noted that if the near-field antenna pattern is not precisely known significant uncertainties can exist. Another problem is the failure to account for reflections and multiple polarizations.

105. *Question 12: If measurement of power densities is necessary, what problems does this pose for licensees?*

106. Most commenters responding to this question, including SIRSA, API, ARRL, SBS, AT&T, GTE, and Raytheon, indicated that RF field measurements could represent a considerable burden for licensees. In addition, SIRSA and API, among others, questioned the benefits to be gained by requiring measurements. On the other hand,

NRDC argued that such measurements were essential to determine worker exposure and the added cost would be insignificant compared to basic licensing costs.

107. GTE suggested that in cases where several antennas are present, each operated by a different licensee, the FCC should be responsible for measurements. They also suggested that estimates of power densities should be made before actual measurements are carried out.

108. Raytheon noted that if power density measurements are required, the problems created would primarily depend on the accuracy and periodicity required. For example, it would be expensive to make measurements accurate within 0.1 dB with currently available instrumentation, but 1 dB accuracy could be achieved in field situations.

109. According to ARRL, any measurements made in the vicinity of an amateur radio station would be "meaningless" and of questionable value. The near-field of an amateur antenna is likely to be distorted by buildings, people, etc. ARRL noted that acceptable equipment is available for far-field measurements, but its expense would impose a financial burden which could close down existing amateur stations and discourage potential newcomers.

110. AT&T stated that "there is a lack of standards in methodology and instrumentation for performing such measurements." Furthermore, they noted that, according to the National Bureau of Standards, the precision of field intensity measurements is typically limited to about 8 dB under field conditions, due to differences among operators, instruments, and measurement techniques.

111. IEEE mentioned several potential problems that ISM users would encounter including: (1) A lack of adequate instrumentation, (2) the necessity of removing equipment from production during measurements, (3) the cost of making and reporting measurements, and (4) finding qualified personnel to make measurements.

112. In the case of satellite earth stations, SBS mentioned the problems of cost impact and interference to the communications link during the measurements procedure. Ground-level measurements could be made without difficulty, but measurements in the main beam could cause blockage and degraded performance. Another problem mentioned by both SBS and COMSAT was the inaccessibility of certain antenna locations which would require the use of expensive lifting equipment or riggings. SBS suggested that an alternative to requiring measurements in and around earth stations might be a type-acceptance program for RF equipment used in such stations.

113. With respect to electronic news gathering (ENG) operations, the Public Broadcasting Service (PBS) noted that "any regulations adopted by the Commission should be realistic in terms of their practical application." For example, they continued, a technician carrying portable equipment such as a microwave transmitter cannot be expected to also be equipped with radiation monitoring devices. PBS offered the suggestion that as an alternative manufacturers could be required to specify the distance from an antenna which should be kept clear for safety reasons.

114. *Question 13: What possible techniques can be employed at broadcasting stations and other RF emitters to limit their contribution to cumulative power densities that may be deemed to constitute a hazard?*

115. Various approaches to this problem were offered by several commenters. A pessimistic response was submitted by API which thought it futile to suggest possible means to minimize radiation hazards. They felt that existing portable instrumentation was not reliable enough for precise measurements below 1 mW/cm^2 and that measurements above this level have also been of questionable value.

116. Raytheon, on the other hand, stated that instruments exist that would allow the identification of contributors to cumulative power densities. This determination could be made using sensitive receivers and spectrum analyzers presently used by the FCC and by industry. EPA also indicated that individual contributors could be determined with a spectrum analyzer. IEEE thought it necessary to isolate each source one at a time in order to determine relative contributions.

117. GTE expressed the view that there is no practical technique for analyzing such contributions. As a general guideline they made the following recommendations: (1) The FCC should limit maximum power to a level consistent with the minimum amount required by the service, (2) the FCC should request the use of directional antennas wherever possible to avoid directing RF energy where it is not needed, (3) the FCC should request the use of a cellular approach where applicable to provide area coverage and reduce power densities, (4) the FCC should request the use of multifunction transmitters and/or modulation methods which maximize signal and limit power density. GTE also recommended that each broadcast applicant be required to be aware of the Particulars of Operation of other adjacent or collocated facilities and to establish at high density locations the contribution of its transmissions to total RF levels. They proposed that the Commission require appropriate adjustments in EIRP to limit contributions to a power density determined to be hazardous. Another possibility, this one mentioned by ABC, is the incorporation of emission limitations into antenna design.

118. AT&T agreed that if an area deemed to be hazardous is accessible to the public it may be necessary to reduce the total power of the contributing transmitters. One method to accomplish this would be to reduce each contribution in proportion to the desired overall percentage reduction in power. However, AT&T thought that this was generally inefficient and uneconomical and that it did not take into acount the frequency dependence of human absorption of RF energy. Also, the cost to minor contributors would be out of proportion to their contribution to total RF levels.

119. A better solution, commented AT&T, would be to concentrate on the impact of the *major* contributors to an area of high power density. They suggested that the FCC could make a public interest determination to decide which major contributors would be affected. This could be done in such a way that the total power density level would be reduced while the cost to the public, in terms of reduced or lost services, and the cost to the licensees, in terms of construction costs or lost revenues, would be minimized.

120. Other methods suggested by AT&T and others were restricting access to areas where high RF levels are found and the use of shielding or absorbing material. It was noted that in all of these methods the practicality, effectiveness, and cost should be assessed before any action is taken.

121. *Question 14: If the cumulative power density observed at a particular location is above 10 mW/cm^2, how can contributions from individual sources be determined and how should responsibility for reducing contributions be shared?*

122. This general issue was also discussed by several commenters in their responses to Questions 13, 17, and 23. EPA pointed out that their data showed that it would be unlikely to find fields exceeding 10 mW/cm^2 in areas accessible to the general public. However, occupational exposures could apparently occur at that level.

123. According to Raytheon, methods are technically available to reduce contributions, but thay felt that it was first necessary to evaluate political, economic, and safety considerations once contributors have been identified. IEEE commented that in order to determine relative contributions it would be necessary to isolate each source one at a time.

124. GTE thought that the levels proposed by the ANSI 1979 draft proposal should be the reference limit and not 10mW/cm² as stated in the question. However, they indicated that when time-averaging is used the number of situations in the U.S. where high RF levels exist is not great. GTE recommended four methods by which contributions to cumulative power density could be determined. These are: (1) the use of directional antennas, (2) the use of selective band filters, (3) the use of spectrum analyzers, and (4) cooperative arrangements to measure sources individually.

125. AT&T indicated that individual contributions could be determined by calculation-based predictions or by measurement of individual contributors. The latter technique could involve deactivating individual transmitters to assess the effect on overall power density. However, AT&T thought that this method should be avoided if possible since it could affect service, involve a significant expense, and was often impractical. Methods suggested by AT&T for controlling RF emitters were reducing power, restricting public access, or adequately shielding affected areas.

126. ARRL noted that since amateur radio stations operate on an irregular basis at relatively low power levels their effects on total RF levels in an area is small. It is very difficult, they continued, to quantify the contribution of amateur transmitters at a specific site having a high cumulative power density.

127. *Question 15: If prediction methods may be employed in determining power densities, what difficulties can be anticipated in determining radiation from antennas at angles toward the base of a tower and up to horizontal?*

128. From the comments received in response to this question and Question 11, it appears that prediction methods are available. However, mainbeam calculations are apparently more reliable than those for side lobes, and further data are required on antenna radiation patterns.

129. EPA reported that they have had difficulty obtaining radiation pattern data for steep depression angles. Apparently at least some manufacturers consider this information to be proprietary. If the antenna pattern data are known then calculations can be compared with measurements to determine the degree of accuracy. EPA is planning a study which may produce useful data on broadcast antenna patterns. EIA also commented that information is not adequate for near-field antenna patterns. Until more data are available they felt that measurements rather than calculations are required.

130. Raytheon noted that if an antenna pattern is known prediction methods used by them to determine power densities in the main beam could be used to determine power densities in side lobes touching the ground. However, they do not feel as confident about the latter calculations. According to Raytheon, field verification is difficult, with respect to radar systems, because power in the side lobes is typically 30–50 dB lower than power in the main beam.

131. GTE felt that by using standard methods and by accounting for reflection the upper bounds of power density can be calculated. However, according to AT&T, some difficulties may be encountered, and actual power densities may be different than those predicted. They pointed out that antennas in field sites are typically near objects that can distort the radiated field. This is especially true at angles well away from the main beam. But AT&T thought that despite this problem calculations could be developed which would allow sufficiently conservative predictions of the upper bounds of power densities around antennas.

132. *Question 16: Describe how any standard adopted should differ for the various frequency ranges and state why.*

133. Comments received in response to this question nearly unanimously endorsed the frequency-dependent approach to standards illustrated by the recent ANSI C95.4 proposal. However, IEEE reported that they have no basis for recommending standards at this time due to their lack of knowledge of any harmful effects from RF energy used in industrial heating equipment.

134. GTE recommended that the ANSI C95.4 proposal be adopted and incorporated by the FCC into its practices to be followed by licensees. The adoption of the ANSI guideline, they continued, would, to their knowledge, entail no hardship on any existing licensed service.

135. EPA agreed that there was good evidence for considering frequency-dependent absorption in developing standards, e.g., as in the ANSI approach. Raytheon and EIA also endorsed the ANSI rationale. Raytheon recommended that an exposure limit in the human resonant range of 30–300 MHz should be approximately one-tenth that for frequencies greater than 3 GHz, and, for frequencies below resonance, limits should be relaxed in proportion to $1/f^2$.

136. Both Raytheon and EIA suggested that consideration should also be given to partial-body exposure. EIA noted that this was important since most if not all significant human exposure occurs in the near-field where partial-body exposure is predominant. Consideration of exposure for short durations was also recommended by Raytheon, since, according to them, exposures to high power sources are of a transient nature.

137. SBS endorsed the frequency-dependent rationale. However, they would like to see the exposure level for frequencies greater than to GHz set at 10 mW/cm². This proposal, according to them, is based on information submitted to the ANSI C95.4 Subcommittee.

138. ARRL also agreed in principle with the frequency-dependent approach and with the concept of the 30–300 MHz region having the most restrictive limits. They objected to breaks in the HF band of the "current two-level standard" and recommended that the limits should rise above and below the human resonant peak more or less as proposed by ANSI. ARRL also stated that:

> Our experiences clearly indicate, for instance, that for frequencies less than 1.0 MHz the current PEL of 50 mW/cm² may be too high by a factor of two or more.

139. *Question 17: If there are places frequented by people where the radiation exceeds 10 mW/cm², what action should be taken to reduce this level? Should grants of all radio applications which would tend to raise this level cease? Should a determination be made that a licensee or some radiation source must reduce or terminate its operation? How should such a determination be made?*

140. This general issue was also raised in Questions 13 and 14 and many of the responses discussed previously are relevant here. Several commenters including EPA, GTE, NAB, and TVBAC noted in their responses that it is unlikely that the general public may be exposed to RF levels of 10 mW/cm² or more. If such situations are identified then EPA and GTE suggested that they be handled on a case-by-case basis. Methods mentioned to correct such situations included reducing output power, controlling public access, or providing shielding. EIA echoed these sentiments, and, in occupational situations where high RF levels are

found, they recommended additional control methods of restricting operations when personnel are in the area and requiring personnel to wear protective clothing in such areas. EIA felt that the general public should not be allowed to enter areas in which RF levels exceeded 10 mW/cm².

141. *Question 18: Reduction in Output power could have a deleterious economic effect on several of the radio services. It could also cause a reduction in service to the public. Does a health risk, no matter how small, outweigh economic loss or service cutbacks, no matter how large? By how much? Quantify your contention.*

142. Most of the commenters responding to this question expressed the view that no substantial disruption of services should be considered unless there is a clearly identified health risk. In the words of EPA:

> Unless a threshold for effects is established, some balance will have to be struck between health risks and health benefits.

A diffrent position was taken by NRDC. They stated that:

> * * * we believe that the evidence of bioeffects from RF/MW radiation is adequate to compel placing greater emphasis on safeguarding the public from this radiation than on protecting the interests of the users of the communications technologies which are intended to serve the public.

NRDC said it expected that few facilities would be denied licenses for health reasons since several methods exist to minimize RF emissions.

143. Raytheon felt that reductions in output power should not be required "in response to unknown, unquantified and merely suggested harmful effects on the population." A common opinion, as expressed by AT&T, was the need for achieving a balance between social benefits and potential RF hazards. An acceptable balance would be achieved when there is a consensus that the risk is worth the benefits. According to AT&T:

> * * * there is no clear evidence that lowering the exposure limit below the current consensus level will reduce the biological risk, because no biological hazards to humans have been substantiated at exposure levels lower than 10 mW/cm².

144. EIA agreed and commented that, in the case of non-ionizing electromagnetic radiation, there are no documented cases of injury to the general public. Furthermore, they continued, the small number of cases of possible injury involved special situations with very high-powered equipment. Therefore, in their opinion there is no probable need for reduction in power or service for any of the radio services.

145. This view was echoed by IEEE. They made the point that if there were actual danger then adverse publicity would have long since exposed it. They felt that the development of HF heating technology should not be hindered by unnecessary and restrictive regulations.

146. EPA and GTE suggested that each case be handled on its own merits. EPA noted that if a reduction in power were required other variables such as antenna height, location, and design could be adjusted to offset the effects of a reduction in power or service.

147. *Question 19: Does a health risk to animals have to be considered? What if the species being threatened is on the endangered species list?*

148. Only a few comments were received in response to this question. EPA expressed the opinion that a health risk to animals from RF radiation should be considered, but it would not be expected to be a controlling factor in the development of a standard. This was similar to the opinion of SBS. They felt that it is probably impossible to impose a single standard applicable to all living creatures. GTE said that they knew of no studies showing harm to animals at RF levels stated in the recent ANSI proposal.

149. Raytheon pointed out that a health risk to animals would be a secondary consideration to health effects in humans. They were of the opinion that a decision as to whether a species would be threatened by a particular operation should be handled on a case-by-case basis and should not be used in the development of a standard.

150. *Question 20: The radiation level in the main beam of a microwave antenna will probably be above the level considered safe (10 mW/cm²). Should this level be permitted if the chance of a human climbing the antenna structure is small? Should the Commission require fences around such structures?*

151. None of the comments received in response to this question proposed reducing the power of the beam because of the slight possibility of an individual climbing the antenna structure. AT&T, EPA, and EIA all pointed out that power density levels in the main beam of typical microwave point-to-point antennas are unlikely to exceed 1 mW/cm², much less 10 mW/cm².

152. In such cases where a hazard may exist, GTE, SBS, Raytheon, AT&T, and EIA suggested several means by which safety of personnel could be assured. These included limiting access to the antenna and support structure by fencing or other means, keeping to a minimum the time personnel spend in the restricted area, posting warning signs, shutting down or reducing power during servicing of the antenna or at other times when access is required, and training maintenance personnel with regard to RF hazards.

153. AT&T reported that, with the exception of rooftop installations almost all Bell System microwave antennas are protected by chain-link fences. They suggested that licensees should be expected to take reasonable precautions to prevent unauthorized access to their facilities, and they did not think that an FCC requirement for fencing would be an excessive burden for licensees.

154. *Question 21: Should licensees be required to warn maintenance people of the radiation hazards involved at each radio site or to post warnings if levels are shown to be above 10 mW/cm²? Some other specific value? What value?*

155. Of those commenting on this question, most respondents agreed that warning signs should be posted where a potential RF hazard exists. GTE noted also that obviously hazardous situations such as open waveguides could be avoided most effectively by training personnel in safe operating procedures.

156. Both Raytheon and AT&T maintained that requirements such as this are clearly matters of occupational safety and health, and, as such, come under the jurisdiction of OSHA. Raytheon did not think that such warnings should be required by the FCC. AT&T pointed out that the current OSHA standard with respect to posting RF warning signs can be found in 29 CFR 1910.97 and 29 CFR 1910.268.

157. SBS felt that the radiation level for which warnings should be posted is the current exposure guideline of 10 mW/cm². They noted that since that level contains a built-in safety factor, it is unnecessary to allow for an additional margin of safety.

158. *Question 22: Discuss in detail the impact on Commission licensees in the various radio services we regulate (e.g., broadcasting, mobile, fixed, other) that the various standards mentioned would have (50 uW/cm², 1 mW/cm², and 10 mW/cm²), continuous or short-term, occupational or general public.*

159. The responses to this question generally indicated that, depending on the levels established, more restrictive standards would have significant impact on at least some Commission licensees. According to EIA, at a minimum, reduced standards would result in increased testing costs and at some point would cause service disruptions and/or power reductions. In particular,

EIA continued, lowered standards should allow for time and space averaging and should distinguish between absorbed power and effective power density. In their opinion, if a 50 uW/cm² limit were imposed without allowing for these factors a chaotic situation would result forcing millions of low-powered communications devices to be shut down. EIA pointed out that the recent proposal in New York City to establish such a limit lead to a study by one of the major networks which showed that, if adopted, the New York City proposal would have a disastrous effect on FM and TV broadcasters, and service to the public would be curtailed.

160. NAB felt that of all the services regulated by the FCC, the broadcasting industry could be impacted most significantly by unnecessarily strict RF radiation standards. NAB stressed their contention that regulations in this area should be based on a firm body of scientific evidence following "the rational balancing of perceived and real health threats against the effects of such regulations on broadcast service to the public." PBS maintained that broadcasting is a vital service which should not be shut down except in cases "where the likelihood of immediate and serious harm is clearly established." And to quote NBC:

> No regulation that would have such an impact should be adopted on mere speculation alone, but should be adopted only when there is clear scientific evidence that broadcasting at current levels are a risk to public health.

161. According to NAB, if a 10 mW/cm² standard were recognized there would be no need to modify existing broadcasting operational powers or transmitter locations since the public normally would not have access to these sites. This view was also expressed by ABC and AFCCE, although ABC thought that personnel working very close to a transmitter could present a problem.

162. If a general population standard of less than 10 mW/cm² were set ABC reported that multistation broadcast installations could be a special problem, and compliance might result in a loss or reduction in service. If a 1.0 mW/cm² environmental standard were adopted certain ABC transmitters might have trouble complying, but there would generally be few problems. The situation would be worse, however, if a 1.0 mW/cm² *occupational* standard were established. A 100 μW/cm² environmental standard would present a greater problem for some ABC stations, and if this were an occupational standard every ABC facility would have trouble complying. If 10 μW/cm² or 1.0 μW/cm² were adopted ABC predicted that a chaotic situation would result. In general, according to ABC, the adoption of any standard below 1 mW/cm² would cause "serious disruptions" in ABC operations, and, at the very least, would require a substantial program of measurements. ABC also noted that any standard lower than 1.0 mW/cm² could preclude certain electronic news gathering (ENG) operations.

163. GTE also thought that lowered standards would strongly affect VHF and UHF broadcasting. Possible results could be reductions in EIRP, reductions in the maximum number of allocated transmitters, exclusion of certain broadcasting services, and reductions in area coverage. GTE did not think that microwave relay towers and satellite earth stations would be affected by any of the proposed limits because of the low power densities associated with these facilities.

164. EPA did not feel that they had enough information to respond in detail to this question. However, they restated their estimate that over 99% of the U.S. population is exposed to less than 1 μW/cm² of RF and microwave radiation between about 50 and 900 MHz. This is well below any of the numbers proposed and is also less than the extremely conservative U.S.S.R. standard of 1 μW/cm².

165. AT&T and AFCCE also felt that it is difficult to evaluate potential impact without more detail. AT&T noted that the interpretation of a standard is more important than the exposure guide number. For example, are time-averaging and partial-body exposure taken into account? If the numbers given in Question 22 apply to whole-body exposure in normally accessible areas then AT&T would assess each situation as follows.

166. A limit of 10 mW/cm² would result in no impact on the Bell System. Lowering the standard to 1 mW/cm² would probably not impose serious restrictions on most operations but might, for example, require restricted access to areas in the immediate vicinity of cellular mobile-radio base stations where levels of 1 mW/cm² or more may exist up to a distance of 40 feet. Levels of 1 mW/cm² or more may also be found within 1 foot of mobile vehicular antennas.

167. A limit of 50 μW/cm², according to AT&T, would have an even more serious impact on cellular mobile-radio services and could affect other services as well. Without further information they felt it impractical to evaluate such a proposal in detail, but AT&T indicated that a 50 μW/cm² limit would be clearly severe and would impact all Bell System radio services except point-to-point microwave and satellite communications.

168. SBS limited their comments to the potential impact on satellite communications services. Apparently there would be no possibility of radiation exposure from such services exceeding the 10 mW/cm² level. Likewise, exposure of the general public to levels greater than 1 mW/cm² from these sources would be unlikely since antennas point skyward, and a security fence would normally surround each installation. Also, an RF transmitter would be deactivated whenever maintenance is performed in front of an antenna.

169. According to SBS, if levels were set at 50 μW/cm² the "restricted area" around a satellite communications facility would have to be extended well beyond that required for a 1 mW/cm² standard. This could result in siting restrictions for SBS facilities, acquisition of additional property, and possibly changes in the basic concept of the SBS system. This, in turn, could mean significant additional costs for SBS and its customers.

170. COMSAT's comments related to their MARISAT ship communications system. MARISAT ship terminals would, according to COMSAT, meet the 10 mW/cm² standard for all locations outside the ship terminal radome. If a 1 mW/cm² level were imposed, the restricted area would be extended to 21 feet from the antenna aperture. This would effectively limit the placement of ship terminal antennas to ship locations where access by crew members could be controlled. This would prevent the installation of MARISAT terminals on certain types of ships. COMSAT reported that a 50 μW/cm² standard would extend the restricted area still further and could limit installation of MARISAT terminals to tall masts on only the largest ships. The impact of more restrictive standards could be reduced, COMSAT continued, if time-averaging were incorporated into the standards, since ship terminals are used intermittently.

171. According to ARRL, existing data imply that the 10 mW/cm² level is biologically safe and causes no significant operational restrictions. However, ARRL noted that some mobile units operating at VHF frequencies could probably not meet a 10 mW/cm² standard and may pose some degree of hazard to personnel. These situations and possibly maintenance operations on live antennas constituted the only two cases, in ARRL's opinion, that would be of concern under a 10 mW/cm²

standard. ARRL also mentioned "significant and extensive" hazards associated with communications, navigation, and radar systems operated by the Department of Defense. Under a 1 mW/cm^2 standard ARRL noted that the problem with VHF mobile units would be greater but not unmanageable. If a 50 $\mu W/cm^2$ level were adopted ARRL stated that:

> * * * the impact on FCC regulated services would be devastating, and serious compromises would necessarily have to follow. Levels of this order are ambient in many RF environments and are very difficult to evaluate and/or reduce.

172. With respect to airborne radars, any substantial decrease in the present ANSI standard could cause problems, according to ATA. Airborne radars used by the airline companies operate between 5 and 10 GHz, however, and, therefore, ATA's concern applied primarily to frequencies above 5 GHz. Compliance problems were not foreseen for airborne radar systems if a standard of 1 mW/cm^2 only applied to frequencies below 5 GHz.

173. *Question 23: What techniques can be employed by each of the Commission's services to limit their contribution to cumulative power densities? What are the costs of employing these methods?*

174. This issue was also raised in Questions 13 and 14, and many of the responses to those questions are relevant here. In addition to their previous comments, GTE suggested that cumulative power densities could be minimized by examining requested power levels and reviewing antenna installations and by requiring antenna modifications where necessary. With respect to cost, GTE noted that certain low-sidelobe antennas, for example, could initially cost 50–100% more than standard antennas.

175. AT&T suggested that a reduction or limitation of radiated power was one method available for limiting power density. However, they pointed out that reducing power would adversely affect the quality of the service provided by non-directional antennas, for example, through increased interference. Also they noted, limiting power could mean a requirement for a larger number of transmitter locations in order to provide equivalent service. This would tend to work against the overall objective of limiting RF emissions. In the case of directional antennas, reduced power would according to AT&T, cause failure to meet noise and reliability requirements and would tend to increase susceptibility to interference. AT&T thought that the costs of such measures were virtually impossible to estimate with any reasonable amount of certainty. However, they felt that there would clearly be significant costs involved depending on the exposure limit adopted and the radio service being considered.

176. SBS emphasized that a distinction must be made between "emission" levels and "exposure" levels. Satellite communications systems, they noted, do not contribute significantly to cumulative power densities since most RF energy from such installations is radiated skyward.

177. *Question 24: What measures can be employed to reduce exposure to high densities, or to reduce any ill effects?*

178. Several respondents submitted comments related to this issue in their replies to previous questions. For example, AT&T reiterated their suggestions for reducing occupational exposure. These were: (1) provide adequate training of personnel with regard to potential RF hazards, (2) provide detailed instructions for the safe operation and maintenance of equipment, (3) instruct employees to wear protective clothing during special situations which involve potential RF exposure exceeding the safe limit, and (4) restrict access in areas where potentially hazardous exposure could occur.

179. With respect to general population standards, AT&T suggested that: (1) Licensees and prospective operators should limit, as far as practicable, their contribution to total power density, (2) access should be restricted in areas with potentially hazardous RF levels, and (3) where access cannot be restricted, total RF levels should be maintained below that level determined to be hazardous.

180. For short-term solutions, GTE proposed clearly marking areas that are determined to be hazardous. Over the long term, suggested methods included specification of maximum power levels, the use of directional antennas, shielding, and training of personnel to avoid unnecessary exposure. Restricting access and shielding were also suggested by IEEE in response to this question.

181. ARRL had no specific recommendations to make for reducing exposure since they had no indication or measurements to show exposure of operators to high power densities. They noted that:

> Our studies indicate that the Amateur Radio Service, given the intermittent nature of its operation, does not present any hazard to the public from nonionizing radiation.

This opinion was echoed by Anthony Dorbuck, a private citizen and licensed Amateur, who responded to the *Notice of Inquiry*.

182. SIRSA commented that there is presently no good evidence to indicate that RF levels below 10 mW/cm^2 constitute a hazard. They conceded, however, that exposure to levels above 10 mW/cm^2 for extended periods of time could be hazardous. SIRSA also expressed their belief that existing portable measuring equipment is inadequate for reliably measuring broadband RF levels over various distances.

IV. Conclusions

183. In view of the foregoing information and comments on this matter, the Commission has concluded that it is necessary to clarify our responsibilities and intentions with regard to potential hazards from radiofrequency (RF) and microwave radiation. At the outset, we would like to stress that the Commission has neither the expertise nor the primary jurisdiction to promulgate health and safety standards for RF and microwave radiation. At the same time, it appears that the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.* (1976), requires the Commission to consider whether the equipment and operations it authorizes will "significantly affect the quality of the human environment." 42 U.S.C. 4332(2)(c). For this reason, we today propose an amendment to our rules implementing the National Environmental Policy Act to provide for processing under our environmental rules of applications for equipment authorizations or transmitting facilities which do not comply with all applicable radiation health and safety standards promulgated by agencies of the federal government. Our concern is that, with regard to RF radiation, Commission authorization of radio equipment or operations should not result in significant environmental impact. We further propose that the general public's exposure to excessive radiation should be evaluated on the basis of the standard for exposure of workers, until such time as the appropriate federal agency issues standards for general population exposure.

184. Under NEPA, each federal agency is required to prepare a detailed environmental impact statement for any major action it takes which "significantly affects the quality of the human environment." 42 U.S.C. 4332(2)(c). Such a statement need not be prepared whenever the agency can satisfy itself that its proposed action

will not significantly affect the environment.[27] Even when a proposed action does have a significant effect on the human environment, that action may still be taken if the benefits of the action outweigh the environmental consequences. NEPA requires only that the benefits be weighed against the costs in the environmental impact statement.

185. In our view, any transmitting facility or radio equipment which is in compliance with federal health and safety standards for RF radiation would not ordinarily have a significant effect on the environment and thus would not fall within NEPA analytical processes, at least with regard to RF radiation. On the other hand, facilities or equipment that are not in compliance with federal health and safety standards for RF radiation may require a more thorough analysis of their environmental impact.[28] The amendment to our rules that we propose to adopt will assure that analysis. In our view, therefore, our obligations under NEPA with respect to RF radiation will have been satisfied.[29]

186. Based on the obligations imposed upon us by NEPA, we propose to add a new paragraph (d) to Subpart I of Part 1 of the Commission's Rules (see Appendix II). Under the proposed rule, a narrative environmental statement and processing under our NEPA rules will be required for applications for equipment authorization if the equipment exceeds relevant health and safety standards for emission of radiofrequency radiation.[30] The rule also provides that applications for construction permits or for licenses to transmit in any service must be accompanied by a narrative environmental statement and treated under environmental processing requirements if the proposed operation would violate exposure standards for RF radiation adopted for workers by the Occupational Safety and Health Administration (OSHA) or for the general public by the Environmental Protection Agency (EPA).[31] In the absence of a federal standard for exposure of the general population, our environmental processing rules would apply if the proposed operation would result in exposure of the general public to levels of RF radiation higher than those permitted by OSHA for exposure of workers.

187. The rule change we propose today does not impose any substantive requirement on Commission regulatees. Instead, it uses noncompliance with substantive requirements adopted by expert federal agencies with jurisdiction in the health and safety area as the trigger for involving our environmental processing procedures. In addition, until EPA, the responsible federal agency, establishes a standard for general population exposure, our proposed rule change uses the radiation level established by OSHA for workers as the trigger for reviewing the enironmental impact of general public exposure levels under our NEPA procedures. When EPA or another agency given authority over exposure standards establishes a general public exposure standard, that will become the trigger. In the meantime, however, while we lack the expertise to establish a radiation health and safety standard, it is our view that NEPA requires us to evaluate exposure of the public from the facilities we authorize against a level of radiation that is already considered potentially harmful.[32]

188. We are aware of the adoption of regulations in this area by local and state authorities, particularly in view of the present lack of a federal standarad for exposure of the general population to RF radiation. In most cases we see no signification conflict between local standards of which we are aware and our responsibility "to make available * * * a rapid, efficient * * * wire and radio communication service * * *".[33] However, should such a conflict arise we would closely examine the matter.

189. In summary, we shall continue to defer to the expertise of the federal health and safety agencies in the establishment of standards for safe exposure to radiofrequency radiation, and we expect our regulatees to observe these standards. Because of the requirements of the National Environmental Policy Act we are today proposing an amendment to Part 1 of our rules which is intended to enable the Commission to consider whether its actions will "significantly affect the quality of the human environment" with respect to radiofrequency radiation. We also hereby make note of our concurrent obligation to apprise federal health and safety agencies of the impact of proposed standards on our regulatees, and we intend to participate as is appropriate and necessary in standard-setting proceedings of these agencies.

V. Ex Parte Presentation

For purposes of this non-restricted informal rulemaking proceeding, members of the public are advised that *ex-parte* contacts are permitted from the time of issuance of a notice of proposed rule making until the time a draft order proposing a substantive disposition of such proceeding is placed on the Commission's Sunshine Agenda. In

[27] The NEPA guidelines issued by the Council on Environmental Quality (CEQ) permit agencies to categorically exclude from NEPA processing those actions "which do not individually or cumulatively have a significant effect on the human environment * * *" 40 CFR 1508.4 (1980).

[28] Under the Commission's present rules implementing NEPA, the Commission may, on its own motion or on the motion of an interested person, decide that the preparation of an environmental impact statement is warranted. 47 CFR 1.1305(c) (1977).

[29] In 1979, the Commission adopted a *Notice of Proposed Rule Making* in Docket No. 79-163 which proposed amendments to our rules implementing NEPA. 44 FR 38913 (July 3, 1979). These amendments are required in order to make our rules consistent with the implementing rules of the Council on Environmental Quality. 40 CFR 1500-1508. These rule changes, if adopted, will permit the FCC to categorically exclude from the environmental processing requirements actions which do not normally have a significant effect on the quality of the human environment.

[30] For example, the Bureau of Radiological Health (BRH) of the Food and Drug Administration sets such standards for RF devices such as microwave ovens.

[31] For details of the present federal occupational standard see the radiation protection guide for nonionizing radiation set by the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor. 29 CFR 1910.97(a). While this standard is advisory rather than mandatory, *Swimline Corp.* OSHRC Docket No. 12715, (1975-1976) Empl. Safety & Health Guide (CCH) ¶20,379 (Dec. 31, 1975), *aff'd without review* (1977) Empl. Safety & Health Guide (CCH) ¶21,656 (March 23, 1977), it was adopted by OSHA pursuant to the Williams-Steiger Occupational Safety and Health Act of 1970; it is the standard used by OSHA for issuing citations for the presence of a hazard. See OSHA Notice CPL 2-2 on Nonionizing Radiation Citations (Sept. 26, 1979), (1979, Current Report) Occupational Safety and Health Reporter (BNA) 499, 511. Also, in this regard, a proposed standard that has been considered by the National Institute for Occupational Safety and Health (NIOSH) closely parallels a proposed revision of the American National Standards Institute (ANSI) standard. The ANSI proposal would establish recommended permissible exposure levels above 10 mW/cm^2 for some frequencies, and lower the recommended permissible levels below 10 mW/cm^2 for other frequencies. Although these proposed standards would not be binding, they could be subsequently adopted by agencies such as OSHA. Therefore, RF spectrum users should be aware of the possibility that the standards may be revised in the near future.

[32] For assistance in calculating predicted radiation levels for typical FCC-authorized facilities see *Report and Order* in Docket 19555, *supra*, 49 F.C.C. 2d at 1366-68 (Appendix 3); *see also* footnote 16, *supra*. For a more detailed treatment of such calculations see, for example, *A Study of Environmental Electromagnetic Radiation Levels*, J. C. H. Wang, FCC/OCE/RSD Technical Memorandum, Serial No. 4 (December 5, 1977).

We recognize that compliance with standards such as the OSHA exposure standard may be accomplished through the use of protective measures such as fences, warning signs, and shielding. We express no opinion as to the propriety of the use of such methods to achieve compliance, and we defer to the expertise of agencies such as OSHA NIOSH, and BRH on that point. See 29 CFR 1910.97(a)(3) for a description of an RF-hazard warning sign approved by OSHA.

[33] Communications Act of 1934, as amended, 47 U.S.C. 151 (1978).

general, an ex-parte presentation is any written or oral communication (other than formal written comments/pleadings and oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex-parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex-parte* presentation addressing matters not fully covered in any written comments previously filed in the proceeding must prepare a written summary of that presentation. That written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex-parte* presentation discussed above must state on its face that the Secretary has been served and must also state by docket number the proceeding to which it relates. *See generally,* § 1.1201 *et seq.* of the Commission's rules, 47 CFR 1.1201 *et seq.*

VI. Regulatory Flexibility Act Initial Analysis [34]

(1) *Reason for action.* The Commission has considered comments received in response to its Notice of Inquiry in Docket 79–144. The variety of opinions expressed by respondents on the issues raised in the Notice indicate a need for clarification of FCC policy in the matter of potential radiation hazards from facilities and equipment regulated by this agency. It is our view that the National Environmental Policy Act of 1969 (NEPA) requires the Commission to consider whether the equipment and operations it authorizes will "significantly affect the quality of the human environment." For this reason, we are proposing to amend our rules implementing NEPA to address situations involving non-compliance with federal standards for exposure to radiofrequency (RF) and microwave radiation.

(2) *The objective.* The Commission is proposing to amend its rules implementing NEPA in order to clarify our policy with regard to potential hazards from RF and microwave radiation emitted by equipment and operations we authorize. At the present time these rules do not adequately address this issue, and we feel that a definitive statement of FCC policy is necessary. The proposed rules simply codify FCC statements made in this area in previous dockets.

(3) *Legal basis.* The action proposed is based on the obligations imposed on the Commission by the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and is in furtherance of Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, which permits the Commission to make rules and regulations not inconsistent with other existing laws, as may be necessary in the execution of its functions, with the additional view of securing the public welfare.

(4) *Description, potential impact and number of small entities affected.* There should be no significant impact on most small entities that the FCC regulates. Small entities that may be in violation of federal health and safety standards for RF and microwave radiation could be significantly impacted because of corrective actions that might be necessary to bring them into compliance. However, we believe that the overwhelming majority of the operations and equipment authorized by the Commission are in compliance with present radiation standards set by the federal government.

(5) *Recording, record-keeping, and other compliance requirements.* No record-keeping requirements are contained in the proposed rules. Applicants for licenses and equipment authorization are expected to comply with federal regulations already existing in this area. In addition, we propose to expand the list of "major actions" under our NEPA rules to include situations where the general public is exposed to levels higher than those allowed for exposure of workers.

(6) *Federal rules which overlap, duplicate, or conflict with these rules.* None. The proposed action is designed to bring our rules up to date on this issue so that our regulatees know what is expected of them. We are pointing to existing standards and regulations which may apply to our regulatees, and no overlap or duplication is foreseen.

(7) *Any significant alternatives minimizing impact on small entities and consistent with the stated objective.* Because of our legal obligations under NEPA we feel it necessary to amend our rules to address the environmental impact of radiation emitted from equipment and operations we authorize. We see no alternative to addressing this issue, and the proposed rules appear to offer the most reasonable and logical approach. There are alternative ways of addressing the issue. For example, we might have considered adopting our own radiation standards independent of those set by other agencies. Such standards could conceivably have less impact (or more) on small entities. However, we do not feel that we have the expertise to set health and safety standards, and we choose to defer to other agencies in establishing safe levels of exposure. We might also have chosen to take no action at all. However, this would be undesirable for at least two reasons. First, we are legally obligated under NEPA to assure ourselves that Commission actions do not "significantly affect the quality of the human environment," and, secondly, we feel that our regulatees expect us to make a definitive statement on this issue so that they know what is expected of them.

[34] Pursuant to the provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 603.

VII. Ordering Clauses

Accordingly it is ordered, That pursuant to the provisions of Sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j) and 303(r), and Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, there is hereby instituted a notice of proposed rule making in this matter. Members of the public are put on notice that policies which may be established in this proceeding may be embodied in the Commission's Rules and Regulations.

It is further ordered, That all interested persons may file comments on the matters discussed in this Notice on or before June 18, 1982. Reply comments shall be filed on or before August 18, 1982. In accordance with 1.419 of the Commission rules, 47 CFR 1.419, an original and five (5) copies of all filings shall be furnished the Commission. Copies of comments and reply comments filed in this proceeding will be available for public inspection during regular business hours in the Commission's reference room at 1919 M Street, NW., Washington, D.C. For further information concerning this proceeding contact Dr. Robert F. Cleveland, Office of Science and Technology, (202) 632–7073.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix I.—Respondents to Docket 79–144 (Listed Alphabetically)

(1) John Abbott
(2) Air Transport Association of America ("ATA")
(3) American Broadcasting Companies, Inc. ("ABC")

(4) American Radio Relay League, Inc. ("ARRL")
(5) American Telephone and Telegraph Company ("AT&T")
(6) Association of Federal Communications Consulting Engineers ("AFCCE")
(7) CBS, Inc. ("CBS")
(8) Central Committee on Telecommunications of the American Petroleum Institute ("API")
(9) COMSAT General Corporation ("COMSAT")
(10) Anthony Dorbuck
(11) Electronic Industries Association, Communications Division ("EIA")
(12) U.S. Environmental Protection Agency, Electromagnetic Radiation Analysis Branch, Environmental Analysis Division ("EPA")
(13) Ford Motor Company ("Ford")
(14) GTE Companies ("GTE")
(15) The Institute of Electrical and Electronics Engineers, Industrial Electronics and Control Instrumentation Group ("IEEE")
(16) National Association of Broadcasters ("NAB")
(17) National Broadcasting Co., Inc. ("NBC")
(18) Natural Resources Defense Council, Inc. ("NRDC")
(19) Oregon Association of Broadcasters
(20) Public Broadcasting Service ("PBS")
(21) Raytheon Company ("Raytheon")
(22) Satellite Business Systems ("SBS")
(23) Southern Pacific Communications Company
(24) Special Industrial Radio Service Association, Inc. ("SIRSA")
(25) TV Broadcasters All Industry Committee ("TVBAC")
(26) Utilities Telecommunications Council ("UTC")

PART 1—PRACTICE AND PROCEDURE

Appendix II

It is proposed to amend Subpart I, Part 1, Chapter 1 of Title 47 of the Code of Federal Regulations by adding a new paragraph (d) to § 1.1305 to read as follows:

§ 1.1305 Major actions.

* * * * *

(d) In addition to those actions covered in paragraphs (a) through (c) of this section, the following will be treated as major actions:

(1) Commission actions authorizing equipment when the equipment in question does not comply with health and safety standards for emission of radiofrequency or microwave radiation established by agencies of the federal government having jurisdiction thereover, such as the Bureau of Radiological Health of the Food and Drug Administration.

(2) Commission actions granting construction permits or licenses to transmit in any service when:

(i) The proposed operation would result in exposure of workers to levels of radiofrequency or microwave radiation in excess of those established by an agency of the federal government having jurisdiction thereover, such as the Occupational Safety and Health Administration of the U.S. Department of Labor, for exposure of workers.

(ii) The proposed operation would result in exposure of the general public to levels of radiofrequency or microwave radiation in excess of those established by an agency of the federal government having jurisdiction thereover, such as the U.S. Environmental Protection Agency, for exposure of the general public or, in the absence of a federal standard for exposure of the general public to radiofrequency or microwave radiation, the proposed operation would result in exposure of the general public to levels of radiofrequency or microwave radiation in excess of those established by the federal government for exposure of workers.

[FR Doc. 82-5032 Filed 2-24-82; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 73-3, Notice 14]

Federal Motor Vehicle Safety Standards; School Bus Passenger Seating and Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes amending the agency's school bus seating standard to increase seat spacing from 21 to 24 inches. This proposed amendment is being issued to address complaints of inadequate seat spacing.

DATE: Comment closing date April 26, 1982. Proposed effective date: The rule would become effective upon publication of the final rule in the Federal Register.

ADDRESSES: Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. (Docket hours are from 8 a.m. to 4 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: Mr. Robert Williams, Crashworthiness Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2264)

SUPPLEMENTARY INFORMATION: Standard No. 222, *School Bus Passenger Seating and Crash Protection*, was one of several standards implemented pursuant to the Motor Vehicle and School Bus Safety Amendments of 1974 (Pub. L. 93-492). The standard regulates the performance aspects of school bus seats. One portion of the standard limits the spacing between seats in buses with gross vehicle weight ratings (GVWR) of more than 10,000 pounds to 21 inches measured from the seating reference point to the seat back or restraining barrier located in front of the seat.

The initial version of Standard 222 which became effective on April 1, 1977, limited school bus seat spacing to 20 inches. Soon after school buses were produced in compliance with this requirement of the standard, many complaints were received about inadequate spacing of school bus seats. The agency immediately started to review the problem. At that time, because of quality control and other production problems affecting seat spacing, manufacturers were spacing seats significantly less than the 20 inches permitted by the standard to ensure compliance. As manufacturers improved their production techniques, seat spacing was extended. The agency upon examination of its then existing data concluded that it could extend seat spacing to 21 inches without adversely effecting the compartmentalization concept that was the key to protecting children in the buses. The agency amended the rule accordingly (42 FR 64119). Both the amendment and improved manufacturer production methods reduced the number of spacing complaints significantly. However, the agency promised to study further the appropriateness of the required seat spacing.

Since that time, complaints continue to be voiced especially concerning buses used to transport children long distances to and from school or to school related events which may be located far from the school. As promised, the agency conducted tests to see whether it could improve seat spacing to respond to these continuing complaints. The tests which are available in the Technical Reference Section of the agency under H73-3 "School Bus Passenger Seat and Lap Belt Sled Tests", DOT-HS-804985, December 1978, show that seat spacing could be increased up to 24 inches without impairing the concept of compartmentalization.

The agency proposes today to increase seat spacing to 24 inches. As stated earlier, existing agency test data support an extension of this magnitude.

The data shows that this extension can occur without impairing the ability of the seat to perform as desired in a crash situation. The agency acknowledges that its tests were performed in a frontal testing mode and does not have data on compartmentalization effects in rollover or side impact accidents.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

§ 571.222 [Amended]

To accomplish the increased seat spacing option, Title 49 of the Code of Federal Regulations, § 571.222, *Standard No. 222; School Bus Passenger Seating and Crash Protection,* would be amended by removing the number "21" in paragraphs S5.2 and S5.2.1 and replacing it with the number "24".

The agency has considered the economic and other impacts of this proposal and has determined that the proposed rule is not a major rule within the meaning of Executive Order No. 12291. The agency has further determined that the proposal is not significant within the meaning of the Department of Transportation's regulatory procedures.The basis for these determinations is that little or no impact will occur to most school buses. Any impact that will occur would result from an increased freedom of schools to order buses with improved seat spacing. However, no mandated changes will occur as a result of this notice. Accordingly, the cost impact of this proposal would be minimal. Nevertheless, a regulatory evaluation has been prepared and placed in the public docket. A copy may be obtained from the Docket Section.

The agency has considered the effects of the proposal in relation to the Regulatory Flexibility Act and certifies that it would not have a significant effect on a substantial number of small entities. The proposal would mandate absolutely no change in existing school buses. Accordingly, small manufacturers would not be required to produce buses any differently than current production buses. To the extent that some schools might elect to purchase buses with more greater seat spacing, the small manufacturers in the school bus industry would benefit from the increased business resulting from the sale of these buses.

The proposal would not have a significant effect on a substantial number of small government jurisdictions or small organizations. While small jurisdictions or groups may purchase buses, it would be their choice as to whether to continue to purchase buses identical to those manufactured today or to select greater seat spacing. Since any impact on small entities from this proposal would be minimal and would only result from the exercise of choice on the part of the purchaser, no initial regulatory flexibility analysis has been prepared.

Finally, the agency has analyzed this proposal for purposes of the National Environmental Policy Act. The agency has determined that the implementation of this proposed amendment would have no significant effect on the human environment.

The rule would become effective immediately upon publication of the final rule in the **Federal Register.** An immediate effective date is desirable since the amendment does not mandate any new requirements upon the manufacturers, but only relieves restrictions by providing new freedoms in the production of school buses.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The principal authors of this notice are Mr. Robert Williams of the Crashworthiness Division and Mr. Roger Tilton of the Office of Chief Counsel.

(Secs. 103 and 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392 and 1407); sec. 202 Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1392); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on February 11, 1982.

Carl E. Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 82–4975 Filed 2–24–82, 8:45 am]

BILLING CODE 4910–59–M

---

49 CFR Part 571

[Docket No. 71–19; Notice 9]

Federal Motor Vehicle Safety Standards; Rims for Motor Vehicles Other Than Passenger Cars

AGENCY: National Highway Traffic Safety Adminstration, DOT.

ACTION: Notice of termination of rulemaking.

SUMMARY: This notice terminates the rulemaking action begun by this agency when it published an advance notice of proposed rulemaking (ANPRM) requesting comments on the appropriateness of rulemaking by this agency to require multipiece rims to meet certain performance requirements, in an effort to reduce the number of explosive separations of these types of rims. It appears that the number of explosive separations will be reduced

without regulatory action by this agency because of the following:

(1) The Occupational Safety and Health Administration (OSHA) issued a regulation in 1980 specifying certain safety precautions which must be followed when servicing multipiece rims.

(2) Most of the explosive separations have involved two particular types of rims, neither of which has been manufactured since at least 1973.

(3) The trucking industry is voluntarily shifting away from the use of multipiece rims on trucks operated primarily on the highway. As a result of this shift, 70 to 80 percent of the new trucks sold in 1990 for highway use will not be equipped with multipiece rims.

Given this projected trend of decreasing separations of multipiece rims, and the estimated costs of at least $600 million if performance requirements were implemented for these rims, this agency has decided to cease rulemaking in this area at this time.

FOR FURTHER INFORMATION CONTACT: John P. Jankovich, Office of Vehicle Safety Standards National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–2715).

SUPPLEMENTARY INFORMATION: Two years ago, the National Highway Traffic Safety Administration (NHTSA) published an ANPRM (44 FR 12072; March 5, 1979) seeking comments on the appropriateness and feasibility of establishing performance requirements for multipiece rims, which are used on about 75 percent of all medium and heavy duty trucks. Multipiece rims consist of a rim base and one or two side rings, which can be removed from the base to permit removal of the tire. One side ring, generally called the lock ring, engages the gutter of the rim base for the purpose of locking the side ring or rings in place and confining the bead of the inflated tire. The sealing qualities of this type of rim dictate the use of tube type tires. A single piece rim, the type of rim used on passenger cars and light trucks, and some medium and heavy duty trucks, requires the tire bead to be forced over the top of the rim flange when the tire is mounted. The sealing qualities of this rim permit the use of tubeless tires.

Multipiece rim failures occur when the lock ring, for one reason or another, is not properly engaged on the rim base. When this occurs, the lock ring can be hurled off the rim base at speeds in excess of 100 miles per hour, posing serious risk of harm to anyone in its path. The agency has verified records of 549 incidents of explosive separations of multipiece rims between 1954 and 1978. These separations resulted in 368 injuries and 89 deaths.

Since the publication of the ANPRM, NHTSA has analyzed all of the 101 submissions to the docket, gathered further data on the subject of multipiece rims and the separations, and prepared a study of the costs which would be associated with a performance requirement for multipiece rims. Based on the data currently available, NHTSA has determined that the number of explosive separations of multipiece rims should significantly decline in the future, primarily because of three factors.

1. *OSHA standard.* Since the publication of the ANPRM by this agency, OSHA has published a final rule specifying procedures which must be followed when servicing multipiece rims in the workplace (29 CFR Part 1910). This rule requires that (a) 4 hours of training must be provided for all service shop employees on proper servicing of multipiece rims, (b) proper restraining and inflating devices must be used when servicing multipiece rims (such as the tire cage and clip-on chuck, to catch the lock ring if it explosively separates), (c) safe operating procedures must be followed when mounting the tire/rim assembly back on the truck, and (d) wall charts showing correct assembly procedures and component matching must be prominently displayed.

NHTSA data show that 75 to 80 percent of the multipiece rim separations have occurred while the rims are being serviced. The OSHA regulation should reduce the number of explosions and avert some deaths and injuries when explosions do occur.

2. *The two most frequently involved types of multipiece rims are no longer manufactured.* At present there are over 200 different types of multipiece rims sold in this country. Of these various types, two types, the K-type and the RH5° account for a majority of the 549 separations in the agency's files. The K-type rims have not been produced since 1968, and RH5° have not been produced since 1973. Thr rims of these two types are nearing the end of their useful life, and will have to be replaced with newer designs, which should be less prone to explosive separation. As these replacements occur, the agency believes that the number of explosive separations will decrease.

3. *Voluntary shift to single piece rims.* There is a current trend by purchasers of new trucks operated primarily on the highway towards increased use of single piece rims. The reason for this shift is that these rims permit the use of tubeless radial tires, which save the truck operator money as a result of improved gas mileage and longer treadlife. As a result of this shift away from multipiece rims, NHTSA estimates that between 70 and 80 percent of new trucks used primarily on the highway sold by 1990 will be equipped with single piece rims. Trucks which will spend a substantial portion of time off the road, in such industries as construction, agriculture, lumbering, and mining, will continue to be equipped with multipiece rims with tube-type tires almost exclusively. These tires are exposed to far more hazards than are encountered on a highway (rocks, concrete chips, tree stumps, etc.) and have many more punctures. The ease of repairing tube type tires makes these tires preferable for these uses.

It is possible to have a tire/rim failure with single piece rims. These failures may be due to bead fractures or other damage to the tire while mounting it, mismatching tires and rims, or welding repairs on a wheel while a tire is mounted. However, this agency has not yet conducted any systematic and regular effort to collect data on these sorts of failures. One difficulty is that many of these mounting problems would be treated as tire failures, so it is difficult to get an accurate count. Further, since no part of the rim will separate at the time of failure, the rim itself is not posing the danger, but the tire could explode and pose a very real threat. While recognizing that these failures may be serious, NHTSA has not received a significant number of complaints of such failures involving service shops.

After considering all of these factors, NHTSA believes that the number of explosive separations of multipiece rims will decrease significantly in the future, because of reduced usage of the rims in general, reduced usage of the two types of rims most prone to separations, and increased use of safety equipment and training while servicing the rims.

Further, NHTSA has conducted a thorough analysis of the costs which would be associated with the establishment of performance requirements for multipiece rims. A copy of this analysis is available for public inspection in the docket for this rulemaking action. Based on the assumptions that current designs of multipiece rims would have to be replaced with single piece rims or improved multipiece designs on new vehicles and on the further assumption that the requirement would allow a five year leadtime before its effective date, the analysis indicated that the minimum costs which would be associated with

the implementation of performance requirements would be $598 million. In fact, the analysis concluded that the most likely costs would be $747 million. This substantial cost cannot be justified, in light of the agency's belief that the separations of multipiece rims will decrease without the imposition of these costs. Accordingly, this rulemaking action is terminated at this time.

Issued on February 22, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-5104 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

North Pacific Fishery Management Council et al., State Proposals for 1982 King and Tanner Crab Fisheries off Alaska, Public Hearings

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

ACTION: Notice of public hearing.

SUMMARY: The North Pacific Fishery Management Council (Council) and the Alaska Board of Fisheries (Board) will hold a public hearing on State proposals for the 1982 king and Tanner crab fisheries off Alaska.

DATE: The hearing will be held from 9:00 a.m. to 5:00 p.m. on Saturday, March 13, 1982.

ADDRESS: The hearing will be held in the auditorium of the Northwest and Alaska Fisheries Center, 2725 Montlake Boulevard East, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT:

Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510; (907) 274-4563.

SUPPLEMENTARY INFORMATION: In accordance with the provision of the Joint Statement of Principles for king crab management between the North Pacific Fishery Management Council and the Alaska Board of Fisheries, the Council and Board will hold an annual public hearing in Seattle. At the March 13 hearing Council and Board members will listen to public testimony on State proposals for the 1982 king and Tanner crab fisheries. Copies of the Board proposals may be obtained from the Alaska Board of Fisheries, P.O. Box 3-2000, Juneau, Alaska 99802. The Board plans to take final action on its 1982 State shellfish regulations at its meeting beginning on Monday, March 22, 1982, in Anchorage.

The hearing will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary of the testimony will be prepared to supplement the record.

Dated: February 19, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-5105 Filed 2-24-82; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 47, No. 38
Thursday, February 25, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Apache National Forest Grazing Advisory Board; Meeting

The Apache National Forest Grazing Advisory Board will meet at 10:30 a.m., April 2, 1982 at the Safire Restaurant in Springerville, Arizona. This meeting replaces the one scheduled for March 19, 1982 which was cancelled. The purpose of this meeting is to include a discussion on expenditures of Range Betterment Funds for FY 1983 for the Apache National Forest. Discussion of Allotment Management planning will be included.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, P.O. Box 640, Springerville, Arizona 85938, (602) 333–4301. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation: any interested persons besides the Advisory Board members are welcome to attend and will be afforded the opportunity to speak after being duly recognized by the Chairman of the Board.

Dated: February 18, 1982.

James R. Morris,

Acting Forest Supervisor.

[FR Doc. 82–5053 Filed 2–24–82; 8:45 am]

BILLING CODE 3410–11–M

Humboldt National Forest Grazing Advisory Board; Meeting

The Humboldt National Forest Grazing Advisory Board will meet on April 22, 1982 at 10:00 a.m. PST, at the Supervisor's Office, 976 Mountain City Highway, Elko, Nevada.

The meeting is open to the public.

The purpose of the meeting is to discuss:

1. Allotment Management Planning.

2. Utilization of Range Betterment Fund.

Dated: February 16, 1982.

B. J. Graves,

Forest Supervisor.

[FR Doc. 82–5054 Filed 2–24–82; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Oregon; Revisions of Recreation Use Controls Within Boundaries of Wild Section of Rogue River Component of National Wild and Scenic Rivers System

Public notice is hereby given by authority of the Wild and Scenic Rivers Act (82 Stat. 906; 16 U.S.C. 1271 et seq.), Federal Land Policy and Management Act of 1976 (90 Stat. 2743; 43 U.S.C. 1701 et seq.), Land and Water Conservation Fund Act (78 Stat. 899), as amended (16 U.S.C. 4601–6a); 31 U.S.C. 483a, 43 U.S.C. 1181a; 43 U.S.C. 1201; 43 U.S.C. 1374; 16 U.S.C. 670 g–n; 16 U.S.C. 1241 et seq.; 43 CFR Part 18; 43 CFR Subpart 8351; Notice of Revised Development and Management Plans for the Rogue National Wild and Scenic River, Oregon (37 FR 13408, July 7, 1972); 30 Stat. 35, as amended (16 U.S.C. 551); 33 Stat. 628 (16 U.S.C. 472); 36 CFR 211.1; 36 CFR 251.1 through 251.3; 36 CFR 261.5; and 36 CFR 261.58, that the public lands and the water described in 34 FR 15571, October 7, 1979, and 37 FR 13415, July 7, 1972, which are located between the mouth of Grave Creek and the mouth of Watson Creek, the regulated area, are hereby open to permitted non-commercial boaters and to Authorized Outfitters, guides and their passengers, when engaged in commercial operations, who meet the qualifications set forth below and are in compliance with the provisions herein stated. (On continuous trips, take-outs are also authorized between Watson Creek and Lobster Creek.) The State of Oregon, acting by and through the Marine Board, in cooperation with the Federal agencies and Oregon Scenic Waterways System by authority of ORS 485.600(3) has also promulgated regulations for the area described above.

I. Definitions

A. "Authorized Outfitters"—Outfitters who have been issued a current joint Bureau of Land Management/U.S. Forest Service (BLM/USFS) Commercial Outfitters-guide permit.

B. "Guides"—Employees or contractors under the control of the authorized outfitters who have met any required State of Oregon licensing provisions and who perform guiding services for an Authorized Outfitter.

C. "Commercial Use"—Use of public land and/or water surface, described in the notice, for business or financial gain. When any permittee, employee or agent of a permittee, operator, or participant makes or attempts to make a profit, salary, increase his capital worth, advance or promote his business or financial standing, or supports, in any part, other programs or activities from amounts received from or for services rendered to customers or participants in the permitted activity, as a result of having the special recreation permit, the use will be considered commercial. The collection by a permittee or his agent of any fee, charge, or other compensation which is not strictly a sharing of, or is in excess of, actual cost or expenses incurred for the purpose of the activity or use shall make the activity or use commercial. Recreation use by educational and therapeutic institutions is considered commercial when the above criteria are met. Profitmaking organizations are automatically classified as commercial, even if that part of their activity covered by the permit is not profitmaking. Non-profit status of any group or organization under the Internal Revenue or Postal laws or regulations does not in itself determine whether an event or activity arranged by such a group or organization is non-commercial. Any person, group, or organization seeking to qualify as non-commercial shall have the burden of establishing to the Authorized Officer that no financial or business gain will be derived from the proposed use.

D. "Actual costs or expenses"—Costs, or expenses, necessarily incurred for the permitted aetivity or use. These terms include, but are not limited to, the actual cost of such items as expendable equipment and supplies. Actual costs or expenses will not include any salaries, profit, increase of capital worth,

allowances, or subsidies of any other activities of the permittee or sponsor, the purchase or amortization of non-expendable supplies or equipment, any allowance for undersubscribed events, or any monetary compensation for sponsors or participants.

E. "Non-commercial Use"—For the purpose of this notice, non-commercial use is any use that does not meet the criteria stated above for "Commercial Use."

F. "Regulated Area"—The Rogue Wild Section, from Grave Creek to Watson Creek as described in 34 FR 15571, October 7, 1969, and 37 FR 13415, July 7, 1972, including the water surface of the Rogue River. (On continuous trips, take-outs are also authorized between Foster Bar and Lobster Creek.)

G. "Regulated Period"—Period from the Friday preceding Memorial Day through Labor Day of each year.

H. "Managing Agencies"—The U.S. Forest Service and the Bureau of Land Management, in consultation and cooperation with the Oregon State Scenic Waterways, the Oregon State Marine Board, and a Josephine/Curry County representative.

II. Requirements

A. General

To comply with the letter and intent of the Wild and Scenic Rivers Act, the managing agencies have regulated all float trips within the regulated area.

Non-commerical use is regulated by permit during the regulated period. All commercial use is regulated by permit throughout the entire year. Total use on the river during the regulated period is restricted to approximately 120 people per day with opportunity for the non-commercial and commercial users to each use approximately 50 percent of that total use. No boating group is authorized to operate in the regulated area during the regulated period without having a valid permit in possession and complying with all requirements currently in effect.

During the regulated period, all boating groups shall (1) confirm their permit ten days or sooner prior to the scheduled trip date, and (2) register their permit prior to 2 p.m. on the scheduled trip date at the Rand Visitor Center, 14335 Galice Road, Merlin, OR 97532, telephone: (503) 479–3735, prior to entering the regulated area. Permits cancelled or not confirmed are reissued the day following cancellation through pools as described below. Permits are issued only at Rand and only on day of scheduled departure. Personal identification, and completion of permit forms are required. Commercial groups must register during the entire year.

Commercial and non-commercial use of the regulated area is permitted under the following limitations and conditions (all powerboat use is regulated separately from this system; however, power boats may not transport non-permitted floating craft upstream for downstream floating):

B. Permits

1. Non-Commercial. During the regulated period, non-commercial down-river floating use in the regulated area is limited to groups with a non-commercial use permit authorized by the managing agencies. The U.S. Forest Service has the lead responsibility for administering the non-commercial system.

No non-commercial boating group shall consist of more than 20 persons. Non-commercial use for any given day during the regulated period is limited to approximately 60 persons per day entering the regulated area except as provided herein.

Permits are issued only to a group leader or a designated alternate. Only the group leader may apply for a permit and he/she shall indicate the number of members in the group. A group leader can be an alternate on only one other application. A single launch date may not be requested more than once on the same application. No person may control more than one (1) permit for the same day. Additional instructions, information, and application for non-commercial permits may be obtained from: Siskiyou National Forest, Galice Ranger District, P.O. Box 1131, Grants Pass, Oregon 97526, telephone (503) 479–3735.

For six weeks, beginning January 1, group leaders may submit one application indicating no more than two different desired launch dates. Each group leader is assigned his or her preferred dates, unless requests for those dates exceed allowable totals. For each such day, a lottery is held. Permits for each day are issued until not less than 54 or more than 62 persons are scheduled. Successful applicants will be notified by mail approximately March 15.

Permits are also available through pools (as described below), but no group leader can hold more than three permits at any one time.

2. Open Pool. The "open pool" is comprised of all permits that are not originally allocated, or that are canceled ten days or more prior to the launch date. Open pool launches are available for non-commercial use only, on a first-come, first-served basis. Group size is limited to twenty persons or the number of spaces in the pool, whichever is less. Launches remaining open after the lottery can be obtained from the open pool beginning April 1, or on the day following cancellation.

3. Common Pool. The "common pool" is comprised of any advance permits not confirmed as required 10 days or more prior to the scheduled trip date, permits canceled nine days or less prior to the scheduled trip date,or any permits not registered as required at Rand Visitor Center prior to 2 p.m. on the scheduled trip date by the group leader or alternate. Common pool launches or additional passenger spaces are available to non-commercial or commercial use on a first-come, first-served basis by telephone only the day following cancellation, beginning nine days prior to the actual trip date. Permits canceled on the actual trip date are available on that day on a first-come, first-served basis at Rand. Group size is limited to twenty persons (including guides, for commercial trips) or the number of spaces in the pool, whichever is less. On days where scheduling exceeds 120 persons, no permits from the pool are issued until the total number of scheduled persons drops below 120 for that day.

4. Commercial Use. The BLM has the lead responsibility for administering the commercial system. No outfitters may operate in the regulated area at any time during the year unless they are an Authorized Outfitter with a current year's Federal BLM/USFS Commercial Outfitter-Guide Permit. An authorized Outfitter's authorization to conduct float trips is not a salable commodity. Commercial operations on the river are a privilege, not a right. Any application for a permit, or proposed transfer of authorized use in conjunction with the sale of a business, must be approved by the Bureau of Land Management and U.S. Forest Service. Disapproval may be based upon the lack of qualifications of the proposed transferee, the inability of the river and land resources to sustain the use, or other just cause.

Permits based on "historical" use were issued on a limited basis to Authorized Outfitters who qualified under the terms of the Closure Notice, published in the **Federal Register** 38 FR 34901, December 20, 1973. Within this numerical limitation, permits are issued or transferred, in whole, to other outfitters according to the current Bureau of Land Management and U.S. Forest Service permit allocation and transfer policy. Agents and employees hired under the name and control of an Authorized Outfitter are also permitted to conduct authorized float trips in the

regulated area under the terms and conditions of the Authorized Outfitter's permit. The base commercial schedule as adopted in 1977, provides for approximately 6,000 commercial passengers durng the regulated period. No additional allocation of any kind (including pools) to Authorized Outfitters are made for the Labor Day or Memorial Day weekends (Saturdays and Sundays), because any remaining allocations for these weekends are reserved for non-commercial users.

Authorized Outfitters with regulated period trips shall operate according to the yearly approved BLM schedule (and common pool availability as described above) during the regulated period, and may operate an unlimited number of trips during the remainder of the year. Authorized Outfitters with only non-regulated period (between Labor Day and the Friday preceding Memorial Day) trips, may not operate commercially in the regulated area during the regulated period except through the common pool, but may operate an unlimited number of trips during the remainder of the year.

No commercial trip shall be larger than 12 persons total (for small trips), or 24 persons total (for large trips), including crew members, except for the following flexibility provision: Recognizing that circumstances beyond an Authorized Outfitter's reasonable control may on short notice occasionally require carrying passengers not planned for, not available through the common pool, and in excess of normally allowed party sizes; up to 20 percent of an Authorized Outfitter's trips, according to the approved schedule, may carry as many as two persons beyond the authorized trip size for small trips, and as many as three persons beyond the authorized trip size for large trips. The maximum number of such trips for each Authorized Outfitter is determined in advance by the BLM Authorized Officer, and each Authorized Outfitter will be advised.

When Memorial Day and Labor Day holidays change, or when for other reasons additional days are added to the regulated period, only those Authorized Outfitters previously operating during that period (as proven by past validation cards), up to approximately 60 commercial passengers per day, as in the existing regulated period, will be allowed.

III. Enforcement of Permit Requirements

A. Non-Commercial

The group leader, designated alternate, and/or other group members are subject to the penalties prescribed under the authorities stated herein and to the penalties prescribed under other federal, state, and local regulations, if the terms or conditions of the permit or other laws or regulations are violated.

B. Commercial

For each person, passenger, or crew member exceeding the maximum authorized group size (including flexibility provisions) in an outfitted group, the Authorized Outfitter's maximum party size will be reduced by three passengers on that same scheduled trip during the next year's regulated period. For each unscheduled trip taken, the Authorized Outfitter's trips will be reduced by two trips of the same size closest to the date of the unauthorized trip during the next year's regulated period. Authorized Outfitter's taking any commercial trips without first obtaining the current Federal BLM/USFS Commercial Outfitter-Guide Permit may lose their preference for renewal of their permit. Trips or passengers not booked or canceled must be relinquished to the pools for other's use as soon as known. Random relinquished trips or passengers will not jeopardize future use; however, non-application or non-use of a permit for two years, or continuous non-use of portions of allocations, without prior written approval, may result in a permit, or portions of allocations, not being re-issued.

In addition, upon repeated violation of the above, or upon violation of any other terms or conditions of the permit, an Authorized Outfitter's permit may be revoked or suspended in part or in whole. An Authorized Outfitter and all agents, guides, employees, and passengers are also subject to other penalties prescribed under the authorities stated herein and to the penalties prescribed under other federal, state, or local laws or regulations.

IV. Duration

The provisions of this notice supersede the notice published in 43 FR 12091, dated March 23, 1978; shall become effective March 1, 1982; and shall remain in effect until revoked.

Hugh R. Shera,

Medford District Manager, Bureau of Land Management.

William H. Covey,

Siskiyou Forest Supervisor, Forest Service.

[FR Doc. 82-5037 Filed 2-24-82; 8:45 am]

BILLING CODE 3410-11-M, 4310-84-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of ATBCB meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (ATBCB) has scheduled a meeting for 10:00 AM, on March 9, 1982, to consider a proposal for information and technical services for the ATBCB; and approval of the ATBCB Annual Report for Fiscal Year 1981.

DATE: March 9, 1982, 10:00 AM–5:00 PM.

ADDRESS: Main Hall, Disabled Americans Veterans National Service and Legislative Headquarters, 807 Maine Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Larry Allison, Director of Public Information (202) 245–1591 (voice or TDD).

ATBCB Committee meetings are scheduled for Monday, March 8, 1982. These meetings will be held from 9:30 AM–5:00 PM, Rooms 525A and 529A, Hubert Humphrey Building, 200 Independence Ave., SW., Washington, D.C. Contact Larry Allison, Director of Public Information (202) 245–1591 (voice or TDD), for exact time of each committee meeting.

Wm. Bradford Reynolds,

Acting Chairperson.

[FR Doc. 82-4999 Filed 2-24-82; 8:45 am]

BILLING CODE 4000-07-M

CIVIL AERONAUTICS BOARD

[Former Large Irregular Air Service Investigation; Dockets 33362, 39083, and 39084]

Applications of Michigan Peninsula Airways, Ltd., d.b.a. MPA International Airways; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 22, 1982, at 9:30 A.M. (local time), in Room 1003, Hearing Room "A", Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., February 19, 1982.

Elias E. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 82-5087 Filed 2-24-82; 8:45 am]

BILLING CODE 6320-01-M

[Former Large Irregular Air Service Investigation Docket 33362; Docket 32565]

Application of Southeast Airlines, Inc.; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 20, 1982, at 9:30 A.M. (local time), in Room 1003, Hearing Room "A", Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., February 19, 1982.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 82-5086 Filed 2-24-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 24-81]

Proposed Foreign-Trade Zone; City of Industry, California; Extension of Comments Period

The period for comments on the above case involving a proposed foreign-trade zone for City of Industry, California (46 FR 63097, December 30, 1981,) is extended for 60 days to April 29, 1982.

During the first 30 days interested parties may submit comments on the proposal, including additional information and arguments on issues raised at the public hearing held at Terminal Island on January 27. Submissions postmarket after March 30 are limited to rebuttal comments on the record as of that date.

Submissions shall include 6 copies. The hearing transcript and material submitted for the record will be available at the places where the application has been available to the public:

U.S. Department of Commerce District Office, 11777 San Vicente Boulevard, Room 800, Los Angeles, California 90049

Office of the Executive Secretary, Foregin-Trade Zones Board, U.S. Department of Commerce, Room 3721, 14th and Constitution, NW., Washington, D.C. 20230

Dated: February 22, 1982.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 82-5094 Filed 2-24-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Discontinuance of Preparation of Final Environmental Impact Statement for Machias Bay, Maine as a Proposed Estuarine Sanctuary

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice is to inform all Federal, State, and local government agencies and interested persons that the National Oceanic and Atmospheric Administration (NOAA), Office of Coastal Zone Management has decided to discontinue consideration of a proposal by the Maine State Planning Office to establish a national estuarine sanctuary at Machias Bay, Maine. All agencies, organizations and persons who commented on the draft environmental impact statement (DEIS) will receive a copy of this notice.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the National Environmental Policy Act and section 315 of the Federal Coastal Zone Management Act, the Office of Coastal Zone Management in the National Oceanic and Atmospheric Administration distributed a DEIS to Federal, State and local agencies, environmental, research, and educational organizations, and individuals on October 30, 1981 regarding establishment of a national estuarine sanctuary in Machias Bay, Maine near the Town of Machiasport. The State of Maine had applied to NOAA for an acquisition grant of $586,369 to be matched by the State. The proposed sanctuary consisted of approximately 48,880 acres of water and 600 acres of uplands, wetlands, and islands in Machias Bay in northeastern Maine. The funds were to be spent for acquiring property through easements or fee simple purchase. The comment period on the DEIS was open from October 30 through December 14, 1981. Twenty-nine written comments were received on the proposal. Twenty-two of the comments received were in support of establishing the sanctuary.

On December 2, 1981 a public hearing was held in Machiasport, Maine. Forty-one persons attended with ten presenting testimony. Reaction at the public hearing was mixed. Members from several local civic organizations and individuals spoke in favor of the proposal. However, local fishermen expressed concerns and skepticism concerning the impacts of sanctuary designation on commercial fishing in Machias Bay, and public access to the proposed sanctuary and adjacent lands. Several individuals expressed concern that the inclusion of 48,880 acres of water within the sanctuary boundary was excessive. On December 14, 1981, OCZM received a copy of a public petition containing approximately 135 signatures of local residents, who opposed the proposal. On January 23, 1982 the Town of Michiasport held a special referendum at which the Town voted not to proceed with the proposal as outlined in the DEIS.

As a result of the referendum and consultation with the Maine State Planning Office, NOAA has decided to drop this proposal from further consideration as a national estuarine sanctuary. Consequently, a final environmental impact statement will not be prepared or distributed. However, this action will not preclude the State of Maine from submitting to NOAA a new or modified proposal for a national estuarine sanctuary in the area of Machias Bay.

FOR FURTHER INFORMATION CONTACT: Edward Lindelof or Gloria Thompson, Sanctuary Programs Office, OCZM/NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, 202/634-4236.

(Federal Domestic Assistance Catalog No. 11.420 Coastal Zone Management Estuarine Sanctuaries)

Dated: February 22, 1982.

William Matuszeski,

Acting Assistant Administrator, Office of Coastal Zone Management.

[FR Doc. 82-4996 Filed 2-24-82; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; 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 Committee Meeting:

Name of the committee: Army Science Board (ASB)

Dates of meeting: March 15, 1982, March 16, 1982

Times: 0830-1150 hours, March 15, 1982 (Open),1300-1635 hours, March 15, 1982 (Closed), 0815-1415 hours, March 16, 1982 (Closed)

Place: Fort Benjamin Harrison, Indianapolis, Indiana

Proposed Agenda:

The Army Science Board will hold its Spring General Membership Meeting to present and receive briefings as shown in the Agenda:

Monday, March 15

0830–0840 Opening Remarks by Chairman, ASB
0840–0850 Remarks by ASA(RDA)
0850–0900 Introductory Remarks by PDASA(RDA)
0900–0905 Welcome by CG, USA Soldier Support Center, Ft. Benjamin Harrison
0905–0915 Host Command Welcome
0915–1000 TRADOC Command Briefing
1000–1020 Break
1020–1120 Soldier-Machine Interface
1120–1150 Robotics
1200–1300 Lunch
1300–1400 Air-Land Battle, 2000 Briefing

ASB Briefings

1400–1430 Improving the Acquisition Process
1430–1450 Break
1450–1520 Manning Army Systems
1520–1530 Laser Eye Protection
1530–1550 Robotics and Artificial Intelligence
1550–1605 Science and Engineering Personnel
1605–1625 Chemical Warfare
1625–1635 Other ASB Efforts

Tuesday, March 16

0815–1015 Separate Subgroup Orientation Meetings and Executive Review Board:
1. Systems Subgroup
2. Mobility Subgroup
3. Weapons Subgroup
4. C³I Subgroup
5. Human Resources Subgroup
6. Logistics Subgroup
7. RDA Management Subgroup
8. Research Subgroup

1015–1035 Break
1035–1135 Return to Subgroups
1135–1155 Summer Study 1981 Follow-On
1200–1315 Lunch
1315–1415 Round Table Discussion and Conclusion of Meeting

This meeting will be partially closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classifed matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 697–9703 or 695–3039.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 82–5038 Filed 2–24–82; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Meeting Changes

The following changes have occurred to the meeting of the Army Science Board Ad Hoc Subgroup on Manning Army Systems which was announced in the issue of February 8, 1982 (47 FR 5756):

Date of meeting: March 4, 1982 (Closed) (instead of March 4 & 5, 1982)
Time: 0830–1700 hours, March 4, 1982
Place: The Pentagon, Washington, D.C. (instead of Fort Knox, Kentucky).

Exact location can be determined by calling the ASB Administrative Officer.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 82–5039 Filed 2–24–82; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Meeting Changes

The following changes have occurred to the meeting of the Army Science Board Ad Hoc Subgroup on Robotics/Artificial Intelligence which was announced in the issue of February 8, 1982 (47 FR 5756):

Date of Meeting: March 5, 1982 (Open) (instead of March 4 and 5, 1982)
Time: 0830–1700 hours (Open)
Place: The Pentagon, Washington, D.C. Exact location can be determined by calling the Army Science Board Administrative Officer, Helen M. Bowen, at (202) 697–9703 or 695–3039. The place originally cited for the meeting was at the Carnegie-Mellon Institute in Pittsburgh, Pennsylvania.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 82–5040 Filed 2–24–82; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Meeting Changes

The following changes have occurred to the meeting of the Army Science Board Ad Hoc Subgroup on Ballistic Missile Defense which was announced in the issue of February 12, 1982 (47 FR 6462):

Date of meeting: March 24, 1982 (Closed) (instead of March 12, 1982)
Place: The Pentagon, Room 2E715B, Washington, D.C. (instead of Room 2E687A)

Helen M. Bowen,

Administrative Officer.

[FR Doc. 82–5041 Filed 2–24–82; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with sectin 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Date of meeting: March 19, 1982.

Time: 0900–1500 hours (Closed).

Place: The Pentagon, Room 3A486, Washington, D.C.

Proposed agenda: The Civilian Physical Life and Social Scientists Working Group of the Army Science 1982 Summer Study on Science and Engineering Personnel will meet to present and receive briefings and hold discussions to address the Army's problem of recruiting, retaining, and maintaining a reasonably balanced age profile of civilian S&E personnel. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695–3039 or 697–9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 82–5052 Filed 2–24–82; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA–FC–81–010; OFC Case Nos. 56358–9016–01–12, 56358–9016–02–12]

Phillips Petroleum Co.; Order Granting Permanent Exemptions From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Phillips Petroleum Company, order granting permanent exemptions from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On April 9, 1981, Phillips Petroleum Company (Phillips) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking permanent exemptions for two new major fuel burning installations (MFBI's) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. Criteria for petitioning for exemptions from the

prohibitions of FUA were published at 10 CFR Parts 501 and 503 (45 FR 38276, June 6, 1980, revised 46 FR 59890, December 7, 1981).

Phillips requested permanent fuels mixture exemptions in order to burn natural gas in a mixture with regenerator flue gases (containing carbon monoxide, CO) in two field-erected CO boilers to be constructed at its Borger, Texas, refinery.

Pursuant to section 211(c) of the Act, and § 503.38 of the revised final rule, ERA hereby issues this order granting two permanent fuels mixture exemptions to Phillips to permit the use of natural gas in their new CO boilers.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, Office of Fuels Programs, Economic Regulatory Administration, 2000 M Street, NW., Room 6114, Washington, D.C. 20461

Henry Garson, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW., Forrestal Building, Room 6B–178, Washington, D.C. 20585, (202) 252–2967

The public file containing a copy of this final order and other documents and supporting materials on this proceeding is available upon request from DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E–190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m. to 4:00 p.m. Telephone (202) 252–6020.

SUPPLEMENTARY INFORMATION: In accordance with the procedural requirements of FUA and ERA's regulations, ERA accepted Phillip's petition and published notice of its acceptance in the **Federal Register** on June 9, 1981 (46 FR 30525). The Notice of Acceptance commenced a 45–day public comment period during which interested persons could submit comments on the petition for exemptions and could request that a public hearing be convened.

This period expired on July 24, 1981.

ERA's staff reviewed the information contained in the record of this proceeding and based on that review completed a Tentative Staff Analysis, the notice of availability of which was published in the **Federal Register** on September 18, 1981 (46 FR 46379). The period during which ERA would accept comments on the Tentative Staff Analysis was extended, at the request of Phillips, to January 22, 1982.

The Tentative Staff Analysis recommended that an order be issued to grant fuels mixture exemptions to both CO Boiler 29 (heat input rate of 497 million Btu's per hour) and CO Boiler 40 (heat input rate of 500 million Btu's per hour). However, in proposing to grant these exemptions, ERA noted that its authority to grant a mixtures exemption was limited by its inability to provide for the use of more natural gas in the mixture than ERA could determine was the minimum amount needed to maintain satisfactory operation of the boilers. In this regard, ERA recommended limiting the use of natural gas to 75.55 percent for CO Boiler 29 and 77.25 percent for CO Boiler 40. Phillips had additionally requested that it be granted an exemption that would permit the use of 100 percent natural gas during those periods when sufficient supplies of regeneration gases are not being produced. When the ERA published its Tenative Staff Analysis it had no mechanism for providing for this additional natural gas requirement; it therefore denied the request.

Comments were received only from Phillips. In commenting on the Tentative Staff Analysis, Phillips withdrew those portions of its petition requesting that it be allowed to use natural gas, in combination with the fluid catalytic cracking unit (FCCU) regenerator effluent gases, in the amounts necessary to operate the two CO boilers at design capacity, and the request that they be allowed to burn all natural gas during periods in which the FCC Units are not operating and regeneration gases are unavailable. Therefore Phillips effectively modified its exemption request to include only that amount, pursuant to § 503.38(a)(2), determined to be the minimum amount of natural gas needed to maintain operational reliability of the unit consistent with maintaining a reasonable level of fuel efficiency.

ERA has determined that Phillips has satisfied the requirements of § 503.38. Accordingly, pursuant to section 212(d) of FUA, ERA hereby grants Phillips two permanent fuels mixture exemptions to permit, in a mixture with FCCU regenerator flue gas, the use of natural gas in CO Boilers 29 and 40, in an amount not to exceed 75.55 and 77.25 percent respectively of the primary energy sources used in the boilers.

Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. ERA has determined that it will not, in granting these exemption requests, impose those terms and conditions, other than the limitation on fuel consumption specified above, recommended in its Tentative Staff Analysis.

The exemptions granted by this order shall become effective (the 60th calendar day after the date of publication of this order in the **Federal Register**).

Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time within 60 days after publication petition for judicial review in accordance with the procedures outlined in § 501.69 of the revised final rule.

Issued in Washington, D.C. on February 18, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–5003 Filed 2–24–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–53034; TSH–FRL–2056–5]

Premanufacture Notices; Monthly Status Report for January 1982

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for January 1982.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E–106 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments are to be identified with the document control number "[OPTS–53034]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street, SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M Street, SW., (202–382–3746).

SUPPLEMENTARY INFORMATION: The monthly status report published in the

Federal Register as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during the month; (b) PMNs received previously and still under review at the end of the month; (c) PMNs for which the notice review period has ended during the month; (d) chemical substances for which EPA has received a notice of commencement to manufacture; and (e) PMNs for which the review period has been suspended.

Therefore, the January 1982 PMN Status Report is being published.

Dated: February 12, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

Premanufacture Notices Monthly Status Report; January 1982

I. 61 Premanufacture Notices Received During the Month

PMN No.[1]	Identity and generic name	FR citation	Expiration date
82-1	Generic name: Halogenated derivative of polyethylene glycol	47 FR 1409 (1/13/82)	Apr. 4, 1982.
82-2	Generic name: Propionic acid 1-methyl-2(amino functional) substituted	47 FR 1409 (1/13/82)	Apr. 5, 1982.
82-3	Generic name: Polydimethylsiloxane, copolymer with (substituted alkyl) trimethoxy silane	47 FR 1410 (1/13/82)	Do.
82-4	Generic name: Polydimethylsiloxane, polymer with amino substituted and methyl silsesquioxanes	47 FR 1410 (1/13/82)	Do.
82-5	Generic name: Alkyl[(substituted phenyl)alkylate]	47 FR 2399 (1/15/82)	Apr. 8, 1982.
82-6	Generic name: (Dialkylaminophenylazo)azobenzene sulfonic acid	47 FR 2399 (1/15/82)	Do.
82-7	Generic name: Modified polymer of styrene, alkenoic acid, alkenoic ester and substituted alkenoic esters	47 FR 2400 (1/15/82)	Do.
82-8	Generic name: Polyester from vegetable oil acids, alkane triol, carbomonocyclic anhydride and carbomonocyclic acids	47 FR 2400 (1/15/82)	Do.
82-9	Generic name: Substituted di-alkyl di-thiophosphate	47 FR 2400 (1/15/82)	Do.
82-10	2-ethylmer capto-3-ethylbenzthiazole iodide	47 FR 2400 (1/15/82)	Do.
82-11	Generic name: Polymer of a dihalo alkane, an alkyl alkenoate, and a substituted alkyl alkenoate	47 FR 2401 (1/15/82)	Do.
82-12	Generic name: Substituted polyhydroxy benzene derivative	47 FR 2402 (1/15/82)	Apr. 7, 1982.
82-13	Generic name: Polyester diol	47 FR 3031 (1/21/82)	Apr. 11, 1982.
82-14	Generic name: Reaction product of a substituted benzene, formaldehyde and inorganic acid	47 FR 3593 (1/26/82)	Apr. 13, 1982.
82-15	Generic name: Polyester from an unsaturated oil, alkanetriol, carbomonocyclic anhydride and carbomonocyclic acids	47 FR 3593 (1/26/82)	Do.
82-16	Generic name: Substituted cyclic amide-aldehyde condensation product	47 FR 3593 (1/26/82)	Do.
82-17	Generic name: Sulfo monoazo dye, 2,2'-iminiobis ethanol salt	47 FR 3593 (1/26/82)	Do.
82-18	Generic name: Polyurethane aqueous dispersion	47 FR 3593 (1/26/82)	Do.
82-19	Pentaerythritol isostearate esters	47 FR 3594 (1/26/82)	Do.
82-20	Dipentaerythritol ester of isostearate acid	47 FR 3594 (1/26/82)	Do.
82-21	Generic name: Hydroxynaphthoic acid metal complex	47 FR 3594 (1/26/82)	Do.
82-22	Generic name: Acrylic copolymer	47 FR 3594 (1/26/82)	Do.
82-23	Generic name: Polyhalogenated aromatic alkylated hydrocarbon	47 FR 3595 (1/26/82)	Do.
82-25	Generic name: Substituted amine polymer	47 FR 3595 (1/26/82)	Do.
82-26	Generic name: Substituted amine	47 FR 3595 (1/26/82)	Do.
82-27	Generic name: Substituted amine	47 FR 3595 (1/26/82)	Do.
82-28	Boron trifluoride—2,4 dimethylaniline complex	47 FR 3592 (1/26/82)	April 18, 1982.
82-29	Generic name: Naphthalenedisulfonic acid, monoazo acid dye, lithium salt	47 FR 3592 (1/26/82)	Do.
82-30	Generic name: Polysubstituted alkyl polamine	47 FR 3592 (1/26/82)	Do.
82-31	Generic name: Quaternary, ammonium compound	47 FR 3592 (1/26/82)	Do.
82-32	Generic name: Dichloro-triazinylamino-substituted sulfophenylazo-sulfonaphthalenylazo-benzene-disulfonic acid, tetra sodium salt	47 FR 4143 (1/28/82)	Do.
82-33	Generic name: Unsaturated polyester resin	47 FR 4143 (1/28/82)	Apr. 19, 1982.
82-34	Polymer of hydroxypropyl methacrylate, methyl methacrylate, diallyl phthalate, styrene, butyl methacrylate, hydroxyethyl-acrylate, 2-ethyl hexyacrylate, acrylic acid.	47 FR 4144 (1/28/82)	Do.
82-35	Generic name: Reaction product of dehydroacid ester, polyhydric anhydride and substituted isocyanate	47 FR 4144 (1/28/82)	Do.
82-36	Carnauba wax ethoxylated propoxylated	47 FR 4144 (1/28/82)	Do.
82-37	Generic name: Neutralized substituted alkanoic acid	47 FR 4145 (1/28/82)	April 20, 1982.
82-38	Generic name: Modified alkyd polymer from fatty acid oils, glycerin, and a carbomonocyclic anhydride	47 FR 4145 (1/28/82)	Do.
82-39	Generic name: Polymer of a diisocyanate, polyglycol and polysubstituted alkyl amine	47 FR 4145 (1/28/82)	Do.
82-40	Generic name: Modified polymer of styrene, alkyl acrylates, alkyl methacrylates and a substituted alkyl methacrylate	47 FR 4145 (1/28/82)	Do.
82-41	Generic name: Naphthalenedisulfonic acid, disazo acid dye, lithium salt	47 FR 4735 (2/2/82)	April 22, 1982.
82-42	Generic name: Alkyd polymer from fatty acids, substituted alkane triols, carbomononcyclic acids and an anhydride	47 FR 4735 (2/2/82)	Do.
82-43	Generic name: Organic acid, lead salt	47 FR 5330 (2/4/82)	Do.
82-44	Generic name: Chloroheteropolycyclic, hydrochloride salt	47 FR 4736 (2/2/82)	April 25, 1982.
82-45	Generic name: Substituted pyridinium bromide	47 FR 4736 (2/2/82)	Do.
82-46	Polymer from 1-propanesulfonic acid, 2-methyl-2-((1-oxo-2-propenyl)amino), formamide, N-ethenyl, 2-propenamide	47 FR 5328 (2/4/82)	April 26, 1982.
82-47	Generic name: Alkyl, alkanol derivative of ammonia, chloride salt	47 FR 5328 (2/4/82)	Do.
82-48	Generic name: Polymer of cycloalkene	47 FR 5331 (2/4/82)	Do.
82-49	Generic name: Modified polyester polyurethane	47 FR 5328 (2/4/82)	Do.
82-50	Generic name: Polyester from an alkanedioic acid and polyetherdiols	47 FR 5328 (2/4/82)	Do.
82-51	Trimethyladipolydichloride	47 FR 5331 (2/4/82)	April 27, 1982.
82-52	Generic name: Perfluoroalkane sulfonic acid, diethanolamine salt	47 FR 5331 (2/4/82)	Do.
82-53	Generic name: Ethoxylated ethanol, fatty acid ester	47 FR 5329 (2/4/82)	Do.
82-54	Generic name: Substituted amine polymer	47 FR 5329 (2/4/82)	Do.
82-55	Generic name: Organo phosphorus-containing acid	47 FR 5329 (2/4/82)	Do.
82-56	Generic name: Modified alkyd polymer	47 FR 5329 (2/4/82)	Do.
82-57	Generic name: Modified alkyd polymer	47 FR 5330 (2/4/82)	Do.
82-58	Generic name: Alkyd resin	47 FR 5330 (2/4/82)	Do.
82-59	Generic name: Aromatic disazo dye	47 FR 5330 (2/4/82)	Apr. 28, 1982.
82-60	Generic name: Zinc, O,O-bis alkylphosphoro dithioate	47 FR 5932 (2/9/82)	Apr. 29, 1982.
82-61	Generic name: Polyoxypropylene ester acyl caprolactam	47 FR 5932 (2/9/82)	Do.

[1] PMN submission 82-24 voided.

II. 75 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.[1]	Identity and generic name	FR citation	Expiration date
81-544	Generic name: Benzenesulfonic acid, 4-[[4-[(2-hydroxy-1-naphthalenyl)azo]phenyl]azo]-salt	46 FR 54792 (11/4/81)	Feb. 28, 1982.
81-608	Polyethylene glycol di-2-ethylhexoate	46 FR 60496 (12/10/81)	Mar. 1, 1982.
81-609	Methoxy polyethylene glycol 2-ethylhexoate	46 FR 60496 (12/10/81)	Do.
81-610	Generic name: Urethane acrylate	46 FR 60496 (12/10/81)	Do.
81-611	Generic name: Modified polyurethane from a diisocyanate, substituted alkane diol and mixed polyether diols.	46 FR 60496 (12/10/81)	Do.
81-612	Generic name: Polyester of a polybasic fatty acid and a polyoxyethylated polypropylene glycol	46 FR 60497 (12/10/81)	Do.
81-613	Generic name: Alkyl glucoside	46 FR 60497 (12/10/81)	Do.
81-614	Generic name: Polyester urethane acrylate-blocked	46 FR 60497 (12/10/81)	Do.

II. 75 Premanufacture Notices Received Previously and Still Under Review at the End of the Month—Continued

PMN No.[1]	Identity and generic name	FR citation	Expiration date
81-614	Generic name: Polyester urethane acrylate-blocked	46 FR 60497 (12/10/81)	Do.
81-615	Generic name: Aryl amine, epoxide polymer	46 FR 60497 (12/10/81)	Do.
81-616	1,7-naphthalenedisulfonic acid, 4-benzamido-5-hydroxy-6-((2-sulfooxyethyl)sulfonyl)-1-sulfonaphth-alen-2-yl)azo)-, tetrasodium salt.	46 FR 60498 (12/10/81)	Mar. 3, 1982.
81-617	Generic name: Substituted benzene sulfonic acid derivative	46 FR 60981 (12/14/81)	Do.
81-618	Generic name: Trisubstituted cellulose	46 FR 60981 (12/14/81)	Do.
81-619	Generic name: Trisubstituted cellulose salt	46 FR 60981 (12/14/81)	Do.
81-620	Generic name: Silicon substituted organic amine	46 FRm60982 (12/1481)	Do
81-621	Generic name: Polyester of propanediol, adipic acid, phthalic anhydride, aromatic aliphatic ester	46 FR 60982 (12/14/81)	Mar. 4, 1982.
81-622	Fumaric acid, maleic anhydride, isophthalic acid polymer of propylene glycol and ethylene glycol	46 FR 61350 (12/16/81)	Mar. 3, 1982.
81-623	Generic name: Copolymer of alkyl acrylates and methacrylates	46 FR 61530 (12/16/81)	Mar. 7, 1982.
81-624	Generic name: Modified polyester from alkane-dioic acid, substituted alkane triol and a carbo-monocyclic acid.	46 FR 61530 (12/16/81)	Do.
81-625	Generic name: Blocked isocyanate	46 FR 61505 (12/17/81)	Mar. 8, 1982.
81-626	Ethylene glycol acrylate trimelliate	46 FR 61505 (12/17/81)	Mar. 3, 1982.
81-627	Polymer of ethylene glycol acrylate mellitate and bisphenol-A epichlorohydrin	46 FR 61505 (12/17/81)	Mar. 8, 1982.
81-628	Adduct of toluene diisocyanate with 2-hydroxyethyl acrylate and caprolatum	46 FR 61506 (12/17/81)	Do.
81-629	Polymer of linseed oil, polymer with maleic anhydride and pentaerythritol, formaldehyde polymer with 4-(1,1-dimethyethyl) phenol, methyl phenol, and 4-nonyl phenol.	46 FR 61506 (12/17/81)	Do.
81-630	Generic name: Poly(ester)-Co-poly(ether)	46 FR 62312 (12/23/81)	Mar. 9, 1982.
81-631	Generic name: Polymer of mixed alkyl acrylates and methacrylates	46 FR 62312 (12/23/81)	Mar. 10, 1982.
81-632	Generic name: Methacrylate copolymer	46 FR 62312 (12/23/81)	Mar. 11, 1982.
81-633	Generic name: Hydroxy alkenyl borate	46 FR 62313 (12/23/81)	Do.
81-634	Generic name: Protein associated biopolymer	46 FR 62313 (12/23/81)	Mar. 14, 1982.
81-635	Generic name: Metal salt of the coupling product of amino naphthalene sulfonic acid and β-oxynaphthoic acid.	46 FR 62313 (12/23/81)	Do.
81-636	Generic name: Metal salt of the coupling product of amino naphthalene sulfonic acid and β-oxynaphthoic acid.	46 FR 62314 (12/23/81)	Do.
81-637	Generic name: Saturated dicarboxylic acid diamine polyamine	46 FR 62314 (12/23/81)	Do.
81-638	Generic name: Polyether reaction product with toluene diisocyanate-methacrylate terminated	46 FR 62687 (12/28/81)	Mar. 15, 1982.
81-639	Generic name: Aliphatic acid ester	46 FR 62688 (12/28/81)	Do.
81-640	Generic name: Disubstituted phenol	46 FR 62929 (12/29/81)	Mar. 16, 1982.
81-641	Generic name: Substituted tetradecanoic acid derivative	46 FR 62929 (12/29/81)	Do.
81-642	Terpolymer of dimethyl diallyl ammonium chloride/acrylamide/sodium acrylate	46 FR 63107 (12/30/81)	Mar. 18, 1982.
81-643	Generic name: Cationic acrylamide copolymer	46 FR 63107 (12/30/81)	Mar. 21, 1982.
81-644	Generic name: Cationic acrylamide copolymer	46 FR 63107 (12/30/81)	Do.
81-645	Generic name: Organic salts of tertiary aliphatic amines	47 FR 337 (1/5/82)	Mar. 22, 1982.
81-646	Generic name: Organic salts of tertiary aliphatic amines	47 FR 337 (1/5/82)	Do.
81-647	Generic name: Organic salts of tertiary aliphatic amines	47 FR 337 (1/5/82)	Do.
81-648	Generic name: Tetrasubstituted benzenamide	47 FR 337 (1/5/82)	Do.
81-649	Generic name: Tetrasubstituted benzene	47 FR 338 (1/5/82)	Do.
81-650	Polymer of hexanedioic acid and 2,2'-iminobisethanol	47 FR 338 (1/5/82)	Do.
81-651	Generic name: Tetrasubstituted benzene	47 FR 338 (1/5/82)	Do.
81-652	Generic name: Carboxylic diisocyanate	47 FR 1019 (1/8/82)	Mar. 23, 1982.
81-656	Generic name: Halogenated nitrotoluene derivative	47 FR 1020 (1/8/82)	Do.
81-657	Generic name: N-alkylated toluidine derivative	47 FR 1020 (1/8/82)	Do.
81-658	Generic name: Halogenated toluene derivative	47 FR 1020 (1/8/82)	Do.
81-659	3-carboxy-4-((4-(2-methoxy-5-(2-hydroxysulfonyloxy) ethylsulfonyl) phenyl) aminocarbonyl) phenylazo)-1-(4-sulfophenyl)-5-pyrazolone disodium salt.	47 FR 1021 (1/8/82)	Mar. 28, 1982.
81-660	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy)ethylsulfonyl)phenylazo)-1-naphthalene sulfonic acid disodium salt.	47 FR 1021 (1/8/82)	Do.
81-661	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy)ethylsulfonyl)phenylazo)-6-(3-sulfophenyl)amino-2-naphthalenesulfonic acid trisodium salt.	47 FR 1021 (1/8/82)	Do.
81-662	Generic name: Substituted propionamide	47 FR 1021 (1/8/82)	Do.
81-663	Generic name: Alkali metal salt of substituted benzoate	47 FR 1021 (1/8/82)	Do.
81-664	Generic name: Modified polyester from a substituted alkanediol, carbomonocyclic acids and carbomonocyclic anhydride.	47 FR 1022 (1/8/82)	Do.
81-665	Generic name: Substituted pyran	47 FR 1022 (1/8/82)	Do.
81-666	Generic name: Cycloaklyl aralkyl ether	47 FR 1411 (1/13/82)	Mar. 29, 1982.
81-667	Generic name: Substituted furan	47 FR 1411 (1/13/82)	Do.
81-668	Generic name: Ester-diol	47 FR 1412 (1/13/82)	Do.
81-669	Benzene, ar-bromoethenyl-, polymer with diethenylbenzene	47 FR 1412 (1/13/82)	Do.
81-670	Generic name: Modified polymer of styrene, alkenoic acid, alkenoic ester and substituted alkenoic esters.	47 FR 1412 (1/13/82)	Do.
81-671	Phenyl mercury neodecanoate	47 FR 1412 (1/13/82)	Do.
81-672	Pheny acetic acid hydrazide	47 FR 1412 (1/13/82)	Do.
81-673	Generic name: Polyester from vegetable oil acids, alkane triol, carbomonocyclic anhydride and carbomonocyclic acid.	47 FR 1413 (1/13/82)	Do.
81-674	Generic name: Metal containing 2-hydroxy alkyl benzoate	47 FR 1412 (1/13/82)	Do.
81-675	Generic name: Acrylic copolymer	47 FR 1413 (1/13/82)	Do.
81-676	Generic name: Acrylic copolymer	47 FR 1413 (1/13/82)	Do.
81-677	Generic name: Acrylic copolymer	47 FR 1413 (1/13/82)	Do.
81-678	Generic name: Acrylic copolymer	47 FR 1413 (1/13/82)	Do.
81-679	Generic name: Acrylic copolymer	47 FR 1414 (1/13/82)	Do.
81-680	3,3-dimethylbicyclo (2.2.1) heptane-2-carboxylic acid	47 FR 1410 (1/13/82)	Mar. 30, 1982.
81-681	Decanoic acid, octyl ester	47 FR 1411 (1/13/82)	Do.
81-682	Octanoic acid, heptyl ester	47 FR 1411 (1/13/82)	Do.
81-683	Generic name: Polymer of 1,1'-methylene bis (4-isocyanatocyclohexane); a polymer of e-caprolactone and an ethylene glycol derivative; 2-butanone oxime; and a polyalkyl hydroxy substituted heterocycle.	47 FR 1414 (1/13/82)	Mar. 31, 1982.
81-684	Generic name: Polymer of 1,1'-methylene bis (4-isocyanatocyclohexane); a polymer of e-carprolactone and an ethylene glycol derivative; and a substituted alkane.	47 FR 1414 (1/13/82)	Do.

[1] PMN's 81-653, 81-654, and 81-655 were voided.

III. 65 Premanufacture Notices for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.	Identity and generic name	FR Citation	Expiration date
81-500	2-dodecyl-9-H-thioxanthen-9-one	56 FR 50147 (10/9/81)	Jan. 3, 1982.
81-501	Generic name: Polyester of a substituted alkanediol and carbomonocyclic anhydride	46 FR 50147 (10/9/81)	Do.
81-502	Generic name: Polymer of epon resin and alkanedioic acid	46 FR 50148 (10/9/81)	Do.
81-503	Generic name: Copolymer of alkylacrylates and methacrylates	46 FR 50148 (10/9/81)	Do.
81-504	Generic name: Copolymer of alkylacrylates and methacrylates	46 FR 50148 (10/9/81)	Do.
81-505	Generic name: Copolymer of alkylacrylates and methacrylates	46 FR 50148 (10/9/81)	Do.
81-506	Generic name: Copolymer of alkylacrylates and methacrylates	46 FR 50148 (10/9/81)	Do.
81-507	Generic name: Isocyanate functional polyester	46 FR 50410 (10/13/81)	Jan. 4, 1982.
81-508	Generic name: Benzenedicarboxylic acid saturated mixed glycol polyester	46 FR 50410 (10/13/81)	Do.
81-509	Generic name: Lower alkyl ester of an alkyl propionic acid	46 FR 50410 (10/13/81)	Do.
81-510	Generic name: Heteromonocyclic fatty acid ester	46 FR 50411 (10/13/81)	Do.
81-511	Generic name: Fatty acids, esters with trimethylol propane and a polyol	46 FR 50411 (10/13/81)	Do.
81-512	Generic name: Substitutedheteropolycycle	46 FR 50840 (10/15/81)	Do.
81-513	Generic name: N-alkylhalogenatedbenzylamine	46 FR 50840 (10/15/81)	Jan. 5, 1982.
81-514	Generic name: Polyester from substituted alkane diols, alkanoic acids, and carbomonocyclic acids	46 FR 50841 (10/15/81)	Jan. 7, 1982.
81-515	Generic name: Polymer of styrene and acrylic acid with substituted acrylates and methacrylates	46 FR 50841 (10/15/81)	Do.
81-516	Polymer of isophthalic acid, diethylene glycol, trimethylol propane, adipic acid, dimethyl ethanolamine, and trimellitic anhydride.	46 FR 50841 (10/15/81)	Do.
81-517	Generic name: Alkenyl tetracarboxylate	46 FR 50481 (10/15/81)	Do.
81-518	Generic name: Oxepanone phthalate polymers	46 FR 50842 (10/15/81)	Do.
81-519	Generic name: Acrylic polyester resin	46 FR 50842 (10/15/81)	Do.
81-520	Generic name: Isocyanate functional polyester	46 FR 51643 (10/21/81)	Jan. 12, 1982.
81-521	Polymer of linseed oil, pentaerythritol, benzoic acid, and toluene diisocyanate	46 FR 51643 (10/21/81)	Do.
81-522	Generic name: Substituted pyridine	46 FR 52225 (10/26/81)	Do.
81-523	Generic name: Modified polymer of substituted carbomonocycle, carbomonocyclic acid, alkanedioic acid, and a substituted alkanediol.	46 FR 52225 (10/26/81)	Do.
81-524	Generic name: Polyester from carbomonocyclic diacids, alkanedioic acid, alkane triol, and substituted alkane diols.	46 FR 52225 (10/26/81)	Do.
81-525	Generic name: Polyisobutenylsuccinic acid, metal salt	46 FR 52226 (10/26/81)	Do.
81-526	Generic name: Hydrogenated dimer fatty acid polyamide resin	46 FR 52226 (10/26/81)	Do.
81-527	Generic name: Trisubstitutedheteropolycyclic salt	46 FR 52416 (10/27/81)	Jan. 14, 1982.
81-528	Generic name: Trisubstitutedheteropolycyclic salt	46 FR 52416 (10/27/81)	Do.
81-529	Generic name: Polymer of alkyl and polyfluoroalkyl acrylates	46 FR 52416 (10/27/81)	Jan. 15, 1982.
81-530	Generic name: Substitutedthiol salt	46 FR 52416 (10/27/81)	Do.
81-531	Generic name: Dialkylated polyalkylene polyamine	46 FR 52418 (10/27/81)	Jan. 17, 1982.
81-532	Generic name: Tetrafunctional secondary aromatic amine	46 FR 53209 (10/28/81)	Jan. 18, 1982.
81-533	Titanium (4) diisopropoxide disubstituted complex	46 FR 53209 (10/28/81)	Do.
81-534	2,3-epoxycyclohexanone	46 FR 53522 (10/29/81)	Jan. 19, 1982.
81-535	Generic name: Heteromonocycle modified fumarated rosin ester	46 FR 53522 (10/29/81)	Do.
81-536	Generic name: Polymer from a carbomonocyclic anhydride, alkanedioic acid and substituted alkane diols.	46 FR 53522 (10/29/81)	Do.
81-537	1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-[(2'-methoxyethyl)oxo] anthracene	46 FR 53522 (10/29/81)	Do.
81-538	Sodium salt of the sulfonated reaction products of 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-anthracene.	46 FR 53523 (10/29/81)	Do.
81-539	Sodium salt of the sulfonated reaction products of 1-amino-4-(phenyl-amino)-9,10-dihydro-9,10-dioxo-2-[(2'-methoxyethyl)oxo] anthracene.	46 FR 53523 (10/29/81)	Do.
81-540	Poly(oxy-1,2-ethanediyl), α-(1-oxononyl)-w-[(1-oxononyl)oxy]	46 FR 54403 (11/2/81)	Do.
81-541	Generic name: Substituted alkenoic acid methyl ester	46 FR 54403 (11/2/81)	Do.
81-542	Generic name: Substituted propiophenone	46 FR 54403 (11/2/81)	Do.
81-543	3-hydroxy-1-propanesulfonic acid monosodium salt	46 FR 54792 (11/4/81)	Jan. 24, 1982.
81-545	N,N'-Isophthaloyl-bis(trimethylene urea)	46 FR 54792 (11/4/81)	Do.
81-546	Generic name: Substituted carbopolycyclic polyazo poly-sulfonic acid, salt	46 FR 54792 (11/4/81)	Jan. 23, 1982.
81-547	1,4-bis(1-methylethenyl) benzene	46 FR 55001 (11/5/81)	Jan. 25, 1982.
81-548	Generic name: A polymer of acrylic and methacrylic acid derivatives, a vinyl aromatic compound and a substituted propene compound.	46 FR 55001 (11/5/81)	Do.
81-549	Generic name: Aliphatic polyurethane-acrylic waterborne dispersion	46 FR 55002 (11/5/81)	Do.
81-550	Generic name: Aliphatic polyurethane-acrylic waterborne dispersion	46 FR 55002 (11/5/81)	Do.
81-551	Generic name: Aliphatic polyurethane waterborne dispersion	46 FR 55002 (11/5/81)	Do.
81-552	Generic name: Succinimide of poly(alkene) and alkene/alkene copolymer	46 FR 55002 (11/5/81)	Do.
81-553	Generic name: Organic acid salt of the succinimide of poly(alkene) and alkene/alkene copolymer	46 FR 55002 (11/5/81)	Do.
81-554	Generic name: Metal alkyl thiocarbonate	46 FR 55003 (11/5/81)	Do.
81-555	Generic name: Sulfonylphenylsilane	46 FR 55003 (11/5/81)	Do.
81-556	Generic name: Sulfur containing polyamide	46 FR 55004 (11/5/81)	Jan. 26, 1982.
81-557	Generic name: Substituted alkenyl alkanoate	46 FR 55146 (11/6/81)	Jan. 27, 1982.
81-558	4-hydroxy-3-(5-(2-hydroxysulfonyloxy) ethysulfonyl)-2-methoxyphenylazo)-7-succinyl-amino-2-naphthalenesulfonic acid disodium salt.	46 FR 55146 (11/6/81)	Do.
81-559	5-Acetylamino-4-hydroxy-3-(2-hydroxyl-4-(2-hydroxy-sulfonyl) ethylsulfonyl)-5-methyphenylazo)-2,7-naphthalenedisulfonic acid trisodium salt complex.	46 FR 5516 (11/6/81)	Do.
81-560	3-carboxy-4-(4-(2-hydroxysulfonyloxy)ethylsulfonyl) phenylazo)-1-(3-sulfophenyl)-5-pyrazolone disodium salt.	46 FR 55146 (11/6/81)	Do.
81-561	4-[4-[2-(hydroxysulfonyoxy)ethylsulfonyl]-5-methyl-2-methoxyphenylazo]-3-methyl-1-(3-sulfophenyl)-5-pyrazolone disodium salt.	46 FR 55146 (11/6/81)	Do.
81-562	Mono, di, and triethanolamine salts of benzoic and phthalic acids	46 FR 55147 (11/6/81)	Jan. 28, 1982.
81-563	Generic name: N,N-disubstituted hetero monocyclic derivative	46 FR 55147 (11/6/81)	Do.
81-564	Generic name: Disubstitutedbenzene	46 FR 55558 (11/10/81)	Do.
81-565	Generic name: Isocyanate modified polyester	46 FR 55558 (11/10/81)	Jan. 31, 1982.

IV. 15 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Chemical identification	FR citation	Date of commencement
80-18	1-p-Nitrobenzoyl-1-(4' carboxypyridyl) hydrazide	45 FR 13531 (2/29/80)	Jan. 7, 1982.
80-306	Generic name: Urea/carbamate lacquer	45 FR 82709 (2/16/80)	Dec. 10, 1982.
80-318	Dimethyl diallyl ammonium chloride-acrylamide-potassium acrylate terpolymer	45 FR 83666 (12/19/80)	December 1981.
80-337	Generic name: Acrylamid-methacrylic copolymer	46 FR 2716 (1/12/81)	Jan. 4, 1982.
81-103	Generic name: Alkyl amine methacrylic copylmer	46 FR 27646 (4/20/81)	Do.

IV. 15 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Chemical identification	FR citation	Date of commencement
81-391	Generic name: Acrylic polymer	46 FR 44047 (9/2/81)	Nov. 13, 1982.
81-423	Generic name: Alkenyl succinic acid, monoester	46 FR 45999 (9/16/81)	Nov. 30, 1981.
81-442	Generic name: Benzyl ester	46 FR 47004 (9/23/81)	Dec. 15, 1981.
81-458	Monoethanolamine citrate	46 FR 47658 (9/29/81)	Dec. 21, 1981.
81-470	Tris (tridecafluorohexyl) amine	46 FR 48319 (10/1/81)	Jan. 2, 1982.
81-518	Generic name: Oxepanone phthalate polymers	46 FR 50842 (10/15/81)	Jan. 11, 1982.
81-519	Generic name: Acrylic-polyester resin	46 FR 50842 (10/15/81)	Jan. 12, 1982.
81-529	Generic name: Polymer of alkyl and polyfluoroalkyl acrylates	46 FR 52416 (10/27/81)	Jan. 18, 1982.
81-635	Generic name: Metal salt of the coupling product of amino naphthalene sulfonic acid and β-oxynappthoic acid	46 FR 62313 (12/23/81)	Mar. 15, 1982.
81-636	Generic name: Metal salt of the coupling product of amino napthalene sulfonic acide and β-oxynaphthoic acid	46 FR 62314 (12/23/81)	Do.

V. 10 Premanufacture Notices for Which the Review Period Has Been Suspended

PMN No.	Identity and generic name	FR citation	Date suspended
80-137	Benzeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene)	45 FR 48243 (7/18/80)	Sept. 22, 1980.
80-138	Benzeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene)	45 FR 48243 (7/18/80)	Do.
80-146	Phosphorodithioic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt	45 FR 49153 (7/23/80)	Sept. 17, 1980.
80-147	Phosphorodithioic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do.
80-264	generic name: Benzeneamine, [*N*-(1-methylhexylidene)-*N*-(1-methyl butylidene)-4,4'-methylene bis]	45 FR 73127 (11/4/80	Dec. 24, 1980.
81-500	2-dodecyl-9-H/thioxanthen-9-one	46 FR 50147 (10/9/81)	Dec. 21, 1981.
81-534	2,3-epoxycyclohexanone	46 FR 53522 (10/29-81)	Nov. 2, 1981.
81-558	4-hydroxy-3-(5-(2-hydroxysulfonyloxy) ethylsulfonyl)-2-methoxyphenylazo)-7-succinyl-amino-2-naphthalenesulfonic acid disodium salt.	46 FR 55146 (11/6/81	Jan. 27, 1982.
81-559	5-Acetylamino-4-hydroxy-3-(2-hydroxyl-4-(2-hydroxy-sulfonyl ethylsulfonyl)-5-methyphenylazo)-2,7-naphthalenedisulfonic acid trisodium salt complex.	46 FR 5516 (11/6/81)	Do.
81-561	4-[4-[2-(hydroxysulfonyoxy)ethylsulfonyl]-5-methyl-2-methoxyphenylazo]-3-methyl-1-(3-sulfophenyl)-5-pyrazolone disodium salt	46 FR 55146 (11/6/81)	Do

[FR Doc. 82-4706 Filed 2-24-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS 41009; FRL-2055-4]

Chemicals To Be Reviewed by the Toxic Substances Control Act Interagency Testing Committee; Public Meeting and Requests for Information

AGENCY: Toxic Substances Control Act Interagency Testing Committee.

ACTION: Notice of Public Meeting and Request for Information.

SUMMARY: The Toxic Substances Control Act (TSCA) Interagency Testing Committee (ITC) will hold a public meeting to receive comments and information on a new list of chemicals selected for review by the ITC. The public is also invited to submit to the ITC, after the meeting, written comments and technical data on the listed chemicals. The chemicals on the list are candidates for possible designation to the Administrator of the U.S. Environmental Protection Agency (EPA), to be given priority consideration for the promulgation of testing rules pursuant to section 4(a) of TSCA.

DATES: The meeting will be held on Thursday, April 22, 1982 at 9:00 a.m.

Oral comments may be presented at the meeting. Written comments should be sent to the Executive Secretary, ITC, no later than July 22, 1982.

ADDRESS: The meeting will be held at: New Executive Office Building, Room 2008, 726 Jackson Place, 17th and H Streets NW., Washington, DC 20006.

ADDRESS: Written comments to: Martin Greif, Executive Secretary, TSCA Interagency Testing Committee, Environemntal Protection Agency (TS-792), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Martin Greif (202-382-3825).

SUPPLEMENTARY INFORMATION:

I. Background

The Toxic Substances Control Act, 15 U.S.C. 2601 *et seq.* (TSCA) authorizes the Administrator of the U.S. Environental Protection Agency (EPA) to require testing of chemicals in commerce if the Administrator makes certain findings that are set forth in section 4(a) of TSCA. Section 4(e) established the TSCA Interagency Testing Committee (ITC). The ITC is charged with designating to the EPA Administrator chemicals (chemical substances or mixtures) to which EPA should give priority consideration for promulgating health and environmental effects testing rules under section 4(a) of TSCA. The EPA Administrator must, within 12 months after issuance of an ITC designation, propose testing rules for the designated chemicals or publish in the **Federal Register** the reasons for not doing so.

Eight Federal agencies are specified in section 4(e)(2)(A) of TSCA as statutory members of ITC. The agencies are: Council on Environmental Quality, Department of Commerce, Environmental Protection Agency, National Cancer Institute, National Institute of Environmental Health Sciences, National Institute for Occupational Safety and Health, National Science Foundation, and Occupational Safety and Health Administration.

The ITC has invited five other Federal agencies and one national program, with activities related to the control of toxic substances, to participate in a liaison capacity. They are: Consumer Product Safety Commission, Department of Agriculture, Department of Defense, Department of the Interior, Food and Drug Administration, and National Toxicology Program.

In developing its designations the ITC is directed by section 4(e)(1)(A) of TSCA to consider, together with all other relevant information, the following priority factors with respect to chemicals under consideration:

1. Quantity manufactured.
2. Quantity which will enter the environment.
3. Occupational exposure.
4. Non-occupational human exposure.
5. Similarity in chemical structure to other substances which are known to present an unreasonable risk of injury to health or the environment.
6. Existence of data concerning health and environmental effects.
7. The extent to which testing will develop useful data on the risk of injury to health or the environment.

8. The reasonably foreseeable availability of testing facilities and personnel.

The ITC is also directed by section 4(e)(1)(A) of TSCA to give priority attention, in establishing its list of designated chemicals, to those chemicals which are known or suspected to cause cancer, gene mutations or birth defects.

Section 4(e) requires that the ITC revise its list of designated chemicals as necessary at least once every six months. The initial report of the ITC to the EPA Administrator was published in the **Federal Register** of October 12, 1977 (42 FR 55026). This report contains a description of the Committee's scoring and review processes, together with the initial list of designated chemicals. Eight subsequent reports have been issued by the ITC.

Following the Third ITC Scoring Exercise in 1980, the Committee initiated a new procedure for obtaining information not available in the open literature, which was needed to facilitate its review process. The list of chemicals selected for detailed review was published in the **Federal Register** of October 7, 1980 (45 FR 66506) together with an announcement of a public meeting of the ITC to receive comments on the list. Response to the Committee's requests from both the public and private sectors has been excellent. Information received from chemical companies, trade associations and Government agencies has increased the information base relied upon by the ITC in its review of chemicals.

In January 1982 the ITC completed its Fourth Scoring Exercise, to select additional chemicals which warrant detailed review to determine which should be designated to the EPA Administrator for priority consideration. This scoring exercise produced a list of 75 chemicals to be reviewed by the ITC during the next 18–24 months. The ITC added four additional chemicals to the list, without scoring for health or environmental effects, because they were found to have high exposure scores and are related structurally to chemicals known to have adverse health or environmental effects. Those chemicals are indicated with an asterisk (*) following the CAS number. The list follows.

II. 1982 List of Chemicals Selected for Review by TSCA Interagency Testing Committee

(Ascending CAS No. Sequence)

CAS No. and Chemical Name

87–84–3 1,2,3,4,5-pentabromo-6-chlorocyclohexane
92–59–1 N-ethyl-N-benzylaniline
95–32–9 2-(4-morpholinyldithio)benzothiazole
99–54–7 3,4-dichloronitrobenzene
100–29–8 4-ethoxynitrobenzene
103–63–9 (2-bromoethyl)benzene
107–04–0 1-bromo-2-chloroethane
110–01–0 tetrahydrothiophene
111–21–7 ethylenebis(oxyethylene) diacetate
112–90–3 (Z)-9-octadecenylamine
116–37–0 bis(2-hydroxypropyl) bisphenol A ether
117–08–8 tetrachlorophthalic anhydride
120–32–1 2-benzyl-4-chlorophenol
122–19–0 benzyldimethyloctadecylammonium chloride
122–99–6 2-phenoxyethanol
124–17–4 2-(2-butoxyethoxy)ethyl acetate
133–49–3 pentachlorobenzenethiol
141–21–9 N-[2-(2-hydroxyethyl)aminoethyl] octadecanamide
142–16–5* bis(2-ethylhexyl) maleate
142–28–9 1,3-dichloropropane
307–35–7 perfluorooctanesulfonyl fluoride
328–84–7 3,4-dichlorobenzotrifluoride
393–75–9 3,5-dinitro-4-chlorobenzotrifluoride
463–58–1 carbon oxide sulfide
467–62–9 tris(4-aminophenyl)methanol
503–60–6 1-chloro-3-methyl-2-butene
504–66–5 dicyanamide
534–15–6* 1,1-dimethoxyethane
556–67–2 octamethylcyclotetrasiloxane
588–59–0 stilbene
644–97–3 phenylphosphonous dichloride
768–52–5 N-isopropylaniline
822–06–0 1,6-diisocyanatohexane
839–90–7 1,3,5-tris(2-hydroxyethyl)triazine-2,4,6-trione
926–57–8 1,3-dichloro-2-butene
1047–16–1 cinquasia red
1254–78–0 didecyl phenyl phosphite
1325–82–2 C.I. pigment violet 3
1328–53–6 C.I. pigment green 7
1344–32–7 trichlorobenzyl chloride
1459–93–4* dimethyl isophthalate
1897–45–6 tetrachloroisophthalonitrile
2004–70–8 (E)-1,3-pentadiene
2420–98–6 cadmium 2-ethylhexanoate
2492–26–4 sodium 2(3H)-benzothiazolethionate
2512–29–0 C.I. pigment yellow 1
3088–31–1 sodium 2-[2-(dodecyloxy)ethoxy]ethyl sulfate
3209–22–1 2,3-dichloronitrobenzene
3290–70–8 2,4,4,4-tetrachloro-1-butanol
3319–31–1* tris(2-ethylhexyl) 1,2,4-benzenetricarboxylate
3322–93–8 1,2-dibromo-4-(1,2-dibromoethyl)cyclohexane
3389–71–7 1,2,3,4,7,7-hexachloronorbornadiene
5915–41–3 2-(t-butylamino)-4-(ethylamino)-6-chlorotriazine
6144–04–3 methylstyrene dimer
6422–86–2 bis(2-ethylhexyl) terephthalate
6865–97–0 2-chloro-3-nitrosobutane dimer
10143–22–3 2-methoxyethyl N,N-bis(hydroxymethyl)-carbamate
10302–15–5 1-(phenylsulfonyl)aziridine
12607–70–4 basic nickel(II) carbonate
13889–92–4 S-propyl carbonochloridothioate
20068–02–4 (Z)-2-methyl-2-butenenitrile
24935–97–5 2-propenyl N-(hydroxymethyl)carbamate
25103–54–2 zinc 0,0-bisisodecyl dithiophosphate
25155–23–1 trixylyl phosphate
25640–78–2 isopropylbiphenyl
28629–66–5 zinc 0,0-diisooctyl dithiophosphate
28652–72–4 methylbiphenyl
29964–84–9 isodecyl 2-methacrylate
31551–28–7 (E)-2-methyl-2-pentenenitrile
34408–25–8 methyl 2,5-dichloro-3-nitrobenzoate
36678–45–2 1,1,2,3,4,4-hexabromo-2-butene
36876–13–8 ar,ar'-diisopropylbiphenyl
38721–71–0 dichlorobenzyl chloride
40188–83–8 methyl 3,6-dichloro-2-nitrobenzoate
52304–17–3 isobutyl N,N-bis(hydroxymethyl)-carbamate
56046–62–9 N-[2-[ethyl[3-methyl-4-nitrosophenyl]amino]-ethyl] methanesulfonamide
67953–32–6 isobutyl N-(hydroxymethyl)carbamate
68460–03–7 bis(1,3-dichloro-2-propyl) 2,3-dichloro-1-propyl phosphate
70592–80–2 (C_{10}-C_{16}-alkyl)dimethylamine N-oxides

III. Public Meeting and Request for Comments

A public meeting of the ITC will be held in Washington, D.C. on April 22, 1982, at the time and place designated in the beginning of this notice. At this meeting a representative of the ITC will describe the chemical-scoring and selection process used by the Committee. Interested persons are invited to present relevant oral comments on the chemicals listed in Section II of this notice. Additional comments and information may be submitted in writing to the TSCA Interagency Testing Committee. The kinds of information that would be most helpful to the ITC in assessing the need for testing are those related to the eight priority factors listed in Section I of this notice. Of particular value would be:

1. Technical bulletins.
2. Material safety data sheets.
3. Current annual production data and trends.
4. Number of workers exposed, concentrations, controls, use of open versus closed systems, etc.
5. Use date (types of uses, percent of production by use, etc.).
6. Environmental impact data (waste control procedures, pollution potential, fraction released to the environment, route of environmental entry, environmental reactions, degradation rates, and ecotoxicity).
7. Toxicological data (laboratory test protocols and results, occupational and non-occupational epidemiology, etc.).

The information submitted will become part of the public record of the ITC review process; therefore, confidential business information or

trade secrets should not be included in submissions pursuant to this notice.

Any person wishing to make an oral presentation at the April 22, 1982, public meeting should notify the Executive Secretary, ITC, at the address or telephone number set forth in this notice, before April 15, 1982. Respondents are requested to provide the CAS registry number and name of any chemical they wish to comment on. Oral presentations will be limited to ten (10) minutes per person.

Written comments or information on chemicals should be submitted to the Executive Secretary, ITC, no later than July 22, 1982, in order to be assured timely review by the ITC.

Dated: February 10, 1982.

Elizabeth K. Weisburger,

Chairperson, TSCA Interagency Testing Committee.

[FR Doc. 82-4991 Filed 2-24-82; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing it (Space WARC Advisory Committee); Meetings

Location

Room A-110, 1229 20th Street, NW., Washington, D.C.

Working Group A

Services, Facilities and U.S. Interests
Chairman: William Schnicke (202) 863-6691
Date: March 17, 1982 9:00 A.M.—12 Noon

Agenda

(1) Approval of Agenda
(2) Introduction of Attendees
(3) Background/Overview of Work Plan
(4) Detailed Work Plans
  (a) Services and Forecasts
  (b) Technology and Facilities
  (c) U.S. Interests
(5) Work Assignments and Schedule
(6) Other Business
(7) Next Meeting
(8) Adjournment

Working Group B

Political, International and Institutional Considerations
Chairman: Ronald Stowe (703) 442-5022
Date: March 17, 1982 1:30 P.M.—4:30 P.M.

Agenda

(1) Approval of Agenda
(2) Introductions
(3) Work Plans and Schedules
  (a) Legal Implications
  (b) Related Negotiations and U.S. Interests
  (c) Assessment of International Organizations and Other National Interests
(4) Other Business
(5) Next Business
(6) Adjournment

Working Group C

Available U.S. Options and Strategies
Chairman: Perry Ackerman (213) 648-4134
Date: March 18, 1982 9:00 A.M.—12 Noon

Agenda

(1) Approval of Agenda
(2) Welcome and Introductions
(3) Brief Historical Description
(4) Brief Review of Existing Material
(5) Assignment of Material Preparation and Associated Schedules
(6) Solicitation of Task Group Leaders
(7) Other Business
(8) Next Meeting
(9) Adjournment

Full Committee

Chairman: Stephen Doyle (916) 355-6941
Date: March 18, 1982 1:30 P.M.—4:30 P.M.

Agenda:

(1) Approval of Agenda
(2) Approval of Minutes of Second Meeting
(3) Presentation of Working Group Reports (3)
(4) Consideration of Future Work
(5) Other Business
(6) Adjournment

Note.—If any slippage occurs in this schedule, Room 856, 1919 M Street, N.W. (FCC), has been reserved from 9:00 A.M.—12 Noon on March 19, 1982, for use by the Space WARC Advisory Committee.

Federal Communications Commission.

Wiliam J. Tricarico,

Secretary.

February 18, 1982.

[FR Doc. 82-5007 Filed 2-24-82; 8:45 am]

BILLING CODE 6712-01-M

Public Broadcasting Commission, Reschedules Meeting for March 22, 1982

The Temporary Commission on Alternative Financing for Public Telecommunications has rescheduled its next meeting for March 22, 1982.

The meeting will begin at 1:30 P.M. in Room 856 of the Federal Communications Commission building at 1919 M Street, NW., in Washington, D.C. The meeting was originally scheduled for March 1.

For further information contact Judy Herman or John Kamp, Broadcast Bureau, (202) 632-6302.

Federal Communications Commission.

William J. Tricarico,

Secretary.

February 19, 1982.

[FR Doc. 82-5006 Filed 2-24-82; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 78-97; FCC 82-91]

The Western Union Telegraph Co., Revisions to Tariffs F.C.C. Nos. 240 and 258, et al.; Memorandum Opinion and Order

Adopted: February 17, 1982.

Released: February 18, 1982.

1. Before the Commission is an appeal, filed jointly by The Western Union Telegraph Company (Western Union), ITT World Communications, Inc., RCA Global Communications, Inc. (RCA Globcom) TRT Telecommunications Corporation, and Western Union International, Inc. (referred to collectively as appellants), from the presiding Administrative Law Judge's (ALJ) bench ruling of January 13, 1982, denying Western Union's motion for deferal of the hearing in Docket No. 78-97 (*Telex/TWX Investigation*).[1] Specifically, appellants request that the Commission defer further procedural steps in this investigation until thirty days following the execution of an interconnection agreement contemplated by the newly amended section 222(c)(3) of the Communications Act or, in the absence of such agreement, the issuance by the Commission of an interim or final order pursuant to that section.[2] For reasons to be explained, we shall grant the request.

Background

2. The *Telex/TWX Investigation* concerns the lawfulness of Western Union's Telex and TWX rates. Instituted by the Commission in 1978 to investigate rate revisions for public domestic usage of Telex and TWX services,[3] the proceeding was subsequently expanded to include Telex and TWX rates applicable to the IRCs.[4] The present stage of this investigation (designated Phase II by the ALJ) concerns the lawfulness of Western Union's currently effective distance insensitive or "postalized" Telex and TWX rates.[5] See *Western Union Telegraph Co.*, Mimeo

[1] Under § 1.301(b) of our Rules, 47 CFR 1.301(b), this type of appeal may be filed only if allowed by the ALJ. Here, permission to do so has been granted by the ALJ. (Tr. 7064)

[2] Section 222 of the Act was amended by the *Record Carrier Competition Act of 1981*, Pub. L. 97-130, Stat. , enacted December 29, 1981 (hereafter referred to as the "RCCA.") See paragraph 4, *infra*.

[3] *Western Union Telegraph Co.*, 67 FCC 2d 1420 (1978).

[4] *Western Union Telegraph Co.*, 68 FCC 2d 98 (1978) (*IRC Telex/TWX Order*).

[5] Phase I concerned Western Union's Telex and TWX rates prior to postalization and the record there has been closed.

No. 000522 (released April 30, 1981), *applications for review pending.*[6]

3. On December 29, 1981, Western Union filed a motion with the Commission seeking termination of this phase. It argued that the Commission's recent order authorizing all IRCs to provide competitive, wholly domestic record service so changes the structure of the record services market that continuation of Phase II, which was premised on the market structure prior to IRC competition, is futile.[7] Pending Commission action on the motion to terminate, moreover, Western Union askded the ALJ to defer the investigation.

4. The newly enacted RCCA provides, *inter alia*, that any record carrier may offer both domestic and international record service and must make available to any other record carrier, upon reasonable request, full interconnection with any of its facilities used primarily for record services, through written agreement and under reasonable terms and conditions. Any such agreement must establish a non-discriminatory formula for the equitable allocation of revenues derived from such joint use of facilities among the parties to the agreement. Moreover, the statute requires the Commission to convene a meeting among all record carriers concerned for the purpose of negotiating the terms and conditions of interconnection.[8] If an agreement cannot be reached by the parties within 45 days following the beginning of negotiations, the Commission is required to issue an interim or final order establishing a reasonable and nondiscriminatory interconnection agreement not later than 90 days after the date negotiations begin.

5. Against this statutory background, appellants argue that the outcome of the record carrier negotiations or Commission rulemaking may substantially affect Western Union's revenues and expenses. This, in turn, could assertedly affect Western Union's traffic, revenue requirements and thus cloud the ALJ's pending determination of the reasonableness of Western Union's current Telex and TWX rates of return and rate levels. Further, appellants assert that many of the issues in the investigation, such as whether the IRCs are entitled to a discount on Telex and TWX services, may be mooted by an interconnection agreement or rulemaking. According to appellants, the agreement could conceivably eliminate the objections lodged against the postalized rate structure. Finally appellants note that many of the participants in the negotiations are also involved in the rate investigation. Because the negotiations/rulemeking must be completed within a statutorily-fixed time, appellants reason that these proceedings should take precedence over the investigation.

Discussion

6. As we understand it, the ALJ denied Western Union's request for deferral to avoid any further delay in this investigation. Under normal circumstances that result would be permitted to stand. However, the present situation is somewhat unusual. The RCCA requires that the record carriers execute an interconnection agreement within a very short time frame. And, as appellants point out, the individuals participating in the interconnection negotiations are to a great extent the same individuals involved in Docket No. 78–97. Because of the statutory burden placed on the record carriers, as well as the possibility that the negotiations may affect certain of the issues in Phase II, we think the Commission's limited resources are best conserved by postponing the Docket No. 78–97 hearing for this relatively brief period.

7. Accordingly, it is ordered, That the joint appeal filed by The Western Union Telegraph Company, ITT World Communications, Inc., RCA Global Communications, Inc., TRT Telecommunications Corporation, and Western Union International, Inc., requesting deferral of the Docket No. 78–97 investigation until thirty days following execution of the interconnection agreement or Commission order mandated by the *Record Carrier Competition Act of 1981*, amending Section 222(c)(3) of the Communications Act of 1934, is granted.

8. It is further ordered, That the Secretary shall cause this Order to be published in the **Federal Register.**

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-5005 Filed 2-24-82; 8:45 am]

BILLING CODE 6712-01-M

[6] These applications have been filed by Western Union and RCA Globcom. Moreover, we have received a petition for reconsideration of the April 30 order and related motions dealing with procedural matters in Docket No. 78–97, including a motion seeking termination of Phase II. We will be acting on these matters shortly.

[7] *RCA Global Communications, Inc.*, FCC 81–577 (released January 11, 1982).

[8] Such meetings were convened under Commission aegis on January 8, 1982.

[FR Docket No. 82–81]

George Bennett; for a Citizens Band Radio Service Station License

Adopted: February 11, 1982.

Released: February 16, 1982.

In the matter of application of George Bennett; For a Citizens Band Radio Service Station License; PR Docket No. 82–81; Designating application for hearing on stated issues; designation order.

The Chief, Private Radio Bureau, has under consideration the above-captioned application filed July, 17, 1981, by George Bennett.

1. George Bennett is the former licensee of Citizens radio station KBQ-8214.[1] On March 13, 1969, the Commission released an Order directing George Bennett to Show Cause why the license for radio station KBQ–8214 should not be revoked. The Order to Show Cause provided Bennett an opportunity for a hearing concerning the allegations. Bennett submitted written statements in lieu of an appearance.

2. An Order of Revocation of Citizens radio station license KBQ–8214 was released effective September 22, 1969 (SS–251–69). The Order was based on numerous willful and repeated violations of the Commission's Rules governing the Citizens Radio Service, including failure to identify by assigned call sign, attempting to communicate over a distance of more than 150 miles, use of an overheight antenna, and failure to allow an inspection. The Order of Revocation determined that Bennett was not qualified to be a Commission licensee.

3. Bennett replied to the Order of Revocation with two letters stating that he had no intention of going off the air. True to his word, Bennett continued to operate without a license, in violation of Section 301 of the Communications Act of 1934, as amended. On April 30, 1970, the United States District Court for the Eastern District of Michigan, at the Commission's request, issued a Judgment enjoining Bennett from further operation of a radio transmitter without a license (Civil Action No. 34568). Despite the injunction, Bennett persisted in operating his radio station. On August 19, 1970, the court issued an Order finding him in contempt, placing him on probation and ordering his equipment seized (Civil Action No. 34568). Even after the District Court issued the

[1] In April 1977 the Citizens Radio Service Class D subservice became the Citizens Band Radio Service.

contempt judgment, Bennett continued to transmit without a license.[2]

4. On October 8, 1970, Bennett filed an application for a new license. On May 5, 1971, the Commission released an Order (FCC 71–483, Docket No. 19247) designating the application for hearing, alleging, *inter alia*, that Bennett had operated unlicensed on 24 separate dates since the revocation of his prior license. After Bennett failed to appear or participate at the hearing, the Commission dismissed his application with prejudice on June 11, 1971.

5. Meanwhile, on March 10, 1970, Bennett founded the United CB'ers of America (UCBA). On March 26, 1971, Bennett obtained a Citizens Radio Service license in the name of Philip O. Nolan at his own address. He then altered the document to indicate that the licensee was UCBA and that 1,000,000 transmitters were authorized to be operated under the license. Upon joining the UCBA and paying a fee, each member was sent a copy of this "license" and urged to use its call letters — KDW–6076. As president of UCBA, Bennett urged members not to respond directly to violation notices and other offical Commission correspondence. Instead, the UCBA offered to handle, for a fee, all violation notices from the Commission. In each case, the UCBA sent a form letter to the Commission stating the intention of the member to ignore any further correspondence or actions from the Commission.

6. On May 3, 1973, a federal grand jury in Detroit, Michigan, indicted Bennett and the UCBA corporation on eleven counts each for violations of federal criminal law. The indictment charged violations of the following statues: counterfeiting a United States agency seal, to wit, a Citizens radio license document (18 U.S.C. 506); possessing these counterfeit documents (18 U.S.C. 1017); making a false statement in a matter within the jurisdiction of a United States agency, to wit, a Citizens radio application (18 U.S.C. 1001); mail fraud (18 U.S.C. 1341); mailing unmailable matter, to wit, counterfeit documents (18 U.S.C. 1717); conspiracy to commit offenses against the United States and to defraud the United States (18 U.S.C. 371); and unlicensed Citizens radio operation—four counts (47 U.S.C. 301, 501). Bennett and UCBA were found guilty on all charges on December 20, 1973, after a jury trial in the Federal District Court for the Eastern District of Michigan (Criminal No. 49204). On January 9, 1976, the United States Court of Appeals for the Sixth Circuit denied Bennett's and UCBA's appeal. On March 15, 1976, the court denied their motion for rehearing (nos. 75–1345 and 75–1941). The UCBA was fined $5,000. Bennett was sentenced to eighteen months imprisonment, to be followed by two years probation. After serving three and a half months, Bennett was released from federal prison on July 23, 1976. One of the conditions of Bennett's two year probation was that he must not keep or operate any radio transmitting apparatus.

7. On December 9, 1975, the American Federation of CBers (AFCB), a non-profit corporation located in Detroit, Michigan, filed a class D Citizens Radio Station License application. The application was signed by George Bennett as President of the applicant corporation. The application sought authorization for 5,000 transmitters for use by AFCB.

8. The Commission returned the application and requested information to justify the need for 5,000 transmitters. Bennett failed to supply the requested information and on March 1, 1977, the Commission designated the American Federation of CB'er's application. On May 2, 1977, this matter was dismissed and the proceeding terminated.

9. The revocation of Bennett's license, the civil injunction and contempt orders directed against him as well as the criminal convictions against Bennett and UCBA raise substantial questions concerning Bennett's qualifications to be a licensee. The failure of Bennett and the AFCB to supply necessary information to the Commission in an application proceeding also raises substantial questions concerning Bennett's qualifications to be a licensee. The Commission is unable to determine that a grant of Bennett's application would serve the public interest, convenience, and necesssity.

Accordingly, it is ordered, pursuant to section 309(e) of the Communications Act of 1934, as amended, and §§ 1.973(b) and 0.331 of the Commission's Rules, that the captioned application is designated for hearing, at a time and place to be specified by a subsequent order, upon the following issues:

(1) To determine the effect of the prior Commission decision revoking the license of George Bennett and the court orders and conviction directed against George Bennett and the United CB'ers of America, on Bennett's qualifications to be a licensee.

(2) To determine whether Bennett's conduct, including his applications for United CB'ers of America and the American Federation of CBers, evidences a longstanding disregard of the Commission's Rules and its licensing authority.

(3) To determine in light of issues (1) and (2), whether George Bennett has the requisite qualifications to be a Commission licensee.

(4) To determine, in light of the foregoing, whether the public interest, convenience and necessity would be served by a grant of the captioned application.

Is is further ordered, that the factual matters which have previously been adjudicated in Criminal, Civil or administrative proceedings will not be relitigated in this proceeding under the doctrine of collateral estoppel.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's Rules (47 CFR 1.221(c), in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission in triplicate a written appearance stating an intent to appear on a date to be fixed for hearing and to present evidence on the issues specified in this Order.[3]

Raymond A. Lowalski,

Chief, Compliance Division.

[FR Doc. 82–5004 Filed 2–24–82; 8:45 am]

BILLING CODE 6712–01–M

[2] See paragraph 6, *infra*.

[3] The enclosed forms should be sent to the Federal Communications Commission Washington, D.C. 20554 and the Chief, Administrative Law Judge, in the envelopes provided.

Radio Advisory Committee; Meeting

Notice is hereby given that a meeting of the Advisory Committee on Radio Broadcasting will be held Wednesday, March 10, 1982, starting at 10:30 a.m. in Room A–110, 1229 20th Street, NW., Washington, D.C. 20554.

Committee participants have expressed interest in the early conduct of discussions concerning:

(1) The post-Conference activities on implementation of the Final Acts of the Administrative Conference on Medium Frequency (AM) Broadcasting in Region 2 (Western Hemisphere) signed at Rio de Janeiro December 19, 1981;

(2) The development of bi-laterial agreements between the United States and neighboring countries supplementing the Rio Final Acts, taking into account the announcement by Canada and the Bahama Islands of their intention to give early official notification of their withdrawal from the North American Regional Broadcasting Agreement (NARB); and

(3) Problems arising out of AM spectrum use by neighboring countries

which are not signatories of the Rio Final Acts.

These and related matters will be considered at the March 10, 1982 meeting. If the discussion of these matters is not concluded by 12:30 p.m., the meeting will be recessed to 2:00 p.m., unless the participants find it desirable to continue without a break in an effort to conclude the meeting before lunch.

Questions relating to the meeting may be addressed to the Committee Chairman, Louis C. Stephens, at the FCC Headquarters in Washington, (202) 632-7792.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-5133 Filed 2-24-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

Unity Savings Association, Norridge, Illinois; Appointment of Receiver

The Federal Home Loan Bank Board has appointed the Federal Savings and Loan Insurance Corporation receiver for Unity Savings Association, Norridge, Illinois. The receiver has entered into an agreement with Talman Home Federal Savings and Loan Association of Illinois, Chicago, Illinois, whereby Talman Home will continue the business of Unity on Monday, February 22, 1982. All account of unity will continue to be insured up to the $100,000 limit.

Dated: February 22, 1982.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-5084 Filed 2-24-82; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Work Group To Reevaluate Guidelines for Nosocomial Pneumonia; Open Meeting

On March 15 and 16, 1982, the Centers for Disease Control will convene an open meeting of a work group to reevaluate the guidelines for nosocomial pneumonia to provide the most reasonable and practical guidance to infection control committees in hospitals. The meeting is open to the public, limited only by space available.

The meeting is scheduled to begin at 8:30 a.m., in Classroom 3, Building 2, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia.

For further information, please contact: Bryan P. Simmons, M.D., Hospital Infections Branch, Center for Infectious Diseases, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia, Telephones: FTS 236-3408, Commercial: 404/329-3408.

Dated: February 19, 1982.

William C. Watson, Jr.,

Acting Director.

[FR Doc. 82-5055 Filed 2-24-82; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-81-1112]

Acting Secretary of Housing and Urban Development; Order of Succession

During any period when, by reason of absence, disability, or vacancy in office, the Secretary of Housing and Urban Development is not available to exercise the powers and perform the duties of the Secretary, appointees to the positions listed below are authorized to act as Secretary and exercise all the powers, functions, and duties assigned to or vested in the Secretary. However, no official shall act as Secretary until all of the appointees listed before such official's title in this designation are unable to act by reason of absence, disability, or vacancy in office.

1. Under Secretary
2. General Counsel
3. Assistant Secretary for Housing—Federal Housing Commissioner
4. Assistant Secretary for Community Planning and Development
5. Assistant Secretary for Policy Development and Research
6. Assistant Secretary for Administration
7. Assistant Secretary for Legislation and Congressional Relations
8. Assistant Secretary for Fair Housing and Equal Opportunity

In the event of a civil defense emergency declared or proclaimed by the President or by Concurrent Resolution of the Congress in accordance with Section 301 of the Federal Civil Defense Act of 1950 (64 Stat. 1251, 12 U.S.C. App. 2291) and none of the officials named above is able to act, appointees to the positions listed below are authorized to act as Secretary and exercise all powers, functions, and duties assigned to or vested in the Secretary. However, no official shall act as Secretary until all of the appointees listed before such official's title in this designation are unable to act by reason of absence, disability, or vacancy in office.

1. General Manager, New Community Development Corporation
2. President, Government National Mortgage Association
3. Deputy Under Secretary for Field Coordination
4. Deputy Under Secretary for Intergovernmental Relations
5. Regional Administrator, Region I (Boston)
6. Regional Administrator, Region II (New York)
7. Regional Administrator, Region III (Philadelphia)
8. Regional Administrator, Region IV (Atlanta)
9. Regional Administrator, Region V (Chicago)
10. Regional Administrator, Region VI (Fort Worth)
11. Regional Administrator, Region VII (Kansas City)
12. Regional Administrator, Region VIII (Denver)
13. Regional Administrator, Region IX (San Francisco)
14. Regional Administrator, Region X (Seattle)

This designation supersedes the designation effective October 24, 1980 published November 4, 1980 (45 FR 73141).

Authority: Executive Order 11274, 31 FR 5243, 3 CFR; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Executive Order 11490, 34 FR 17567.

Effective Date. This order is effective February 18, 1982.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 82-5072 Filed 2-24-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 6878]

Arizona; Order Providing for Opening of Public Lands

February 12, 1982.

1. In exchange of lands made under the provisions of Section 8 of the Act of June 28, 1934 (49 Stat. 1272, amended, 43 U.S.C. 315g) the following lands have been reconveyed to the United States:

Gila and Salt River Meridian, Arizona

T. 6 S., R. 18 E.,
Sec. 7, N½SE¼, SW¼SE¼;
Sec. 8, S½;
Sec. 9, SW¼;
Sec. 13, N½;
Sec. 15, NW¼;
Sec. 16, NW¼SE¼, NE¼SW¼, S½S½;
Sec. 25, E½E½;

Containing 1,480 acres.

A parcel of land in the SE¼ sec. 33, T. 4 N., R. 4 E., GSR Mer., County of Maricopa, State of Arizona, containing an area of 92.34 acres, more or less, and being more particularly described as follows:

Beginning at a point in the east boundary of said Section 33 that bears Northerly along said east boundary 555.92 feet from the Southeast corner of said Section 33; thence from said point of beginning and leaving said east boundary North 76°03'03" West 8.37 feet to a point tangent to the following curve; thence along a curve to the right with a radius of 2964.29 feet, an arc distance of 988.05 feet (Chord—North 66°30'03" West 983.48 feet); thence tangent to the preceding curve North 56°57'03" West 595.02 feet; thence North 60°31'45" West 400.71 feet; thence North 56°57'03" West 1053.44 feet to a point in the North-South Midsection line of said Section 33; said point bears Northerly along said Midsection line 2025.94 feet from the South Quarter of said Section 33; thence Northerly along said Midsection line 709.00 feet, more or less, to the Center of said Section 33; thence Easterly along the East-West Midsection line of said Section 33, 2638.77 feet, more or less, to the East Quarter corner of said Section 33; thence Southerly along the east boundary of said Section 33, 194.65 feet, more or less, to the point of beginning.

A parcel of land in Lots 3 and 4, sec. 35, T. 4 N., R. 4 E., containing an area of 57.12 acres, more or less, and being more particularly described as follows:

Beginning at the Southwest corner of said Section 35; thence Northerly along the west boundary of said Section 35, 1467.84 feet, more or less, to the Northwest corner of said Lot 4; thence Easterly along the north boundary of said Lot 4, 332.12 feet; thence leaving said north boundary South 07°01'30" East 319.52 feet; thence South 68°07'35" East 815.47 feet; thence South 84°56'45" East 1054.16 feet; thence South 79°52'21" East 469.93 feet to a point in the east boundary of said Lot 3; thence southerly along said east boundary 688.99 feet to the South Quarter corner of said Section 35; thence Westerly 2640.80 feet, more or less, along the south boundary of said Section 35 to the point of beginning.

A parcel of land in the E½NE¼ sec. 17, T. 5 N., R. 1 E., containing an area of 12.40 acres, more or less, and being more particularly described as follows:

Beginning at the Northeast corner of said Section 17; thence from said point of beginning and along the east boundary of said Section 17 South 00°36'43" West 358.54 feet; thence leaving said east boundary South 85°06'32" West 1341.45 feet to a point in the west boundary of said E½NW¼; thence along said west boundary North 00°21'13" East 449.46 feet to the Northwest corner of said E½NW¼; thence along the north boundary of said Section 17, North 88°59'47" East 1337.83 feet to the point of beginning.

A parcel of land in the NW¼ sec. 15, T. 5 N., R. 1 E, containing an area of 20.79 acres, more or less, and being more particularly described as follows:

Beginning at a point in the west boundary of said Section 15 that bears South 00°06'16" West 435.15 feet from the northwest corner of said Section 15; thence from said point of beginning and leaving said west boundary South 76°30'13" East 1491.86 feet thence South 39°37'43" East 124.98 feet; thence South 76°30'13" East 1151.98 feet to a point in the east boundary of said Northwest Quarter; thence along said east boundary South 00°11'11" West 256.90 feet; thence leaving said east boundary North 76°30'13" West 1211.12 feet; thence South 66°37'14" West 124.98 feet; thence North 76°30'13" West 1396.63 feet to a point in the west boundary of said Section 15; thence along said west boundary North 00°06'16" East 411.18 feet to the point of beginning.

The areas aggregate approximately 1662.65 acres in Maricopa and Pinal Counties.

2. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to March 31, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (622–261–4774).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–5014 Filed 2–24–82; 8:45 am]

BILLING CODE 4310–84–M

California Desert Conservation Area Plan: 1982 Review

Notice is hereby given that the Bureau of Land Management is initiating the 1982 review of the California Desert Conservation Area Plan in accordance with the review procedures outlined in Chapter 7 of that Plan. The purpose of this review is to consider the need for possible amendments to the Plan based on requests from individuals, public and private organizations, and the Bureau's own observations.

Requests for amendments or changes in the California Desert Plan are now being solicited from public agencies and interested individuals and organizations. Supporting rationale should be provided for each proposed change. The requests will be considered in light of the following criteria.

1. Is the supporting detail sufficient and the problem clearly stated so that the request can be considered?

2. Does the information represent a formal change in State or local government or other agency plans?

3. Does the information represent a change in legal or regulatory mandate?

Organizations or individuals who propose three or more amendments should rank their requests according to relative importance to the proponent.

Please send your comments by May 17, 1982 to the following address: 1982 Amendments, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, California 92507, (714) 351–6394.

Copies of the Plan are available upon request at the same address.

Bruce Ottenfeld,

Acting District Manager.

[FR Doc. 82–5018 Filed 2–24–82; 8:45 am]

BILLING CODE 4310–84–M

[Serial No. I–9536]

Idaho; Termination of Proposed Withdrawal and Reservation of Lands

February 18, 1982.

Notice of an application, serial number I–9536, for withdrawal and reservation of lands was published as Federal Register Document No. 75–18292 on page 29738 of the issue for July 15, 1975. The applicant agency has cancelled its application insofar as it involved the land described below. Therefore pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 7:45 a.m. on March 26, 1982, relieved of the segregative effect of above mentioned application.

The lands involved in this notice of termination are:

Boise Meridian, Idaho

Teton Dam Wildlife Mitigation Project

T. 1 N., R. 40 E.,
Sec. 1, W½SE¼;
Sec. 2, lots 1,2,3, S½SW¼NW¼, NW¼SW¼;
Sec. 3, S½SE¼NE¼, SW¼SW¼,E½SE¼;
Sec. 4, S½SE¼;
Sec. 10, NW¼NE¼, SE¼NE¼, NW¼;
Sec. 11, NE¼NW¼;
Sec. 12, E½NE¼.
T. 2 N., R. 40 E.,
Sec. 23, SE¼NE¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 24, S½SW¼, NE¼SW¼, SE¼SE¼;
Sec. 25, E½SW¼, W½SE¼;
Sec. 26, SW¼NE¼, SE¼NW¼;
Sec. 35, E½NE¼, NW¼NW¼, E½SW¼SW¼, E½SW¼, SE¼.
T. 1 N., R. 41 E.,

Sec. 7, lots 2,3, SE¼SW¼, SW¼SE¼;
Sec. 14, NE¼NW¼, S½NW¼, SW¼, SW¼SE¼;
Sec. 15, NW¼NE¼, SE¼NE¼, N½SW¼, SE¼;
Sec. 17, NW¼NW¼;
Sec. 21, NE¼;
Sec. 23, NW¼NE¼, S½NE¼, W½;
Sec. 26, SW¼NW¼, N½SW¼;
Sec. 27, S½NE¼, SE¼NW¼, N½SW¼;
Sec. 34, SW¼SW¼.

The area described aggregates 3,629.86 acres in Bonneville County.

Vicent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 82-5015 Filed 2-24-82; 8:45 am]

BILLING CODE 4310-84-M

[I-16857]

Exchange of Public and Private Lands, Elmore County, Idaho

The United States issued an exchange document to Joseph E. Davidson and Florence K. Davidson on February 17, 1982 for the following described lands under Section 206 of the Federal Land Policy and Management Act of 1976.

Boise Meridian, Idaho

T. 6 S., R. 11 E.,
Sec. 25, S½N½SW¼, S½SW¼, S½NW¼SE¼, SW¼SE¼.
T. 6 S., R. 12 E.,
Sec. 19, E½SW¼;
Sec. 30, lots 1, 2, SE¼NW¼.

Comprising 379.33 acres of public land.

In exchange for these lands, the United States acquired the following described lands:

The NE¼SE¼, Section 1, T. 5 S., R. 11 E., Boise Meridian, Idaho.

And a parcel of land in Sections 1 and 12, T. 5 S., R. 11 E., B.M., Elmore County, Idaho, and being more specifically described as follows:

Commencing at the northeast corner of Section 12, T. 5 S., R. 11 E., Boise Meridian; Said corner being the Real Point of Beginning;

Thence from this Real Point of Beginning northerly along the east boundary of Section 1 to the northeast corner of the S½SE¼, Section 1;

Thence westerly along the north boundary of the S½SE¼, Section 1 to the northwest corner of the S½SE¼, Section 1;

Thence from said northwest corner S½SE¼ westerly along the north boundary of the S½SW¼, Section 1, 1701.6 feet more or less;

Thence S. 0°26'00" W., 3034.70 feet more or less to a point on the approximate southerly rim of Clover Creek Canyon; Said point bears N. 44°29'59" E., 1353.50 feet from the Quarter corner common to Sections 11 and 12, T. 5 S., R. 11 E., B.M.; Said point also bears N. 25°39'27" W., 3967.55 feet from the south Quarter corner said Section 12;

Thence along the approximate southerly rim of Clover Creek Canyon the following courses and distances:

S. 84°19'55" E., 158.30 feet;
N. 80°46'26" E., 536.31 feet;
N. 8°14'05" W., 810.59 feet;
N. 79°58'23" E., 443.77 feet;
N. 86°28'33" E., 1104.13 feet;
N. 89°31'01" E., 529.37 feet;
N. 37°25'32" E., 625.39 feet;
N. 1°16'27" E., 261.93 feet;
N. 32°00'23" E., 84.50 feet;
N. 57°09'00" E., 667.69 feet;
S. 76°22'13" E., 113.32 feet;
S. 9°24'19" E., 569.74 feet;
N. 82°04'42" E., 228.31 feet;
S. 53°26'24" E., 355.97 feet to the easterly boundary of Section 12, T. 5 S., R. 11 E., Boise Meridian;

Thence N. 0°22'24" W., 256.89 feet along the easterly boundary of said Section 12 to the Real Point of Beginning.

Comprising 228.00 acres of private lands.

The purpose of this exchange was to acquire the non-federal land which have high public values for scenic and multiple use purposes. The public interest was well served through completion of this exchange.

The values of the federal public land and the non-federal land in the exchange were appraised at $56,900 and $57,000 respectively. Joseph E. and Florence K. Davidson voluntarily waived equalization payment in the amount of $100 in order to complete the exchange.

Dated: February 17, 1982.

Louis B. Bellesi,

Chief, Division of Technical Service.

[FR Doc. 82-5019 Filed 2-24-82; 8:45 am]

BILLING CODE 4310-84-M

[1792.2 EUG (922)]

Oregon, Eugene Timber Management Plan; Intent To Prepare an Environmental Impact Statement and Conduct Scoping Meeting

The Department of the Interior, Bureau of Land Management, Oregon State Office, will prepare an Environmental Impact Statement (EIS) on the proposed timber management plan for the Sisuslaw and Upper Willamette Sustained Yield Units (SYUs) in the Eugene District of western Oregon. The final statement is to be completed in the spring of 1983. Decisionmaking will take place over a period of several months following completion of the final statement.

This statement will analyze the environmental effects of a proposed 10-year timber management plan and alternatives to the proposal for 317,000 acres of public land in the SYUs. The majority of the acres are in Lane County, with lesser amounts in Linn, Douglas and Benton Counties. The proposed land use allocations and resulting timber management plans have evolved through public development of planning criteria with specific resource goals and objectives. Public comments on the draft land use alternatives have helped guide the selection of the proposed action (preferred alternative). A proposed sustained yield timber harvest level for the next decade has been identified for each alternative, as have management practices required to achieve the goals and objectives of each land use allocation alternative. Harvest would be predominately by clearcutting with some single tree selection used in salvage situations. Additional management practices to be employed include slash disposal, artificial reforestation (some with genetically improved stock), animal damage control, road construction, thinning, fertilization and vegetation control (both to release conifers from competing vegetation and to convert some brush and hardwood stands to conifers) with herbicides as well as manual and mechanical methods.

Discussion of an alternative of no change from present harvest level and practices is required and will be included in the EIS. Additional types of alternatives to the proposal which might be discussed in the statement include:

1. Variations in land use allocation in which more or less land is designated for intensive timber production.

2. Different acreages, cycles or types of intensive timber management practices.

The EIS will identify the impacts that can be expected from implementation of any alternative, including the proposed action. The statement will be an analytical tool used to assist in making final decisions for managing timber resources in the SYUs. The final decision are expected to guide the operation in the SYUs for a 10-year period beginnning in October 1983.

A public scoping meeting to identify significant issues and to obtain public comments on the formulation of specific alternatives will be held. Significant environmental issues are those considered to be of particular importance for in-depth analysis in the EIS. The public meeting will be held at the Courthhouse Public Service Building (Harris Hall) 125 E. 8th Avenue, Eugene,

Oregon, April 5, 1982 at 7:00 p.m. Informal meetings as requested by groups or agencies may take place prior to April 5 on an arranged basis.

Further information may be obtained from:

John Strandjord, Planning Coordinator, Bureau of Land Management, 1255 Pearl St., Eugene, Oregon 97401; Telephone (503) 687–6650

Richard Bonn, Statement Leader, Bureau of Land Management (922), P.O. Box 2965, Portland, Oregon 97208; Telephone (503) 231–6953

Dated: February 16, 1982.

Philip C. Hamilton,

Chief, Division of Planning and Environmental Coordination, Oregon State Office.

[FR Doc. 82–5017 Filed 2–24–82; 8:45 am]

BILLING CODE 4310–84–M

Spokane District; Areas of Critical Environmental Concern

Pursuant to the authority in the Federal Land Policy and Management Act of October 21, 1976 (Section 202(c)(3) and in 43 CFR 1601.6–7, I have designated lands in the following three areas as Areas of Critical Environmental Concern (ACEC's).

Juniper Forest Area of Critical Environmental Concern

Willamette Meridian; Franklin County, Washington

T. 10 N., R. 31 E.,
Sec. 1, all;
Sec. 10, NW¼, N½NE¼, and W½SW¼;
Sec. 12, all;
Sec. 22, all;
Sec. 24, all;
Sec. 26, NW¼.
T. 10 N., R. 32 E.,
Sec. 5, all;
Sec. 6, all;
Sec. 7, N½;
Sec. 8, all;
Sec. 18, all.
T. 11 N., R. 31 E.,
Sec. 22, SW¼;
Sec. 24, all;
Sec. 26, NW¼, and N½NE¼;
Sec. 27, NE¼ SW¼, W½SE¼ and NE¼SE¼;
Sec. 28, E½;
Sec. 34, NW¼, SE¼, W½SE¼, SE¼SE¼, and NW¼NE¼;
Sec. 36, E½, SW¼, E½NW¼, and SW¼NW¼.
T. 11 N., R. 32 E.,
Sec. 20, S½, S½NE¼, and S½SE¼NW¼;
Sec. 21, S½SW¼;
Sec. 28, W½;
Sec. 29, all;
Sec. 30, all;
Sec. 31, SW¼;
Sec. 32, all;
Sec. 33, NW½NW¼.

Weber Canyon Area of Critical Environmental Concern

Willamette Meridian; Benton County, Washington

T. 9 N., R. 27 E.,
Sec. 33, SE¼.

Yakima/Columbia River Islands Area of Critical Environmental Concern

Willamette Meridian; Benton and Franklin Counties, Washington

T. 9 N., R. 25 E.,
Sec. 33, all unsurveyed islands in the Yakima River.
T. 9 N., R. 26 E.,
Sec. 11, all unsurveyed islands in the Yakima River;
Sec. 13, all unsurveyed islands in the Yakima River.
T. 9 N., R. 27 E.,
Sec. 7, all unsurveyed islands in the Yakima River.
T. 11 N., R. 28 E.,
Sec. 2, lot 7.
T. 12 N., R. 28 E.,
Sec. 14, all unsurveyed islands in the Columbia River;
Sec. 23, all unsurveyed islands in the Columbia River;
Sec. 26, lot 6.

The Juniper Forest ACEC totals 11,620 acres of BLM administered land located approximately 15 miles northeast of Pasco, Washington. The designation is being made in order to provide protection for important wildlife and natural values and still provide for other compatible uses of the land. The Weber Canyon ACEC totals 160 acres of BLM administered land. The designation is being made to provide protection of a paleontological site which contains the remains of large mammals. The Yakima/Columbia River Islands ACEC contains approximately 600 acres of BLM administered land. The designation is being made to provide protection of important waterfowl habitat.

All of these areas will be managed under criteria contained in an ACEC plan element which is part of the Southeast Management Framework Plan on file in the Spokane District Office; E. 4217 Main Avenue, Spokane, WA 99202.

Dated: February 16, 1982.

Roger W. Burwell,

District Manager.

[FR Doc. 82–5013 Filed 2–24–82; 8:45 am]

BILLING CODE 4310–84–M

Utah; Grazing Management Public Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Vernal District Grazing Advisory Board will be held on March 23, 1982.

The Meeting will begin at 9:00 a.m. in the Conference Room of the Bureau of Land Management Office, 170 South 500 East, Vernal, Utah.

The agenda for the meeting will including a discussion of: (1) A review of minutes and items pertaining to the last Board meeting; (2) recent policy relating to participation of permittees in the BLM inventory, planning, and other programs; (3) the status of FY 82 Range Betterment Work; (4) projected Range Betterment Work for FY 83 and out-years; (5) Range Betterment Equipment Needs; (6) status of the District range ES program; (7) recent policy relating to the role of the District Grazing Advisory Board; (8) continuation of the District Grazing Board Charter.

The meeting is open to the public. Interested persons may make oral statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 170 South 500 East, Vernal, Utah, by March 22, 1982. Depending on the number of persons wishing to make statements, the District Manager may establish a per person time limit. Oral statements will be taken beginning 10:30 a.m. March 23, 1982.

Summary minutes of the Board meeting will be maintained at the District Office and will be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

Lloyd H. Ferguson,

District Manager.

[FR Doc. 82–5016 Filed 2–24–82; 8:45 am]

BILLING CODE 4310–84–M

Results of Appeal Period for Special Wilderness Inventory of Revocated Lands; Yuma County, Ariz.

The January 14, 1982, **Federal Register**, page 2207, announced the results of the protest period for the Arizona Special Wilderness Inventory of Revocated Lands. That announcement established a Wilderness Study Area (Muggins Mountain) of 21,300 acres. It also released units AZ–050–53B, AZ–050–53C and AZ–050–54 from further wilderness consideration.

The publication of the January 14 announcement started a 30-day appeal period. No appeals were received during the allotted time. Therefore, the Muggins Mountain unit (AZ–050–53A) is established as a Wilderness Study Area

and will proceed into the study phase of the wilderness program.

Units AZ–050–53B, AZ–050–53C and AZ–050–54 are dropped from further wilderness review and are no longer subject to the constraints of Section 603 of the Federal Land Policy and Management Act of 1976 and the *Interim Management Policy and Guidelines for Lands Under Wilderness Review.*

Tom Allen,

Acting State Director.

February 17, 1982.

[FR Doc. 82–5020 Filed 2–24–82; 8:45 am]

BILLING CODE 4310–84–M

Bakersfield District Grazing Advisory Board; Selection and Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Grazing Advisory Board Selection and Meeting.

SUMMARY: The Bureau of Land Management (BLM) announces the selection of the 1981–1983 Bakersfield District Grazing Advisory Board and forthcoming meeting of the Board.

DATE: The meeting will be held at 8:00 a.m., Thursday, March 18, 1982.

ADDRESS: The meeting will take place in the Del Rey Room of the Casa Royale Motor Inn, 251 South Union Avenue, Bakersfield, California.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Pub. L. 92–463 and 94–579. The meeting agenda will include (1) general orientation, (2) new range policies, and (3) expenditure of range improvement funds.

The meeting is open to the public and anyone may make oral statements to the Board or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify in writing the Acting District Manager, Bureau of Land Management, Bakersfield District, 800 Truxtun Avenue, Room 302, Bakersfield, California, 93301, by March 11, 1982.

The eight member Board was elected by commercial livestock operators holding public land grazing permits within the Bakersfield District and will offer BLM advice and make recommendations regarding the BLM's rangeland management program. This will include the development of allotment management plans and utilization of range betterment funds. Members will serve for a two-year term without cost to the government. The Board will normally meet twice a year, but additional meetings may be called as special needs arise. The establishment of the Board is authorized by Section 403 of Pub. L. 94–579, Federal Land Policy and Management Act of 1976 (90 Stat. 2743–2794).

The newly elected Grazing Advisory Board Members are: James Cashbaugh, Bishop, California, and Mark Johns, Big Pine, California, representing BLM's Bishop Resource Area; Kenneth Mebane, Bakersfield, California, and Joe Mendiburu, Oildale, California, representing BLM's Caliente Resource Area; Horace Meyer, Catheys Valley, California, and Nancy Whittle, Altaville, California, representing Folsom Resource Area; and Charles McCullough, Paicines, California, and Darrell Zwang, Coalinga, California, representing BLM's Hollister Resource Area.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection within thirty (30) days following the meeting.

Garold W. Lamb,

Acting District Manager.

[FR Doc. 82–5021 Filed 2–24–82; 8:45 am]

BILLING CODE 4310–84–M

State of California, San Gorgonio Pass Area Wind Energy Applicant Selection Process; Modified-Competitive Bidding Procedures; Availability of Proposed Bid Procedures

As a part of the process outlined in the Bureau of Land Management's "call for applications" for wind energy development in the San Gorgonio Pass area published in the August 26, 1981, **Federal Register** (Vol. 46, No. 165), the Bureau has developed procedures to grant rights-of-way for competing applications for wind-power generating facilities on public lands.

Using the environmental analysis process to determine the type and degree of development to be permitted in the Pass area, tracts of land will be identified in a final Environmental Impact Statement and made available for sale under a modified-competitive bid procedure. Bids will be limited to those applicants who previously submitted applications during the 60-day "call for applications." Offerings will be through sealed bids and award will be based on the highest cash bonus. Bids will be submitted to the District Manager, California Desert District, Bureau of Land Management, 1695 Spruce Street, Riverside, CA 92507, and must be received on or before 10:00 a.m. on a date to be determined in the Record of Decision.

Separate bids must be submitted on each parcel in a separate envelope and must be for the full unit described. The envelope in which the bid is submitted must submit with each bid one-fifth of the amount bid, in cash or by certified or Cashier's Check, bank draft, or money order made payable to the Bureau of Land Management. Bidders are warned against violation of 18 U.S.C. 1860 which prohibits unlawful combination or intimidation of bidders. Bids will be opened and read at 11:00 a.m. on the determined date in the Conference Room of the California Desert District Office on Spruce Street in Riverside, California. The opening of the bids is for the purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. The deposit of any unsuccessful bidders will be returned as soon as possible after the sale. The amount submitted with the high bids may be deposited in an unearned account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

Any bonus bid considered as inadequate on the basis of the estimated value of the tract will be rejected. The United States reserves the right to withdraw any tract from the sale prior to the issuance of a written acceptance of a bid and reserves the right to reject any and all bids.

Royalties will be payable to the United States at the rate determined in the Record of Decision. Annual rental will be determined from the fair market value of the parcel at the time of the sale.

Before issuance of a grant, the successful bidder will be required to submit (1) the first year's rental, (2) the balance of the bonus bid, and (3) Forms 1140–7 and 1140–8 which contain the certification and information required by Executive Order 11246 as amended (41 CFR Part 60). The determination of stipulations and conditions to be imposed on the grant and bonding requirements will be made in the FEIS and ROD and as supplemented by 43 CFR Part 2801.

Comments on these procedures are being solicited from public agencies, applicants and interested individuals and entities. The Bureau invites written comments to be submitted by March 26, 1982, to the State Director, Bureau of Land Management, 2800 Cottage Way, Room #E–2841, Sacramento, California 95825. Questions regarding these procedures should be directed to either Walt Holmes, Branch of Lands and Minerals Operations, Division of Operations, (916) 484–4431, or Bill Payne, EIS Project Coordinator, (916) 484–4541.

Dated: February 22, 1982.

Ron Hofman,

Associate State Director.

[FR Doc. 82-5171 Filed 2-24-82; 8:45 am]

BILLING CODE 4310-84-M

[Serial Nos. A 17000-G]

Arizona; Classification of Public Lands for State Indemnity Selection

In FR Doc. 82-1470 appearing on pages 3042 and 3043 of the issue for January 21, 1982, the following changes should be made for application A 17000-G:

Under T. 6 N., R. 2 E., Section 4: Lots 1, 2 should be Lots 3, 4. Under T. 6 N., R. 2 E., Section 5: W½ of Lot 3 should be E¾ of Lot 3.

Dated: February 12, 1982.

William K. Barker,

For the State Director.

[FR Doc. 82-5056 Filed 2-24-82; 8:45 am]

BILLING CODE 4310-84-M

[I-18000]

Public Lands Exchange; Bannock County, Idaho

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action—exchange, public lands in Bannock County, Idaho.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under sec. 206 of the Federal Land Policy and Management act of 1976, 43 U.S.C. 1716:

Boise Meridian, Idaho

T. 7 S., R. 35 E.,
Sec. 21: Lot 3.
Comprising 19.16 acres of public land.

In exchange for these lands, the Federal Government will acquire a tract of non-Federal land in Bannock County from William G. Katsilometes, described as follows:

Boise Meridian, Idaho

T. 6 S., R. 36 E.,
Sec. 20: E½NW¼, NE¼SW¼.
Comprising 120 acres of private land.

The purpose of the exchange is to acquire the non-Federal lands which has high public value for recreational uses and livestock grazing. The exchange is consistent with the Bureau's planning system. The public interest will be well served by making the exchange.

The value of the lands to be exchanged is approximately equal, and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. The reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. Those rights for highway purposes as have been granted to the State of Idaho under serial number I-0533.

3. The protection of any identified cultural sites.

4. There will be no reservations for the acquired non-Federal land.

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be condidered as filed and shall be returned to the applicant. This segregative affect shall terminate upon issuance of patent to such lands, upon publication in the Federal Register of a termination of the segregation, or 2 years from date of this publication, whichever occurs first.

DATES: Comments are due by April 28, 1982.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Burley District Office, Route 3, Box 1, Burley, ID 83318.

On or before April 12, 1982, interested parties may submit comments to the Burley Distric Manager, Route 3, Box 1, Burley, ID 83318. Any adverse comments may be elvaluated by the Idaho State Director, who many vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

K. Lynn Bennett,

Acting District Manager.

[FR Doc. 82-5057 Filed 2-24-82; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Sale of Public Lands in Owyhee County, Idaho; Corrections

In the **Federal Register** for Wednesday, February 10, 1982, Vol. 47, No. 28, on page 6099 make the following additions and corrections:

On page 6099, at the bottom of the first column, add the following building owner name, lot number, acres and value:

Gloria Otto	98	0.21	$325

James Gabettas,

Acting District Manager.

February 18, 1982.

[FR Doc. 82-5058 Filed 2-24-82; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered species: Applicant: Calvin W. S. Lum, Kipahulu, Maui, HI, PRT 2-8823.

The applicant requests a permit to import one captive-bred female white-handed gibbon (*Hylobates lar*) from the Tokyo University Institute for Breeding Research, for enhancement of propagation. Applicant: Zoological Society of San Diego, San Diego, CA, PRT 2-8838.

The applicant requests a permit to import two Amur leopards (*Panthera pardus orientalis*) from the Chengtu Zoo, People's Republic of China, for enhancement of propagation. The leopards were originally taken from the wild (China) but have been in captivity for two years. Applicant: John Harris, Clem and Jethro Lecture Service, Old Town, FL, PRT 2-3717.

The applicant requests a permit to import and export two captive-bred gray wolves (*Canis lupus*) to be used in natural history lectures in foreign countries for enhancement of survival. Applicant: Mark Hemker, Freeport, MN, PRT 2-8821.

The applicant requests a permit to purchase in interstate commerce captive-bred Nene geese (*Branta sandvicensis*) from U.S. sources for enhancement of propagation. Applicant: Dr. J. A. Adams, Pacific Gas and Electric Co., San Ramon, CA, PRT 2-8824.

The applicant requests a permit to take (capture) Salt Marsh Harvest Mice (*Reithrodontomys raviventris*) in the McAvoy Boat Harbor areas near Pittsburg, California for scientific research and enhancement of survival. Applicant: Steven R. Beissinger, School of Natural Resources, University of Michigan, Ann Arbor, MI, PRT 2-8827.

The applicant requests a permit to take Everglade snail kites (*Rostrhamus sociabilis plumbeus*) for scientific

research. Activities will include placing eggs from one nest into another to increase reproduction, band, radio-tag, capture nestlings for measuring weights, size, etc., to monitor some nests with movie cameras, and to observe birds from nearby blinds. Applicant: Tennessee Wildlife Resources Agency, Nashville, TN, PRT 2-7678.

The applicant requests a permit to take nestling bald eagles (*Haliaeetus leucocephalus*) from Michigan, Minnesota, or Wisconsin to be hacked in western Tennessee for enhancement of propagation and survival. Applicant: Division of Fish and Wildlife, Government of the Virgin Islands of the U.S., St. Thomas, VI, PRT 2-6582.

The applicant requests a permit to take and hold in captivity for one year at Coral World Aquarium hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), and green (*Chelonia mydas*) sea turtles for growth studies for scientific research. Applicant: Richard A. Graham, United Peregrine Society, Colorado Springs, CO, PRT 2-7690.

The applicant requests an amendment to his endangered species permit PRT 2-7690 to import 10 wild nestling peregrine falcons (*Falco peregrinus anatum*) from Baja California, Mexico, for enhancement of propagation. Last year the applicant imported eight nestling peregrine falcons from the midriff region of Baja California under PRT 2-7690 which authorized import of 10 birds in addition to authorizing the take of six peregrine eggs from Colorado, of which only two were taken. The ultimae purpose of the applicant is to establish a breeding colony of peregrine falcons which represents a geographic diversity of the North American peregrine falcon gene pool.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before March 29, 1982 by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: February 22, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-5088 Filed 2-24-82; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2680, Block 138, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 18, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-5022 Filed 2-24-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Mesa Petroleum Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4216, Block 381, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 19, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-5023 Filed 2-24-82; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

[No. 38703]

Motor Carriers; Gray Moving & Storage, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final decision.

SUMMARY: In a notice published at 46 FR 55018 (November 5, 1981), the Commission provisionally granted the request of Gray Moving & Storage, Inc. (Gray), a motor contract carrier, for an exemption from the requirements in 49

U.S.C. 10702, 10761, and 10762. The comments in opposition filed by Smith & Solomon Trucking Company (S&S) are founded unpersuasive and the provisional grant is made final.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Commission provisionally granted the requested exemption so that, in lieu of filing rate schedules, Gray Moving & Storage, Inc. could simply provide a copy of its contract (with rates attached) to interested parties upon request. The exemption was limited to the narrow scope of the petition and was conditioned on Gray Moving & Storage making available copies of its contract.

S&S, a common carrier, filed comments opposing the exemption. It argues that the contract carrier exemption in principle is anti-competitive in that it allows contract carriers to compete without the cost of filing tariffs. It submits that to allow Gray Moving and Storage Co. the sought exemption will establish a dangerous precedent.

We believe, for a number of reasons, that this fear is unfounded. The statute specifically authorizes this relief, upon a finding that it is in the public interest. That interest is served, in part, by Commission actions that lower carrier, and thus shipper, costs. S&S has not convinced us that tariff filing costs must be borne equally by all carriers, irrespective of their costs or purpose. The fact that common carriers do not have available a similar exemption possibility should not compel a conclusion that it should not be used, when appropriate, for contract carriers.

Furthermore, Gray proposed to offer copies of the contracts themselves to interested parties. This actually provides the public with more information than the tariff minimum rates that would otherwise be required by the statute. Accordingly, the provisional exemption granted at 46 FR 55018 (November 5, 1981) is made final.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10702(b), 10761(b), and 10762(f))

Decided: February 18, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–5031 Filed 2–24–82; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Volume OP1–29]

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petition for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleadings shall address specifically the issue(s) indicated as the purpose for republication.

MC 143531 (Sub-9) (republication), filed September 24, 1981, published in the **Federal Register** October 16, 1981, and republished this issue. Applicant: POWDER RIVER MOTOR TRANSPORT CORPORATION, P.O. Box 300, Provo, UT 84603. Representative: Irene Warr, 311 S. State St. Ste. 280, Salt Lake City, UT 84110, 801–531–1300. A decision by the Commission, Review Board #1, decided January 25, 1982, served February 8, 1982, finds that applicant is authorized to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal articles,* between points in the United States, (2) *building and construction materials,* between points in Iron, UT, and Washington Counties, UT, Lincoln County, OK, and Uinta and Sweetwater Counties, WY, and points in CA, OR, and WA, on the one hand, and, on the other, points in the U.S. in and west of OH, KY, TN, and AL, (3) *such commodities* as are dealt in by boat dealers, between points in Utah County, UT, on the one hand, and, on the other, Phoenix, AZ, Los Angeles, CA, and Denver, CO, (4) *such commodities* as are used in the manufacture of water conditioning equipment, between points in Utah County, UT, on the one hand, and, on the other, points in CA and WI, and (5) *paint,* between points in Orange County, CA, on the one hand, and, on the other, Phoenix, AZ, and Denver, Co. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to indicate that applicant has been granted authority to transport building and construction materials rather than lumber and wood products.

MC 146600 (Sub-5) (republication), filed September 30, 1981, published in the **Federal Register** November 4, 1981, and republished this issue. Applicant: K & J TRUCKING, INC., 2808 West Sixth Street, Sioux Falls, SD 57104. Representative: David Koch (same address as applicant), 605–332–5531. A decision by the Commission, Review Board #2, decided February 11, 1982, served February 18, 1982, finds that applicant is authorized to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in Minnehaha and Lincoln Counties, SD, on the one hand, and, on the other, points in AZ, CA, IA, IL, IN, KS, KY, MI, MN, MO, NE, NM, NY, ND, OH, OK, PA, SD, TN, TX, and WI. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to indicate that applicant has been granted authority narrower than that previously published.

MC 151651 (republication), filed September 8, 1981, published in the **Federal Register** September 23, 1981, and republished this issue. Applicant: INTERMODAL SERVICES, INC., P.O. Box 668211, 5430 Hovis Road, Charlotte, NC 28266. Representative: Richard Thomas Duckett (same address as applicant), 704–394–3923. A decision by the Commission, Review Board #3, decided January 25, 1982, served February 16, 1982, finds that applicant is authorized to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in NC and SC. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to indicate that applicant has been granted authority removing the applied for ex-rail, ex-water restriction.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–5027 Filed 2–24–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 235]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: February 19, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 15197 (Sub-5)X, filed February 10, 1982. Applicant: GILBERT VAN VELDHUIZEN, 1410 Wilson Street, Sheldon, IA 51201. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Lead permit to "chemicals and related products" and "food and related products" from mineral, animal and poultry feed mixture, animal and poultry feed concentrates, tonics, and medicines, dry earth paint, insecticides, advertising matter and premiums livestock and poultry feeders and equipment, between points in the U.S., under continuing contract(s) with a named shipper.

MC 29537 (Sub-13)X, filed February 1, 1982. Applicant: R. H. CRAWFORD, INC., 425 Poplar Street, Hanover, PA 17331. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Lead and Subs 5, 7, 8, 9, and 10: (1) broaden: to "food and related products" from (a) beer and groceries and canned fruits, vegetables and juices, in lead, (b) canned vegetables, in Sub 7, and (c) foodstuffs, in Sub 9; to "metal products" from iron foundry products, and to "lumber and wood products" from lumber, in lead; (2) remove: (a) frozen food exception, in Sub-8, (b) originating at and/or destined to restriction in Subs 7, 8, 9 and 10, (c) facilities restriction in Subs-7, 8 and 9, and (d) ex-rail restriction in lead; (3)(a) to two-way authority, and authorize service on all intermediate points, in lead (regular route), (b) to radial authority, (irregular routes) lead and Sub 5; (4) to county-wide authority: York County, PA for (a) New Park, Fawn Township, and Penn Township, in lead (irregular route) (b) Shrewsbury and New Freedom, in Sub 7; York and Adams Counties, PA for (a) Hanover, in Subs 5 and 9, and (b) New Freedom and Hanover, in Sub 10.

MC 35358 (Sub-65)X, filed February 4, 1982. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Dr. N.E., Minneapolis, MN 55421. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Subs 14, 15, 17, 20, 23, 25, 38, 40, 45, and Letter Notices E–11, 12, 13, 14, 16, 17, 18, 19, 31, 32, 33, 43, 46, 48, 54, 55, 56, 57 and 58. Broaden: furniture, fixtures and furnishings (also new), uncrated furniture household furniture, furnishings, appliances, store and office fixtures, household/kitchen equipment, caskets, school, hospital and industrial furniture, cabinets, fixtures, sinks and tops, to "household goods and furniture, fixtures and furnishings", all authorities to radial authority; Subs 17, 40, E–11, Lake, DuPage, Cook, Will Counties, IL and Lake and Porter Counties, IN for Chicago; Sub 23, Kane and DuPage Counties, IL for Geneva, IL; Sub 17, Douglas County, WI for Superior, WI; remove restriction against transportation of school furniture from Arlington Heights, IL to points in WI (Sub 14).

MC 41635 (Sub-54)X, filed February 1, 1982. Applicant: SHALE AUTO TRANSPORT, INC., 4430 Roosevelt Hwy., College Pk., GA 30349. Representative: Paul M. Danielle, P.O. Box 872, Atlanta, GA 30301. Sub 53, broaden: (1) From automobiles, trucks, tractors, bodies, cabs, chassis, motor vehicles, buses, trailers and automobiles and truck parts and accessories to "transportation equipment"; (2) to radial authority; (3) from general commodities (with exceptions) to "general commodities, except Classes A and B explosives, household goods and commodities in bulk"; (4) remove ex-rail restrictions; (5) remove truckaway, driveaway, initial and secondary movement restrictions; (6) remove plant site limitation; (7) remove mixed load restrictions; (8) allow service at all intermediate points on regular routes and (9) from Louisville, KY to Jefferson County, irregular route.

MC 103602 (Sub-13)X, filed February 8, 1982. Applicant: SKJONSBY TRUCK LINE, INC., P.O. Box 362, Fargo, ND 58107. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58101. Subs 5, 7, 9, 10 and 12, broaden (1) to "machinery" from tractors, Sub 9 and agricultural machinery and equipment, Sub 10, (2) remove originating at/destined to, against named commodities, in mixed loads, in bulk, in tank vehicles, on trailers, minimum weight and ex-rail restrictions and (3) to radial authority, Subs 9 and 12.

MC 107496 (Sub-1287)X, filed February 8, 1982. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, De Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Sub Nos. 191, 210, 241, 248, 252, 269, 278, 304, 314, 316, 338, 354, 365, 373, 401, 463, 474, 502, 508, 512, 541, 560, 563, 583, 626, 657, 685, 722, 770, 824, 825, 1004, 1021, 1047, 1048, 1069, 1085, 1203, 1243, 1249, 1266: broaden (1) (a) fly ash, cement, barite ore, portland and masonry, crushed and ground limestone, portland pozzolan, cement kiln dust, perlite other than crude (expanded), vermiculite, sand and additives, mineral filler, bentonite clay, cement mixes, cement block, lime, crushed gypsum rock, foundry sand additives, to "clay, concrete, glass, or stone products" in all Subs; (b) dry chemical fertilizer, fertilizer materials, insecticides, fungicides, and herbicides to "chemicals and related products" in Sub-No. 825; and (c) foundry sand additives and ingredients and ventonite clay ingredients to "clay, concrete, glass, or stone products, and chemicals and related products"; (2) to radial service in all Subs; (3) delete "in bulk" and/or "in tank vehicle" "in bags", "in containers" limitations in Sub-Nos. 191, 252, 291, 314, 373, 401, 463, 502, 508, 541, 685, 722, 824, 825, 1004, 1021, 1048, 1085, 1203, 1243, 1249, 1266; (4) delete mixed loads restriction in Sub 722; (5) delete plantsite restrictions in Subs 19, 210, 241, 248, 252, 278, 291, 304, 316, 338, 373, 463, 512, 541, 657, 824, 825, 1021; (6) broaden cities to counties: (a) five miles west of La Due, MO, to Henry County in Sub 191; (b) Independence, MO, to Jackson County, Memphis, TN, to Shelby County, TN and Crittenden County, AR, Chanute and Fredonia, KS to Neosho and Wilson

Counties in Sub 210; (c) Olathe, KS, to Johnson County in Sub 241; (d) Mason City, IA, to Cerro Gordo County in Sub 248; (e) Arnold, MO, to Jefferson County in Sub 252; (f) Bartonville and Joppa, IL, and five miles thereof, to Peoria and Massac Counties in Sub 269; (g) Coffeyville, KS, and Sapulpa, OK to Montgomery County, KS, and Creek County, OK, Potosi, MO, to Washington County in Sub 270; (h) Burnsville Township, MN to Dakota County in Subs 278 and 314; (i) La Due, MO to Henry County in Sub 291; (j) Fargo, ND, to Cass County, ND, and Clay County, MN in Sub 304; (k) Memphis, TN, to Shelby County, TN, and Crittenden County, AR, in Sub 316; (l) Cedar Rapids, IA, to Linn County, in Sub 338; (m) Omaha, NE, to Douglas and Sarpy Counties, NE and Pottawattamie County, IA, in Sub 354; (n) Kansas City, MO, to Jackson and Clay Counties, MO, and Wyandotte County, KS, in Sub 365; (o) Castleton, IN, to Marion County in Sub 373; (p) Clarksville, MO, to Pike County, St. Louis, MO, to St. Louis and St. Charles Counties, and St. Louis, MO and Rock Island, IL, to Rock Island County in Sub 463; (q) Kansas City, KS, to Wyandotte County, KS, and Jackson County, MO, in Sub 474; (r) Selma, MO, to Jefferson County, in Sub 502; (s) Chicago, IL, to Cook, Du Page and Will Counties, in Sub 508; (t) Humboldt, KS, to Allen County in Sub 512; (u) Dearborn, MI, to Wayne County, Kansas City, MO, to Jackson County, Little Rock, AR, to Pulaski County, Milwaukee, WI, to Milwaukee County, Minneapolis, MN, to Hennepin County, St. Louis, MO, to St. Louis County, and St. Louis, MO and Chicago, IL, to Cook County in Sub 541; (v) Bridgman, MI to Berrien County, and Troy Grove, IL, to La Salle County in Sub 560; (w) Weeping Water, NE to Cass County, in Sub 563; (x) Superior, WI, to Douglas County, WI, and St. Louis County, MN in Sub 5834; (y) Madison, WI, to Dane County in Sub 626; (z) Rock Island, IL, to Rock Island County in Sub 657; (aa) Indianapolis, IN, to Marion County in Sub 685; (bb) Aurora, IL, to Kane County in Sub 722; (cc) Burnett, MN, to St. Louis County, MN; and ports of entry on the US–CN boundary line at International Falls, Noyes, and Pigeon River, MN, to Koochiching, Kittson, and Cook Counties in Sub 770; (dd) Chicago, IL, to Cook, Du Page, and Will Counties, IL, and Lake County, IN; Clinton, IA, to Clinton County and Memphis, TN, to Shelby County, TN, and Crittenden County, AR, in Sub 824; (ee) Kansas City, MO, to Jackson County, MO, and Wyandotte County, KS; La Cygne, KS, to Linn County; Clinton, MO, to Henry County; Military, KS, to Cherokee County; port of Catossa, at or near Tulsa, OK, to Tulsa and Rogers Counties in Sub 825; (ff) Gary, IN, to Lake and Porter Counties, Portage, WI, to Columbia County, Big Stone City, SD, to Grant County in Sub 1004; (gg) Waukegan, IL, to Lake County; Clarksville, MO, to Pike County in Sub 1021; (hh) St. Croix Falls, WI, to Polk County in Sub 1047; (ii) Clayton, Clinton, and Bettendorf, IA, to Clayton, Clinton, and Scott Counties in Sub 1048; (jj) Sequiota, MO, to Greene County in Sub 1069; (kk) Sperry, IA, to Des Moines County; Clarksville, MO, to Pike County in Sub 1085; (ll) Waterloo, IA, to Black Hawk County in Sub 1203; (mm) Genoa, WI, to Vernon County in Sub 1243; (nn) Muskegon, MI, to Muskegon County; Defiance, OH, to Defiance County; Bedford, IN, to Lawrence County; Danville, IL, to Vermillion County in Sub 1249; (oo) Weston, MO, to Platte County in Sub 1266; (7) delete the restriction against the transportation of Mercer commodities to named points in Sub 1203.

MC 111289 (Sub-18)X, filed February 9, 1982. Applicant: RICHARD D. FOLTZ, P.O. Box 161, Orwigsburg, PA 17961. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. Subs 1, 2, 4, 6, 8, 9, 11, 12, and 16 permits; (1) broaden to "food and related products and materials, equipment and supplies used in the manufacture and distribution of food and related products" from foodstuffs, advertising materials, displays * * * in mixed loads with foodstuffs, materials and supplies used in the production of foodstuff, in all Subs except Sub 16; (2) remove (a) commodities in bulk and/or in tank vehicles exception and (b) the requirement of vehicles equipped with mechanical refrigeration, in all Sub except Sub 16; (3) broaden to between points in the U.S. under continuing contract(s) with named shipper in all Subs.

MC 141628 (Sub-4)X, filed February 10, 1982. Applicant: OVERROAD CONTAINER SERVICE, INC., 3980 Quebec Street, Denver, CO 80207. Representative: Jeffrey A. Vogleman, P.O. Box 11278, Alexandria, VA 22312. Lead, broaden (1) remove "size and weight" and motor vehicle exception from general commodities authority; and (2) remove ex-water restriction.

MC 142873 (Sub-16)X, filed February 2, 1982. Applicant: D & W TRUCK LINES, INC., P.O. Box 427, Parsons, WV 26287. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. MC–119793 Sub-No. 8 permit, broaden: (1) To between points in the U.S. under continuing contract(s) with a named shipper; (2) to "chemicals and related products and materials, equipment and supplies" from buffing, polishing, cleaning, scouring, washing and bleaching compounds and materials, equipment, and supplies; "petroleum, natural gas and their product and materials, equipment and supplies" for cooling oil, aerosol products, and lighter fluid and materials, equipment and supplies; "clay, concrete, glass or stone products" from animal litter, and materials, equipment, and supplies used in the manufacture, sale and distribution of vermiculite; "lumber and wood products and materials equipment, and supplies" for materials, equipment, and supplies used in the manufacture, sale, distribution of charcoal, wood chips, sawdust, and wax impregnated fireplace logs; (3) delete size and weight restrictions.

MC 148245 (Sub-5)X, filed February 3, 1982. Applicant: HENRY ANDERSEN OF TEXAS, INC., P.O. Box 1129, Stratford, TX 79084. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW., Washington, DC 20005. Subs 2, 4, 7, 10, 11, 13, 15, 17, 18, and 23 permits: (1) broaden (a) vacuum bottles and fillers, lunch and picnic boxes and kits, containers, travel bags, camping equipment, stoppers, plastic articles, jugs, cooling boxes and chests, tents, display racks, and insulating material to "clay, concrete, glass or stone products, lumber and wood products, metal products, pulp, paper and related products, rubber and plastic products, leather and leather products, textile mill products, and camping equipment", Subs 2(part 1), 7(part 1), 10, 13 and 15; (b) plastic articles to "rubber and plastic products", Subs 4 and 7(part 2); and (c) meat, meat products, meat by-products, and articles distributed by meat packinghouses, Subs 11(part 1), 17 and 18, such commodities as are used by meat packers in the conduct of their business, Sub 11(part 2), and frozen food, Sub 23 to "food and related products"; (2) remove except hides, bulk commodities skins and pieces therefrom and tank vehicles restrictions, where applicable; and (3) broaden the territorial description to between points in the U.S., under continuing contract(s) with named shippers.

[FR Doc. 82–5026 Filed 2–24–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 334]

Rail Carriers; Car Service Compensation; Basic Per Diem Charges

AGENCY: Interstate Commerce Commission.

ACTION: Notice of approval of updated car-hire charges for railroads.

SUMMARY: The Interstate Commerce Commission requires the U.S. Railroads to update car-hire charges in accordance with the Commission formula and with Commission approval, no less than once a year. This notice approves the railroads' petition requesting an update of car-hire charges. This notice also approves minor, non-substantive, modifications to the Commission's formula as recommended by the U.S. railroads. The updated car-hire charges are available for inspection in the public docket in Rm. 1221 at the Commission's headquarters.

DATE: The approved car-hire rates will become effective April 1, 1982.

FOR FURTHER INFORMATION CONTACT: William T. Bono (202) 275–7354.

SUPPLEMENTARY INFORMATION: A petition was filed by the Association of American Railroads (AAR) on December 22, 1981. No replies have been received. The petition requested the Commission to approve updated car-hire charges for the U.S. railroads. Car-hire charges are those payments made between railroads for the use of another railroad's cars. The railroads are required by the Commission to update car-hire charges in accordance with the Commission formula and with Commission approval no less than once a year. See 358 I.C.C. 716 (1977), decision on reconsideration served April 3, 1978 and decision served May 23, 1980. The AAR's petition also requested that the Commission make minor modifications in Rail Form H.

We have reviewed the table of car-hire charges and supporting data submitted by the AAR with its petition. We approve the table of car-hire charges as submitted.

However, we found two inconsistencies in the calculation of the cost of capital (Work Sheet 5). These inconsistencies offset each other and therefore produced a negligible change in the overall cost of capital.

The inconsistencies occured in the computation of the effective tax rate. A ten railroad group [1] was established for use in computing the effective tax rate. This group consisted of individual rail carriers. In the current submission the AAR used SRS (Southern Railway System) instead of SOU (Southern Railway Company). This substitution could have made a substantial impact on cost of capital since SOU has had a credit for income taxes for the last three years and SRS has not. The impact of this substitution was balanced by another computational inconsistency. When the reported federal income taxes of a carrier are credits, a zero value is used for computation of the effective tax rate. In the current submission the AAR substracted the credit value from the total federal income taxes.

Although resultant figures were not substantially different, we believe that the AAR submissions should retain a consistency in methodology as set forth in prior decisions in this proceeding. The same rail carriers should be used each year in cost of capital computations, and a zero value should be substituted when a credit is shown for federal income taxes.

We find that these car-hire charges will provide a just and reasonable level of compensation for the nation's railroads. The AAR data used is based on the most current expenses and statistics available at this time. The modifications proposed in the AAR petition, that is, the correction of source references to agree with the 1981 Annual Report and the updating of Working Capital and the Cost of Switching Bad Order Cars from the 1977 Rail Form A base year to the present, are minor in nature and should produce more accurate results.

The new time and mileage compensation rates are included in Appendix A to the AAR's petition (Summaries 5 and 6) and are part of the public docket.

This proceeding shall remain open so that refinements and modifications of adopted procedures may be made where warranted.

This decision does not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 11122).

Decided: February 17, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-5029 Filed 2-24-82; 8:45 am]

BILLING CODE 7035-01-M

[1] ATSF, BN, C&O, DRGW, MoPac, N&W, SCL, SOU, SP, UP.

[Ex Parte No. 387 (Sub-No. 93)]

Rail Carriers; Conrail Exemption for Contract Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirement of 49 U.S.C. 10713(e). This contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: Consolidated Rail Corporation (Conrail) filed a petition on February 12, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e), to permit it to file its contract tariff ICC–CR–C–0040 on one day's notice. The contract between Conrail, Burlington Northern, and the shipper involves the movement of steel pipe from Steelton, PA to Hastings and Wallace, NE. The Contract is for 6 months and provides shipper with a reduced rate for the movement of this steel pipe provided it tenders Conrail and BN 95% of its traffic moving between origin and destination. The contract also provides for a penalty payment to Conrail and the BN if shipper fails to tender the agreed upon tonnage. The shipper filed a statement in support of the petition.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement, cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The steel pipe will be used in construction of the Trailblazer Pipeline, a natural gas pipe line that will extend from Utah to eastern Nebraska. Immediate transportation of this pipe to Nebraska is essential in order to enable shipper to fulfill its supply contract and prevent delay in the construction of the Trailblazer Pipeline. We find this to be the type of exceptional circumstance which warrants granting a provisional exemption.

Conrail's contract tariff ICC–CR–C–0040 may become effective on one day's notice. We will apply the following

conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: February 19, 1982.

By the Commission, Division 1, Commissioners Clapp, Gilliam, and Sterrett. Commissioner Sterrett did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-5030 Filed 2-24-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-72 (Sub-No. 3)]

Rail Carriers; Sacramento Northern Railway—Abandonment—in Sacramento County, CA; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Sacramento Northern Railway to abandon a line of railroad known as the Swanston Branch extending from railroad milepost 140.71 on the main track of The Western Pacific Railroad Company to the end of the branch line a distance of 1.277 miles in Sacramento County, CA, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-5028 Filed 2-24-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-28

Decided: February 11, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 61620 (Sub-21), filed January 15, 1982, previously noticed in the **Federal Register** issue of February 1, 1982. Applicant: M & G TRANSPORTATION CO., INC., Route 3, Box 234, Gloucester, VA 23061. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629-2818. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Note.—This republication clarifies the language used in the Government Traffic description.

Volume No. OP1-31

Decided: February 17, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 99900 (Sub-4), filed February 4, 1982. Applicant: D & R TRANSFER CO., INC., P.O. Box 8373, Stockton, CA 95208. Representative: Arden Riess, P.O. Box 7965, Stockton, CA 95207, (209) 957-6128. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 160450, filed February 8, 1982. Applicant: NICKAL FREIGHT CONSULTANTS, INC., P.O. Box 1778, Highland, IN 46322. Representative: Edward G. Bazelon, 29 South La Salle St., Chicago, IL 60603, (312) 236-9375. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 160500, filed February 8, 1982. Applicant: SILVER STREAK EXPRESS, INC., 1002 Fuselage Ave., Baltimore, MD 21220. Representative: Jack L. Schiller, 123-60 83rd Ave., Kew Gardens, NY 11415, (212) 263-2078. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs) *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP2-30

Decided: February 16, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 160352, filed February 1, 1982. Applicant: RICHARD W. SANDERS, d.b.a. INTERMODAL TRANSPORT COMPANY, 2211 Wood St., Oakland, CA 94607. Representative: Christopher J. Kinsel (same address as applicant), 415-893-7338. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 160372, filed February 2, 1982. Applicant: ALBION TRUCKING, INC., P.O. Box 1926, Columbia, SC 29202. Representative: Gregory A. Edgell (same address as applicant), 803-788-3005. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP5-38

Decided: February 16, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 121649 (Sub-11), filed February 4, 1982. Applicant: MILAN EXPRESS, INC., P.O. Box 699, Milan, TN 38358. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004, 202-347-8862.Transporting *general commodities* between Lexington, Luray, Beech Bluff, Ralston, Terrell, Malesus, Medon, Toone, Conger, Bolivar, Hickory Valley, Grand Junction, Kenwood, Hickory Point, Dodsville, Fox Bluff, Chapmansboro, Parkburg, Deanburg, Silerton, Hornsby, Serles, and Lacy, TN, Michigan City, Lamar, Hudsonville, Holly Springs, Waterford, Spraggins, Abbeville, McClary, College Hill, Oxford, Taylor, Water Valley, MS, and Deanefield, Whitesville, Philpot, Oak Ridge, Masonville, Thompsonville, and Edgoten, KY, on the one hand, and, on the other, points in the U.S. Applicant intends to tack with its regular route authority in MC-121649 and subs. Condition: Approval of this authority is conditioned upon applicant certifying to the Commission prior to commencing operations, that all rail service has actually terminated at all of the involved points.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

Volume No. OP5-40

Decided: February 17, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 160478, filed February 8, 1982. Applicant: B & B TRUCKING, Rt. 1, Box 126, Tremonton, UT 84337. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-5025 Filed 2-24-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be statisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-27

Decided: February 11, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2890 (Sub-58), filed January 29, 1982. Applicant: AMERICAN BUSLINES, INC., 1500 Jackson St., Dallas, TX 75201. Representative: George W. Hanthorn (same address as applicant), (214) 655-7937. Over regular routes, transporting *passenger and their baggage and express and newspapers*, in the same vehicle with passengers, (1) between Pittsburgh, PA, and Chicago, IL, from Pittsburgh, PA, over Interstate Hwy 279 to junction Interstate Hwy 79, then over Interstate Hwy 79 to junction Interstate Hwy 76, then over Interstate Hwy 76 to Akron, OH, then over Interstate Hwy 77 to Cleveland, OH, then over Interstate Hwy 90 to junction Interstate Hwy 80, then over Interstate Hwys 80/90 to junction Interstate Hwy 280, then over Interstate Hwy 280 to Toledo, OH, then over U.S. Hwy 20 to junction Interstate Hwys 80/90, then over Interstate Hwys 80/90 to Burns Harbor Interchange, then over Interstate Hwy 90 to Chicago, IL, and return over the same route, serving (a) junction of Interstate Hwy 76 and Interstate Hwy 80, west of Youngstown, OH, (b) junction of Interstate Hwy 480 and Interstate Hwy 80, (c) junction Interstate Hwy 80 and Interstate Hwy 90, (d) junction Interstate Hwys 80/90 and Interstate Hwy 280, (e) junction Interstate Hwys 80/90 and U.S. Hwy 20, (f) junction U.S. Hwy 20 and Interstate Hwys 80/90, and (g) junction Interstate Hwy 90 and U.S. Hwy 41 for purposes of joinder only, (2) between junction Interstate Hwy 76 and Interstate Hwy 80 and Cleveland, OH, from junction Interstate Hwy 76 and Interstate Hwy 80, over Interstate Hwy 80 to junction Interstate Hwy 480, then over Interstate Hwy 480 to junction Interstate Hwy 77, then over Interstate Hwy 77 to Cleveland, OH, and return over the same route, (3) between junction Interstate Hwy 80 and Interstate Hwy 480 and junction Interstate Hwy 80 and Interstate Hwy 90, over Interstate Hwy 80, (4) between junction Interstate Hwys 80/90 and Interstate Hwy 280, and junction Interstate Hwys 80/90 and U.S. Hwy 20, over Interstate Hwys 80/90, (5) between junction U.S. Hwy 20 and Interstate Hwys 80/90 and South Bend, IN, from junction U.S. Hwy 20 and Interstate Hwys 80/90 over Interstate Hwys 80/90 to junction U.S. Hwy 31, then over U.S. Hwy 31 to South Bend, IN, and return over the same route, (6) between junction Interstate Hwy 90 and U.S. Hwy 41 and Hammond, IN, over U.S. Hwy 41, (7) between Pittsburgh, PA, and St. Louis, MO, from Pittsburgh, PA, over Interstate Hwy 279 to junction Interstate Hwy 79, then over Interstate Hwy 79 to junction Interstate Hwy 70 near Washington, PA, then over Interstate Hwy 70 to St. Louis, MO, and return over the same route, serving Cambridge, Zanesville, Columbus and Springfield, OH, Richmond, Indianapolis, and Terre Haute, IN, and Marshall and Vandalia, IL, as off-route points and serving the junction of Interstate Hwy 70 and OH Hwy 7 for the purpose of joinder only, and (8) between junction Interstate Hwy 70 and OH Hwy 7 and Steubenville, OH, over OH Hwy 7, serving all intermediate points in routes (1) through (8) above.

MC 105501 (Sub-56), filed February 5, 1982. Applicant: TERMINAL TRANSPORT, INC., 1851 Raddison Road, NE, Baline, MN 55434. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., Suite 301, McLean, VA 22101, (703) 821-1305. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in CO, IA, IN, IL, KS, KY, MN, MO, MT, MI, NE, ND, OH, SD, TN, WI, and WY.

MC 109210 (Sub-140), filed February 5, 1982. Applicant: REYNOLDS CONTRACT HAULERS, INC., 400 Parson Street, West Columbia, SC 29169. Representative: James S. Meggs, P.O. Box 1035, West Columbia, SC 2919. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of plastic products, between points in Hampton County, SC, on the one hand, and, on the other, points in AZ, AR, CA, CO, CT, DE, ID, IA, KS, LA, ME, MA, MN, MO, MT, NE, NV, NH, NM, ND, OK, OR, RI, SC, SD, UT, VT, WA, and WY.

MC 118130 (Sub-126), filed February 2, 1982. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6459, Forth Worth, TX 76115. Representative: Billy R. Reid, 1721 Carl Street, Forth Worth, TX 76103, (817) 293-6266. Transporting *drugs, pharmaceuticals, medical equipment and supplies, and toilet preparations*, between points in the U.S.

MC 126600 (Sub-16), filed January 26, 1982. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, KS 67441. Representative: Bob W. Storey, 310 Columbian Title Building, 820 Quincy Street, Topeka, KS 66612, (913) 232-9383. Transporting *construction equipment, machinery, and semi-trailer units*, between points in the U.S., under continuing contract(s) with Murphy Machinery Company, of Wichita, KS.

MC 147771 (Sub-7), filed February 4, 1982. Applicant: RALPH J. MARQUARDT & SONS, INC., P.O. Box 1040, Yankton, SD 57078. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, (402) 488-4841. Transporting *lumber and wood products*, between points in CA, OR, WA, ID, and MT, on the one hand, and, on the other, points in IA, MN, and SD.

MC 151510 (Sub-2), filed February 3, 1982. Applicant: P & L TRUCKING SERVICE, INC., 3592 Ivy Street, P.O. Box 7237, Denver, CO 80207. Representative: Nancy P. Bigbee, 745 E. 18th Ave., Suite 101, Denver, CO 80203, (303) 839-0057. Transporting *such commodities* as are dealt in or used by breweries, between points in CO, TX and AZ.

MC 159291 (Sub-1), filed February 5, 1982. Applicant: WRIGHT-WAY EXPRESS, LTD., 616 3rd St., N.E., Independence, IA 50644. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274-4985. Transporting *such commodities* as are dealt in or used by catalog showrooms and retail, discount and department stores, between points in Polk County, IA, on the one hand, and, on the other, points in the U.S.

Volume No. OP1-30

Decided: February 17, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2421 (Sub-40), filed February 5, 1982. Applicant: NEWTON TRANSPORTATION COMPANY, INC., 510 Greer Circle, S.W., P.O. Box 678, Lenoir, NC 28645. Representative: Jon F. Hollengreen, 1020 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004, (202) 628-4600. Transporting *general commodities* (except classes A and B explosives), between points in NC and SC, on the one hand, and, on the other, points in DE, IA, IN, IL, KY, MD, MO, NJ, NY, OH, PA, TN, VA and WV.

MC 8310 (Sub-18), filed February 5, 1982. Applicant: JEFF'S TRUCKING, INC., P.O. Box 282, Waupun, WI 53963. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901, (608) 742-3579. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between points in CO, KS, MO, NE and OH, and (2) between points in CO, KS, MO, NE and OH, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, ND, SD and WI.

MC 9291 (Sub-22), filed February 8, 1982. Applicant: CARROL BALL TRANSPORT, INC., P.O. Box 53,

Centerville, KS 66014. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *rubber and plastic products*, between Dallas and Ft. Worth, TX, and Oklahoma City, OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 48221 (Sub-36), filed February 5, 1982. Applicant: W. N. MOREHOUSE TRUCK LINE., INC., 4010 Dahlman Ave., Omaha, NE 68106. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392–1220. Transporting (1) *such commodities* as are dealt in by manufacturers and distributors of malt beverages, between points in Shelby County, TN, and Gregg County, TX, on the one hand, and, on the other, points in CO, NE, SD, and WY, and (2) *food and related products*, between points in Buffalo County, NE, on the one hand, and, on the other, points in TN, WI, CO, IL, MI, CA, OK, TX, and AZ.

MC 55891 (Sub-8), filed February 10, 1982. Applicant: JIM MARRS TRUCKING CO., INC., P.O. Box 632, Drumright, OK 74030. Representative: J. Michael Alexander, 5801 Marvin D. Love Freeway, Suite 301, Dallas TX 75237–2385, (214) 339–4108. Transporting *Mercer commodities*, between points in Harvey County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 85530 (Sub-12), filed February 11, 1982. Applicant: BLALOCK TRUCK LINE, INC., P.O. Box 734, Charleston, SC 29402. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001, (202) 628–9243. Transporting *general commodities* (except classes A and B explosives), between points in AL, FL, GA, NC, SC, TN, and VA.

MC 107460 (Sub-84), filed February 8, 1982. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Rd., P.O. Box 4124, Lancaster, PA 17604. Representative: Christian V. Graf, 407 N Front St., Harrisburg, PA 17101. Transporting *printed matter*, between points in the U.S. (except AK and HI), under continuing contract(s) with R. R. Donnelley and Sons Company, of Chicago, IL.

MC 117551 (Sub-13), filed February 8, 1982. Applicant: NEWS & FILM SERVICE, INC., 745 Lipan Street, Denver, CO 80204. Representative: Manuel Andrade, 770 Grant St., Suite 244, Denver, CO 80203, (303) 861–4273. Transporting *automotive parts, supplies and accessories*, between points in CO, KS, MT, NE, NM, UT and WY.

MC 128901 (Sub-1), filed February 8, 1982. Applicant: SUNLINE LTD., 8515 Greenville Ave., Suite N–207, Dallas, TX 75243. Representative: James S. Pate (same address as applicant), (214) 343–0044. Transporting *Mercer commodities*, between points in AR, CO, KS, LA, MS, NE, NM, OK, TX, and WY.

MC 128951 (Sub-46), filed February 8, 1982. Applicant: ROBERT H. DITTRICH d.b.a. BOB DITTRICH TRUCKING, P.O. Box 816, 1000 North Front St., New Ulm, MN 56073. Representative: Robert H. Dittrich (same address as applicant). Transporting *food and related products*, between points in the U.S.

MC 128951 (Sub-47), filed February 8, 1982. Applicant: ROBERT H. DITTRICH d.b.a. BOB DITTRICH TRUCKING, P.O. Box 816, 1000 North Front St., New Ulm, MN 56073. Representative: Robert H. Dittrich (same address as applicant), (507) 354–4712. Transporting *salt products*, between the facilities of Cargill, Inc., and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 129410 (Sub-29), filed February 8, 1982. Applicant: BONCOSKY TRANSPORTATION, INC., 1301 Industrial Drive, Algonquin, IL 60102. Representative: Carl L. Steiner, 29 South LaSalle Street, Chicago, IL 60603, (312) 236–9375. Transporting *vegetable oils*, between points in the U.S., under continuing contract(s) with Agro-Ingredients, Inc., of Des Plaines, IL.

MC 130510 (Sub-2), filed February 12, 1982. Applicant: ALL SEASONS TRAVEL, 229 East 8th Street, Wyoming, PA 18644. Representative: Patrick E. Dougherty, Suite 300, Court House Square Towers, North River Street, Wilkes-Barre, PA 18702, (717) 823–1107. As a broker at Wyoming, PA, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Bradford, Lehigh, Northampton, Carbon, Columbia, Lackawanna, Monroe, Montour, Pike, Sullivan, Wayne, Lycoming and Wyoming Counties, PA, and extending to points in the U.S. (except AK and HI).

MC 133250 (Sub-5), filed February 8, 1982. Applicant: UNITED AGRICULTURAL TRANSPORTATION ASSOCIATION OF AMERICA MARKETING CO-OP, P.O. Box 692, Ennis, TX 75119. Representative: William J. Lippman, 580 Steele Park, 50 South Steele St., Denver, CO 80209, (303) 322–0800. Transporting *general commodities* (except classes A and B explosives), between points in AL, GA, IL, NY, TN, and TX, on the one hand, and, on the other, the U.S.

MC 140900 (Sub-4), filed February 4, 1982. Applicant: HAROLD H. DANEKAS, 3524 E. Dayton Avenue, Fresno, CA 93726. Representative: Terry D. Fortier, P.O. Box 12004, Fresno, CA 93776. Transporting *granite*, between points in the U.S., under continuing contracts(s) with Raymond Granite Company, of Raymond, CA.

MC 143500 (Sub-19), filed February 4, 1982. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840–8565. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, Cincinnati, OH, and points in KY and IN.

MC 144121 (Sub-13), filed February 8, 1982. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *food and related products*, between points in MN, WI, IL, and IA, on the one hand, and, on the other, points in the U.S.

MC 145240 (Sub-14), filed February 8, 1982. Applicant: L. D. BRINKMAN TRUCKING CORP., 520 N. Wildwood, Irving, TX 75060. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245 (214) 358–3341. Transporting *plastic products and metal products*, between points in the U.S., under continuing contract(s) with Piper Industries, Inc., of Memphis, TN.

MC 146561 (Sub-5), filed February 8, 1982. Applicant: L.M.T., INC., 15005 Faulkner Road, Santa Paula, CA 93060. Representative: William J. Monheim P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting (1) *food and related products*, and (2) *such commodities* as are dealt in by wholesale an and retail grocery stores and food business houses, between points in the U.S., under continuing contract(s) with Seneca Foods Corporation, of Prosser, WA, in (1) above, and Ralphs Grocery Company, of Comption, CA, and Lucky Stores, Inc., of Buena Park, CA, in (2) above.

MC 148380 (Sub-22), filed February 8, 1982. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 29 South LaSalle Street, Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in the U.S. (except AK and HI), under continuing contract(s)

with Patent Scaffolding Company, a division of Harsco Corporation, of Fort Lee, NJ.

MC 148560 (Sub-7), filed February 8, 1982. Applicant: GOLD STAR, INC., 130 Davidson Ave., Somerset, NJ 08873. Representative: A. David Millner, P.O. Box Y, 7 Becker Farm Road, Roseland, NJ 07068, (201) 992–2200. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Peyton's-Southeastern, Inc., of Cleveland, TN. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 152430 (Sub-3), filed February 8, 1982. Applicant: A. J. THOMAS & SON, INC., 840 S Front, Coos Bay, OR 97420. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave, Portland, OR 97210, (503) 226–3755. Transporting *pulp, paper and related products,* between points in Douglas County, OR, on the one hand, and, on the other, points in CA.

MC 157741 (Sub-2), filed February 4, 1982. Applicant: IVY ESTILETTE, P.O. Box 483, Ville Platte, LA 70586. Representative: C. Brent Coreil, P.O. Drawer 450, Ville Platte, LA 70586, (318) 363–5596. Transporting *such commodities* as are distributed by agricultural supply stores, between points in Evangeline Parish, LA, on the one hand, and, on the other, Houston and Nacogdoches, TX, Little Rock and Stuttgart, AR, and Yazoo City, MS.

MC 158811, filed February 8, 1982. Applicant: SCENIC VALLEY TRANSPORTATION, 3767 Minniear Rd., Modesto, CA 95355. Representative: Joseph R. Fallabel (same address as applicant), (209) 869–3419. Transporting *rubber and plastic articles,* between points in the U.S., under continuing contract(s) with B. F. Goodrich Company, of Modesto, CA.

MC 160001 (Sub-1), filed February 8, 1982. Applicant: VESEY DELIVERY SERVICE, INC., 56 U.S. Hwy, Rte. 22, Hillside, NJ 07205. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, (212) 263–2078. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NJ, on the one hand, and, on the other, points in CT, DE, MA, MD, NY, PA, RI, and DC.

MC 160400, filed February 9, 1982. Applicant: CARE TRANSPORT, INC., 18433 Glen Oak Ave., Lansing, IL 60438. Representative: Robert C. Collins, Jr., 850 Burnham Ave., P.O. Box 1245, Calumet City, IL 60409, (312) 862–5800. Transporting *oils,* between points in the U.S., under continuing contract(s) with Bunge Edible Oil Corp., of Kankakee, IL, and Enterprise Companies, of Wheeling, IL.

MC 160420, filed February 5, 1982. Applicant: AUSTIN TOURS, P.O. Box 517, Norwood, NC 28128. Representative: Ramelle Furr Austin (same address as applicant), (704) 474–4283. As a broker at Albermarle, NC, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, between points in Stanly County, NC, on the one hand, and, on the other, points in the U.S.

MC 160471, filed February 8, 1982. Applicant: GOLDWAY TOURS, INC., 4222 Vineland Avenue, North Hollywood, CA 91602. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, (213) 483–4700. As a *broker* at North Hollywood, CA in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, between points in the U.S.

MC 160481, filed February 8, 1982. Applicant: HARRISON FREIGHT, INC., 18709 Marks Road, Strongsville (Cleveland), OH 44136. Representative: Lewis J. Ringler, 300 Leader Bldg., Cleveland, OH 44114, (216) 687–1311. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Midland Steel Products and Unibus, Inc., both of Cleveland, OH.

MC 160521, filed February 10, 1982. Applicant: TIMBERLINE EXPRESS, INC., 2204 Ohio Avenue, Superior, WI 54880. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products,* between points in IL, IN, IA, MI, MN, MO, NE, ND, OH, PA, SD, and WI.

Volume No. OP2–31

Decided: February 16, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 682 (Sub-32), filed February 3, 1982. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Ave. NW., Suite 1112, Washington, DC 20036–5391, 202–887–5868. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Pizza Time Theatre's, Inc., of Sunnyvale, CA.

MC 1222 (Sub-55), filed February 1, 1982. Applicant: THE REINHARDT TRANSFER COMPANY, 1410 10th St., Portsmouth, OH 45662. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602, 502–223–8244. Transporting *metal and metal products,* between points in Campbell County, KY, on the one hand, and, on the other, points in KS, OK, PA, and TX.

MC 70903 (Sub-9), filed February 2, 1982. Applicant: OKANOGAN-SEATTLE TRANSPORT CO., INC., P.O. Box 722, Ellensburg, WA 98926. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101, (206) 624–7373. Transporting *silva fiber ground cover and silva cell filter material,* between points in King County, WA, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada located in WA.

MC 127172 (Sub-9), filed January 21, 1982. Applicant: MARC BAGGAGE LINES, INC., 9033 Hollyberry Ave., Des Plaines, IL 60016. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, 404–477–1525. Transporting *general commodities* (except classes A and B explosives), between points in IA, IL, MN, FL, ND, and WI.

MC 133993 (Sub-5), filed February 2, 1982. Applicant: SAND MOUNTAIN AUTO AUCTION, INC., U.S. Highway 331, Boaz, AL 35957. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (203) 251–2881. Transporting *transportation equipment,* between points in the U.S. (except AK and HI).

MC 134752 (Sub-9), filed January 20, 1982. Applicant: HILL & WILLIAMS BROS., INC., 799–44th St., Marion, IA 53203. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. Transporting *carpet* (1) between points in Whitfield County, GA, on the one hand, and, on the other, Minneapolis, MN, and (2) between points in Whitfield and Catoosa Counties, GA, on the one hand, and, on the other, points in IL, IN and KY.

MC 135753 (Sub-5), filed February 3, 1982. Applicant: WILLIAMS TRANSPORT CO., INC., P.O. Box 1116, Richmond, VA 23208. Representative:

John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004, 202–737–1030. Transporting *those commodities which because of their size or weight require the use of special handling or equipment, machinery, and metal products,* between points in the U.S., under continuing contract(s) with Millwrights & Riggers, Inc., of Richmond, VA.

MC 142352 (Sub-12), filed February 1, 1982. Applicant: HAUSMAN TRUCKING, INC., 4839 Edgebrook Rd., Waterloo, IA 50701. Representative: Jack H. Blanshan, 205 W. Touhy Ave. Suite 200–A, Park Ridge, IL 60068, 312–698–2235. Transporting *clay, concrete, glass or stone products,* between points in Thomas County, GA, and Tippah County, MS, on the one hand, and, on the other, points in AR, IL, IA, KS, MN, MO, NE, OK, TX, and WI.

MC 142723 (Sub-10), filed February 2, 1982. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: William A. Gray, 2310 Grant Bldg, Pittsburgh, PA 15219–2383, (412) 471–1800. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the United States, under continuing contract(s) with Colamco, Inc., of Columbus, OH, and its subsidiaries and divisions.

MC 143023 (Sub-5), filed January 20, 1982. Applicant: CHI-WAUKEE TRUCK LINES, INC., 1501 West Pershing Rd., Chicago, IL 60609. Representative: Donald E. Weishaar, Suite 202, 1301 West 22nd St., Oak Brook, IL 60521. Transporting *food and related products,* between points in Rock County, WI, and points in MN, IL, MI, NY, NJ, TN, AR, IN, KY, and MS.

MC 147252 (Sub-4), filed February 1, 1982. Applicant: FCT CORP., Rt. 1, Box 20, Dalton Pike, Cleveland, TN 37311. Representative: Ray Winsky (same address as applicant), (615) 476–6521. Transporting *textile mill products, food and related products and metal products,* between points in MI, OH, IN, KY, TN, GA, AL, SC, NC, VA, NY, and TX.

MC 148152 (Sub-5), filed February 1, 1982. Applicant: K & H TRUCKING, INC., 3301 South Lamar, Dallas, TX 75215. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Southeastern Steel Container Company, of Birmingham, AL and its subsidiaries (a) Southwestern Steel Container Company, of Dallas, TX, (b) Southeastern Plastic Container Company, of Arlington, TN, (c) Thompson Can Company, of Dallas, TX, (d) Self Manufacturing Company, of Trussville, AL, (e) Kresgy & Associates, of Trussville, AL, and (f) Hury Klean, of Trussville, AL.

MC 148893 (Sub-8), filed January 29, 1982. Applicant: WREN TRUCKING, INC., 1989 Harlem Rd., Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043, (716) 681–7190. Transporting *general commodities* (except classes A and B explosives), between the facilities of Morgan Chemicals, Inc., at points in the U.S., on the one hand, and, on the other, points in AL, AR, CT, DE, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NC, NY, OH, PA, RI, SC, TN, TX, VT, WV, WI, and DC.

MC 149573 (Sub-7), filed January 21, 1982. Applicant: NTL, INC., P.O. Box 6645, Lincoln, NE 68506. Representative: J. Max Harding (same address as applicant), (402) 483–7633. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Addison Foods, Inc., of Addison, TX.

Note.—The purpose of this application is to add an additional contract shipper to an existing permit.

MC 150463, filed January 19, 1982. Applicant: ROETHEL COACH LINES, INC., 515 Ford St., Ogdensburg, NY 13669. Representative: Thomas G. Roethel (same address as applicant), (315) 393–5200. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between Ogdensburg, NY, and points in St. Lawrence County, NY, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC.

MC 152353 (Sub-5), filed February 5, 1982. Applicant: WILLIAM TIMBLIN TRANSIT, INC., Rte. 1, Eden, WI 53019. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *metal and steel products,* between the facilities used by National Material Corporation at points in the U.S., on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, CO, OK, and TX.

MC 154723 (Sub-1), filed January 28, 1982. Applicant: C. M. PENN & SONS, INC., Route 1, Box 349A, Greenwell Springs, LA 70739. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *hazardous and non-hazardous waste materials,* between points in LA, AL and TX.

MC 157453 (Sub-2), filed February 2, 1982. Applicant: EMERGENCY MOTOR FREIGHT, INC., Route 5, Box 452, Simpsonville, SC 29681. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606, (803) 288–6000. Transporting *general commodities,* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with (1) Aberdeen Manufacturing Corp., of New York, NY, (2) Globe Industries, Inc., of Chicago, IL, (3) Philips Industries, Inc., of Dayton, OH, and (4) Webster Spring Co., of Oxford, MA.

MC 160182, filed January 19, 1982. Applicant: O-MAR TOURS & TRAVEL, INC., 6054 Castor Ave., Philadelphia, PA 19149. Representative: Hilda B. Scheer (same address as applicant), (215) 743–6603. As a *broker,* at Philadelphia, PA, in arranging for the transportation by motor vehicle of *passengers and their baggage,* in the same vehicle with passengers, between points in PA and NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160322, filed January 29, 1982. Applicant: BALLOU TRUCKING, INC., Rte. 2, Ashland, NE 68003. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, (402) 488–4841. Transporting (1) *self-propelled vehicles, lawn, turf and garden equipment,* and (2) *parts, accessories, and attachments* for the commodities in (1) above, between points in the U.S., under continuing contract(s) with OMC Lincoln, Division of Outboard Marine Corporation, Of Lincoln, NE.

MC 160323, filed January 29, 1982. Applicant: MANVILLE SERVICE CORPORATION, 12999 Deer Creek Canyon Rd., P.O. Box 5108, Denver, CO 80217. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264, (303) 861–4028. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S.

MC 160362, filed February 2, 1982. Applicant: SCHWITZER'S NIGHT & DAY TRUCKING, INC., RFD 2, Box 106, Evanston, WY 82930. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *Mercer Commodities,* between points in WY, UT, ID, CO, MT, NV, ND, SD, NM, TX, and OK.

MC 160363, filed February 1, 1982. Applicant: BRIAN PILLETTE TRUCKING, 5486 S.W. Alger St. H–11,

Beaverton, OR 79005. Representative: David R. Benson, 3170 N.W. Parkview Drive, Beaverton, OR 97006, (503) 223–3996. Transporting *lumber and wood products*, between points in CA, CO, ID, MT, NV, OR, UT, WA, and WY.

Volume No. OP4–61

Decided: February 17, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 41347 (Sub-14), filed February 10, 1982. Applicant: DE BACK CARTAGE CO., INC., 4841 W. Burnham St., Milwaukee, WI 53219. Representative: William P. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Ward-Johnston, Division of Terson, Inc., of Brookfield, WI.

MC 114917 (Sub-11), filed February 10, 1982. Applicant: DART TRANSPORTATION SERVICE, 1430 S. Eastman Ave., Los Angeles, CA 90023. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, (213) 483–4700. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Terminal Freight Cooperative Association Company, of Downers Grove, IL.

MC 139277 (Sub-7), filed February 10, 1982. Applicant: HALL TRUCKING, INC., 201 Livingston St., Gridley, IL 61744. Representative: Patrick H. Smyth, 105 W. Madison St., Suite 1008, Chicago, IL 60602, (312) 263–2397. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Metallic Braden Building Company, of Houston, TX.

MC 145557 (Sub-18), filed February 8, 1982. Applicant: LIBERTY TRANSPORT, INC., 2501 Nicholson Rd., P.O. Box 9182, Kansas City, MO 64168. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8606. Transporting *food and related products*, between the facilities of Sanna, Inc.—Beatrice Foods Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155317 (Sub-1), filed February 8, 1982. Applicant: JAMES K. KILBER, d.b.a. GREELEY CHARTER SERVICE, 1542 7th Ave., Greeley, CO 80631. Representative: Charles J. Kimball, 1600 Sherman, #665, Denver, CO 80203, (303) 839–5856. To operate as a *broker*, (1) at Greeley, Fort Collins, and Denver, CO, in arranging for the transportation of *passengers and their baggage*, between points in the U.S., (2) (a) As a *broker of general commodities* (except household goods), (b) shipments weighing 100 pounds or less, when transported in a motor vehicle in which no one package exceeds 100 pounds and (c) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Note.—Parts (2) (a), (b), and (c) seek authority where applicant need only prove that it is fit, willing and able to perform the service.

MC 145187 (Sub-3), filed January 26, 1982. Applicant: W. R. HURST, INC., P.O. Box 416, Blanding, UT 84511. Representative: Steven D. Crawley, 2091 E. 4800 S., Salt Lake City, UT 84117, (801) 272–9416. Transporting (1) *commodities in bulk*, between points in the U.S., and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Note.—Part (2) seeks authority where applicant need only prove that it is fit, willing and able to perform the service.

Volume No. OP4–63

Decided: February 17, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 116077 (Sub-439), filed January 28, 1982. Applicant: DSI TRANSPORTS, INC., 5851 San Felipe, Suite 800, P.O. Box 1505, Houston, TX 77001. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001, (202) 628–9243. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Celanese Corporation, of New York, NY, and its subsidiary, Celanese Chemical Co., Inc., of Dallas, TX.

MC 141237 (Sub-2), filed February 5, 1982. Applicant: LOREN J. SLAGHT, 90 La Pointe St., Prairie du Chien, WI 53821. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701, (608) 255–8891. Transporting *such commodities as are dealt in or used by manufacturers and distributors of fertilizer and fertilizer products*, between points in Crawford County, WI, on the one hand, and, on the other, points in IL, IA, and MN.

MC 146007, filed February 5, 1982. Applicant: MADISON AIR FREIGHT, INC., 3509 International Lane, Madison, WI 53704. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *general commodities* (except classes A and B explosives), between points in WI and IL, on the one hand, and, on the other, hand, Milwaukee, WI, and Chicago, IL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–5024 Filed 2–24–82; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 95.1 (Revised)]

Deputy Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance; Redelegation of Authority

Pursuant to the authority delegated to me as Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance, I hereby delegate to the Deputy Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance, authority to act as my alter ego, to be responsible, under my direction and concurrently with me, for all aspects of the activities of said Bureau. In accordance with this delegation, said Deputy Assistant Administrator is authorized to represent me, and to exercise my authority, with respect to all functions now or hereafter conferred upon me by A.I.D. delegations of authority, regulations, manual orders, handbook provisions, directives, notices or other documents, by law or by any competent authority.

Redelegation of Authority No. 95.1, dated April 28, 1972 (37 FR 10812) is revoked.

This redelegation of authority is effective immediately.

Dated: February 16, 1982.

Julia Chang Bloch,

Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance.

[FR Doc. 82–5009 Filed 2–24–82; 8:45 am]

BILLING CODE 6116–01–M

A.I.D. Research Advisory Committee; Revised Notice of Meeting

Pursuant to Executive Order 11769 and the Provisions of Section 10(a) (2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on April 13, 14, 15 and 16, 1982 to review, appraise and make

recommendations to the Administrator, Agency for International Development, concerning projects proposed for A.I.D. research funding in the areas of food and nutrition, health and population, and science and technology.

A general meeting of the Committee will begin on April 14 at 9:00 a.m. and adjourn at 5:30 p.m. each day at the Pan American Health Organization Building, Conference Room 'C'. The general meeting of the Committee will be preceded by panel discussions which are scheduled for April 13. The meeting is open to the public. Any interested persons may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee and to the extent the time available for the meeting permits. Dr. Miloslav Rechcigl, Chief of Research and Methodology Division, Bureau for Science and Technology, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Rechcigl, 1601 N. Kent Street, Arlington, Virginia 22209 or call area code (703) 235–9011.

Dated: February 8, 1982.

Miloslav Rechcigl,

A.I.D. Representative, Research Advisory Committee.

[FR Doc. 82–5010 Filed 2–24–82; 8:45 am]
BILLING CODE 6116–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. American Consulting Engineers Council; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS), as set forth below, have been filed with the United States District Court for the District of Columbia in *United States* v. *American Consulting Engineers Council,* Civil No. 80–2067.

The complaint in this case alleged that the defendant conspired to restrain competition for engineering services among its members, in violation of Section 1 of the Sherman Act, 15 U.S.C. 1, by adopting ethical rules which prohibited its members from entering competitions for engineering designs without reasonable compensation; from providing professional services on a free basis, except for civic, charitable or religious organizations; and from providing professional services on a contingent basis.

The proposed Final Judgment enjoins the defendant from initiating or furthering any plan or course of action which has the purpose or effect of suppressing or discouraging its members from entering into design competitions, providing free services, or providing services on a contingent basis. The defendant is also required to amend its publications to eliminate any provisions which prohibit or discourage its members from engaging in such practices and to notify its members that nothing in its code of ethics prohibits them from engaging in such practices.

Public comment is invited within the statutory 60-day period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to John W. Poole, Jr., Chief, Special Litigation Section, Antitrust Division, United States Department of Justice, Washington, D.C. 20530 (Telephone (202) 633–2425).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

U.S. District Court for the District of Columbia

[Civil No. 80–2067.]

United States of America, Plaintiff, v. *American Consulting Engineers Council,* Defendant.

Filed: February 16, 1982.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendant and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated:

For the Plaintiff:
William F. Baxter,
Assistant Attorney General.
Joseph H. Widmar,
Charles F. B. McAleer,
John W. Poole, Jr.,
Thomas L. Greaney,
Attorneys, Department of Justice.

For the Defendant:
Lewis A. Rivlin,
Robert H. Morse,
Edward D. Eliasberg, Jr.,
Gail Kursh,
Attorneys, Antitrust Division, Department of Justice, 10th & Pennsylvania Ave., N.W., Washington, D.C. 20530, Telephone: (202) 633–2582.

U.S. District Court for the District of Columbia

[Civil No. 80–2067.]

United States of America, Plaintiff, v. *American Consulting Engineers Council,* Defendant.

Filed: February 16, 1982.

Final Judgment

Plaintiff, the United States of America, having filed its Complaint herein on August 15, 1980, and Plaintiff and Defendant, by their respective attorneys, having each consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence against or admission by either party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties, it is hereby

Ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of both of the parties hereto. The Complaint states a claim upon which relief may be granted against Defendant under Section 1 of the Sherman Act, (15 U.S.C. 1).

II

This Final Judgement shall apply to Defendant and to Defendant's officers, directors, agents, employees, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise. For purposes of this Section II, members of Defendant ACEC shall not be deemed to be in active concert or participation solely by virtue of their membership.

III

Defendant ACEC is enjoined and restrained from directly or indirectly:

(A) Initiating, adopting, entering into, carrying out, of furthering any plan, program, or course of action which has the purpose or effect of suppressing, restraining, or discouraging its members from entering into

design competitions, providing free services, or providing services on a contingent basis.

(B) Adopting, disseminating, publishing, or seeking adherence to any code of ethics, statement of principle, policy statement, rule, bylaw, guideline, standard, or collective statement which has the purpose or effect of suppressing, restraining, or discouraging its members from entering into design competitions, providing free services, or providing services on a contingent basis or which states or implies that design competitions, free services, or contingent arrangements are, in themselves, unethical, unprofessional or contrary to any policy of Defendant.

Nothing in this Final Judgment shall prohibit an individual engineer or individual engineering firm, acting alone, from refusing to enter into design competitions, provide free services or provide services on a contingent basis, or from otherwise expressing an opinion concerning the propriety of design competitions, free services, or contingent arrangements. Nor shall anything in this Final Judgment prohibit Defendant or any of its members from advocating or discussing legislation concerning design competitions, free services, or contingent arrangements or from advocating or discussing, with federal or state executive or purchasing agencies, rules, regulations, or policies concerning design competitions, free services, or contingent arrangements, or from advocating or discussing, in private or in public, the public policy considerations suggesting the need for legislation, rules, regulations, or governmental policies concerning design competitions, free services, or contingent arrangements, provided that such advocacy or discussion makes clear that Defendant and its members are not thereby suppressing, restraining, or discouraging the members of Defendant from entering into design competitions, providing free services, or providing services on a contingent basis.

IV

Defendant ACEC is ordered and directed to make a good faith effort to amend its policy statements, opinions of its ethics committee, manuals, handbooks, rules, constitution, bylaws, resolutions, and any other of its statements, guidelines, or publications either currently in its possession, custody, or control or published or issued in the future to eliminate therefrom any provisions which prohibit, discourage, or restrain its members from entering into design competitions, providing free services, or providing services on a contingent basis or which state or imply that design competitions, free services, or contingent arrangements are, in themselves, unethical, unprofessional, or contrary to any policy of Defendant. Defendant may use fliers or errata sheets to note corrections with respect to statements, guidelines, or other publications currently in its possession, custody, or control with changes being made to the actual texts of any such statements, guidelines, or publications as new editions are issued or published.

V

Defendant ACEC is ordered and directed within sixty days from the entry of this Final Judgment to (1) send a copy of this Final Judgment to each of its member organizations, and (2) cause the distribution of this Final Judgment in conjunction with a mailing of the publication, "The Last Word." Defendant is further orderded and directed, for a period of ten years following the date of entry of this decree, to send a copy of this Final Judgment to each new member firm and each new member organization and to state in any publication of its guidelines for professional conduct that the guidelines do not prohibit design competitions, free services, or contingent arrangements.

VI

The Defendant ACEC is ordered and directed to submit to Plaintiff an official written certification that none of its member organizations currently has in effect or seeks adherence to any code of ethics, statement of principle, policy statement, rule, bylaw, guideline, standard, or collective statement which has the purpose or effect of suppressing, restraining, or discouraging its members from entering into design competitions, providing free services, or providing services on a contingent basis, nor does it pursue any other collective course of action which has the purpose or effect of suppressing or eliminating competition based upon designs, free services, or contingent arrangements. This certification shall be submitted within one hundred and twenty (120) days from the entry of this Final Judgment and shall be renewed annually for the period of this Final Judgment.

For purposes of carrying out Section VI, Defendant may rely in good faith upon the certification received from a member organization or, in the absence of such a certification, in any particular case, must make a good faith effort to ascertain the facts necessary to make this written certification with respect to any such member organization, which shall include reviewing the code of ethics and professional conduct guidelines and the directory of each such member organization.

VII

Defendant is ordered and directed within sixty (60) days from the entry of this Final Judgment to attach to each copy of the current edition of "A Guide to the Procurement of Architectural and Engineering Services" ("Guide") in Defendant's possession, custody, or control and to all subsequent editions and versions of the Guide printed during the term of this Final Judgment a statement that nothing in the Defendant's code of ethics or guidelines for professional conduct prohibits its members from entering design competitions, providing free services, or providing services on a contingent basis.

VIII

Defendant is ordered to file with Plaintiff on the anniversary date of the entry of this Final Judgment, for a period of ten years, a report setting forth the steps it has taken during the prior year to comply with the provisions of this Final Judgment.

IX

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Defendant made to its principal office, be permitted:

(1) Access during office hours to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Defendant, who may have counsel present, regarding any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such Defendant and without restraint or interference from it, to interview officers, employees, and agents of such Defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to Defendant's principal office, Defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

(C) No information or documents obtained by means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized employee or representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

X

This Final Judgment shall remain in effect until ten (10) years from the date of entry.

XI

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of its provisions, for its enforcement or compliance, and for the punishment of any violation of its provisions.

XII

Entry of this Final Judgment is in the public interest.

Entered:

John Garrett Penn,

United States District Court Judge.

U.S. District Court for the District of Columbia

[Civil No. 80-2067]

Filed: February 16, 1982.

United States of America, Plaintiff, v. *American Consulting Engineers Council,* Defendant.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States submits this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On August 15, 1980, the United States filed a civil antitrust complaint alleging that the American Consulting Engineers Council ("ACEC") conspired to restrain competition in engineering services among its members in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

The Complaint alleged that, beginning at least as early as 1974 and continuing up to and including the date when the Complaint was filed, ACEC and its co-conspirators combined and conspired by adopting ethical rules restricting its members from entering competitions for engineering designs without reasonable compensation; from providing professional services on a free basis, except for civic, charitable or religious organizations; or from providing professional services on a contingent basis. The Complaint further charged that the members of ACEC agreed to abide by these rules. The effect of the conspiracy has been to curtail and suppress price and other forms of competition among members of ACEC and to deny purchasers of engineering services the benefits of free and open competition in the sale of such services.

The relief sought in the Complaint was that ACEC be required to cancel any provisions of its Code of Ethics and Professional Conduct Guidelines, and every other rule, bylaw, resolution or statement of policy which has as its purpose or effect the suppression or elimination of competition for engineering services among the members of ACEC. The Complaint further asked that ACEC be enjoined from adopting or entering into any similar program.

Entry of the proposed Final Judgment will terminate the action, except that the Court will retain jurisdiction over the matter for further proceedings which may be required to interpret, enforce or modify the Judgment, or to punish violations of any of its provisions.

II

Description of the Practices Involved in the Alleged Violation

At trial, the Government would have made the following contentions:

1. ACEC is a nonprofit membership corporation with its principal place of business in Washington, D.C. It is a federation of approximately 49 state, area, and regional member organizations. Membership is restricted to consulting engineering and land surveying firms.

2. ACEC is the nation's largest organization devoted exclusively to the advancement of firms engaged in the independent practice of consulting engineering. There are more than 3,550 ACEC member firms, ranging in size from sole practitioners to large corporations.

3. ACEC members compete with each other to provide a wide variety of consulting engineering services to a broad range of customers.

4. Beginning at least as early as 1974, ACEC conspired to restrain competition among its members in violation of Section 1 of the Sherman Act. At that time, Defendant adopted and promulgated written code of ethics provisions that all members agreed to abide by which explicitly stated that:

"(a) Members shall not enter competitions for designs for a specific project, unless provision is made for reasonable compensation for all designs submitted;

(b) Members shall not undertake or agree to perform any engineering service on a free basis except professional services for civic, charitable, religious, or eleemosynary organizations; and

(c) Members shall not request, propose or accept professional commissions on a contingent basis under circumstances under which their professional judgments may be compromised."

In furtherance of the conspiracy, ACEC promulgated and disseminated to engineers and to purchasers of engineering services various policy statements and practice manuals which indicated that the ban on contingent arrangements prohibited all such arrangements and which discouraged and characterized the providing of free engineering services and participation in contingent arrangements and uncompensated design competitions as poor or unethical practice. Further, most ACEC member organizations adopted and disseminated similar or identical provisions in their code of ethics and took steps to encourage adherence to them.

5. This conspiracy inhibited purchasers of engineering services from soliciting free engineering services, contingent arrangements and design competitions and inhibited ACEC members from offering or participating in them.

6. Approximately two months after this suit was filed, ACEC formally rescinded the challenged provisions and most, if not all, of its member organizations rescinded their comparable provisions. These steps alone were not sufficient to ensure that the conspiracy would not continue or recur, that the effects of the conspiracy had been dissipated and that consumers and engineers would be free to make independent judgments whether to solicit or offer design competitions, contingent fees and free engineering services.

III

Explanation of the Proposed Final Judgment

The United States and ACEC have stipulated that the Court may enter the proposed Final Judgment after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h). The proposed Final Judgment provides that its entry does not constitute any evidence against or admission by either party with respect to any issue of fact or law.

Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(e), the proposed Final Judgment may not be entered unless the Court finds that entry is in the public interest. Section XII of the proposed Final Judgment sets forth such a finding.

The proposed Final Judgment is intended to ensure that ACEC and its member organizations completely eliminate all formal or informal rules or ethical codes proscribing design competitions or the granting of free services or contingent arrangements by engineers and that member firms and purchasers of engineering services are made aware that such forms of competition are permissible. At the same time, the decree is intended to permit individual engineers and firms to make their own independent decisions whether to engage in such forms of competition and to permit ACEC to advocate legislation or governmental policies restricting them.

A. Prohibitions and Obligations

Under Section III of the proposed Final Judgment, ACEC is enjoined from (1) initiating or furthering any plan or course of action which has the purpose or effect of suppressing or discouraging its members from entering into design competitions, providing free services, or providing services on a contingent basis; and (2) adopting or seeking adherence to any code of ethics or collective statement which has the purpose or effect of suppressing or discouraging its members from engaging in such practices or which states or implies that such practices are, in themselves, unethical, unprofessional, or contrary to any policy of ACEC.

Section III also provides that any individual engineer or engineering firm, acting alone, remains free to refuse to enter into design competitions, provide free services, or provide services on a contingent basis, or to express an opinion concerning the propriety of such practices. Section III also provides that nothing in the proposed Final Judgment prohibits ACEC or any of its members from advocating or discussing legislation concerning these practices; from advocating or discussing, with federal or state executive or purchasing agencies, rules or policies concerning such practices; or from advocatiing or discussing, in private or in public, the public policy considerations suggesting the need for legislation or governmental policies concerning these practices. A proviso to this provision is that such advocacy or discussion makes clear that ACEC and its members are not thereby suppressing, restraining, or discouraging the members of ACEC from engaging in such practices.

Section IV of the proposed Final Judgment requires ACEC to make a good faith effort to eliminate from its publications any provisions which prohibit or discourage its members from entering into design competitions, providing free services, or providing services on a contingent basis.

Section V of the proposed Final Judgment requires ACEC to send its member organizations copies of the Final Judgment and also to distribute the Final Judgment in conjunction with a mailing of its publication, "The Last Word." This Section also requires ACEC for 10 years to send a copy of the Final Judgment to each new member firm or organization and to state in its professional conduct guidelines that the guidelines do not

prohibit design competitions, free services, or contingent arrangements.

Section VI of the proposed Final Judgment requires ACEC to certify annually that none of its member organizations seeks adherence to any code of ethics or other collective statement which had the purpose or effect of suppressing or discouraging its members from entering into design competitions, providing free services, or providing services on a contingent basis, nor does it pursue any other collective course of action which has the purpose or effect of suppressing or eliminating these practices.

Section VII requires ACEC to attach to its publication "A Guide to the Procurement of Architectural and Engineering Services" A statement that nothing in its code of ethics prohibits its members from entering design competitions, providing free services, or providing services on a contingent basis.

B. Scope of the Proposed Final Judgment

Section X of the proposed Final Judgment provides that the Final Judgment shall remain in effect for 10 years.

Section II of the proposed Final Judgment provides that the proposed Final Judgment shall apply to ACEC and to ACEC's officers, directors, agents, employees, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of the Final Judgment. This Section also provides that members of ACEC are not, for purposes of the Final Judgment, deemed to be in active concert or participation solely by virtue of their membership.

C. Effect of the Proposed Judgment on Competition

The relief in the proposed Final Judgment is designed to ensure that consumers have the opportunity to receive, if they wish, engineering services provided by members of ACEC on the basis of design competitions, on a free basis, or on a contingent basis.

Three methods for determining compliance with the terms of the Final Judgment are provided. First, Section VIII provides that ACEC is required to file each year a report setting forth the steps it has taken during the prior year to comply with the provisions of the Final Judgment. Second, Section IX provides that, upon reasonable notice, the Department of Justice shall be given access to any of ACEC's records relating to matters contained in the Final Judgment and permitted to interview any officers, directors, employees, or agents of ACEC. Finally, Section IX also provides that, upon written request, the Department of Justice may require ACEC to submit written reports about any matters relating to the Final Judgment.

The Department of Justice belives that this proposed Final Judgment contains adequate provisions to prevent further violations of the type upon which the Complaint is based and to eradicate the effects of the alleged conspiracy.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of such actions. Under the provisions of Section 1(a) of the Clayton Act, 15 U.S.C. 16(a), the judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against ACEC.

V

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to John W. Poole, Jr., Chief, Special Litigation Section, Antitrust Division, U.S. Department of Justice, 10th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530, within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Judgment at any time prior to entry. Section XI of the proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the court for any order necessary or appropriate for the modification, interpretation or enforcement of the Final Judgment.

VI

Alternative to the Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the Department of Justice was a full trial of the issues on the merits and on relief. The Department considers the proposed Final Judgment to be of sufficient scope and effectiveness to make a trial unnecessary, since it provides appropriate relief against the violation alleged in the Complaint.

VII

Determinative Materials and Documents

No materials and documents of the type described in Section 2(b) of the Antirust Procedures and Penalties Act, 15 U.S.C. 16(b), were considered in formulating the proposed Final Judgment.

Respectfully submitted,

Edward D. Eliasberg, Jr.,

Gail Kursh,

Attorneys, Department of Justice, Antitrust Division, 10th and Pennsylvania Avenue, NW, Washington, D.C. 20530, Telephone: (202) 633-2582.

[FR Doc. 82-5036 Filed 2-24-82; 8:45 am]

BILLING CODE 4410-01-M

Bureau of Prisons

National Institute of Corrections Advisory Board; Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Friday, March 12, 1982, starting at 9:00 a.m., at the HOLC Building, 320 First Street NW., Room 500, Washington, D.C.

At this meeting (one of the regulatory 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. 82-4994 Filed 2-24-82; 8:45 am]

BILLING CODE 4410-05-M

Drug Enforcement Administration

Importation of Controlled Substances; Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on December 18, 1981, Lemmon Company, Cathill and Lonely Roads, P.O. Box 30, Sellersville, Pennsylvania 18960, made application to the Drug Enforcement Administration to be registered as an importer of methaqualone (2565), a basic class of controlled substance in Schedule II.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor and any existing bulk manufacturer registered therefor may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register

Representative (Room 1203), and must be filed no later than March 29, 1982.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b) (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Acting Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e) and (f) are satisfied.

Dated: February 18, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-5089 Filed 2-24-82; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on March 30, 1981, Merrell Dow Pharmaceuticals Inc., 1707 East North Avenue, Milwaukee, Wisconsin 53202, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
N-Ethyl-3-Piperidylbenzilate (7482)	I.
N-Methyl-3-Piperidylbenzilate (7484)	I.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than March 29, 1982.

Dated: February 18, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-5090 Filed 2-24-82; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

Marine Accident Report—*Explosion and Fire On Board The U.S. Tankship Monticello Victory, Port Arthur, Texas, May 31, 1981 (NTSB-MAR-81-14).*

Safety Recommendations to—

Federal Aviation Administration, Feb. 18, A-82-16: Elimination of the safety hazard created by the aboveground portions of the midfield arrestment barrier on runway 30R at Lambert-St. Louis International Airport.

U.S. Coast Guard, Feb. 18, M-82-1 through -3: Evaluate approved radar school curricula to determine if courses include training and testing in radar navigation as used by operators of ferries and other harbor craft, and require applicants seeking a radar observer endorsement to demonstrate this type of radar proficiency; study the feasibility of required installation of a transponder to identify Staten Island ferries on radar units; revocation of deviation from equipment requirements that permits Staten Island ferries to operate without a gyrocompass and an illuminated gyrocompass repeater.

Department of Marine and Aviation, City of New York, Feb. 18, M-82-4 through -7: Provide Staten Island ferries with capability to transmit and receive over VHF-FM channel 12; equip ferries with a gyrocompass and an illuminated gyrocompass repeater; modify radar units to provide a gyrostabilized presentation, evaluate the benefits of an automatic radar plotting aid (ARPA) for ferries.

Hoegh Lines (U.S.), Inc.: Review the appropriateness of the currently established maneuvering speeds of the *Hoegh Orchid.*

Recommendation Responses from—

National Highway Traffic Safety Administration, Feb. 5, H-81-33. Based on final report (expected to be ready in April 1982) on research effort with Calspan Advanced Technology Center for "Truck Tire Traction (Wet)" to develop an objective methodology that will yield reproducible data in the measurement of traction characteristics of heavy-duty commercial tires, NHTSA will decide whether to proceed with special accident and cost/benefit studies in addition to a survey of the traction performance of a large population of truck tires. *Feb. 5, H-81-34 and -35.* There is not sufficient evidence to issue an advisory. *Feb. 5, H-81-36.* There does not appear to be a significant safety problem with this or any other type of tire in the bus fleets, and it would be impractical to specify a design that required continued tread grooves, since this would eliminate all lug-type tires.

Research and Special Programs Administration (U.S. DOT), Feb. 11, I-81-4 through -6. These are addressed in the final rule published on Jan. 16 under Docket HM-174. *Feb. 11, I-81-6.* The need for improved puncture resistance and thermal protection is being studied by the FRA.

Federal Railroad Administration, Feb. 11, R-81-94. Completed safety review in Dec. 1981 that revealed that the Union Pacific Railroad Company has implemented an appropriate air brake testing program. *R-81-95.* FRA is preparing revisions to the Federal Power Brake Regulation. *R-79-82.* The UP has taken appropriate steps to comply with the Federal Power Brake Regulation. *R-79-84.* A Dec. 1981 evaluation of UP training and testing programs revealed that supervisors can adequately enforce rules to provide safe and efficient operations. *R-79-85.* FRA has granted two railroads permission to use the "Air Flow Method Brake Test" on freight trains. FRA will analyze the test results, to be completed by Dec. 1983, and if found to be beneficial FRA will coordinate a voluntary effort by the railroads to install brakepipe flow indicators on locomotives. FRA does not plan to require such indicators.

U.S. Coast Guard, Feb. 10, M-81-55. Does not concur; a shipboard listening watch would provide little additional coverage beyond over-flying aircraft. *M-81-56.* Does not concur; it is premature to attempt any regulation concerning satellite EPIRBs. *M-81-57.* Partially concurs; rather than re-design the USMER system, the USCG plans to substitute a mandatory AMVER system to take the place of USMER and plans to design and test an alerting system based upon mandatory AMVER. *M-81-58.* Concurs; will complete review by Jan. 31, 1982. *M-81-59.* An alternative approach to program the AMVER Computer to automatically keep track of USMER ship reporting records is being examined. *M-81-60.* The Trim and Stability Booklet requires no revisions. *M-81-61.* Partially concurs; since studies in synchronous rolling are dependent on the validity of an experimental research computer program, the USCG must first

consider ways to evaluate the program further before agreeing to an action resulting in definitive operational guidance. *M–81–62.* Concurs. *M–81–63.* Concurs.

Amtrak, Feb. 10, R–78–39. Has completed a survey of all equipment operated over Amtrak lines in the Northeast Corridor to determine the extent of use of cab signal and automatic train control among this equipment. Amtrak NEC Timetable Order No. 1562–A1 was issued specifically covering the operation of non-Amtrak vehicles in the NEC which are not equipped with ATC apparatus. Service in the NEC would be disrupted significantly were Amtrak to further prohibit the operation of vehicles which are not equipped with ATC.

Note.—Single copies of reports, recommendation letters, and responses are free on written request, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. (Multiple copies of reports are obtainable from National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.)

H. Ray Smith, Jr.,

Alternate Federal Register Liaison Officer.

February 19, 1982.

[FR Doc. 82–4990 Filed 2–24–82; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on March 4–6, 1982, in Room 1046, 1717 H Street NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on February 17, 1982.

The agenda for the subject meeting will be as follows:

Thursday, March 4, 1982

8:30 a.m.–8:45 a.m.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

8:45 a.m.–12:00 Noon: Byron Station Units 1 and 2 (Open).—The Committee will hear the report of its Subcommittee and consultants who may be present regarding the request for an operating license for this nuclear station. The Committee will also hear and discuss presentations by representatives of the NRC Staff and the applicant regarding this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

12:00 Noon–12:30 p.m.: Licensee Event Reporting System (Open)—The Committee will hear and discuss comments of the ACRS Subcommittee Chairman and members regarding proposed changes in NRC requirements (10 CFR 50.73) for licensee event reports. Representatives of the NRC Staff will participate, as appropriate.

1:30 p.m.–2:15 p.m.: Quality Assurance Programs at Nuclear Plants (Open)—The Committee will hear a presentation by officials of the NRC Staff regarding improvements in quality assurance programs at nuclear power plants.

2:15 p.m.–4:15 p.m.: Waterford Steam Electric Station Unit 3 (Open)—The Committee will hear the report of its Subcommittee regarding outstanding safety related issues applicable to the proposed operation of this unit. Representatives of the NRC Staff and the licensee will participate, as appropriate.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

4:15 p.m–5:15 p.m.: Qualification Program for Safety Related Equipment (Open)—The Committee will hear the report of its Subcommittee regarding the proposed NRC equipment qualification program for safety related equipment in nuclear power plants. Representatives of the NRC Staff and the nuclear industry will participate, as appropriate.

5:15 p.m.–6:30 p.m.: ACRS Subcommmittee Activities (Open)—The Committee members will hear and discuss the reports of designated ACRS subcommittees regarding safety related matters including the proposed review plan for evaluation of systems interactions at the Indian Point Nuclear Station Unit 3, quality control deficiencies at the Zimmer Nuclear Station, and seismic research applicable to the east coast of the United States.

Friday, March 5, 1982

8:30 a.m.–12:30 p.m.: Clinton Power Station Units 1 and 2 and Mk-III Containment (Open)—The Committee members will hear the reports of its subcommittee chairmen regarding the request for an operating license for the Clinton Power Station Units 1 and 2, and resolution of outstanding questions related to the Mk-III type of dynamic containment.

The Committee will hear and discuss presentations by the NRC Staff and the applicant regarding this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

1:30 p.m.–2:00 p.m.: ACRS Subcommittee and Full Committee Activities (Open)—The Committee members will hear and discuss the report of its subcommittee chairman regarding proposed changes in NRC regulatory guides. The Committee will also discuss anticipated subcommittee activity and proposed full Committee activities.

2:00 p.m.–2:45 p.m.: Alternate Materials for Waste Disposal Containers (Closed)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding a proposed NRC program and contractor qualifications to evaluate alternate materials for radioactive waste disposal containers. Representatives of the NRC Staff will participate, as appropriate.

This session will be closed to discuss Proprietary Information applicable to this matter.

2:45 p.m.–3:15 p.m.: Reactor Pressure Vessel Liquid Level Indication (Open)—The Committee will hear a presentation from an ACRS staff member regarding the performance of differential pressure cells as water level indicators.

3:15 p.m.–5:30 p.m.: ACRS Reports to NRC (Open/Closed)—The Committee members will discuss proposed reports to the Nuclear Regulatory Commission and comments to the NRC Executive director for Operations regarding topics discussed during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the topics being considered and information which will be involved in an adjudicatory proceeding.

Saturday, March 6, 1982

8:30 a.m.–10:30 a.m.: ACRS Reports to NRC (Open/Closed)—The Committee members will discuss proposed reports to the Nucler Regulatory Commission and comments to the NRC Executive director for Operations regarding topics discussed during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the topics being considered and information which will be involved in an adjudicatory proceeding.

10:30 a.m.–11:30 a.m.: Miscellaneous Activities (Open)—The members will discuss miscellaneous topics related to the conduct of ACRS activities including testimony before the U.S. House of Representatives Committee on Interior and Insular Affairs, the format and

scope of improved safety analysis reports and safety evaluation reports, and qualilfications for new ACRS members.

Portions of this meeting will be closed as necessary to discuss information of a personal nature the release of which would represent a clearly unwarranted invasion of personal privacy.

11:30 a.m.–12:30 p.m. ACRS Reports NRC (Open/Closed)—The Committee members will discuss proposed reports to the Nuclear Regulatory Commission and comments to the NRC Executive director for Operations regarding topics discussed during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the topics being considered and information which will be involved in an adjudicatory proceeding.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 30, 1981 (46 FR 47903). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statememts should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss information of a personal nature where disclosure would constitute unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)), information which will be involved in an adjudicatory proceeding (5 U.S.C. 552b(c)(10)), and Proprietary Information (5 U.S.C. 552b(c)(4)) applicable to the matters being discused.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. EST.

Dated: February 22, 1982.

John C. Hoyle,

Advisory Committee Management.

[FR Doc. 82–5070 Filed 2–24–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–184]

Availability of Draft Environmental Statement for National Bureau of Standards Reactor

Notice of hereby given that a Draft Environmental Statement (NUREG–0877) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the license renewal and power increase for the National Bureau of Standards (NBS) research reactor. This reactor is located on the 576-acre NBS site near Gaithersburg in Montgomery County, Maryland about 20 miles northwest of the center of Washington, D.C.

This Draft Environmental Statement (DES) addresses the aquatic, terrestrial, radiological, social and economic costs and benefits associated with normal station operation. Also considered are station accidents, their likelihood of occurrence or their consequences. Finally, the statement presents an updated discussion of a need for the facility since the construction permit application.

This DES it available for inspection by the public in the Commission's Public Document Room at 1717 H Street N.W., Washington, D.C. 20555. Requests for copies of the DES (NUREG–0877) should be addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical information and Document Control.

Interested persons may submit comments on this DES for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the DES (local agencies may obtain these documents upon request).

Comments by Federal, State, and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission Public Document Room in Washington, D.C.

After consideration of comments submitted with respect to the DES, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register.** Comments are due by April 12, 1982.

Comments on this report from interested members of the public should be addressed to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

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

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 82–5063 Filed 2–24–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–320]

Metropolitan Edison Co., Jersey Central Power & Light Co., Pennsylvania Electric Co. and GPU Nuclear Corp; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amenmdment No. 19 to Facility Operating License No. DPR–73, issued to GPU Nuclear Corporation, Metropolitan Edison Company, Jersey Central Power & Light Company, and Pennsylvania Electric Company (collectively "the licensee"). Operating License No. DPR–73 formerly authorized operation of the Three Mile Island Nuclear Station, Unit 2 (TMI–2) located in Dauphin County, Pennsylvania, but that authorization was suspended by an Order for Modification of License, limiting the authorization to maintaining the facility in its present safe shutdown condition 44 FR 45271 (August 1, 1979). This amendment effects changes to the Appendix B Technical Specifications attached to and incorporated in License No. DPR–73 by reflecting that the positions of Manager—Generation Engineering and Manager—Operational Quality Assurance no longer exist. In addition, the amendment clarifies the responsibility for review of changes related to Appendix B Technical Specifications and their implementation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The

Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement, or environmental impact appraisal and negative declaration need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 15, 1981, (2) Amendment No. 19 to License No. DPR-73 clarifying the responsibility for review of changes related to Appendix B Specifications and their implementation, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Government Publications Section, State Library of Pennsylvania, Edcuation Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Program Director, TMI Program Office, Office of the Nuclear Reactor Regulation.

Dated at Bethesda, Md., this 16th day of February 1982.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, TMI Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 82-5062 Filed 2-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN-50-522/523]

Puget Sound Power & Light Co., Pacific Power and Light Co., Washington Water Power Co. and Portland General Electric Co. (Skagit/Hanford Nuclear Project, Units 1 and 2) (Formerly Skagit Nuclear Power Project, Units 1 and 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for Puget Sound Power & Light Company, Pacific Power and Light Company, The Washington Water Power Company and the Portland General Electric Company, Skagit/Hanford Nuclear Project, Units 1 and 2, Docket Nos. STN 50-522/523 CP, is hereby reconstituted by appointing the following Administrative Judge to the Board: John F. Wolf. Valentine B. Deale was chairman of this Board, but, is unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

John F. Wolf, Chairman
Dr. Frank F. Hooper
Gustave A. Linenberger, Jr.

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board Chairman is:

Judge John F. Wolf, 3409 Shepherd Street, Chevy Chase, MD 20015

Issued at Bethesda, Md., this 19th day of February 1982.

B. Paul Cotter, Jr.,

Chief, Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 82-5065 Filed 2-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361, 50-362]

Southern California Edison Co., San Diego Gas and Electric Co., City of Riverside, and City of Anaheim; Issuance of Amendments to Construction Permits

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Construction Permit No. CPPR-97 and Amendment No. 3 to Construction Permit No. CPPR-98. The amendment reflects the transfer of an additional ownership share from Southern California Edison Company to the City of Anaheim of the San Onofre Nuclear Generating Station, Units 2 and 3 (the facility). The construction permit holders are Southern California Edison Company, San Diego Gas and Electric Company, the City of Riverside and the City of Anaheim. Southern California Edison Company has sole responsibility for the design and construction of the facility, which is located in San Diego County, California.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Ch. I, which are set forth in the amendments.

Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 12, 1981, (2) Amendment No. 3 to Construction Permit No. CPPR-97, (3) Amendment No. 3 to Construction Permit No. CPPR-98, (4) and the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California. In addition, a copy of the above items (2), (3), and (4) may be obtained upon request, addressed to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Md., this 16th day of February 1982.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 82-5066 Filed 2-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259 OL, 50-260 OL, 50-296 OL]

Tennessee Valley Authority (Browns Ferry Nuclear Plant, Units 1, 2 and 3); Prehearing Conference

February 18, 1982.

Please take notice that, in light of the Appeal Board's decision in this proceeding (ALAB-664, 15 NRC——), this Board will conduct a prehearing conference on Thursday, April 1, 1982, 9:30 a.m., in Courtroom No. 4, Third Floor, Madison County Courthouse, Huntsville, Alabama.

At the conference, the Board wishes the parties to address the procedural steps necessary to implement ALAB-664, including any necessity for evidentiary proceedings, and the schedule for carrying out these steps.

Limited appearance statements will not be accepted at the prehearing conference. Limited appearance statements will be accepted in the event an evidentiary hearing is ordered at the time such a hearing is held.

Bethesda, Maryland, February 18, 1982.

For the Atomic Safety and Licensing Board.

John H. Frye III,

Chairman, Administrative Judge.

[FR Doc. 82-5068 Filed 2-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266-OLA, 50-301-OLA]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Units 1 and 2); Hearing

February 19, 1982.

There are provisional plans to conduct a hearing on March 10 and 11, 1982, concerning whether or not portions of documents filed by Westinghouse Electric Corporation in this proceeding should be treated as proprietary or should be released to the public. The principal controversy relates to whether descriptions of safety tests and results of safety tests conducted in order to establish the safety of a proposed repair project, involving the "sleeving" of steam generator tubes, should be released to the public.

This hearing will be held only if, at the conclusion of a telephone conference being conducted on March 4, 1982, the Atomic Safety & Licensing Board concludes that the issues in dispute require that there be a hearing. If held, the hearing will be from 12 pm to 10:30 pm on March 10 and from 9:30 am to 5 pm on March 11, subject to adjustment if shorter hours are feasible. The location is the Regency Room of the Marc Plaza Hotel, 509 W. Wisconsin Avenue, Milwaukee, Wisconsin.

Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,

Chairman Administrative Judge.

[FR Doc. 82-5069 Filed 2-24-82; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses to Export/Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application", please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H St., NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed on or before March 29, 1982. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this 19th day of February, 1982, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Marvin R. Peterson,

Acting Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER (EXPORT/IMPORT)

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, Feb. 4, 1982, Feb. 4, 1982, XSNM01924.	93.3 percent enriched uranium.	28.070	26.189	Fuel for the HFR reactor, Grenoble	France.
Mitsui & Co., Feb. 4, 1982, Feb. 8, 1982, XSNM01925.	3.95 percent enriched uranium.	6,684	202	Reload fuel for Fukushima I, Unit 5	Japan.
Mitsui & Co., Feb. 4, 1982, Feb. 8, 1982, XSNM01926.	3.95 percent enriched uranium.	29,030	889	Reload fuel for Fukushima I, Unit 5	Japan.
Transnuclear, Feb. 4, 1982, Feb. 4, 1982, ISNM82002.	1.99 percent enriched uranium.	2,947.462	58.655	Feed material for HEU for European MTR-Testing Reactors.	From W. Germany.
Edlow International, Jan. 26, 1982, Jan. 29, 1982, XU08538.	0.711 percent natural uranium.	11,000		Fuel for the Forsmark III Nuclear Power Plant	Sweden.
Edlow International, Feb. 10, 1982, Feb. 16, 1982, XSNM01927.	2.85 percent enriched uranium.	11,691	334	Reload fuel for Mihama Unit 3	Japan.
Mitsui & Company, Feb. 8, 1982, Feb. 16, 1982, XSNM01928.	3.95 percent enriched uranium.	6,974	210	Reload fuel for Hamaoka Unit 2	Japan.

[FR Doc. 82-5059 Filed 2-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-170]

Availability of Safety Evaluation Report for Armed Forces Radiobiology Research Institute

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operating license renewal of research reactor license R-84. The facility is owned by an agency of the U.S. Department of Defense, and is located on the grounds of the National Naval Medical Center, Bethesda, Montgomery County, Maryland. Notice of Consideration of Armed Forces Radiobiology Research Institute's application for renewal was published in the **Federal Register** on November 25, 1980 (45 FR 78314).

The report is being made available at the Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C., for inspection and copying. The report (Document No. NUREG-0882) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, or from the Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. GPO Deposit Account holders may charge their orders by calling (301) 492-9530.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 82-5060 Filed 2-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 77 to Facility Operating License No. DPR-31, and Amendment No. 71 to Facility Operating License No. DPR-41 issued to Florida

Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments clarify the boron concentration required during the refueling operation by including the $\Delta k/k$ requirement in the Technical Specifications as well as the boron concentration.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated January 13, 1982, (2) Amendment Nos. 77 and 71 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

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

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-5061 Filed 2-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications for the reactor coolant system pressure-temperature limits for operation through 6.1 effective full power years.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 15, 1982, as supplemented by letter dated January 27, 1982, (2) Amendment No. 64 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 5th day of February 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-5064 Filed 2-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-361]

Southern California Edison, et al.; Issuance of Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission), has issued Facility Operating License No. NPF-10, to Southern California Edison Company, San Diego Gas and Electric Company, the City of Riverside, California, and the City of Anaheim, California (the licensees) which authorizes operation of the San Onofre Nuclear Generating Station, Unit 2 (the facility), by Southern California Edison Company at reactor core power levels not in excees of 169.5 megawatts thermal (5 percent power) in accordance with the provisions of the License, the Technical Specifications and the Environmental Protection Plan.

San Onofre Nuclear Generating Station, Unit 2, is a pressurized water nuclear reactor located at the licensees' site at Camp Pendleton, San Diego County, California approximately 62 miles southeast of Los Angeles and 51 miles north of San Diego. The license is effective as of the date of issuance and shall expire at midnight on October 18, 2013.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. Issuance of this license has been authorized by the Atomic Safety and Licensing Board by its Partial Initial Decision dated January 11, 1982. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on April 7, 1977 (42 FR 18460).

The Commission has determined that the issuance of this license will not result in any nvironmental impacts other than those evaluated in the Final Environmental Statement and its Errata since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement and its Errata.

For further details with respect to this action, see (1) Facility Operating License No NPF-10, complete with Technical

Specifications and Environmental Protection Plan; (2) the reports of the Advisory Committee on Reactor Safeguards dated February 10, 1981, and March 17, 1981; (3) the Commission's Safety Evaluation Report dated February 1981, Supplement No. 1 dated February 1981, Supplement No 2 dated May 1981, Supplement No. 3 dated September 1981, Supplement No. 4 dated January 1982, and Supplement No. 5 dated February 1982; (4) the Final Safety Analysis Report and amendments thereto; (5) the Environmental Report and Supplements thereto and (6) the Final Environmental Statement dated April 1981 and the Errata to the Final Environmental Statement dated June 1981, and (7) the Partial Initial Decision issued by the Atomic Safety and Licensing Board dated January 11, 1982.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Mission Viego Branch Library, 24851 Chrisanta Drive, Mission Viego, California 92676. A copy of Facility Operating License No. NPF–10 may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and its Supplements 1 through 5 (NUREG–0712) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders can call 301–492–9530.

Dated at Bethesda, Maryland, this 16th day of February 1982.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 82–5067 Filed 2–24–82; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

February 17, 1982.

Background

When Executive Departments and agencies propose 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 responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available)

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether section 3504(H) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our 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 occassionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submiting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washignton, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Food and Nutrition Service
Report of Child Nutrition Operations
FNS–10
Monthly
State or local governments
State education agencies
SIC: 943
Food and nutrition assistance: 2,232 responses; 112,819 hours; $88,760 Federal cost; 1 form; $1,128,190 public cost; not applicable under 3504(h)
Neil Minow, 202–395–7340

This report provides participation data for four child nutrition programs administered by FNS. The data is used to analyze the progress of the programs, and as a basis for monitoring the proper use of program funds.

• Food and Nutrition Service
Food Service Management Company Application for Registration (SFSP)
FNS–189
On occasion

Businesses or other institutions
Food service management companies
SIC: 943
Small businesses or organizations
Food and nutrition assistance: 500 responses; 2,000 hours; $940 Federal cost; 1 form; $20,000 public cost; not applicable under 3504(h)
Neil Minow, 202–395–7340

To register food service management companies and determine their eligibility to participate in the summer food service program for children.

• Food and Nutrition Service
Agreement between sponsor and USDA (sponsor food service program)
FNS–80 and FNS–418
Nonrecurring
Businesses or other institutions
Public and private sponsors desiring to participate, etc.
SIC: 943
Small businesses or organizations
Food and nutrition assistance: 16,524 responses; 97,908 hours; $8,520 Federal cost; 2 forms; $979,060 public cost; not applicable under 3504(h)
Neil Minow, 202–395–7340

The SFSP regulations implement the provisions of Pub. L. 96–499, form FNS–418, summer data information, provides information on which to base a profile of sponsor is aware of program responsibilities.

Revisions

• Farmers Home Administration
7 CFR 1944–E—Rural Rental Housing Loan Policies Procedure and Authorizations
FMHA 1944–33, 34, 35, 444–7, 444–27
On occasion
Businesses or other institutions
Private and public profit and non-profit organizations
SIC: All
Small businesses or organizations
Mortgage credit and thrift insurance: 25,500 responses; 146,675 hours; $469,500 Federal cost; 5 forms; $1,555,000 public cost; not applicable under 3504(h)
Neil Minow, 202–395–7340

Regulations set forth procedures for the making of rural rental housing loans as authorized by sections 515 and 521 of the Housing Act of 1949.

Extensions (No Change)

• Rural Electrification Administration
Construction Inventory—for Labor and Material Contract
REA 254, REA 254A, REA 254B, REA 254C
On occasion
Businesses or other institutions
REA electric borrowers
SIC: 481
Small businesses or organizations
Energy supply: 200 responses; 1,600 hours, $3,000 Federal cost; 4 forms; $24,000 public cost; not applicable under 3504(h)
Neil Minow, 202–395–7340

These forms provide a means of summarizing and tabulating the various construction units and cost information.

• Animal and Plant Health Inspection Service
U.S. Origin Health Certificate
VS 17–140 and 17–140A
On occasion
Farms
Livestock raisers and breeders
SIC: 021, 027, 029
Agricultural research and services: 30,000 responses; 15,000 hours; $27,305 Federal cost; 1 form; $300,000 public cost; not applicable under 3504(h)
Neil Minow, 202–395–7340

Info used to establish that animals are moved in compliance with USDA regs: To confirm to consignor and consignee that only healthy animals are involved in commerce; to prevent international dissemination of animal diseases common to U.S.; and to satisfy import requirements of foreign countries.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

Extensions (Burden Change)

• Departmental and Others
Government Industry Reference Data Edit Review (Girder)
On occasion
Businesses or other institutions
Manufacturers from whom military services procure supplies
SIC: Multiple
Small businesses or organizations
Department of Defense-Military: 95 responses; 10,925 hours; $147,040 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Girder report is only method available to verify manufacturers' names and part numbers which are associated with national stock numbers (NSNS) in the Federal catalog system (FSC). This FSC maintenance avoids erroneous invitations to bid and erroneous NSN assignment and is in consonance with the Intent of title 10, United States Code, chapter 145.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Social Security Administration
Corrective Action Plans and Progress Reports
Annually
State or local governments
State agencies administering AFDC programs
SIC: 944
Other income security: 114 responses; 13,680 hours; $41,743 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Corrective action is an ongoing administrative process utilizing quality control findings to develop cost effective methods of eliminating errors in eligibility and payment in the AFDC caseload.

• National Institutes of Health
Reader Service Document Request Form (on-site)
NIH 1865–1
On occasion
Individuals or households
Library patrons
Health: 180,000 responses; 5,400 hours; $2,000 Federal cost; 1 form; $54,000 public cost; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

Each request form transmits essential bibliographic identification information for each document a requester desires to see or obtain from NLM.

• National Institutes of Health
Interlibrary Loan Request Form
On occasion
Individuals or households
Library patrons
Health: 230,000 responses; 6,900 hours; $0 Federal cost; 1 form; $69,000 public cost; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

Each request form transmits essential bibliographic identification information about each document a requester desires to see or obtain from NLM.

• Social Security Administration
Appearance at Hearing
HA–504–EV
On occasion
Individuals or households
Claimants req. hearings on social security benefit issues
General retirement and disability insurance: 300,000 responses; 10,000 hours; $33,123 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The information collected is used to afford claimants their statutory right to a hearing and decision under the Social Security Act.

• Social Security Administration
Application for IRS Collection of Child Support
OCSE–20
On occasion
State or local governments
State social services, welfare departments
SIC: 944
Other income security: 540 responses; 405 hours; $49,613 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Under the Social Security Act, States may request the Internal Revenue Service to make collections of delinquent child support payments. This application provides the Internal Revenue Service the basic information for such action and permits the OCSE regional office to approve the States' requests.

• National Institutes of Health
Academic Health Science Library: A Survey of Medical School Deans
Nonrecurring
Businesses or other institutions
Deans of accred. med. schools in the United States and Canada
SIC: 822
Health: 124 responses; 31 hours; $3,100 Federal cost; 1 form; $3,100 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This survey will collect data from deans of accredited medical schools regarding their policies and attitudes towards the function of health sciences libraries in supporting the education, service and research mission of their insitutions. The data will provide guidance to a study of health sciences libraries in describing needs for development and attitudes towards change in information handling in medicines.

Revisions

• Social Security Administration
Statement Regarding Marriage
SSA–753
On occasion
Individuals or households
Persons having knowledge of a purported common law, etc.
General retirement and disability insurance: 40,000 responses; 6,000 hours; $20,871 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Section 216(h)(1)(a) and (b) of the Social Security Act provide for the information required to solicit information from third-parties to document evidence that a common-law marriage has existed.
Application is used to provide evidence of this nature.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Revisions

• Housing Programs
Request for Approval of Advances for Non-Permanently
Financed projects and development cost budget cost statement
HUD 5216 and HUD 52484
Quarterly
State or local governments
Public housing agen. (PHA's) auth. to develop and oper., etc.
SIC: 951
Public assistance and other income supplements: 4,000 responses; 8,000 hours; $5,163,265 Federal cost; 2 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

Needed to assure prudent expenditure of public housing funds. Used to determine whether amounts spent or requested are reasonable in relation to services or items to be purchased or to actual or projected development stages, so that if they are not, corrective action can be taken on a timely basis.

Reinstatements

• Housing Programs
Development Program of Public Housing Agency
HUD 52483
On occasion
State or local governments
Public hsing agen (PHA'S) auth. to develop and operate, etc.
SIC: 953
Public assistance and other income supplements: 125 responses; 250 hours; $5,163,265 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal: 202–395–6880

See supporting statement attached.

DEPARTMENT OF LABOR

(Agency Clearance Officer—Paul E. Larson—202–523–6331)

New

• Departmental Management
Qualifications Inquiry Form for Local 12 PERS–5
Nonrecurring
Individuals or households
Applicable for employment
Other labor services; 5,100 responses; 1,275 hours; $11,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This form is required under the Department of Labor's negotiated merit staffing plan for positions in the local 12 bargaining unit to solicit information by the personnel office from the applicant's supervisor. The information will be used by raters to evaluate outside applicants against the requirements of the vacancy to be filled.

• Occupational Safety and Health Administration
Occupational Safety and Health Administration Complaint
OSHA–7
Nonrecurring on occasion
Individuals or households
Employ. or repres. of employees may file complaints, etc.
Consumer and occupational health and safety: 4,500 responses; 2,250 hours; $179,667 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The OSHA–7 form is used by employees to report unhealthful and/or unsafe conditions in the workplace. Employee reports are authorized by section 8(F) of the Occupational Safety and Health Act. The information is used by OSHA to evaluate the alleged hazardous working condition and to schedule an inspection of the workplace or to respond in another manner, as appropriate.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Federal Railroad Administration
Semi-Annual Financial and Progress Report for Participation in the Federal Railroad Safety Program
Semiannually
State or local governments
State transportation departs. or State public comm.
SIC: 401
Ground transportation: 60 responses; 180 hours; $3,000 Federal cost; 1 form; not applicable under 3504 (b)
Donald Arbuckle, 202–395–7340

Information received is used as part of the monitoring process of program evaluation. It provides the basis for which eligibility is determined for reimbursement of fifty percent of State funds expended for the program, not to exceed the amount of the grant agreement.

• Coast Guard
33 CFR Part 157—Plan Approval and Records for U.S. Vessels Carrying oil in Bulk

On occasion
Businesses or other institutions
U.S. tank vessel builders, owners and operators
SIC: 442 443
Water transportation: 344 responses; 1,233 hours; $25,920 Federal cost; 1 form; $132,180 public cost; not applicable under 3504 (h)
Wayne Leiss, 202–395–7340

Construction plans and/or flag State documentation of compliance with international standards is required in order to determine compliance with legislated minimum standards and regulatory standards.

• Research and Special Programs Administration
Drum Test Record Requirements
Annually
Businesses or other institutions
Drum manufacturers
SIC: 341
Small Businesses or organizations
Air transportation: 10 responses; 10 hours; $0 Federal cost; 1 form; not applicable under 3504(e)
Donald Arbuckle; 202–395–7340

Used and needed by drum manufacturers to verify to shippers and the MTB the integrity of drum closures which are different than those for which specifications are set forth in the regulations.

• Coast Guard Tank Vessel Examination Letter
(Notices, Records and Evidence of Examinations)
CG 840s–1
On occasion, Annually
Businesses or other institutions
Owners/operators of merchant vessels—domestic/foreign
SIC: 441 442
Small businesses or organizations
Water transportation: 41,905 responses; 20,169 hours; $118,007 Federal cost; 1 form; $313,623 public cost; not applicable under 3504 (e)
Wayne Leiss, 202–395–7340

46 U.S.C. 375, 391, 391A. these forms/reports are used to document the construction, alteration, repair and maintenance of vessels and the handling and stowage of cargo to insure safety of life and property at sea.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

New

• Airline Financial and Traffic Data Questionnaire (for nonrecurring
State or local governments/businesses or other institutions
Airlines beyond major and natl. carriers, airports
SIC: 451
Air transportation: 200 responses; 400 hours; $8,000 Federal cost; 1 form; not applicable under 3504 (h)
Wayne Leiss; 202–395–7340

The airline data study is needed in order to properly include some important private sector and local government (airports) persepective in an assessment of the costs and benefits which are associated with airline industry data requirements in the face of CAB sunset.

Revisions

• Part 321—Unused Authority Procedures
On occasion
Businesses or other institutions
Uncertificated carriers, new carriers
SIC: 451
Air transportation: 20 responses; 80 hours; $0 Federal cost; 1 form; not applicable under 3504 (h)
Wayne Leiss, 202–395–7340

Revises and reduces the application procedures governing the board's unused or "dormant" authority program. This revision is being made because section 401(d)(5) of the Federal Aviation Act provides for unlimited route authority for certification carriers beginning December 31, 1981.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

Reinstatements

•÷ Bidder's Mailing List Application
SF129
On occasion
Buinesses or other institutions
Bus. firms, non-profit institutions, and individls.
SIC: All
Small Businesses or organizations
General government: 5,600 responses; 26,300 hours; $110,000 Federal cost; 1 form; $420,000 public cost; not applicable under 3504 (h)
Franklin S. Reeder, 202–395–3785

This form is used by all government executive agencies, including the Department of Defense, as an application form for prospective contractors in connection with the establishment and maintenance of bidder's mailing list.

SELECTIVE SERVICE SYSTEM

Agency Clearance Officer—Clarence E. Boston—202–724–0683

Revisions

• Selective Service System Registration Form SSS 1
Nonrecurring
Individuals or households
Young men reaching their eighteenth birthday
Defense-related activities: 1,800,000 responses; 59,400 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

The Selective Service System Registration form is used by young men complying with the provisions of section 15(e) of Military Selective Service Act as added by section 916(c) of Pub. L. 97–86.

Nathaniel Scurry,
Chief, Reports Management.

[FR Doc. 82-4784 Filed 2-24-82; 8:45 am]
BILLING CODE 3110-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

White House Science Council (WHSC); Meeting

February 23, 1982.

The White House Science Council, the purpose of which is to advise the director, OSTP, will meet on March 9, 1982, in Room 330, Old Executive Office Building, Washington, D.C. The meeting will begin at 9:00 a.m. Following is the proposed agenda for the meeting:

(1) Briefing of the Council, by the Assistant Directors of the Office of Science and Technology Policy (OSTP), on the current activities of OSTP.

(2) Briefing of the Council, by OSTP personnel and personnel of other agencies, on proposed topics of study.

(3) Discussion of composition of panels to conduct studies.

A portion of the meeting will be closed to the public.

The briefing on some of the current activities of OSTP necessarily will involve discussion of material that is formally classified in the interest of national defense or for foreign policy reasons. This is also true for a portion of the briefing on the proposed topics of study. As well, a portion of both of these briefings will require discussion of internal personnel procedures of the Executive Office of the President, and information the premature disclosure of which likely would significantly frustrate implementation of our agency's action. These portions of the meeting will be closed to the public pursuant to 5 U.S.C. 552b(c) (1), (2) and 9(B).

A portion of the discussion of panel composition will necessitate the disclosure of information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Accordingly, this portion of the meeting will also be closed to the public, pursuant to 5 U.S.C. 552b(c)(6).

The portion of the meeting open to the public will begin at 9:00 a.m. Because of security in the Old Executive Office Building, persons wishing to attend the open portion of the meeting should contact Dr. Thomas H. Johnson, Special Assistant to the Director of OSTP at (202) 456–7740, prior to 8:30 a.m. on March 9th. Dr. Johnson is also available to provide further information.

Robert D. Linder,

Executive Director, Office of Science and Technology Policy.

[FR Doc. 82-5146 Filed 2-23-82; 12:08 pm]

BILLING CODE 3170-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12237; 812-4982]

Cash Reserve Management, Inc.; Filing of Application for Order Exempting Applicant From the Provisions

February 19, 1982.

Notice is hereby given that Cash Reserve Management, Inc., ("Applicant"), One Battery Park Plaza, New York, New York 10004, a no-load, diversified, investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on September 30, 1981, and an amendment thereto on December 11, 1981, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share for the purposes of sales and redemptions of its shares, to the nearest one cent on a share value of one dollar. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that its investment objective is maximization of current income consistent with the maintenance of liquidity and a high-quality portfolio of short-term (i.e., having a remaining maturity of one year or less) "money market" instruments. Applicant will seek to accomplish its objective by investing in, or entering into agreements, including repurchase, reverse repurchase and loan agreements, relating to the following "money market" instruments: (1) U.S. Treasury Bills and other obligations issued or guaranteed by the U.S. Government, its agencies or instrumentalities; certificates of deposit and bankers' acceptances of United States banks (including foreign branches thereof) or savings and loan associations with $2 billion in total assets (as shown by their most recent annual financial statements) other than those for which Morgan Guaranty Trust Company of New York ("Morgan Guaranty") or New England Merchants National Bank is the ultimate obligor or accepting bank; (2) commercial paper (including variable amount master demand notes which are demand obligations that permit the investment of fluctuating amounts at varying market rates of interest pursuant to arrangements between the issuer and a commercial bank acting as agent for the payees of such notes) issued by U.S. corporations or foreign corporations directly related to U.S. corporations and rated at the date of investment Prime–1 by Moody's Investors Service, Inc. ("Moody's") or A–1 by Standard & Poor's Corporation ("Standard & Poor's") or, if not rated by either Moody's or Standard & Poor's, issue by a corporation having an outstanding debt issue rated Aa or better by Moody's or AA or better by Standard & Poor's, provided that, if issued by a foreign corporation, such commercial paper (not to exceed in the aggregate 10% of Applicant's net assets) is U.S. dollar denominated and not subject at the time of purchase to foreign tax withholding; (3) bonds issued by U.S. corporations which at the date of investment are rated Aa or better by Moody's or AA or better by Standard & Poor's; and (4) obligations of the International Bank for Reconstruction and Development. Applicant will not seek profits through short-term trading; however, Applicant's Investment Adviser, Morgan Guaranty may, on behalf of Applicant, dispose of any portfolio security prior to its maturity if it believes such disposition advisable.

Applicant is designed for individual and institutional investors maintaining investment accounts with its administrator and distributor, E. F. Hutton & Company Inc. ("Hutton"), as an economical and convenient means for the investment of cash reserves which they hold for their own accounts or hold or manage for others. Applicant asserts that the institutional investors include banks, trust companies, corporations, municipalities, investment bankers and brokers, insurance companies, investment counselors, pension funds, profit sharing and other employee benefit plans, trusts, estates, law firms, educational, religious, charitable and other nonprofit organizations, as well as institutions holding funds in fiduciary, advisory, custodial or other similar capacities. Applicant states that as of June 30, 1981, it had total net assets of approximately $5.3 billion.

The application states that the net asset value per share of Applicant for the purpose of pricing orders for purchase and redemption of shares is determined daily under the general supervision of Applicant's Board of Directors by New England Merchants on each business day at the close of trading on the New York Stock Exchange. Applicant's net asset value per share is calculated (in multiples of one-tenth of a cent) by (1) adding the market or appraised value of all securities in the portfolio and other assets (including commitments to purchase or sell securities at a future date), (2) subtracting liabilities, and (3) dividing the resultant sum by the number of shares outstanding. Applicant submits that the market value of its portfolio securities is determined by valuing the securities at the over-the-counter bid price if current market quotations are readily available or, if not readily available, by appraisal at their fair value by Applicant's Custodian, New England Merchants, as part of the Custodian's services. Applicant states that its Board of Directors, which is responsible for such appraisals, has determined that the fair market value of securities with a maturity of 60 days or less, and intended to be held to maturity, should be determined by using the amortized cost method of valuation, as permitted by the Commission's interpretation of Rule 2a–4 in Investment Company Act Release No. 9786, May 31, 1977, unless, due to special circumstances, the use of such a method with respect to any security or securities would result in a valuation which does not necessarily approximate fair market value. Applicant states further that the amortized cost method of valuation involves valuing a security at a price on a given date and thereafter assuming a constant accretion of a discount or amortization of a premium to maturity, regardless of the impact of fluctuating interest rates on the market value of the instrument. Applicant believes that while this method provides certainty in valuation, it may result in periods during which value, as determined by amortized costs, is higher or lower than the price Applicant would receive if it sold the instrument. Applicant maintains that during such periods the yield to investors in Applicant may differ somewhat from that obtained in a similar company which uses available market quotations as to value all of its portfolio securities.

Applicant states that during periods of rising interest rates (or other periods where the market value of its portfolio declines), interest and discount earned may not be declared as a dividend, but all or part of such interest and discount may be retained in order to maintain net asset value at $1.00 per share; income on subsequent days may also be retained in order to maintain net asset value at $1.00 per share. However, Applicant states that in order to qualify as a regulated investment company under the Internal Revenue Code, it must distribute 90% of its annual income to its shareholders. Applicant intends to meet this requirement even if distributions would cause its net asset value to fall below $1.00 per share.

Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 states further that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors.

Prior to the filing of this application the Commission expressed its view that it is inconsistent with Rule 2a–4 for a money market fund to "round off" calculations of its net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" a fund's portfolio valuation as required by Rule 2a–4. (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that computing the net asset value per share to the nearest one cent on a share value of $1.00 will eliminate the periodic fluctuation in Applicant's net asset value per share which may occur and which may cause Applicant's shareholders at the appropriate time to realize unwanted nominal capital gains and losses upon redemption of their shares. Applicant believes, in addition, that potential investors are interested in a money market fund which maintains a constant net asset value per share even though this might result in dividends which fluctuate to reflect changes in the values of fund's portfolio securities.

Applicant's request for exemption is based on the existing and proposed policies described in the application. Applicant's Board of Directors will consider the advisability of temporarily suspending payment of dividends, or making a capital gains or other distribution, to maintain a $1.00 price per share, if the net asset value per share declines to a value below $.997 or rises to a value above $1.003. In addition, Applicant agrees that the following conditions may be imposed in any order of the Commission granting such relief:

(1) In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's Investment Adviser, Applicant's Board of Directors undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objective, that the price per share of Applicant's shares as computed for purposes of effecting sales, redemptions and repurchases, rounded to the nearest one cent, will not deviate from $1.00.

(2) Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share, and Applicant will not (i) purchase any instrument with a remaining maturity of greater than one year or (ii) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.

(3) Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which Applicant's Board of Directors has determined present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, are of comparable quality as determined by the Board of Directors.

Applicant's Board of Directors has determined in good faith that in light of characteristics described above, that this method of calculating its net asset value per share is appropriate and in the best interests of Applicant's shareholders. Applicant represents that any purchase by it of variable amount master demand notes will comply with the aforementioned conditions.

Notice is further given that any interested person may, no later than March 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–5042 Filed 2–24–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22394; 70-6655]

National Fuel Gas Co.; Proposal To Create Non-Utility Subsidiary To Enter Into Agreement With Non-Affiliate To Market Equipment To Convert Gasoline Powered Motor Vehicles To Use Compressed Natural Gas

February 19, 1982.

National Fuel Gas Company ("National Fuel"), 30 Rockefeller Plaza, New York, New York 10112, a registered holding company, has filed an application-declaration pursuant to Sections 6(a), 7, 9(a), 10, 11(b) and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 45 thereunder.

It is proposed that National Fuel purchase 100% of the 4,000 outstanding shares of common stock of a newly formed non-utility subsidiary, Enerop Corporation ("Enerop"), for $400,000. Enerop will market directly the equipment necessary for converting gasoline powered vehicles to use compressed natural gas ("CNG"). It intends to enter into a distributorship agreement with Gas Service Energy Corporation ("Gas Service Energy"), a subsidiary of Gas Service Company, a non-affiliate corporation. The equipment to be fitted on the vehicles consists of storage tanks, regulator hoses, and a mixer (carburator) along with certain fastenings. CNG equipped vehicles also require centrally located stationary equipment, such as compressors, storage tanks and filling connections, which will also be marketed by Enerop. Automotive engines adapted to the use of CNG retain the capability of using gasoline as an alternate fuel. The marketing of CNG equipment will be directed toward fleet vehicles. National Fuel states that the best prospects for conversion are large, centrally parked fleets with high intensity of use. Enerop will not make any capital investments for the production of equipment. In the sale or marketing of equipment Enerop will serve as a distribution agent of Gas Service Energy.

National Fuel states that while there is a high degree of CNG saturation within its sales territory and decreased demand, additional gas consumption can be achieved by natural gas sales to fleet owners through existing facilities, without additional capital investment in heavy equipment, research, etc. Sales will be solicited primarily within National Fuel's existing gas territory, but markets in the adjoining states of New Jersey, Delaware, Virginia and Maryland will also be tested. Net income generated by Enerop will be retained in the business as is deemed necessary and any excess shall be distributed to National Fuel as a dividend. National Fuel will invest these dividends in its other subsidiaries or distribute them to its shareholders as a dividend as it deems appropriate.

The application-declaration and any amendment thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 16, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-5043 Filed 2-24-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18494; File No. SR-NSCC-81-7]

National Securities Clearing Corp.; Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by National Securities Clearing Corporation ("NSCC") relating to revisions to NSCC's Clearing Fund Rule. Comments requested on or before March 18, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 2, 1982, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the National Securities Clearing Corporation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change, which is attached as Attachment A, consists of a revised Clearing Fund Rule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the National Securities Clearing Corporation ("NSCC") included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The purpose of the amendment is to revise Rule 4 pursuant to comments received from the New York Clearing House (the "Clearing House").

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

NSCC does not believe that the proposed rule change will have an impact or impose a burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.*

In June, 1981, NSCC received a letter from the Clearing House objecting to the proposed rule change on the grounds that Rule 4 contravenes the language of the Standards which the Division of Market Regulation will use in making recommendations on the permanent registration of NSCC and does not adequately protect Members' Clearing Fund deposits. The Clearing House listed four objections to the proposed rule change:

1. It does not properly limit the uses which NSCC may make of Clearing Fund Contributions.

2. It does not properly protect Clearing Fund deposits in that creditors of NSCC may be able to reach Clearing Fund assets.

3. The internal allocation of the Clearing Fund does not adequately protect the contributors of one system from losses arising in a second system.

4. Limitations on NSCC's ability to pledge Clearing Fund assets must be clarified.

In order to address these concerns, NSCC has made several modifications to Rule 4. They are as follows:

Section 1

1. Added is language which provides for the book segregation of the separate sub-Funds.

Section 2

1. Added is language which provides that the Clearing Fund or any part thereof may only be used to satisfy losses or liabilities arising from clearance and settlement. It further provides that the entire Clearing Fund may not be assessed for losses arising in systems in which NSCC guarantees the completion of transactions. Lastly, it provides that a loss or liability arising in a system for which a sub-Fund is created may not be satisfied from sub-Funds created for other systems.

2. Deleted is the provision which permitted NSCC to retain interest in cash deposits.

3. Deleted is a provision which provided that the Corporation may use "Clearing Fund Cash" for settlement, but added is language which permits NSCC to borrow such "Cash" for settlement.

4. Added is language which specifically provides that use of proceeds of loans obtained by the Corporation using the Clearing Fund as collateral are governed by the restrictions on use of the Clearing Fund.

While the Clearing House had suggested that the Clearing Fund and each sub-Fund be established as separate trusts, NSCC has not amended the Rule to provide for this. NSCC believes that the objective to be gained by the Clearing House in making this request was to assure not only that the Clearing Fund would be applied in accordance with the terms of the Rule, but also to assure that it would not be considered an asset of NSCC, subject in bankruptcy, to the claims of creditors which are not permitted pursuant to NSCC's Rules. NSCC advised the Clearing House by letter that separate trusts were not necessary in order to provide these safeguards, but that the modified Rule addressed these concerns. Several of the revisions to the Rule listed above were made in support of this conclusion. NSCC has also advised the Clearing House that it is in receipt of an opinion of counsel from its outside counsel, Milbank, Tweed, Hadley & McCloy, also supporting this conclusion.

III. Date of Effectivenesss of the Proposed Rule Change and Timing for Commission Action

On or before April 1, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before March 18, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 18, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-5045 Filed 2-24-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18497; SR-NYSE-81-19]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

February 19, 1982.

The New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, NY 10005, sumitted on October 20, 1981, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend NYSE Rules 382 and 405 to clarify the responsibilities of broker-dealers relative to the handling of customer accounts that are introduced by one broker-dealer to another under a fully disclosed carrying agreement. Under the proposed rule change, carrying agreements will be filed with the NYSE for review and approval.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18229, November 2, 1981). All written statements filed with the Commission and all written communications between the Commission and any person relating to the proposed rule change were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.[1]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and the regulations thereunder. The proposed rule change is intended to enhance the viability of carrying agreements to the mutual benefit of introducers, carriers and investors by permitting the organizations the flexibility to allocate functions and responsibilities between themselves in accordance with the type and nature of their relationship and business, in a manner that ensures continued protection to customers with introduced accounts consistent with the federal securities laws and applicable self-regulatory organization ("SRO") rules.[2] Broker-dealers are, of course, cautioned to carefully weigh the capital and other regulatory and practical consequences of the assumption of the functions detailed in NYSE Rules 382 and 405 as amended.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

[1] In general, the comments received raised issues related to the consequences of allocating particular functions to introducing or clearing firms and the effect of such allocation on firms' responsibilities under the federal securities laws.

[2] The Commission notes that no contractual arrangement for the allocation of functions between an introducing and carrying organization can operate to relieve either organization from their respective responsibilities under the federal securities laws and applicable SRO rules.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-5046 Filed 2-24-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12235; 812-5027]

Toronto Dominion (U.S.A.), Inc.; Filing of an Application for an Order of the Act Exempting Applicant From all Provisions of the Act

February 19, 1982.

Notice is hereby given that Toronto Dominion (U.S.A.), Inc. ("Applicant"), c/o Leland J. Markley, Esq., Kelly Drye & Warren, 350 Park Avenue, New York, NY 10022, a Delaware corporation, filed an application on November 30, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act, and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that it was organized on August 27, 1981, as a corporation under the laws of the State of Delaware. Applicant's registered office is located at 100 West Tenth Street, Wilmington, Delaware. No capital stock or other securities of the Applicant have been issued to date. All the outstanding shares of capital stock of Applicant will be purchased and owned by The Toronto-Dominion Bank, a Canadian chartered bank ("TDB"). Applicant states in the application that its sole business will be the provision of funds to TDB or subsidiaries of TDB, and, accordingly, substantially all of its assets will consist of amounts receivable from TDB or such subsidiaries.

Applicant states that TDB currently maintains agencies in New York City, Atlanta, and San Francisco, a subsidiary trust company, The Toronto-Dominion Bank Trust Company, in New York City, a bank sudsidiary, Toronto Dominion Bank of California, in California, and representative offices in New York City, Chicago, Pittsburgh, Houston and Los Angles. In connection with its ownership of Toronto-Dominion Bank of California, TDB registered with the Board of Governors of the Federal Reserve System ("Board") under the United States Bank Holding Company Act of 1956, as amended. Under the Act, the Board regulates, *inter alia*, the types of activities in which TDB, as a foreign bank holding company, may engage in the United States, may examine TDB and requires TDB to file annual reports regarding its operations.

By order dated March 31, 1981 (Release No. 11711), the Commission exempted TDB from all of the provisions of the Act. The order was granted in response to TDB's application (filed on August 26, 1980, and amended on January 29, 1981) describing TDB's intention to issue and sell in the United States commercial paper, as well as the possibility of issuance and sale by TDB of other debt securities in the United States.

Applicant proposes to issue and sell in the United States unsecured prime quality short-term commercial paper promissory notes in bearer form and denominated in United States dollars. The payment of principal and of all other amounts due with respect to the notes will be unconditionally guaranteed by TDB. The notes will provide an alternative source of supply to TDB of United States dollars supplementing those currently obtained through normal commercial sources and in the Eurodollar market. No note will be in a denomination smaller than $100,000.

The notes will generally be sold through major United States commercial paper dealers. The notes will not be advertised or otherwise offered for sale to the general public, but instead will be sold to institutional and other sophisticated investors, including individuals who normally purchase commerdial paper notes of this type. The Applicant or an affiliate of the Applicant may also sell such notes, from time to time, directly to such investors.

Applicant states the quality and terms of the notes, including their maturity, and the manner in which they will be offered to investors will be such as to qualify them for exemption under Section 3(a)(3) of the Securities Act of 1933, from the registration requirements of that Act. Applicant will not issue or sell the notes in the United States until it has received a written opinion of its United States counsel to the effect that, under the circumstances of the proposed offering, the notes would be entitled to such exemption. Applicant is not requesting the Commission to review or approve the opinion of counsel regarding the availability of that exemption. Applicant represents that the presently proposed issue of securities and all future issues of securities in the United States shall have received prior to their respective issuances one of the three highest investment grades from at least one nationally recognized statistical rating organization and that Applicant shall have certified in writing to its United States counsel prior to any such issuance that such rating has been received with respect to the securities then to be issued; provided, however, that no such rating shall be requested to be obtained if in the opinion of Applicant's United States counsel, after taking into account for such purposes the doctrine of integration referred to in the Commission's Rule 146, an exemption from registration is available with respect to such issue under Section 4(2) of the Securities Act of 1933, as amended.

Applicant states that the notes will be direct liabilities of the Applicant and will rank *pari passu* among themselves and equally with all other unsecured, unsubordinated indebtedness now or hereafter incurred of the Applicant.

The Applicant also states that TDB's guarantees of the notes will be TDB's direct liabilities and will under Canadian law rank *pari passu* among themselves and equally with all deposit liabilities of TDB and with all other unsecured, unsubordinated indebtedness of TDB, with the exception of any amount due to the Government of Canada or to any province thereof. In addition, TDB's guarantees will rank prior to any subordinated indebtedness of Applicant, including all issues of debentures, and to claims of holders of TDB's capital stock.

Applicant undertakes to ensure that the commercial paper dealers in the United States through which it sells the notes (or Applicant itself or its affiliate if a dealer is not used) will provide to each offeree who has indicated an interest in the notes, prior to any sale of such notes, a memorandum which describes the business of the Applicant and TDB which contains balance sheets and income statements of the Applicant and of TDB as of the end of the most recent fiscal year (with TDB's balance sheets and income statements being audited in accordance with Canadian accounting principles applicable to chartered banks) and, as publicly available, any subsequent fiscal semi-annual statement. Applicant represents that the memorandum and financial statements will be at least as comprehensive as those customarily used in commercial paper offerings by bank holding companies in the United States, will describe with respect to TDB's financial statements any material differences between Canadian accounting principles applicable to chartered banks and generally accepted accounting principles applicable to

United States commercial banks and will be updated periodically to reflect material changes in the financial status of the Applicant or TDB.

The Applicant states that it may, from time to time, offer other debt securities (which will be unconditionally guaranteed by TDB by means of a guarantee or other arrangement) for sale in the United States. The proceeds of such securities will similarly be advanced to or deposited with TDB or subsidiaries of TDB. The Applicant represents that future offerings by the Applicant of such securities in the United States will be made only pursuant to a registration statement under the Securities Act of 1933, as amended, or pursuant to an applicable exemption from registration under such Act. Any such offering will be made on the basis of disclosure documents, required for such registration or exemption, that are at least as comprehensive in their description of the Applicant and TDB as is customary in such offerings of such debt securities in the United States. The Applicant consents to any order granting the relief requested under Section 6(c) expressly conditioned upon the Applicant's compliance with the foregoing undertakings.

The Applicant represents that it and TDB will appoint a bank or trust company in the United States as the authorized agent to issue the notes from time to time. Applicant states that it will appoint that bank or trust company or the Applicant's United States counsel as their agent to accept service of process in any action based on the notes and instituted in any state or federal court by the holder of any of the notes. The Applicant and TDB will expressly submit to the jurisdiction of any state or federal court in the City and State of New York in respect of any such action. Appointment of an authorized agent to accept service of process and consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the notes have been paid. Applicant represents that it and TDB will also submit to jurisdiction and appoint an agent for service of process in connection with any other offerings in the United States of the Applicant's securities.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision under the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

As noted above, the Commission has already exempted TDB from the provisions of the Act, thereby entitling it directly to sell notes in the United States. Applicant submits that it is merely the vehicle through which any sale of the notes would be accomplished. The Applicant would advance to, or deposit with, TDB or subsidiaries of TDB substantially all of the financing proceeds on terms which would allow the Applicant to make timely payments of principal of and premium, if any, and interest on the notes. In addition, because the obligations of the Applicant would be guaranteed unconditionally by TDB, the holders of the notes would effectively be looking to TDB as the ultimate obligor. For these reasons, Applicant submits that the purchase of its notes issued and sold would be the practial equivalent of the purchase of obligations of TDB.

Applicant submits, therefore, that the same policy considerations pursuant to which the Commission approved the TDB exemption should apply in the case of the Applicant and the requested exemption should be granted.

Notice is further given that any interested person may, not later than March 16, 1982, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion, persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–5044 Filed 2–24–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12243; 812–4851]

Cralin Money Market Fund, Inc.; Application

February 19, 1982.

In the matter of Cralin Money Market Fund, Inc., 220 East 51st Street, New York, New York 10022 (812–4851).

Notice is hereby given that Cralin Money Market Fund, Inc. ("Applicant"), an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 24, 1981, requesting an order of the Commission amending in the manner described below an earlier order of the Commission dated May 27, 1981 (Investment Company Act Release No. 11790). This earlier order, pursuant to Section 6(c) of the Act, exempted Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio assets pursuant to the amortized cost method of valuing portfolio securities. Applicant states that by post-effective amendment No. 1 to its registration statement under the Act and the Securities Act of 1933 (Registration No. 2–71824), filed with the Commission on December 14, 1981, Applicant seeks to register a second series of its shares and thereby to become a so-called serial fund offering investors a choice of investment in a portfolio consisting of a broad range of money market investments or a portfolio consisting only of U.S. government securities and repurchase agreements with respect thereto. Applicant therefore makes this application pursuant to Section 6(c) of the Act for an amended order exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit it to value the assets of each of its two portfolios at amortized cost. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is organized as a corporation under the laws of

Maryland and that since July 7, 1981, shortly after its registration statement under the Act and the Securities Act of 1933 was first declared effective by the Commission, Applicant has offered for sale to the public only shares of its common stock, class A. Applicant, under the management of its investment adviser, J. R. Cralin & Co., Inc., has invested its assets in a broad range of money market instruments. Applicant's objective has been to provide as high a level of current income as is consistent with liquidity and the preservation of capital. Applicant states that by post-effective amendment No. 1 to its registration statement on Form N–1, it seeks to register an indefinite number of shares of a second class of its common stock, class B. Applicant states that it proposes to invest the assets attributable to the class B shares in U.S. government and agency securities maturing within one year from date of purchase and in repurchase agreements with respect to such securities maturing within one year (without regard to the maturity of the underlying obligations). Applicant states further that it proposes to continue investing the assets attributable to the class A shares in the broader range of money market instruments described in the application. Applicant asserts that the class B shares are designated collectively the "Government Securities Portfolio" and the class A shares are designated collectively the "Money Market Portfolio." Applicant alleges that it wishes to create the Government Securities Portfolio to meet the needs of investors who want or require the extra margin of safety inherent in owning U.S. government and agency securities.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 states further that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires portfolio instruments of "money market" funds which have more than 60 days remaining to maturity to be valued with reference to market factors and (2) it would be inconsistent with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments with over sixty-day maturities on an amortized cost basis. (Investment Company Act Release No. 9786, May 31, 1977.)

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant believes that two qualities are necessary for the successful operation of money market funds: (1) Steady flow of predictable and competitive investment income, and (2) certainty of stability of principal. Applicant believes that by utilizing U.S. government and agency securities and other high quality money market instruments of short maturities priced at amortized cost, Applicant may be able to provide these features in both of its Portfolios. Applicant expresses its belief that, in general, investors attracted to money market funds tend not to be concerned with the theoretical distinction between yield achieved through pricing to some sort of a "market" and yield computed by using the amortized cost method. Applicant believes that they are, rather, more concerned that the daily income declared by Applicant be steady—that it not exhibit the volatility that may occur when changes in "market" prices cause unreal and artificial changes in yield on a daily or weekly basis. Applicant maintains that use of the amortized cost method of valuation will help achieve this stability. Applicant expresses its view that an average maturity of not more than 120 days for each Portfolio accomplishes both of the aims referred to above—that is, it reduces the likelihood of significant volatility in the value of portfolio instruments as effectively as does an average maturity of shorter duration, while at the same time providing yields on portfolio instruments commensurate with yields available in the general money market, which are less available with a portfolio having an average maturity of a shorter duration.

Applicant states that due to the special nature of its policies and operations, there is a negligible difference between prices obtained under the amortized cost method and those obtained through a theoretical or synthetic market valuation method using matrices or other mechanical devices. Thus, Applicant's board of directors (the "Board") has determined in good faith that, in light of the characteristics of Applicant described in the application, the amortized cost method of valuation of portfolio instruments is appropriate and preferable. Applicant states that the Board has further determined that it will regularly monitor, at such intervals as are reasonable in light of current market conditions, valuations indicated by other methods and has directed the investment adviser to make reports to the Board so that it may make any changes in method necessary to ensure that the method of valuation being used is a good approximation of fair value in view of all pertinent factors.

Applicant states that by not purchasing any instrument for either Portfolio with a remaining maturity of greater than one year, and by maintaining a dollar-weighted average maturity not exceeding 120 days for either Portfolio, Applicant believes that it can achieve its objectives of preservation of capital and steady flow of investment income satisfactory to its investors, and yet afford investors adequate protection under the federal securities laws. Further, in order to enhance investor protection, Applicant will adhere to the following conditions, if the application is granted:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to its investment adviser, the Board undertakes—as a particular responsibility with the overall duty of care owed to shareholders—to establish procedures reasonably designed, taking

into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share of each Portfolio, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Board shall be the following:

(a) Review by the Board, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of each Portfolio, as determined by using available market quotations, from Appliant's $1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the Board in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share of either Portfolio exceeds one-half of one percent, a requirement that the Board will promptly consider what action, if any, should be initiated by the Board.

(c) Where the Board believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption in kind of shares of either or both portfolios; selling instruments held by either or both portfolios prior to maturity to realize capital gains or losses, or to shorten the average maturity of one or both of the Portfolios; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average maturity of each Portfolio appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average maturity of either Portfolio that exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average maturity of either Portfolio in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average maturity of such Portfolio to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board's considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of Board meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those U.S. dollar denominated instruments that the Board determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than March 16, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–5097 Filed 2–24–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12238; 812–5113]

DBL Cash Fund, Inc.; Application

February 19, 1982.

In the matter of DBL Cash Fund Inc., 60 Broad Street, New York, NY 10004 (812–5113).

Notice is hereby given that DBL Cash Fund Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on December 24, 1981, an amendment thereto on February 18, 1982, for an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit calculation of the net asset value per share of Applicant's Government Securities Portfolio Series ("Government Portfolio") using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is a "money market" fund seeking the highest current income consistent with liquidity and preservation of capital. It was incorporated under the laws of the State of Maryland on September 22, 1980. Its investment adviser is Drexel Burnham Lambert Global Management Corporation.

Applicant's current portfolio (the Money Market Portfolio) consists principally of short-term United States Government and government agency securities, bank money market instruments (such as certificates of

deposit and bankers' acceptances) and other high quality short-term debt instruments including commercial paper and other evidences of indebtedness. Applicant may from time to time lend securities from its Government Portfolio to brokers, dealers and financial institutions and receive collateral consisting of securities issued or guaranteed by the United States Government that will be maintained at all times in an amount equal to at least 100% of the current market value of the loaned securities. Applicant states that any loans of portfolio securities will be made according to guidelines established by the Commission and Applicant's board of directors. In accordance with Applicant's Articles of Incorporation, its board of directors intends to establish from part of the authorized and unissued shares of Applicant a new series, the Government Portfolio, which will invest exclusively in short term securities (but not variable rate paper) issued or guaranteed as to the payment of principal and interest by the United States Government or its agencies or instrumentalities or collateralized by such obligations.

Applicant seeks an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Government Portfolio's assets to be valued according to the amortized cost valuation method.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the investment company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized costs basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that the Commission, upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the granting of an exemption to enable it to utilize amortized cost valuation for the assets of the Government Portfolio would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that the following conditions may be imposed in an order granting the exemption it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors undertakes—as a particular responsibility within the overall duty of care owed, to the Government Portfolio's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Government Portfolio's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the Government Portfolio's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the Government Portfolio $1.00 amortized cost price per share exceeds ½ of 1 percent, the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from the Government Portfolio's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or shortening the average portfolio maturity of the Government Portfolio; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to the Government Portfolio's objective of maintaining a stable net asset value per share; provided, however, that the Government Portfolio will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above; and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions approved by the board of directors in the exercise of its discretion to be appropriate indicators of value. Such quotations or estimates may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by known trade sources.

[2] In fulfilling this condition, Applicant agrees that, if the disposition of a portfolio instrument of the Government Portfolio should result in a dollar-weighted average portfolio maturity in excess of 120 days, then the Government Portfolio will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit the Government Portfolio's portfolio investments, including repurchase agreements, to short term securities (but not variable rate paper) issued or guaranteed as to the payment of principal or interest by the United States Government or its agencies or instrumentalities or collateralized by such obligations.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than March 16, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-5098 Filed 2-24-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12241; 812-5106]

Foster & Marshall Growth Fund, Inc.; Application

February 19, 1982.

In the matter of Foster & Marshall Growth Fund, Inc., 205 Columbia Street, Seattle, Washington 98104 (812–5106).

Notice is hereby given that Foster & Marshall Growth Fund, Inc. ("Applicant"), an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on February 5, 1982, and an amendment thereto on February 16, 1982, pursuant to Section 6(c) of the Act, requesting an order of the Commission exempting Applicant from the provisions of Section 15(a) of the Act to the extent necessary to permit the implementation, without shareholder approval, of a new investment management contract between Applicant and Foster & Marshall Management Inc. ("Management") on terms substantially identical to those contained in the existing investment management contract, during the period from the date of the merger between the F&M Corporation, parent of Management, and Shearson/American Express Inc. ("Shearson"), through the date on which Applicant's shareholders approve or disapprove the new investment advisory agreement, such period to be no longer than 120 days from the earlier of the date of the merger or March 1, 1982. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Management, an investment adviser registered under the Investment Advisers Act of 1940, manages Applicant pursuant to an investment advisory agreement which was approved by Applicant's shareholders on November 3, 1981, and is to continue until February 28, 1983. Management is a wholly-owned subsidiary of the F&M Corporation ("F&M"). Applicant's shares are distributed by Foster & Marshall Inc., a broker-dealer registered under the Securities Exchange Act of 1934, which is also a wholly-owned subsidiary of F&M.

The application states that an agreement in principle has been reached between F&M and Shearson, pursuant to which F&M will merge into Shearson; Shearson will be the surviving entity. The merger plan was publicly announced on January 4, 1982. Applicant states that it is anticipated that the date on which the merger will be effected ("Merger Date") will be in early March. It is asserted that, subsequent to the merger, all customer accounts carried by Foster & Marshall Inc. (to be renamed Foster & Marshall/American Express Inc.), will be cleared through Shearson on a fully disclosed basis. Applicant further states that it is contemplated that Management will continue as a wholly-owned subsidiary of Shearson with Substantially the same officers, employees and responsibilities, and that no material changes in the operations or personnel of Management are expected as a result of the merger.

Section 15(a) of the Act provides, in pertinent part, that it shall be unlawful for any person to act or serve as investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered company, and requires that such written contract provide for automatic termination in the event of its assignment. Section 2(a)(4) of the Act defines "assignment" to include any direct or indirect transfer of a contract by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor. Section 2(a)(9) of the Act defines "control" as the power to exercise a controlling interest over the management or policies of a company, and beneficial ownership of more than 25% of the voting securities of a company is presumed to reflect control.

Applicant represents that the change of control of the ultimate parent entity of Management would appear to constitute an "assignment" as defined by Section 2(a)(4) of the Act. It is asserted that, by virtue of Section 15(a)(4) of the Act and the terms of the investment advisory agreement between Applicant and Management, it appears that the assignment will cause that agreement to terminate automatically. Section 15(a) of the Act requires that Applicant's shareholders approve any new investment advisory contract. Applicant states that its Board of Directors, including a majority of Directors who are not interested persons of Applicant, approved a new investment advisory agreement with Management at a special meeting called for that purpose

on February 11, 1982. The Directors also called a special shareholders' meeting for April 6, 1982, to consider approval of the new investment advisory agreement.

The application states that obtaining shareholder approval of a new investment advisory agreement has or will entail the preparation and clearance of proxy materials, and sufficient solicitation periods to obtain the requisite quorums. Applicant represents that efforts are underway to accomplish these steps. However, Applicant maintains that, because of inevitable administrative delays and the time required to solicit shareholders to obtain sufficient proxies to achieve a quorum, the earliest reasonable date by which Applicant's Board of Directors could call for a shareholders' meeting to approve the new investment advisory agreement is April 6, 1982, several weeks after the anticipated Merger Date.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order of the Commission, pursuant to Section 6(c) of the Act, granting a temporary exemption from Section 15(a) of the Act to the extent necessary to permit the implementation, without shareholder approval, of the new investment advisory agreement during the period from the Merger Date through the date on which Applicant's shareholders approve or disapprove the new investment advisory agreement, such period to be no longer than 120 days from the earlier of the Merger Date or March 1, 1982. Applicant also states, however, that it will not rely on any such exemptive order prior to its issuance as authority for Management to serve as investment adviser to Applicant. It is asserted that Applicant has agreed with Management that Applicant will not be charged any management fee for the period from the Merger Date until the earlier of the effective date of the Commission's exemptive order or the approval by Applicant's shareholders of the new investment advisory agreement. It is further stated that Applicant will not bear, and Management will bear, the costs of the preparation and filing of this application, costs of holding the special shareholders' meeting, and all other expenses arising out of the assignment of the existing investment advisory agreement.

Applicant submits that the granting of the requested exemption from Section 15(a) of the Act would be consistent with the standards set forth in Section 6(c) of the Act for the following reasons:

(i) Applicant states that, notwithstanding the assignment that will occur, there will be no change in the investment advisory and other services provided to Applicant. It is asserted that Shearson has advised that the wholly-owned subsidiaries of F&M, including Management, will become subsidiaries of Sherson, continuing to operate under present management and without substantial changes in operations. Applicant represents that it will continue to receive the same services, provided by the same personnel, as prior to such assignment.

(ii) The application states that delay in consummation of the merger betrween F&M and Shearson may cause changes in material elements of their agreement. Applicant represents that delay may also exacerbate uncertainties in affected personnel which, in turn, may affect the operational capabilities of the parties. Accordingly, it is asserted that the advantages to Applicant's shareholders in a delay of the merger to enable shareholder approval of the new investment advisory agreement prior to a change of control of Management are outweighed by the operational needs of F&M and Shearson to consummate their merger as rapidly as possible.

(iii) Applicant states that Management is not itself a party to the merger agreed upon by F&M and Shearson and had no formal voice in their decision-making process. Applicant represents that Management's operations are only one small part of a rather large transaction between major corporations, and there was no practicable opportunity for Management to affect the terms of the arrangements agreed upon by the parties. During the period of the negotiations between F&M and Shearson, no management fees were payable to Management under the existing investment advisory contract.

(iv) Applicant acknowledges that the statements of the Commission accompanying the proposal of Rule 15a–4 (Investment Company Act Release No. 10809, August 6, 1979), suggest that where an assignment is foreseeable, the policy of the Act that shareholder approval be obtained prior to entering into an investment advisory relationship should not be thwarted by providing an exemption from Section 15(a) of the Act because, in such a case, it is resonably practicable to obtain prior shareholder approval. Applicant represents that, while in this case an assignment might be deemed to have been foreseeable because of the negotiated nature of the merger between F&M and Shearson, the rapid culmination of the negotiations did not present and the need to effect the merger rapidly does not permit the opportunity to secure prior shareholder approval of a new investment advisory agreement.

(v) Applicant submits that the alternative of Management serving at "cost" would be unreasonable. It is asserted that the payments that Management receives pursuant to the existing investment advisory agreement with Applicant represent substantially its only source of revenues. Because Management has been precluded from charging any management fee due to Blue Sky expense limitations on Applicant until mid-January 1982, it has borne substantial costs with no offsetting income. Applicant further asserts that Management will not charge management fees during the period from the Merger Date until the effective date of the requested order by the Commission. Applicant states that to deprive Management of revenues until the new investment advisory agreement can be approved by shareholders, for no other reason than the fact that the merger will technically result in the termination of the existing agreement, would be a harsh result and an unreasonable penalty to attach to a transaction having no substantive impact on the nature and quality of the services rendered to Applicant.

In view of the foregoing, Applicant submits that the exemption it requests would be appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 12, 1982, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by

affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–5099 Filed 2–24–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12239; 812–5069]

Midwest Income Trust; Application

February 19, 1982.

In the matter of Midwest Income Trust, 522 Dixie Terminal Building, Cincinnati, Ohio 45202 (812–5069).

Notice is hereby given that Midwest Income Trust ("Applicant"), registered under the Investment Company Act of 1940 ("Act"), as an open-end, diversified, management investment company, filed an application on January 4, 1982, requesting an order of the Commission pursuant to Section 6(c) of the Act to exempt the Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value the portfolios securities of its Cash Management Fund on the basis of the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a Massachusetts business trust which was organized to continue the business of its predecessor, Midwest Income Investment Company ("Company"), and is presently legally existing under the laws of the Commonwealth of Massachusetts. On October 28, 1980, the Commission issued an order (Investment Company Act Release No. 11415) pursuant to Section 6(c) of the Act exempting the Company from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit the Company to use the amortized cost valuation method to price its shares at $1000 per share for sale, redemption and repurchase. On July 24, 1981, the Commission issued an order (Investment Company Act Release No. 11870), pursuant to Section 6(c) of the Act, amending the earlier order of exemption from the provisions of Section 2(a)(41) of the Act and Rule 2a–4 and 22c–1 thereunder to allow the Company to use the amortized cost valuation method to price its shares at $10 for sale, redemption and repurchase.

Applicant states that it offers to individuals, corporations, fiduciaries and institutions a means to invest in professionally managed portfolios with the objective of obtaining high current income consistent with protection of capital. Applicant currently offers two series of shares, known as the "Short Term Government Fund" and the "Intermediate Term Government Fund." The Short Term Government Fund is a "money market fund" which invests exclusively in short term United States government obligations with a dollar-weighted average portfolio maturity of 120 days or less. The minimum initial investment in shares of Applicant is $1,000 with additional investments accepted in amounts of $50 or more.

Applicant proposes to create and offer to the public a new series of shares, the Cash Management Fund ("Fund"). The Fund will invest exclusively in high quality short term money market obligations with a dollar-weighted average portfolio maturity of 120 days or less. Such money market obligations include United States Government obligations; time deposits and certificates of deposit of United States banks having total assets in excess of $1,000,000,000 or London branches of such United States banks; certificates of deposit issued by United States banks, savings and loan associations and similar institutions having total assets of $1,000,000,000 or less, provided that the principal amount of the instrument acquired by the Fund is insured in full by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation (the Fund would not own more than one such certificate of deposit per such issuer); bankers' acceptances of United States banks having total assets in excess of $1,000,000,000; commercial paper issued by major United States corporations which are the date of investment is rated Prime-1 or better by Moody's Investors Service, Inc. ("Moody's") or A–1 or better by Standard & Poor's Corporation ("S&P") or issued by companies having an outstanding unsecured debt issue currently rated Aa or better by Moody's or AA or better by S&P; and short-term (one year or less) corporate obligations of United States corporations which at the date of investment are rated Aa or better by Moody's or AA or better by S&P.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefore issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair market value as determined in good faith by the board of directors of the investment company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and

to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order of the Commisssion futher exempting it from Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to permit Applicant to use the amortized cost method of valuing portfolio securities held in the portfolio of the fund. Applicant asserts that use of the amortized cost method of valuing the instruments held in the fund portfolio will benefit shareholders by enabling Applicant to maintain a $10 per share purchase and redemption price with respect to the fund in a manner that is consistent with that permitted with respect to the Short Term Government Fund. Applicant states that the granting of the requested amendment by the Commission is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

1. In supervising the Fund's operations and delegating special responsibilities involving management of the Fund's portfolio to Applicant's investment adviser, Applicant's board of trustees undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Fund's investment objective, to stabilize the Fund's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $10 per share.

2. Included within the procedures to be adopted by the board of trustees of Applicant shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of the Fund as determined by using available market quotations from the $10.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the fund's $10 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes the extent of any deviation from the Fund's $10 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Fund's average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations; re-evaluation of all or an appropriate portion of the portfolio based on current market factors.

3. Applicant will cause the Fund to maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share for the Fund; provided, however, that the Fund will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments of the Fund, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are in the two highest ratings by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than March 16, 1982, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-5100 Filed 2-24-82; 8:45 am]

BILLING CODE 8010-01-M

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 12240; 812-5041]

SAFECO Money Market Mutual Fund, Inc.; Application

February 19, 1982.

In the matter of SAFECO Money Market Mutual Fund, Inc., Safeco Plaza, Seattle, Washington 98185 (812-5041).

Notice is hereby given that SAFECO Money Market Mutual Fund, Inc. ("Applicant"), a registered open-end, diversified, management investment company, filed an application on December 10, 1981, and an amendment thereto on January 26, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant's stated investment objective is to seek as high a level of current income as is consistent with the preservation of capital and liquidity within its investment policies by investing in a variety of money market instruments. Applicant states that its portfolio will include (1) obligations of, or guaranteed by, the United States Government, its agencies or instrumentalities; (2) certificates of deposit, bankers' acceptances and other short-term debt obligations of banks; (3) commercial paper obligations rated A-1 or A-2 by Standard and Poors Corporation (S&P) or prime-1 or prime-2 by Moody's Investor Services, Inc. ("Moody's") or issued by companies with an unsecured debt issue outstanding currently rated Aa by Moody's or AA by S&P or higher and investments in other corporate obligations such as publicly traded bonds, debentures and notes rated Aa by Moody's or AA by S&P or higher; (4) qualified repurchase agreements; (5) negotiable certificates of deposit and other short-term debt obligations of savings and loan associations. Applicant states that it will not invest in any security issued by a commercial bank unless (a) the bank has total assets of at least $1 billion, or the equivalent in other currencies, or, in the case of United States banks which do not have total assets of at least $1 billion, the aggregate investment made in any one such bank is limited to $100,000 and the principal amount of such investment is insured in full by the Federal Deposit Insurance Corporation (FDIC), (b) in the case of a United States Bank, it is a member of the FDIC, and (c) in the case of foreign banks the security is, in the opinion of management, of an investment quality compatible with other debt securities which may be purchased by Applicant. Applicant states that these limitations do not prohibit investment in securities issued by foreign branches of United States banks, provided the United States banks meet the foregoing requirements. Applicant also represents that it will not invest in any instruments issued by a savings and loan association unless (a) the savings and loan association has total assets of at least $1 billion, or, in the case of savings and loan associations which do not have total assets of at least $1 billion, the aggregate investment made in any one savings and loan association is limited to $100,000 and the principal amount of such investment is insured in full by the Federal Savings and Loan Insurance Corporation, and (b) the savings and loan association issuing the securities is a member of the Federal Home Loan Bank System.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors. Rule 22c-1 provides, in part, that no registered investment company or principal underwriter therefore issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsisent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order of the Commission pursuant to Section 6(C) of the Act, exempting it from the provisions of Section 2(a)(41) and Rules 2a-4 and 22c-1 to the extent necessary to permit it to use the amortized cost method of valuation for all its portfolio securities. In support of its request, Applicant submits that it is its management's opinion that in order to attract and retain investments, Applicant must have a stable net asset value and a constant steady flow of investment income. Applicant also states that it is the widespread practice of other money market funds to maintain a stable net asset value, usually at $1.00 per share. Applicant believes that the valuation of its portfolio securities on the amortized cost basis will benefit shareholders by enabling it to maintain a constant $1.00 per share purchase and redemption price, while at the same time providing shareholders with a steady flow of investment income through daily dividends which reflect Applicant's net income as earned.

Applicant states that its board of directors has determined in good faith that in light of the characteristics of the Applicant as described above and absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects the fair value of such securities. It is Applicant's opinion that given the nature of Applicant's policies and operations, there will be relatively negligible discrepancies between prices obtained by market valuation methods and amortized cost.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors of Applicant shall be the following:

(a) Review by the board of directors, as it deems appropriate, and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes the extent of any deviation from the $1.00 amortized cost price per share may result in a material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 16, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–5101 Filed 2–24–82; 8:45 am]

BILLING CODE 8010–01–M

[1] To fulfull this, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 18501; File No. SR–NSCC–82–1]

Filing and Immediate Effectiveness of Proposed Rule Change by National Securities Clearing Corporation

February 22, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 4, 1982, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend NSCC's fee schedule by clarifying the title of an existing fee. The new title would indicate that a $9.00 per item fee (plus cost of delivery service) would be charged for each "Special Order-Out: Delivery to a Third Party." The proposal also would add at the end of the fee schedule a paragraph reiterating NSCC's stated policy of discounting fees so that NSCC retains only those revenues that are required to support its operations. NSCC believes

that the proposed rule change is consistent with Section 17A(b)(3)(D) of the Securities Exhange Act of 1934 in that it provides for the equitable allocation of reasonable dues, fees and other charges among its participants.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission by March 18, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–NSCC–82–1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communication relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–5102 Filed 2–24–82; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Senior Executive Service Performance Review Board; List of Members

AGENCY: Small Business Administration.

ACTION: Listing of personnel serving as members of a sub-committee of this Agency's Senior Executive Service Performance Review Board.

SUMMARY: Pub. L. 95–454 dated October 13, 1978, (Civil Service Reform Act of 1978) requires that Federal Agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). The following is a listing of additional members of this Agency's PRB:

1. John Yazurlo, Deputy Inspector General—Department of Education
2. James Yohe, Assistant Inspector General for Investigations Department of Interior

Donald R. Templeman,

Acting Administrator.

[FR Doc. 82–5095 Filed 2–24–82; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 148—Airborne Radio Communication Equipment Operating in the Radio Frequency Range of 117.975–137.000 Megahertz; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 148 on Airborne Radio Communication Equipment Operating in the Radio Frequency Range of 117.975–137.000 Megahertz to be held on March 23–24, 1982 in Conference Rooms 8A–B, Federal Aviation Administration Building, 800 Independence Avenue, SW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Review of Committee Terms of Reference; (3) Review Partial First Draft of Committee Report on Minimum Operational Performance Standards for Airborne Radio Communication Equipment Operating in the Radio Frequency Range of 117.975–137.000 Megahertz; (4) Review of Comments Received on Partial First Draft Report; (5) Assignment of Tasks; and (4) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006, (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on February 19, 1982.

Karl F. Bierach,

Designated Officer.

[FR Doc. 82–5033 Filed 2–24–82; 8:45 am]

BILLING CODE 4910–13–M

Flight Standards District Office at Houston, Texas; Separation of Functions

Notice is hereby given that on or about March 1, 1982, the Flight Standards District Office in Houston, Texas will be separated into a General Aviation District Office and an Air Carrier District Office. All services to the public formerly provided by the consolidated office will be provided by the individual offices. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752 (49 U.S.C. 1354))

Issued in Fort Worth, Texas, on February 17, 1982.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 82–5035 Filed 2–24–82; 8:45 am]

BILLING CODE 4910–13–M

Federal Aviation Administration Aircraft Certification; Organization and Procedures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of change of public briefing date.

SUMMARY: The purpose of this notice is to announce that the public briefing to describe the new aircraft certification organization and to answer questions will be held on Thursday, March 18, 1982, instead of the previously announced date of March 12, 1982, (in the **Federal Register** of February 11, 1982; 47 FR 6404) beginning at 9:30 a.m. in the auditorium, 3rd Floor, Federal Aviation Administration Building, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Berman, Certification Procedure and Standards Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone (202) 426–8395.

Issued: February 23, 1982.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 82-5210 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-13-M

Maritime Administration

[Docket S-711]

Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application of Acturus Shipping, Inc.

Notice is hereby given that by letter of February 16, 1982, counsel for Acturus Shipping, Inc. (Acturus) requested an amendment of the approval granted Acturus on October 7, 1982 under section 506 of the Merchant Marine Act, 1936, as amended, for its bareboat chartered tanker, TT WILLIAMSBURGH, to operate for not more than six months in the domestic Alaskan oil trade. The amendment would reflect the actual date of this vessel's commencement of Alaskan operations on January 14, 1982, thus altering the commencement period of November 1–15, 1981 which was originally requested by Acturus and which appeared in the approval of October 7. As it stands now, the WILLIAMSBURGH will have to leave the Alaskan trade in mid-May after only four months of service. The amendment would permit the vessel to operate in the trade until mid-July, for the full six months authorized by statute.

The delay of the WILLIAMSBURGH in entering the Alaskan oil trade resulted from an operating emergency on October 7, 1981 when vessel's seawater pipes ruptured causing dangerous flooding. Temporary repairs were made in Colombo. Cargo was then discharged in Taiwan on November 13 and the WILLIAMSBURGH entered a South Korea shipyard for permanent repairs. These were completed on January 2, 1982. Acturus states that the two-month delay of the WILLIAMSBURGH's arrival in Alaska was unforseeable and unavoidable.

The 225,100 deadweight ton WILLIAMSBURGH, which was built with construction-differential subsidy is operating in the Alaskan oil trade under sub-time charter from American Petrofina, Inc. to S.P.C. Shipping, Inc., a subsidiary of Standard Oil Company, (Ohio). It has been approved to make voyages in the Valdez/Panama and/or Valdez/U.S. Gulf trades.

Interested parties may inspect Acturus' application in the Office of the Secretary, Maritime Administration, Room 7300A, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Any person, firm, or corporation who is a "competitor," as defined in § 250.2 of the regulations as set forth in 46 CFR 250 published in the **Federal Register** issue of June 29, 1977 (42 FR 33035), and who desires to protest the application as it pertains to the carriage of oil in the domestic trade from Alaska to Panama should submit the protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Any person, firm or corporation who desires to protest the application as it pertains to the carriage of oil in the domestic trade from Alaska directly to the U.S. Gulf should submit the protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Protests must be received by March 4, 1982. If a protest is received, the applicant will be advised by telephone or telegram of the protest and will be allowed three working days to respond in a manner acceptable to the Maritime Administrator. Within five working days after the due date for the applicant's response, the Maritime Administrator will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of his action. If no protest is received concerning the application, the Maritime Administrator will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-Differential Subsidy (CDS))

By Order of the Maritime Administrator.

Dated: February 18, 1982.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-4862 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-81-M

[Docket S-712]

Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application of Archon Shipping, Inc.

Notice is hereby given that by application of February 16, 1982, Archon Shipping, Inc. (Archon) requested permission under section 506 of the Merchant Marine Act, 1936, as amended, and Part 250 of Title 46 of the Code of Federal Regulations, for its bareboat chartered vessel, TT BROOKLYN to operate for six months in the Alaskan Oil trade. The 225,000 deadweight ton BROOKLYN, which was built with construction-differential subsidy (CDS), would carry crude oil from Valdez, Alaska, to Panama and/or the U.S. Gulf for oncarriage only to U.S. port. The vessel would operate under sub-time charter from American Petrofina, Incorporated to S.P.C. Shipping, Inc. a subsidiary of Sohio (Sohio) during the six-month period and would commence Alaskan service on or about May 15–30, 1982.

Sohio further advised that, to its knowledge, no suitable Jones Act tonnage is available which can provide the full shipping capacity required by Sohio in the Alaskan oil trade.

Interested parties may inspect Archon's application in the Office of the Secretary, Maritime Administration, Room 7300A, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Any person, firm, or coproration who is a "competitor," as defined in § 250.2 of the regulations as set forth in 46 CFR 250 published in the **Federal Register** issue of June 29, 1977 (42 FR 33035), and who desires to protest the application as it pertains to the carriage of oil in the domestic trade from Alaska to Panama should submit the protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Any person, firm or corporation who desires to protest the application as it pertains to the carriage of oil in the domestic trade from Alaska directly to the U.S. Gulf should submit the protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Protests must be received by March 4, 1982. If a protest is received, the applicant will be advised by telephone or telegram of the protest and will be allowed three working days to respond in a manner acceptable to the Maritime Administrator. Within five working days after the due date for the applicant's response, the Maritime Administrator will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of his action. If no protest is received concerning the application, the Maritime Administrator will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-Differential Subsidy (CDS))

By Order of the Maritime Administrator.

Dated: February 18, 1982.

Robert J. Patton, Jr.

Secretary.

[FR Doc. 82-4863 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-81-M

[Docket S-710]

Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application of ARCO Transportation Co.

Notice is hereby given that by application of February 12, 1982, ARCO Transportation Company (Arco) requested permission under section 506 of the Merchant Marine Act, 1936, as amended, and Part 250 of Title 46 of the Code of Federal Regulations, for its owned vessel, SS AMERICAN SPIRIT (to be renamed ARCO SPIRIT and so identified hereafter) to operate for six months in the Alaskan oil trade. The 262,400 deadweight ton ARCO SPIRIT, which was built with construction-differential subsidy (CDS), would carry crude oil from Valdez, Alaska, to Panama and/or the U.S. Gulf for oncarriage only to a U.S. port. The vessel would be under time charter to Exxon Company, U.S.A. (Exxon) during the six-month period and would commence Alaskan service on or about March 15, 1982.

Exxon notified Arco of its need for the ARCO SPIRIT inasmuch as the waiver period of Exxon's time chartered CDS tanker, AMERICAN INDEPENDENCE, is expiring. Exxon stated that it has a continuing need for a 265,000 DWT tanker to move its Alaskan crude oil. Exxon further advised that, to its knowledge, no suitable Jones Act tonnage is available which can provide the full shipping capacity required by Exxon in the Alaskan oil trade.

Interested parties may inspect Arco's application in the Office of the Secretary, Maritime Administration, Room 7300A, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Any person, firm, or corporation who is a "competitor," as defined in § 250.2 of the regulations as set forth in 46 CFR 250 published in the **Federal Register** issue of June 29, 1977 (42 FR 33035), and who desires to protest the application as it pertains to the carriage of oil in the domestic trade from Alaska to Panama should submit to protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Any person, firm or corporation who desires to protest the application as it pertains to the carriage of oil in the domestic trade from Alaska directly to the U.S. Gulf should submit the protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Protests must be received by March 4, 1982. If a protest is received, the applicant will be advised by telephone or telegram of the protest and will be allowed three working days to respond in a manner acceptable to the Maritime Administrator. Within five working days after the due date for the applicant's response, the Maritime Administrator will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of his action. If no protest is received concerning the application, the Maritime Administrator will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-Differential Subsidy (CDS))

By Order of the Maritime Administrator.

Dated: February 18, 1982.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-4864 Filed 224-82; 8:45 am]

BILLING CODE 4910-81-M

[Docket S-713]

Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application of Boston VLCC Tankers, Inc. IV

Notice is hereby given that by undated submission received February 19, 1982, Boston VLCC Tankers, Inc. IV (Boston IV) requested permission pursuant to section 506 of the Merchant Marine Act, 1936, as amended (Act), and the regulations contained in 46 CFR part 250 to utilize its owned vessel, the SS NEW YORK, in the domestic trade beginning on or about May 10, 1982. The 264,100 deadweight-ton NEW YORK, which was built with construction-differential subsidy (CDS), would transport crude oil for a period of six months from Valdez, Alaska, to Panama and/or the U.S. Gulf/Caribbean areas for oncarriage to U.S. ports. The vessel would be under time charter to SPC Shipping Inc., a subsidiary of Standard Oil Company (Ohio).

It is noted that on November 17, 1982 as a result of excess time under a previous authorization, the Maritime Administrator reduced by eight days the next operating period of the NEW YORK in the domestic trade. Inasmuch as the service requested in the current application would by the "next" operating period of the NEW YORK in domestic trade, the vessel would be required to terminate its Alaskan operations on or about November 1, 1982 instead of on or about November 9, 1982.

Boston IV makes its application for the NEW YORK subject to the prior employment of the TT BAY RIDGE and SS MANHATTAN. Both of these vessels are eligible for domestic trading.

Interested parties may inspect Boston IV's application in the Office of the Secretary, Maritime Administration, Room 7300A, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Any person, firm, or corporation who is a "competitor," as defined in section 250.2 of the regulations as set forth in 46 CFR 250, and who desires to protest the application as it pertains to the carriage of oil in the domestic trade from Alaska to Panama should submit the protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Any person, firm or corporation who desires to protest the application as it pertains to the carriage of oil in the domestic trade from Alaska directly to the U.S. Gulf/Carribbean should submit the protest in writing, in triplicate, to the Secretary, Maritime Administrative, Washington, D.C. 20590.

Protest must be received within five working days after the date of publication of this notice in the **Federal Register**. If a protest is received, the applicant will be advised by telephone or telegram of the protest and will be allowed three working days to respond in a manner acceptable to the Maritime Administrator. Within five working days after the due date for the applicant's response, the Maritime Administrator will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of his action. If no protest is received concerning the application, the Maritime Administrator will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-Differential Subsidy (CDS))

By Order of the Maritime Administrator.

Dated: February 22, 1982.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-5103 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-81-M

NATIONAL TRANSPORTATION SAFETY BOARD

Hearings, Reports, Recommendations, Responses; Availability

Notice of Hearing: In connection with its investigation of the accident involving Air Florida, Inc., Boeing 737 of U.S. Registry N62AF, at Washington, D.C., on Jan. 13, the Board will convene a hearing at 9:00 a.m. on Mar. 1 in the Capital View Ballroom at the

Quality Inn-Pentagon City, 300 Army-Navy Dr., Arlington, VA.

Aircraft Accident Report—*Universal Airways, Inc., Beech 65-A80/Excalibur Conversion, N100UV, Near Madisonville, Texas, July 2, 1981 (NTSB-AAR-81-17).*

Recommendation Responses from—

Inspection Generale de L'Aviation Civile et de la Meteorologie, Paris, Jan. 7, A-81-150. Most of the objectives have already been attained. However, will request Air France to bring to its flight personnel's attention, established procedures for informing cabin attendants and preparing the cabin for a forseeable difficult landing. *Jan. 7, A-81-151.* Concurs with the recommendation. Jan. 7, A-81-152. Procedures in the Air France Operations Manual are in compliance with current national and international regulations on CVR's

U.S. Coast Guard, Jan. 19, M-79-17. Will keep the Board advised of developments in the status of transceiver installations. *Jan. 19, M-79-18.* Believes that Rule 34 of the Inland Navigational Rules Act of 1980 is responsive to the recommendation. *Jan. 19, M-79-25.* Does not concur with the recommendation. *Jan. 19, M-79-26.* Concurs with the recommendation. *Jan. 19, M-79-28.* Estimated date of completion for the ship alteration of lifejacket storage for one remaining class of cutter is July 1.

Illinois Central Gulf, Jan. 28, R-81-32 and -33. Has implemented a more rigid track inspection program and correction of defects found by track inspectors, track supervisors, and division engineers. Standards for curve elevation have been modified and curve worn rail found below acceptable standards has been eliminated.

International Association of Fire Fighters, Jan. 28, R-81-26 and -27. Will assist the U.S. Fire Administration and the Urban Mass Transportation Administration in rail rapid transit system training programs which address fire safety concerns.

Norfolk and Western Railway Company, Jan. 29, R-81-37 and -38. Does not concur with the recommendations.

National Weather Service, Jan. 29, A-81-103. Does not concur with the recommendation.

Southern Pacific Transportation Company, Feb. 1, R-80-3 and -4. Believes that appropriate actions are currently being taken.

National Weather Service, Feb. 2, M-81-24. Can make NWS Radar Summary more useful to marine coastal operations by including marine reference points and increasing, where possible, specific details on storm location and movement.

Federal Aviation Administration, Feb. 8, A-78-5, -6, -8, -11, and -12. Radio Technical Commission for Aeronautics Special Committee 136 with NASA and FAA participation is producing a minimum operating performance standard on ELT installation and performance and is considering the inclusion of aircraft manual guidance for ELT procedures. Will keep the Board informed of progress. *Feb. 8, A-78-7 and -9.* Believes that current rules on ELT's are adequate.

National Highway Traffice Safety Administration, Feb. 9, H-21-26. Will distribute States copies of Board's most recent fog accident report. Believes no further action can be taken because of current state-of-the-art. *Feb. 9, H-81-27.* Currently reviewing comments submitted by the Board to Docket 1-11, Notice 08.

Note.—Single copies of reports, recommendation letters, and responses are free on written request, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. (Multiple copies of reports are obtainable from National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161.)

Effie M. Upshaw,

Alternate Federal Register Liaison Officer.

February 16, 1982.

[FR Doc. 82-4524 Filed 2-24-82; 8:45 am]

BILLING CODE 4910-58-M

VETERANS ADMINISTRATION

Veterans' Advisory Committee on Rehabilitation; Meeting

The Veterans Administration gives notice that a meeting of the Veterans' Advisory Committee on Rehabilitation, authorized by section 1521, title 38, United States Code, will be held in Room 817 of the Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, March 16, 1982, at 9 a.m. The purpose of the Committee will be to review the administration of veterans' rehabilitation programs and provide recommendations to the Administrator as the Committee determines appropriate.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity it will be necessary for those wishing to attend to contact Dr. Norwood L. Williams, Executive Secretary, Veterans' Advisory Committee on Rehabilitation (phone 202-389-2026) prior to March 5, 1982.

Interested persons may attend, appear before, or file statements with the Committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 2:30 p.m. on March 16, 1982.

Dated: February 18, 1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82-4997 Filed 2-24-82; 8:45 am]

BILLING CODE 8320-01-M

Veterans' Advisory Committee on Rehabilitation; Membership List

The Veterans Administration gives notice that 10 members have been appointed to the Veterans Advisory Committee on Rehabilitation authorized by section 1521, title 38, United States Code, for a three year term ending December 31, 1984.

General Public Members—

*Mr. R. Jack Powell, Executive Director, Paralyzed Veterans of America, Inc.

Mr. Russell C. Williams, Blinded Veterans Association

Mr. William Gearhart, Disabled American Veterans

Mr. Sol Kaminsky, Secretary, National Amputation Foundation

Dr. John L. Melvin, Chairman, University of Wisconsin Rehabilitation Program

Ex-Officio Members—

Dr. Cecilia Frantz, Director, National Institute for Handicapped Research, Department of Education

Mr. George Conn, Commissioner of Rehabilitation Services, Department of Education

Mr. William C. Plowden, Jr., Assistant Secretary of Labor for Veterans Employment, Department of Labor

Dr. Earl Brown, Jr., Acting Deputy Assistant Chief Medical Director for Rehabilitation Services, Department of Medicine and Surgery, Veterans Administration

Dr. Stephen L. Lemons, Director, Vocational Rehabilitation and Counseling Service, Department of Veterans Benefits, Veterans Administration

Dated: February 18, 1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82-4998 Filed 2-24-82; 8:45 am]

BILLING CODE 8320-01-M

*Serves as Chairman of the Committee.

Sunshine Act Meetings

Federal Register
Vol. 47, No. 38
Thursday, February 25, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, March 5, 1982.

PLACE: 2033 K Street, NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-295-82 Filed 2-23-82; 3:30 pm]

BILLING CODE 6351-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 1:25 p.m. on Saturday, February 20, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A)(1) Accept sealed bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Bank of Yorkville, Yorkville, Tennessee, which was closed on February 20, 1982 by the Commissioner of Banking of the State of Tennessee; (2) accept the bid for the transaction submitted by First-Citizens National Bank of Dyersburg, Dyersburg, Tennessee, subject to approval of the appropriate court; and (3) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction; and

(B)(1) Approve the application of F & M Bank, Minneapolis, Minnesota, a proposed new bank in organization, for Federal deposit insurance, for consent to merge, under its charter and title, with Farmers & Mechanics Savings Bank, Minneapolis, Minnesota, an insured mutual savings bank, and for consent to establish the main office and two branches of Farmers & Mechanics Savings Bank as the main office and two branches of the resultant bank; (2) provide financial assistance to The Marquette National Bank of Minneapolis, Minneapolis, Minnesota, pursuant to section 13(e) of the Federal Deposit Insurance Act, in order to facilitate the transfer of substantially all the assets and liabilities of F & M Bank to The Marquette National Bank of Minneapolis pursuant to a Plan of Reorganization immediately subsequent to the merger of Farmers & Mechanics Savings Bank into F & M Bank and in order to prevent the probable failure of Farmers & Mechanics Savings Bank; and (3) act upon certain related matters.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Spreague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the pubic; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: February 22, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-290-82 Filed 2-23-82; 11:35 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, February 22, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required, on less than seven days' notice to the public, the withdrawal from the agenda for consideration in open session and the addition to the agenda for consideration at the closed meeting held at 2:30 p.m. the same day, of the following matters:

Application of State Bank and Trust Company, Unadilla, Georgia, for consent to merge, under its charter and title, with Bank of Pinehurst, Pinehurst, Georgia, and for consent to establish the sole office of Bank of Pinehurst as a branch of the State Bank and Trust Company.

Report of the Director, Division of Accounting and Corporate Service:

Memorandum re: Investment Management Report as of December 31, 1981.

In voting to move these matters from open session to closed session, the Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(b)).

Dated: February 22, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-219-82 Filed 2-23-82; 11:35 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, February 22, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the

withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of First-Citizens Bank and Trust Company of South Carolina, Columbia, South Carolina, for consent to merge, under its charter and title, with Bank of Chesterfield, Chesterfield, South Carolina, and to establish the two offices of Bank of Chesterfield as branches of the resultant bank.

Memorandum re: Defereal of Losses on Asset Sales.

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,115-L—Franklin National Bank, New York, New York

Case No. 45,118-L—The First National Bank and Trust Company of Tuscola, Tuscola, Illinois

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(4) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4) and (c)(9)(B)).

Dated: February 22, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-292-82 Filed 2-23-82; 11:35 am]

BILLING CODE 6714-01-M

5

FEDERAL ELECTION COMMISSION

[FR-S 245]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, February 25, 1982, 10 a.m.

CHANGE IN MEETING: The following matter has been added:

AO 1981-60 (Reconsideration following Commission approval on 2-18-82)

* * * * *

DATE AND TIME: Tuesday, March 2, 1982, 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Wednesday, March 3, 1982, 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Continuation of Executive Session of 3-2-82, if necessary.

* * * * *

DATE AND TIME: Thursday, March 4, 1982, 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth Floor).

CHANGE IN MEETING: The open meeting previously scheduled for this date has been chancelled due to lack of business.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Lena L. Stafford,

Acting Secretary of the Commission.

[S-297-82 Filed 2-23-82; 4:03 pm]

BILLING CODE 6715-01-M

6

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 7798, February 22, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 25, 1982.

CHANGE IN MEETING: The following item has been added:

Item No., Docket No., and Company

CP-10. Docket No. CP82-195-000, Consolidated Gas Supply Corporation

Kenneth P. Plumb,

Secretary.

[S-296-82 Filed 2-23-82; 3:55 pm]

BILLING CODE 6717-01-M

7

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., March 3, 1982.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10071-1: Modification of the Cruise Lines International Association to specify qualifications for membership and financial responsibility.

2. Procedures for disposition of matters before the Commission.

Portion closed to the public:

1. Docket No. 79-9: Prudential Lines, Inc. v. Continental Grain Company—Consideration of request for oral argument and possible consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-294-82 Filed 2-23-82; 1:41 pm]

BILLING CODE 6730-01-M

8

LEGAL SERVICES CORPORATION

Board of Directors Meeting

TIME AND DATE: 2 p.m.-5 p.m., Thursday, March 4, 1982 and 10 a.m.-5 p.m., Friday, March 5, 1982.

PLACE: Legal Services Corporation Headquarters, eighth floor meeting room, 733 15th Street, NW.

STATUS: Open meeting (except for consideration of personnel and litigation matters which may be closed by vote of the Board of Directors pursuant to 45 CFR 1622.5 (a), (e) and (h)).

MATTERS TO BE CONSIDERED:

(1) Adoption of Agenda.
(2) Introduction of Board Members.
(3) Approval of Closing a Portion of Meeting.
(4) Approval of Minutes of December 4 and December 31, 1981 Meetings.
(5) Ratification of Actions of December 31, 1981 Meeting.
(6) Selection of Interim Chairman of the Board.
(7) Review of Litigation and Retention of Outside Counsel (may be discussed in executive session).
(8) Consideration of Vacancy in Office of President of the Corporation as of March 31, 1982 and other personnel matters (may be discussed in executive session).
(9) Briefing of History of the Legal Services Corporation by Former Board Chairman Roger Cramton.
(10) Briefing by Marshall Breger, former Board Member.
(11) Briefing by Corporation President Dan Bradley and Senior Staff including a financial report.
(12) Discussion of Selection of Auditor for FY '82.
(13) Consideration of Board Committees.
(14) Review of Policy concerning 1982 funding for recipients.
(15) Consideration of the draft 1981 Annual Report.
(16) Comments by Members of the Public.
(17) Other Business.
(18) Future Meeting Dates.
(19) Adjournment.

FOR FURTHER INFORMATION CONTACT: John Meyer, Executive Office (202) 272–4040.

Issued: February 22, 1982.

William J. Olson,

Chairman.

[S–289–82 Filed 2–22–82; 4:54 pm]

BILLING CODE 6820–35–M

9

[2P0401]

PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters).

TIME AND DATE: 10 a.m., Thursday, February 25, 1982.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 4 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission; (301) 492–5987.

[S–293–82 Filed 2–23–82; 11:50 am]

BILLING CODE 4410–01–M

federal register

Thursday
February 25, 1982

Part II

Environmental Protection Agency

Hazardous Waste Management; Interim and Proposed Regulations

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122, 264, and 265

[SW-FRL 1999-3a]

Hazardous Waste Management System Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities and EPA Administered Permit Programs; Hazardous Waste Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Interim final amendments to rule.

SUMMARY: On May 19, 1980, EPA promulgated regulations applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities which prohibited the landfill disposal of most containerized liquid waste or waste containing free liquid on and after November 19, 1981. Further, on June 29, 1981, EPA amended its hazardous waste management regulations so as to extend the compliance date of the restriction on the landfill disposal of containerized liquid ignitable wastes to coincide with the compliance date of the general restriction on landfill disposal of liquids. The Agency is today extending the compliance date on both these requirements until May 26, 1982, and, in a separate action, is proposing amendments to these restrictions. This extension of compliance dates is provided for the sole purpose of allowing time to complete the rulemaking action on today's proposed amendments.

The Agency is also today exempting from the requirements of the hazardous waste management regulations, the acts of adding absorbent material to hazardous waste in containers and adding hazardous waste to absorbent material in a container, at the time waste is first placed in the container, in order to reduce the free liquids in a container.

DATES: These amendments are effective February 18, 1982. Comments are due on or before March 29, 1982.

ADDRESS: Comments should be addressed to Deneen Shrader, Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, Washington, D.C. 20460. Comments should identify the regulatory docket as follows: "Docket No. 3004, Extension of Section 265.314(b)". The official docket for this regulation is located in Room 2636, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 and is available for viewing from 9 a.m. to 4 p.m., Monday thru Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: The RCRA hazardous waste hotline, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 800/424-9346 (382-3000 in Washington, D.C.). For specific information on this amendment, contact Alfred W. Lindsey, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-9185.

SUPPLEMENTARY INFORMATION:

I. Introduction

On May 19, 1980, EPA promulgated hazardous waste regulations in 40 CFR Parts 260-265 (45 FR 33066 *et seq.*) which established in conjunction with earlier regulations promulgated on February 26, 1980 (45 FR 12721 *et seq.*), the principal elements of the hazardous waste management program under Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6921, *et seq.*). Part 265 of the May 19 regulations set forth standards applicable to hazardous waste treatment, storage, and disposal facilities which have "interim status" under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA). Subpart N (§§ 265.300-265.339) of those regulations established interim status standards applicable to owners and operators of landfills.

Section 265.314 (b) and (c) of these standards provide that containers holding liquid waste or waste containing free liquids must not be placed in a landfill on and after November 19, 1981 unless the container is designed to hold liquids or free liquids for a use other than storage (such as a battery or capacitor), the container is very small (such as an ampule), or the container is packaged in accordance with § 265.316 (lab packs, see 46 FR 56592, November 17, 1981). Section 265.312(b) of these standards, as amended on June 29, 1981 (46 FR 33502), provides that liquid ignitable waste may be placed in a landfill, if containerized and handled in the manner specified under that section, until the compliance date for the ban on landfilling liquid waste contained in § 265.314. After that date, disposal of liquid ignitable waste in landfills is prohibited.

Subsequent to the promulgation of these regulations, the regulated community brought to the Agency's attention several difficulties they are having or would have in complying with these requirements. Some of the information on these problems was brought to the Agency's attention in the context of ongoing litigation negotiations under the *Shell Oil v. EPA* lawsuit. In addition, a rulemaking petition has been filed with the Agency pursuant to 40 CFR § 260.20, requesting the deletion of §§ 265.312 and 265.314(b).

EPA believes there are important policy and technical issues concerning the ban on containerized liquids in landfills that need to be resolved. EPA is today proposing amendments, in a separate action, that address many of the concerns raised by the regulated community.

Compliance with the existing § 265.314(b) could impose substantial capital costs on the regulated community for such things as decanting equipment. Some of those costs could prove to be unnecessary if EPA finalized amendments to the regulations that are similar to those being proposed today. EPA does not believe it makes sense to require the regulated community to incur those costs while EPA resolves some of the key issues concerning § 265.314(b).

Therefore, EPA is amending § 265.314(c) to defer the compliance date of § 265.314(b) until May 26, 1982 and is amending § 265.312(b) to provide a compliance date for this section that coincides with that of § 265.314(b).

The preamble to the proposed amendments, also published in today's **Federal Register**, contains a further discussion of the problems raised by the regulated community, EPA's reaction to these perceived problems, EPA's continued concerns regarding containerized liquids in landfills, and several options the Agency is considering to resolve these problems in an environmentally protective yet practical manner.

II. Exemption of Addition of Absorbent Material

The Agency is aware that many persons are now, or are planning to begin, adding absorbent material to waste in containers or adding waste to drums containing absorbent material, in order to solidify or reduce the free liquid content of their containerized wastes. There appears to be a great deal of confusion in the regulated community regarding whether or not these practices constitute treatment and are subject to regulation. These practices are "treatment", as that term is defined in § 260.10 because they are "methods * * * designed to change the physical * * * character * * * of hazardous waste so as to render such waste * * * less hazardous to * * * dispose."

Because of this, persons who employ these practices must either have interim status or a permit covering these practices and must comply with the relevant requirements of the interim status standards of 40 CFR Part 265 or those standards of 40 CFR Part 264 incorporated in their permit, as appropriate.

The Agency does not believe that these treatment practices, when employed at the time hazardous wastes have been first placed in containers, pose a substantial hazard to human health or the environment. EPA has not received any reports or other information indicating that these practices pose a hazard. Moreover, an assessment of the physical-chemical reactions involved in these practices has led EPA to the conclusion that there is no significant likelihood that they could pose a hazard as long as the absorbent material is not capable of chemically reacting with the waste to produce explosion, fire or the generation of toxic gases. The absorbents commonly used are cement kiln dust, fly ash, fuller's earth, and vermiculite. None of these materials are known to react in such a dangerous manner with any of the hazardous wastes identified in 40 CFR Part 261.

However, the Agency is not convinced that these treatment practices, when employed at a time after hazardous wastes have been emplaced in containers, pose no substantial hazard. This is because such containers must be opened in order to employ these practices. Several members of the regulated community have argued that the opening of containers can be hazardous because of accidental ignition of ignitable wastes, accidental reaction of reactive wastes, or release of toxic gases. Presumably, these dangers can be avoided by employing sophisticated container opening facilities and practices which are designed to prevent these hazards. Without these safeguards, however, absence of potential hazard cannot be assumed. Consequently, the Agency believes that these practices must be regulated under the standards of 40 CFR Parts 264 and 265 to assure the application of these safeguards.

Importantly, the potential hazards cited above do not derive from the actual addition of absorbents to wastes or wastes to absorbents but, instead, derive from the essential ancillary operation of opening containers. Although it would be possible to require the regulation of the container-opening operation without regulating the absorbent-adding operation, these operations are so intimately tied together that regulation of the combined operations as a treatment process seems justified in constructing regulatory requirements.

Another potential problem involved in these treatment practices is the possibility of leakage from the container. It is important that the absorbent treatment process take place in a container of solid structural integrity that is not susceptible to leakage. Therefore the container used for this treatment operation must be designed and managed in accordance with those provisions of EPA's Part 265 interim status standards that are aimed at maintaining the physical integrity of the container itself.

Specifically, those taking advantage of this exemption must assure compliance with §§ 265.171 and 265.172. These provisions are designed to assure that the container is compatible with the waste placed in it and that the physical integrity of the container is maintained. In the case of mixtures of wastes and absorbent material, those requirements apply to the waste/absorbent mixture as well as the waste itself.

In many cases, the mixing of wastes and absorbent materials will be performed by generators in the containers that will actually be used to transport the waste. Under § 262.30 of EPA's hazardous waste regulations, containers used to transport waste have to satisfy certain requirements specified in Department of Transportation regulations. EPA believes that containers designed in accord with the DOT regulations referenced in § 262.30 should satisfy the general requirements of §§ 265.171 and 265.172.

Based on the foregoing analysis, EPA is today amending § 265.1 to exempt from regulation under interim status the practice of adding absorbent material to hazardous waste in a container or adding hazardous waste to absorbent material in a container. This exemption, however, is subject to three conditions:

a. The absorbent treatment process must occur at the time when waste is first placed in a container;

b. The treatment process must assure compliance with § 265.17(b);

c. The container must comply with §§ 265.171 and 265.172.

The Agency is also making today similar amendments to § 264.1 and § 122.21.

The Agency believes that the effect of today's amendment is to provide generators with a conditioned exemption from regulation with respect to absorbent addition practices. It further believes that this amendment will have three practical effects for generators who employ these practices. First, existing generators who have interim status for one or more hazardous waste management activities and who did not include absorbent-adding operations in their Part A permit application will not have to seek and obtain an interim status modification under § 122.23(c). Second, existing generators who do not have interim status and new generators will not have to apply for and obtain a RCRA permit before employing these practices. Third, existing generators having interim status only for these practices will not have to eventually obtain a RCRA permit. Because of these effects, many generators will be spared the administrative burden of applying for and obtaining either an interim status modification or a RCRA permit for activities that do not pose a substantial hazard and certainly do not justify these administrative burdens. Because of these reduced burdens, EPA believes that generators will be encouraged to—or, at least, will not be discouraged from—employing absorbent-adding practices. This is of significant environmental importance because it leads to the minimization of containerized free-liquid wastes which may be landfilled and promotes such minimization by generators who can most economically accomplish this objective.

III. Effective Date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations and revisions thereto take effect six months after their promulgation. The purpose of this statutory requirement is to allow persons affected by the regulations sufficient lead time to prepare to comply with major new regulatory requirements. Today's amendments, however, do not impose new requirements but rather defer and reduce pre-existing requirements. Since an effective date six months after promulgation would defeat the purposes of today's amendments, the Agency is making them effective immediately.

IV. Compliance With Executive Order 12291

Executive Order 12291 (46 FR 13193, February 19, 1981) requires that EPA prepare a Regulatory Impact Analysis for each major rule. The Order defines a "major rule" as any regulation that is likely to result in:

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

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

This action is a postponement of the compliance date of a regulation and an exemption from a previously imposed requirement. As such, it has none of the effects noted above. Accordingly, EPA concludes that this action is not a major rule under E.O. 12291.

This notice was submitted to the Office of Management and Budget for review as required by E.O. 12291.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et. seq.*, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). The Administrator may instead certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

These amendments should have no adverse economic impact on a substantial number of small entities in that they (1) defer the compliance date of the pre-existing requirements, and (2) exempt from regulation a process previously subject to regulation under RCRA. Accordingly, I hereby certify that this interim final regulation will have a significant economic impact on a substantial number of small entities. This regulation therefore does not require a regulatory flexibility analysis.

Dated: February 18, 1982.

Anne M. Gorsuch,

Administrator.

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulation is amended as follows:

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM; THE HAZARDOUS WASTE PERMIT PROGRAM; AND THE UNDERGROUND INJECTION CONTROL PROGRAM

1. The authority citation for Part 122 reads as follows:

Authority: Resource Conservation Recovery Act, 42 U.S.C. 6901 *et seq.*, Safe Drinking Water Act, 42 U.S.C. 300f *et seq.*, and the Clean Water Act, 33 U.S.C. 1251 et seq.

2. Section 122.21 is amended by adding paragraph (d)(2)(viii) to read as follows:

§ 122.21 Purpose and scope of Subpart B.

* * * * *

(d) * * *

(2) * * *

(viii) Persons adding absorbent material to waste in a container (as defined in § 260.10 of this chapter) and persons adding waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and §§ 264.17(b), 264.171, and 264.172 of this Chapter are complied with.

* * * * *

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

3. The authority citation for Part 264 reads as follows:

Authority: Secs. 1006, 2002(a), and 3004, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

4. Section 264.1 is amended by adding paragraph (g)(10) to read as follows:

§ 264.1 Purpose, scope, and applicability.

* * * * *

(g) * * *

(10) The addition of absorbent material to waste in a container (as defined in § 260.10 of this chapter) or the addition of waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and §§ 264.17(b), 264.171, and 264.172 are complied with.

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

5. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), and 3004, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

6. Section 265.1 is amended by adding paragraph (c)(13) to read as follows:

§ 265.1 Purpose, scope, and applicability.

* * * * *

(c) * * *

(13) The addition of absorbent material to waste in a container (as defined in § 260.10 of this chapter) or the addition of waste to the absorbent material in a container provided that these actions occur at the time waste is first placed in the containers; and §§ 265.17(b), 265.171, and 265.172 are complied with.

7. In § 265.312, paragraph (b) is revised to read as follows:

§ 265.312 Special requirements for ignitable or reactive waste.

* * * * *

(b) Until the compliance date for § 265.314(b), liquid ignitable wastes in containers may be landfilled without meeting the requirement of paragraph (a) of this section, provided that the wastes are disposed in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, these liquid ignitable wastes must be disposed in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and must not be disposed in cells that contain or will contain other wastes which may generate heat sufficient to cause temperatures equal to or exceeding the flash point of the wastes.

* * * * *

8. In § 265.314, paragraph (c) is revised to read as follows:

§ 265.314 Special requirements for liquid waste.

* * * * *

(c) The date for compliance with paragraph (a) of this section is November 19, 1981. The date for compliance with paragraph (b) of this section is May 26, 1982.

[FR Doc. 82-4899 Filed 2-24-82; 8:45 am]

BILLING CODE 6560-30-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 265

[SW-FRL 1999-3]

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Proposed amendments to rule.

SUMMARY: On May 19, 1980, EPA promulgated regulations, applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities during interim status, which prohibited the landfill disposal of most containerized liquid waste or waste containing free liquid on and after November 19, 1981. As a result of issues raised by the regulated community with respect to this prohibition, the Agency is today proposing an amendment to this regulation to allow some containers holding free liquids to be disposed of in a landfill, in some circumstances.

In a separate action in today's **Federal Register**, EPA is providing a 90-day extension (from today's date) of the compliance date for the prohibition of landfill disposal of containerized liquid waste and the restrictions on the landfill disposal of liquid ignitable waste to allow time to complete this rulemaking action and to avoid immediately imposing requirements that might be changed as a result of this rulemaking action.

DATES: Comments are due on or before March 29, 1982.

ADDRESS: Comments should be addressed to Deneen Shrader, Docket Clerk, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, Washington, D.C. 20460. Comments should identify the regulatory docket as follows: "Docket No. 3004, Liquids in Landfills." The official docket for this regulation is located in Room 2636, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday thru Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: The RCRA hazardous waste hotline, Office of Solid Waste (WH–565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 ([800) 424–9346, 382–3000 in Washington, D.C.). For specific information on this amendment, contact Alfred W. Lindsey, Office of Solid Waste (WH–565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755–9185.

SUPPLEMENTARY INFORMATION:.

I. Introduction

On May 19, 1980 EPA promulgated hazardous waste regulations in 40 CFR Parts 260–265 (45 FR 33066 *et seq.*) which established, in conjunction with earlier regulations promulgated on February 26, 1980 (45 FR 12721 *et seq.*), principal elements of the hazardous waste management program under Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended 42 U.S.C. 6921 *et seq.* Part 265 of the May 19 regulations sets forth standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities which have interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA). Subpart N (§§ 265.300–265.330) of those regulations established interim status standards applicable to landfills.

Section 265.314(b) of these standards prohibited the landfill disposal of most containerized liquid waste or waste containing free liquid on and after November 19, 1981. Section 265.312(b), as amended on June 29, 1981 (46 FR 33502), provides that liquid ignitable waste may be placed in a landfill, if containerized and handled in the manner specified, until the compliance date for the ban on landfilling liquid waste contained in § 265.314. After that date, disposal of liquid ignitable waste in landfills is prohibited.

The preamble to § 265.314 (45 FR 33214) sets forth the rationale for the prohibition on landfill disposal of containerized liquid waste or wastes containing free liquid. Essentially, two problems may result from the landfill disposal of containerized liquids: leachate generation and subsidence of the final landfill cover. Containers disposed of in a landfill eventually degrade, allowing their liquid contents to escape and contribute to leachate. Also, when containers degrade and their liquid content escapes, they collapse, creating voids, which in turn, may allow slumping and subsidence of the landfill cover material which may increase the infiltration or precipitation and thereby exacerbate the leachate generation problem. These events often occur after the post-closure care period when the owner/operator is no longer operating a leachate collection system, maintaining a final cover, or monitoring ground water.

II. The Problem With the Current Rule and EPA's Proposed Solution

EPA received a number of public comments on the prohibition set forth in § 265.314(b). Some of these comments criticized the necessity of this requirement. Others expressed difficulties that the regulated community would face in implementing this requirement. These latter comments fell into two classes. One class cited difficulties they would face in meeting the compliance date of November 19, 1981, for this requirement. They claimed they would have to design and construct sophisticated facilities and procedures to safely inspect incoming containers of waste and remove or solidify any free liquid that they might contain. They further claimed that they might not be able to have such facilities in operation by November 19, 1981. The other class of comments addressed the absence of a definition for the terms "liquid waste" and "waste containing free liquids" and the absence of a test protocol for measuring these properties. These comments noted that the requirement could not be reasonably and assuredly implemented without these definitions and a test protocol. Several of the petitioners for judicial review in *Shell Oil* v. *EPA* also raised issue with this requirement but focused on the absence of the definition of terms and a test protocol.

The Agency has not found compelling merit in the criticisms about the necessity of restricting the introduction of free liquids or liquid wastes into landfills. EPA strongly believes that introduction of containerized free liquids in landfills should be minimized to the extent possible, if not prohibited, for the reasons set forth in the preamble to the May 19, 1980 promulgation of the Part 265 standards.

The Agency has not found compelling merit in the comments about the difficulties in meeting the November 19, 1981 compliance date. Eighteen months were allowed to enable the regulated community to come into compliance with the requirement and the Agency has evidence that some members of the regulated community have prepared to comply with the requirement. Numerous options have existed for the regulated community to comply with the § 265.314(b) requirement, several of which have been readily implementable. Besides alternatives to landfilling (e.g., incineration, deep well injection, solvent recovery, other recovery, and conventional wastewater treatment techniques), the liquid-containing wastes can be treated by dewatering

techniques (e.g., screens, vacuum filters, filter press, centrifuge, heat drying) or by chemical/absorbent processes (e.g., cement kiln dust, fly ash, vermiculite, fuller's earth, and cementitious materials). Finally, keeping liquid and solid wastes separated at the generation point can achieve liquid-free wastes.

However, the Agency has found merit in the comments criticizing the absence of definition of terms and a test protocol. This led the Agency into a thorough discussion and negotiation of this matter with interested petitioners in *Shell Oil v. EPA*. Out of this discussion and negotiation, EPA came to the following tentative conclusions.

The Agency believes that the current § 265.314(b) prohibition is too extreme for real-world application. In its literal interpretation, landfill disposal of containerized wastes containing only "one drop" of free liquid is banned. This would often require extraordinary, high-cost management practices to achieve compliance. For example, a generator may take reasonable means to deliver liquid-free containerized wastes to a disposal facility by using screening or other dewatering or absorbent-addition methods on his wastes before placing them into containers. But frequently the vibration and settlement occurring in transit to the landfill will result in the separation from the wastes of additional small amounts of free liquids and result in the delivery of containers holding some amount of free liquids at the disposal facility. Therefore, the facility operator, in order to assure compliance with § 265.314(b), would have to open and inspect all incoming containers and perform additional dewatering (decanting) or absorbent-addition operations on those containerized wastes found to contain even the smallest amounts of liquids. The Agency concluded that this opening, inspecting, and additional treatment operation by the landfill operator, in many cases, would add unnecessary costs and operational disruption and could present unnecessary personnel safety and environmental hazards because of the ignitability, volatility or toxicity of many wastes commonly shipped in containers.

Even after considering these real-world problems, the Agency still believes it is appropriate to require in the interim status standards a minimization of free liquids in containerized wastes—minimization that could be achieved by reasonably simple and available dewatering practices and ordinary waste management practices. Because of the lack of extensive data on the levels of free liquids reduction that can be reasonably achieved on the wide variety of hazardous wastes, the Agency was unable to derive a calculated quantification of "minimization" but came to the professional judgment that containerized wastes containing less than ten percent by volume of free liquids could be readily achieved and reasonably implemented. Indeed, one major landfill operator has indicated that such a level can be and is being achieved in his current operations.

The Agency concluded that a 10 percent maximum objective would produce a decided improvement over past practices in disposing of containerized wastes and, therefore, is consistent with the regulatory strategy of using interim status standards to achieve initial, readily achievable improvements in hazardous waste management practices (see discussion of criteria for interim status standards in 45 FR 33159). The Agency also decided that this objective, combined with other interim status standards, would achieve reasonably acceptable environmental protection for interim status landfill operations. Although the Agency recognizes that the containerized free liquid wastes allowed in landfills often will eventually leak from their containers and migrate out of the landfill and into the environment, it believes that this leakage will be slow, occurring over an extended period of years, and is likely to be considerably diluted and attenuated (in the environmental). Because the amount of containerized free liquids available for leaching would be minimized, because the interim status closure and post-closure requirements would limit the amount of additional leachate generation from precipitation infiltration available for environmental migration, and because bulk-free disposal would be regulated, the Agency believes that any potential adverse environmental consequences will be substantially reduced.

At the same time, the Agency has concluded that more rigorous regulation of liquid emplacement in landfills may be justified for permitted facilities. In particular, it believes that certain persistent, mobile, and highly toxic or carcinogenic liquid wastes might need to be absolutely prohibited from disposal in landfills, in either bulk or containerized form. Additionally, some hydrogeologic settings might dictate more severe restriction of landfill disposal of containerized free liquids. The Agency is studying these matters and intends to propose future regulations or amendments as might be called for by its findings. At this time, however, the Agency believes that minimization of landfill disposal of containerized wastes, as discussed above, is a reasonable objective for interim status standards.

Having come to this position, the Agency discussed with the petitioners in *Shell Oil Co. v. EPA* a simple rule that would prohibit the landfill disposal of containers that contain more than ten percent by volume of free liquids as measured by an appropriate test protocol. In discussing this approach EPA recognized that this requirement, although achievable, would still have some of the same practical real-world problems in implementation as the current rule. Landfill operators might still have to open and inspect incoming containers to monitor compliance and correct noncomplying containers by decanting free liquids or adding absorbent. This opening, inspecting, and additional treatment operation, with its attendant safety and environmental risks, seemed to be a feature to be avoided if possible. Additionally, petitioners claimed that some hazardous wastes require extraordinary means of dewatering to achieve a content of free liquids less than ten percent. They argued that such extraordinary means of dewatering these wastes could be avoided if the regulatory approach taken could average the free liquid content of these wastes with other wastes to achieve the same end result. Consideration of these points ultimately led to the development of today's proposed amendment. As described below, this proposed amendment takes a different approach than discussed above, but the Agency believes that it achieves approximately the same results; that is, land disposal of containerized free liquids will be significantly limited (see discussion in III(B) below). The proposed amendment avoids the necessity of determining the free liquid fraction of individual containers, thereby avoiding the added and potentially unsafe operation of opening of containers to determine compliance with the regulation. This feature also simplifies enforcement of the regulation by focusing inspection on the number of non-exempted containers placed in a landfill rather than on the testing of individual containers for compliance with a specific free-liquid limit. Finally, the Agency believes that today's proposed amendment incorporates an economic incentive for landfill operators to minimize the number of containers holding free liquids in order to conserve that portion of their landfill which, pursuant to

today's proposed rule, may be allocated for containers holding free liquids.

Based on the rationale just discussed, EPA has decided to propose the regulatory approach described below rather than an approach that would limit the liquid content in each container to 10%. EPA does, however, seek public comment on the latter regulatory approach. EPA is still actively considering a regulatory approach based on a "10% rule" as an alternative, or a supplement, to the regulatory approach being proposed today.

III. Proposed Amendment to § 265.314(b)

A. Overview

Today's proposed amendment to § 265.314(b) would allow containers holding free liquids to be placed in a landfill provided that: (1) The volume of such containers does not exceed a formula-determined fraction of the total volume of wastes and reasonable intermediate cover to be placed in the landfill, (2) the closure and post-closure maintenance plans provide for the post-closure maintenance of the final cover to accommodate subsidence that may arise from the collapse of such containers if they rupture and the free liquids escape and (3) such containers are uniformly placed in the landfill so that any subsidence resulting from the collapse of containers will be as uniform as possible. Further, today's proposed amendment requires that each container of waste be assumed to hold free liquids and subject to the above requirements unless: (1) The owner or operator demonstrates that the container does not hold free liquid, (2) the container is very small, such as an ampule, (3) the container only holds such free liquids as it was designed to hold in its use other than storage (e.g., a battery or capacitor holding free liquids), or (4) the container is a "lab pack" as defined in § 265.316. The last three types of containers excepted from the requirements of today's amendment already are allowed to be placed in a landfill without restriction under the current requirements of § 265.314(b) and § 265.316.

B. Formula for Determining the Allowable Volume of Containers Holding Free Liquids That May Be Disposed of in a Landfill

The formula contained in today's amendment for determining the fraction of the total volume of waste and intermediate cover that can be devoted to containers holding free liquids was derived from a proposal submitted by the National Solid Waste Management Association (NSWMA) and the Chemical Manufacturers Association (CMA) during discussions of this issue with petitioners in *Shell Oil v. EPA*. The formula is:

$$V = \frac{H}{100} \quad \text{for } H \text{ less than 25 feet}$$

$$V = 0.3 - \frac{H}{500} \quad \text{for equal to or greater than 25 feet}$$

where V = the allowable volumetric fraction of the total volume of wastes and reasonable intermediate cover in the landfill that can be used for disposal of containers holding free liquids

H = the maximum vertical depth of waste and reasonable intermediate cover in the landfill at closure (as measured in feet)

Although this formula was derived to limit the subsidence that will result from the degradation of containers holding free liquid, it also serves to limit the amount of free liquids that can be placed in a landfill. As can be easily calculated, the maximum percentage of the volume of a landfill that can be devoted to containers holding free liquids is 25 percent when H is 25 feet. At landfill depths greater and less than 25 feet, the percentage is less; e.g., at landfill depths of 100 feet, the percentage is 10 percent.

Although under today's proposed rule, the amount of free liquids in individual containers subject to the formula limitation is not restricted, the Agency believes that in actual application the average container will be only partially full of free liquids. Therefore, although, in the extreme case, the formula would allow up to 25 percent of the waste volume to be free liquids (if all containers were full of free liquids), EPA believes that, in actual operation, this fraction will be less than 10 percent—a fraction that results if the average free liquid content of containers subject to the formula is 40 percent by volume. Notwithstanding, the Agency is concerned that today's amendment may not achieve the degree of minimization of containerized liquids in landfills that could be reasonably achieved because it does not directly limit the total amount of containerized free-liquids placed in landfills. Consequently, EPA invites public comments on whether and how the amount of containerized free liquids allowed under today's amendment should be further limited. For example, the rule could prohibit the landfilling of containers holding more than a set percentage (e.g., 10 or 25 percent) free liquids by volume. This would entail some sort of inspection of containers to ascertain their percentage volume of free liquids. Opening the containers and measuring the free liquid content may be one method, but this involves the added operation of inspecting containers which today's rule is designed to avoid (see previous discussion). Some landfill operators and waste transporters have indicated that "tapping" or "rocking" a container and listening for the difference of sound from the portions occupied by free liquids as opposed to solids is a viable and reliable technique that avoids the more time consuming, costly and potentially dangerous operation of opening and quantitatively measuring free liquid content. Although EPA is dubious about the validity of such a technique, it does solicit comment on this technique. (It may, for example, be useful as a means of verifying information supplied by the generator.) Another approach would be for the landfill operator to depend on the generator to achieve the allowable free-liquid content of containerized wastes. This approach could be implemented by the landfill operator requiring certification from the generator that allowable amounts of free liquids in containerized wastes are being delivered and verifying the generator's compliance through random inspections of incoming containers. EPA is willing to consider the use of such procedures in establishing an enforcement policy for this provision.

To monitor compliance with today's amendment, EPA would expect the landfill operator to maintain a plan of the intended final shape and contours of the landfill at closure and the intended disposition of wastes, including containers holding free liquids, and intermediate cover. This plan would have to clearly show the specific space within the landfill to be allocated to containers holding free liquids and show that this space is within the limit allowed by the formula. EPA would also expect the landfill operator to maintain suitable records as part of his operating record demonstrating that containers holding free liquids are placed in accord with the terms of this plan. EPA believes the requirement for such records is currently within the scope of § 265.73(b)(2).

The Agency recognizes that unanticipated events may lead to non-compliance with today's proposed rule. For example, premature closure of the landfill or failure to obtain expected volumes of other-than-containerized-free-liquid-wastes could result in higher volumes of containerized free-liquid wastes than allowed by the formula. Today's amendment does not deal with these possible problems and, indeed, this may be a significant deficiency in the proposed approach for managing containerized free-liquid wastes.

Consequently, EPA invites comments on this issue. In particular, EPA wishes to know if such situations are likely to happen and how best they can be accommodated. If the occurrences are likely to be frequent and the environmental consequences serious, the Agency may have to require provisions in the closure plan and closure financial responsibility to accommodate these eventualities.

C. Effect of the Formula on Controlling Subsidence

As previously mentioned, the formula used in today's proposed rule was derived from a formula submitted by NSWMA and CMA during negotiations in *Shell Oil v. EPA*. It is evident that these petitioners designed the formula to limit the maximum depth of subsidence and, perhaps, the maximum volume of subsidence.[1] The basis for this limitation was the professional judgment of the capable, expert landfill operators, who advised NSWMA and CMA on this matter, that a maximum subsidence depth greater than 11.25 feet should be avoided. EPA relies on this professional judgment in tentatively accepting the formula used in today's proposed amendment.

Under the approach taken in today's proposed amendment, EPA is concerned about the long-term subsidence that may occur in allowing the landfill disposal of containerized liquid wastes. The current rule does not necessitate such a concern because it prohibits the landfill disposal of containers holding free liquids. Consequently, today's proposal includes not only the formula-derived limitation of landfill disposal of containers holding free liquids, but also requirements for (1) uniform placement of containers in the landfill and (2) a final cover at closure designed to accommodate the expected subsidence. The first of these added provisions is intended to alleviate differential subsidence that might be accentuated by non-uniform placement of containers holding free liquid wastes. The second of the additional provisions is intended to assure that special consideration is given in closure and post-closure plans to the added subsidence that may result from the landfilling of containerized free liquid wastes. Such special considerations may include: (1) Providing greater slopes in the contouring of the final cover at closure to accommodate the loss of elevation of contours when subsidence eventually occurs, (2) the stock-piling of final cover materials at closure for repairing subsidence damage to the final cover, and (3) a commitment in the post-closure plan to extent the post-closure care period for further repair and maintenance of the final cover if unusual subsidence occurs in the later stage of the post-closure care period.

Although the formula in today's proposed amendment will provide a means of calculating the maximum potential dimensions (depth and volume) of subsidence that may be caused by landfilling of containerized free liquid wastes, the more detailed prediction of and planning for remedying damage caused by such subsidence will depend on a great many factors, including the character (bridging capacity, density) of the wastes and soils placed above and between the buried containers. Because the detailed consideration of these factors is too complex to easily articulate in regulatory form, the Agency intends to develop technical guidance to assist compliance with this element of today's proposed amendment.

In spite of the fact that today's proposed amendment addresses the subsidence problem that may attend landfilling of containerized free liquids, the Agency has some concern about the ability of landfill owners and operators to adequately plan and provide for remedying the damage caused by post-closure subsidence.[2] It will be difficult to predict with accuracy, and therefore provide in closure and post-closure plans, the actual timing, location, size, and nature of subsidence and final cover distortion. In addition, it is possible that some amount of the subsidence may occur after the post-closure period. The Agency and the regulated community simply do not have much observed experience or data concerning subsidence in those landfills where containerized wastes are carefully placed. it is possible that subsidence due to landfilling of limited numbers of containers holding free-liquid wastes may not be extensive and may not be significantly greater than the subsidence resulting from the landfill disposal of other wastes. If it can be assumed, as previously mentioned, that individual containers average 40 percent free liquids, then maximum subsidence depths of four and a half feet can be expected. These subsidence depths may be manageable. Moreover, these subsidence depths may not be significantly different than those that attend the disposal of other wastes and which the Agency has not addressed with any special requirements in the Part 265 regulations.

Another concern that the Agency has with the subsidence that might result from landfilling of containerized free liquid wastes is the significant and, perhaps, irreparable damage that it may have on the integrity of multi-layered final covers. The state of the art in designing and constructing final covers calls for two or three layers of different materials, where each layer has a specific function to serve; e.g., a bottom layer of material of very low permeability to inhibit infiltration of precipitation into the landfill, a second layer of very highly permeable material to promote drainage from the landfill of the precipitation intercepted by the first layer and a top layer of soil for maintaining vegetation cover. Subsidence could disrupt a carefully constructed final cover of this or similar type, and repair would need to be more extensive than merely filling in the depressions created by subsidence with a single type of material stockpiled for this purpose.

Because of these concerns about the possible additional subsidence from the landfill disposal of containers holding free liquid wastes, EPA specifically invites comments on this matter and on the subsidence control requirements included in today's proposed amendment.

D. Liner/Leachate Collection System or Absorbent Material

The proposed regulation does not include a requirement for either (1) a liner and leachate collection and removal system, or (2) placement of absorbent materials around or under the containers holding free-liquid wastes. This requirement was included in the NSWMA/CMA proposal but is not reflected in today's proposed amendment.

EPA believes a liner and leachate collection and removal system is not likely to result in the removal of appreciable quantities of free liquids that eventually may leak from containers placed in a landfill, and therefore will not provide significant additional protection against migration of these liquids into the environment.

[1] The formula produces theoretical depths of subsidence ranging from zero at a fill depth of zero, increasing to a maximum of 11.25 feet at fill depths of 75 feet and then decreasing to zero at fill depths of 150 feet. These theoretical subsidence depths assume that the containers will eventually completely collapse to a theoretical container volume of zero and that soil bridging and other soil structure effects do not attenuate the theoretically possible subsidence depth. In actuality, neither of these assumptions will operate perfectly and the actual subsidence depth will be less than that theoretically predicted by the formula.

[2] Some subsidences may occur during operation of the landfill, particularly in very deep landfills where the weight of very deep overlying materials may cause some collapsing of containers, particularly those that have been weakened because of some amount of decay.

EPA believes that most containers which hold free liquids will fail at some distant future time and then release liquids over a long period of time. These releases could occur after the post-closure care period, when the leachate collection and removal system is no longer operated by the facility operator. Although a very lengthy or indefinite post-closure care period could accommodate this problem, it would not resolve a second problem discussed below.

A second problem arises because, in most cases, leaking containers will release liquids slowly over time. This typically means that leachate within the facility will "rain" down on the facility liner at a relatively low rate. Where the liner is constructed of relatively permeable material (e.g., clay), this low rate of leachate impingement will mean that a significant percentage of the leakage will exfiltrate through the liner rather than flow along the top of the liner to points where it can be collected and removed.

EPA also does not believe that placement of absorbent material around or under containers holding free liquids can be relied upon to significantly absorb liquids that leak from buried containers and thereby prevent migration of these liquids into the environment. The reasons for this belief were discussed in the preamble to the May 19, 1980 regulation (at 45 FR 33214); namely, difficulty in predicting absorbent capacity or performance in a landfill (e.g., the effects of decay, pressure, displacement, capacity taken up by precipitation, and channelized flow).

In accordance with § 265.314(a), bulk liquids may be placed in a landfill if the landfill has a liner, which is chemically and physically resistant to these liquids, and a leachate collection and removal system. The agency believes that a liner and leachate collection system is capable of intercepting and removing most of the leachate derived from bulk liquid disposal and, therefore, minimizing the migration of this leachate into the environment. Bulk liquids, as opposed to liquids in drums, are immediately free to migrate through a landfill and should do so relatively quickly. Therefore, such free liquids can be collected and removed via the leachate collection system during the facility's operating and postclosure care periods. Secondly, unlike containerized liquids which are released gradually and in small quantities, bulk liquids will tend to flow, rather than trickle, down through the landfill onto the liner and thus are much more amenable to collection and removal via a leachate collection and removal system. Thus, bulk liquids are more likely to flow in the collection system while liquids released from containers are more likely to seep through a liner if the liner is porous (e.g., clay).

The Agency specifically solicits comments on its assessment of the non-necessity of requiring a liner and leachate collection system or the placement of absorbent material in landfills in which containerized free liquids are disposed of.

E. Test Protocol for Free Liquids

Today's amendment provides that all containers are to be presumed to hold free liquids and landfilled in accordance with the requirements discussed above unless they are demonstrated not to contain free liquids (or unless they are small containers such as ampules; containers such as batteries, designed to hold free liquids for use other than storage; or lab packs). To provide a means of demonstrating that a container does not hold free liquids, today's proposed amendment contains a test protocol for free liquids.

EPA has considered and tested a wide variety of test methods which could be used to define the measure free liquids. Gravity tests, as well as tests which simulate earth pressures at various depths, have been investigated. The literature on over 70 test procedures has been examined. Several of the most promising test procedures examined have been evaluated in the laboratory using samples of typical semisolid waste. The test procedures examined were those employing: A press, a filtration unit similar to the one used in the EP Toxicity Test Procedure (45 FR 33127), a laboratory centrifuge, screens of various mesh sizes, the inclined plane described in the preamble to the May 19, 1980 regulation (at 45 FR 33214) and the paint filter included in today's proposed amendment.

The test protocol EPA is proposing today is a gravity test which is intended to determine, in a simple way, whether a representative sample from a container of waste holds free liquid. EPA believes that this protocol can be used to determine the presence of free liquids in sludges, semi-solids, slurries and other wastes that commonly are received in containers by landfill operators for landfill disposal.

The proposed test protocol calls for a 100 ml representative sample of the waste from a container to be placed in a 400 micron, conical paint filter for five minutes. The filter specified is a standard paint filter which is commonly available at hardware and paint stores at low cost. The filter is to be supported by a funnel on a ring stand with a beaker or cylinder below the funnel to capture any free liquid that passes through the filter. If any amount of free liquid passes through the filter, the waste is to be considered to hold free liquid and subject to the requirements of § 265.314(b) of today's proposed rule.

Preliminary tests on five different wastes indicate that the five minute test period is adequate to determine whether a waste contains any free liquids, i.e., it provides an adequate "pass/fail" test. However, if the Agency were to adopt a rule requiring the measurement of the percentage of free liquid in the waste in individual containers (see discussion in III(B) above), a longer test period probably would be necessary to achieve an accurate measurement. The Agency's preliminary tests indicate that the five minute test period significantly underestimates the amount of free liquids in samples of some types of wastes and that a 15, 30, or even 45-minute test period may be necessary to accurately measure the free liquid content of such wastes. The Agency solicits comments on whether a longer test period (e.g., 15 to 45 minutes) presents an undue operational burden on landfill operators.

The Agency recognizes that there may be other test protocols that are capable of determining whether or not a waste sample contains free liquids. Indeed, the Agency solicits comments on any such protocols. In addition, whatever protocol is finally adopted, persons will always have the opportunity to petition EPA under §§ 260.20 and 260.21 for use of an equivalent test protocol.

Today's proposed rule does not require a landfill owner or operator to test containers of wastes for their free liquid content. Rather, it enables that person to demonstrate that a container does not hold free liquid to avoid having to meet the requirements of § 265.314(b) for landfill disposal of the container. A landfill owner or operator may choose to consider all containers of waste as holding free liquids and dispose of them in accordance with § 265.314(b). Where he chooses to exercise the option of demonstration, he may use the test protocol or he may choose to make the demonstration in another manner, certifying that his knowledge about the containerized waste substantiates its absence of free liquids.

The Agency believes that this latter demonstration may be possible in some instances (e.g., where the landfill owner or operator receives, on a constant basis, containerized wastes from a certain generator and knows by prior

observation that these containerized wastes do not vary and do not contain free liquids). It should be recognized, however, that EPA would be using the test protocol specified in the regulations for enforcement purposes unless an equivalent test protocol had been established for the waste under §§ 260.20 and 260.21.

Where the landfill owner or operator chooses to test containerized wastes to make the above-discussed demonstration, EPA would expect him to test a representative sample—representative of the waste in the container sampled. Guidance on obtaining representative samples from containers is provided in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods, SW–846, an EPA publication. In those cases where a demonstration is being made on a batch (e.g., truckload) of similar containerized wastes, the representative sample must be representative both among the containers in the batch and of the waste in the individual containers actually sampled.

Today's proposed amendment does not prohibit the co-disposal of "exempted" containers with containers holding free liquids. It does, however, implicitly require careful recordkeeping of those containers exempted and their placement in the landfill so that EPA can properly monitor compliance.

IV. Proposed Amendment to § 265.312

Section 265.312, Special requirements for ignitable or reactive waste, as amended on June 29, 1981, states that ignitable waste may not be placed in a landfill unless it is treated, rendered, or mixed before or immediately after placement in a landfill so that it no longer meets the definition of ignitable waste or unless it is containerized and handled according to the specific handling requirements. However, after the compliance date for § 265.314, liquid ignitable waste in containers are banned from landfills in accordance with § 265.312(b).

Today's proposed amendment to § 265.312 deletes any distinction between liquid and solid ignitable waste, and provides that containerized ignitable waste (liquid or solid) may be placed in a landfill subject to the specified handling requirements. With this proposed change, restrictions on the amount of liquid ignitable waste which can be placed in a landfill would be defined by § 265.314(b). Containers holding liquid ignitable waste would be counted in the total number of containers holding liquid waste allowed in the landfill pursuant to the proposed amendment to § 265.314(b). In addition, liquid ignitable waste in containers would still have to be handled in accordance with the special handling requirements specified in § 265.312. Under the proposed amendment, solid ingnitable waste in containers would still be allowed to be disposed of in landfills, provided that it is handled in accordance with the specified handling requirements.

The test for determining which wastes are liquids or contain free liquids, specified in the proposed § 265.314, would be used for determining if an ignitable waste is a liquid or contains free liquid. Thus, liquid ignitable waste will be treated consistently with other containerized waste.

The Agency received 16 written comments on its June 29, 1981 amendment to § 265.312. Some commenters stated that incineration of ignitable wastes can be accomplished and therefore reasoned that the ban on disposal of liquid ignitable waste in landfills should go into effect as scheduled. One commentor has developed a procedure aimed at solidifying semi-solid ignitable waste and raising the flash point of the waste to above 140°F. The majority of the commenters supported the approach used in § 265.312 (b) and (c) as it applied to both liquid and solid containerized ignitable wastes (i.e., allowing landfilling of these wastes under special management conditions); however, the commenters did not believe that the extension until November 19, 1981 for liquid ignitable waste was of sufficient duration. They stated that there continued to be no viable alternative to the landfill disposal of some ignitable wastes.

The Agency continues to believe that most liquid ignitable wastes can be treated, recycled, or disposed of by means other than landfilling (see preamble discussion to June 29, 1981, amendment (46 FR 33502)). However, the proposed amendments to §§ 265.312 and 265.314 will allow the landfill disposal of some liquid ignitable waste. These amendments should, therefore, accommodate those ignitable wastes not amenable to incineration, deep well injection, solvent recovery, use as fuel, or other treatment, recycling, or disposal options.

V. Regulatory Analysis

Section 3(b) of Executive Order 12291 (46 FR 13193, February 19, 1981) requires EPA to initially determine whether a rule that it intends to propose or issue is a major rule and to prepare a regulatory impact analysis for all major rules.

EPA has determined that both amendments being proposed today are not major rules. Accordingly, a Regulatory Impact Analysis is not being prepared for either of these proposed amendments.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant impact on a substantial number of small entities so as to require a regulatory analysis. In that the proposed amendments should reduce the burden of compliance with the hazardous waste management regulations for small entities, the Agency had determined that this action is not subject to the Regulatory Flexibility Act.

This proposal was submitted to the Office of Management and Budget for review as required by E.O. 12991.

Dated: February 18, 1982.

Anne M. Gorsuch,

Administrator.

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

For the reasons set out in the preamble, 40 CFR Part 265 is proposed to be amended as follows:

1. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6924).

2. Section 265.312 is revised to read as follows:

§ 265.312 Special requirements for ignitable or reactive waste.

(a) Except as provided in paragraph (b) of this section, ignitable or reactive waste must not be placed in a landfill, unless the waste is treated, rendered, or mixed before of immediately after placement in a landfill so that:

(1) The resulting mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under §§ 261.21 or 261.23 of this chapter, and

(2) Section 265.17(b) is complied with.

(b) Ignitable wastes in containers may be landfilled without meeting the requirement of paragraph (a) of this section, provided that the wastes are disposed in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes must be disposed in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks,

rupture, or any other condition that might cause ignition of the wastes; must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes, and must not be disposed in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

3. Section 265.314 is amended by revising paragraph (b), revising paragraph (c) and redesignating it as paragraph (f), and adding new paragraphs (c), (d), and (e) to read as follows:

§ 265.314 Special requirements for liquid waste.

* * * * *

(b) Containers holding free liquids must not be placed in a landfill unless:

(1) The volume fraction (V) of the total landfill volume devoted to waste and reasonable intermediate cover that is occupied by containers holding free liquids is no greater than that described by the formula

$$V=\frac{H}{100} \text{ for H less than 25 feet}$$

or

$$V=0.3-\frac{H}{500} \text{ for H equal to or greater than 25 feet}$$

where: H = the average depth of wastes and reasonable intermediate cover in the landfill; and

(2) The closure and post-closure plans required in §§ 265.112 and 265.117 provide for the design and maintenance of the final cover, including the final contour and slope of the final cover, sufficient to accommodate the subsidence and distortion of the final cover that may result from the deterioration of the containers placed in the landfill. The closure plan must provide for the stockpiling or other on-site availability of materials to repair subsidence damage to the final cover that might occur during the post-closure period; and

(3) The containers holding free liquids are placed in a uniform and compact manner in the landfill.

(c) For the purposes of paragraph (b) of this section, all containers are presumed to be containers holding free liquids unless:

(1) The container is very small, such as an ampule; or

(2) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or

(3) The container is a lab pack as defined in § 265.316, and is disposed of in accordance with § 265.316; or

(4) The owner or operator can demonstrate that a representative sample of the waste in the container does not contain any free liquids.

(d) The demonstration requirement of paragraph (c)(4) of this Section can be met if a 100 ml representative sample of the waste from a container can be completely retained in a standard 400 u conical paint filter for five minutes without loss of any portion of the waste from the bottom of the filter (or an equivalent test approved by the Administrator under the procedures set forth in §§ 260.20 and 260.21 indicates no liquids or free liquids in the waste).

(e) Where containers holding free liquids are disposed in only a portion of a landfill, the formula of paragraph (b)(1) of this Section must apply only to that portion of the landfill.

(f) The date for compliance with paragraph (a) of this Section is November 19, 1981. The date for compliance with paragraphs (b) through (e) of this section is March 29, 1982.

[FR Doc. 82-4900 Filed 2-24-82; 8:45 am]

BILLING CODE 6560-30-M

federal register

Thursday
February 25, 1982

Part III

Department of Energy

Economic Regulatory Administration

Applications for Authorization To Import Natural Gas From Canada and for Recertification of the Use of Natural Gas To Displace Fuel Oil

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 82-01-NG]

Natural Gas Imports; Natural Gas Pipeline Company of America; Application for Authorization To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application from Natural Gas Pipeline Company of America (Natural) for authorization to import 100,000 Mcf per day of natural gas to be purchased from TransCanada PipeLines Limited (TransCanada) beginning November 1, 1984, or as soon thereafter as feasible, and extending for a period of ten years from the date of first delivery. The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on March 29, 1982.

FOR FURTHER INFORMATION CONTACT:

Robert M. Stronach (Oil and Gas Imports Division), Economic Regulatory Administration, 2000 M Street NW., Room 6304, RG–631, Washington, D.C. 20461, (202) 653–3626

Sue D. Sheridan (Office of General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Avenue SW., Forrestal Building, Room 6E–042, Washington, D.C. 20585, (202) 252–6667.

SUPPLEMENTARY INFORMATION: On January 11, 1982, Natural filed an application to import 100,000 Mcf of natural gas per day for a period of ten years, for a total quantity of 365 Bcf. The gas is to be purchased from TransCanada under a pro forma "Gas Purchase Contract" pursuant to the terms of a "Precedent Agreement" between the two companies dated January 29, 1981. The gas is to be delivered initially by TransCanada to Great Lakes Gas Transmission Company (Great Lakes), at the two companies' existing interconnection on the international border near Emerson, Manitoba. Based upon its preliminary discussions with Great Lakes and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), Natural states that it anticipates that Great Lakes will then transport the gas for the account of Natural to a point or points of interconnection with Michigan Wisconsin. In turn, Michigan Wisconsin will transport the gas to a point of interconnection with natural near Woodstock, Illinois, or other mutually agreeable point or points of interconnection. TransCanada has filed an application with the National Energy Board of Canada (NEB) for authorization to export the gas for sale to Natural.

According to the proposed "Gas Purchase Contract," deliveries are to begin on November 1, 1984, or as soon thereafter as practicable, contingent upon the parties obtaining the requisite governmental authorizations and upon the completion of any necessary facilities. An additional period of up to one year is provided, if necessary, to enable Natural to take any gas not previously delivered by TransCanada and/or to make up gas previously paid for but not taken during the intitial ten-year period. The price of the gas to be imported will be the authorized international border price, currently $4.94 per MMBtu. The proposed contract also contains a provision whereby Natural will take or pay for a minimum annual quantity of 75 percent of the daily contract quantity times the number of days in the contract year, less the difference between the daily amounts requested and the actual amounts delivered.

In support of its application, Natural states that the proposed additional import of natural gas represents an important part of the total supply that it plans to acquire to meet anticipated customer demands after 1984. Natural states that it must constantly seek new supplies in an effort to replace declining existing reserves and maintain a favorable gas supply situation over the long term. In identifying and contracting for future supplies, Natural states that it is important that they be from as many sources as possible to lessen the effect of interruption or termination of any one source. Natural states that Canada has proven to be a reliable source of gas that is relatively close to its primary service area.

Other Information

Any person wishing to become a party to the proceeding, and thus to participate in any conference or hearing which might be convened, must file a petition to intervene. Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Branch, Oil and Gas Imports Division, Economic Regulatory Administration, Room 6304, RG–631, 2000 M Street, NW., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., March 29, 1982.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by ERA, or if ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for a hearing should demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Natural's application is available for inspection and copying in the Natural Gas Branch Docket Room, located in Room 6013, 2000 M Street, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on February 19, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-5001 Filed 2-24-82; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 82-CERT-002]

Salt River Project Agricultural Improvement and Power District; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On March 21, 1981, Salt River Project Agricultural Improvement and Power District (Salt River Project), P.O. Box 1980, Phoenix, Arizona 85001, was granted a certificate of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administrator (ERA) (Docket No. 81–CERT–003]. The certification involved the purchase of natural gas from Consumers Power Company for use by Salt River Project at its Agua Fria Steam Plant in Glendale, Arizona, and its Kyrene Steam Plant in Tempe, Arizona. That certificate will expire on March 20, 1982.

On January 22, 1982, Salt River Project filed an application for recertification of an eligible use of the identical volume of natural gas to displace fuel oil at the above steam plants and its Santan

Steam Plant in Gilbert, Arizona, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Natural Gas Branch Docket Room, Room 6013, RG–631, 2000 M Street, NW., Washington, D.C. 20461, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Salt River Project states that the volume of natural gas for which it requests recertification is approximately 19,106,000 Mcf per year. This volume is estimated to displace the use of approximately 1,850,000 barrels per year of residual fuel oil (0.9 percent sulfur) and 93,000 barrels per year of distillate fuel oil (0.5 percent sulfur) at its Agua Fria plant; 306,000 barrels per year of residual fuel oil (0.9 percent sulfur) and 100,000 barrels per year of distillate fuel oil (0.5 percent sulfur) at its kyrene plant; and 749,000 barrels per year of distillate fuel oil (0.5 percent sulfur) at its Santan plant. The eligible seller of the natural gas is Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201. The gas will be transported by Panhandle Eastern Pipe Line Company, P.O. Box 1642, Houston, Texas 77001; Trunkline Pipe Line Company, P.O. Box 1642, Houston, Texas 77001; the Natural Gas Pipeline Company of America, 122 S. Michigan Avenue, Chicago, Illinois 60603; and the El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978, all of which are interstate pipelines.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 6304, RG–631, 2000 M Street NW., Washington, D.C. 20461; Attention: Paula Daigneault; within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Salt River Project and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., February 19, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–5002 Filed 2–24–82; 8:45 am]

BILLING CODE 6450–01–M

Reader Aids

Federal Register

Vol. 47, No. 38

Thursday, February 25, 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, FEBRUARY

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

3.....8151

3 CFR

Administrative Orders:

Presidential Determinations:

No. 82-4 of January 28, 1982.....6417
No. 82-5 of February 2, 1982.....6419

Executive Orders:

February 26, 1852 (Revoked in part by PLO 6120).....5423
January 26, 1867 (Revoked by PLO 6151).....7230
March 15, 1872 (Revoked by PLO 6125).....5425
July 15, 1875 (Revoked in part by PLO 6154).....7232
July 14, 1884 (Revoked in part by PLO 6118).....5422
December 14, 1886 (Revoked in part by PLO 6131).....6646
November 3, 1905 (Revoked by PLO 6151).....7230
February 10, 1908 (Revoked by PLO 6131).....6646
July 2, 1910 (Revoked by PLO 6141).....6854
July 2, 1910 (Revoked in part by PLO's 6140, 6141, 6157, 6164 and 6166).....6853, 6854, 7233, 7236, 7237
July 9, 1910 (Revoked by PLO 6146).....6856
December 28, 1910 (Revoked by PLO 6140).....6853
July 26, 1911 (Revoked in part by PLO 6128).....6849
February 17, 1912 (Revoked in part by PLO 6164).....7236
March 22, 1912 (Revoked in part by PLO 6141).....6854
March 23, 1912 (Revoked in part by PLO 6164).....7236
September 23, 1912 (Revoked by PLO 6156).....7232
January 16, 1913 (Revoked by PLO 6108).....5418
April 21, 1914 (Revoked by PLO 6140).....6853
August 31, 1914 (See PLO 6140).....6853
March 3, 1915 (Revoked in part by PLO 6169).....7239
July 19, 1915 (Revoked in part by PLO 6141).....6854
October 13, 1916 (Revoked in part by PLO 6115).....5421
August 16, 1917 (Revoked in part by PLO 6157).....7233
September 29, 1917 (Revoked in part by PLO 6157).....7233
February 25, 1919 (Revoked in part by PLO 6160).....7234
April 30, 1919 (Revoked in part by PLO 6122).....5424
March 8, 1920 (Revoked in part by PLO 6110).....5419
May 25, 1921 (Revoked by PLO 6163).....7236
April 15, 1922 (Revoked by PLO 6163).....7236
November 27, 1922 (Revoked by PLO 6163).....7236
February 8, 1923 (Revoked by PLO 6135).....6851
March 10, 1924 (Revoked by PLO 6105).....5417
November 20, 1925 (Revoked by PLO 6163).....7236
April 17, 1926 (Revoked in part by PLO's 6138 and 6158).....6852, 7233
February 23, 1928 (Revoked by PLO 6105).....5417
February 13, 1929 (Revoked in part by PLO 6160).....7234

October 28, 1929
(Revoked by PLO 6163)....7236
July 25, 1941
(Revoked in part by PLO 6148)....6429
March 27, 1943
(Revoked in part by PLO 6148)....6429
April 7, 1944
(Revoked in part by PLO 6148)....6429
July 3, 1946
(Revoked in part by PLO 6148)....6429
1327 (Revoked by PLO 6139)....6852
2029 (Revoked by PLO 6125)....5425
3140 (See PLO 6125)....5425
4097 (Revoked by PLO 6147)....6857
4178 (Revoked by PLO 6145)....6856
5344 (Revoked by PLO 6163)....7236
5594 (Revoked by PLO 6163)....7236
6721 (Revoked by PLO 6137)....6852
7471 (Revoked by PLO 6109)....5419
7555 (Revoked by PLO 6144)....6856
8124 (Revoked by PLO 6117)....5422
9036 (Revoked by PLO 6130)....7230
10830 (See EO 12345)....5189
11562 (Revoked by EO 12345)....5189
12242 (Revoked by 12346)....5993
12260 (Amended by EO 12347)....8149
12344....4979
12345....5189
12346....5993
12347....8149

Proclamations:

4640 (See Proc. 4901)....7997
4893....4673
4894....5401
4895....5871
4896....5871
4897....6813
4898....6815
4899....7611
4900....7823
4901....7997

5 CFR

Proposed Rules:

890....6283, 6433

7 CFR

2....7387
52....5875–5880
68....6245
225....6790
301....4675, 5191, 6247
718....5403
905....5192, 5699, 6247, 6421, 7203
907....5403, 6248, 7435, 8151
910....5404, 6421, 7388
921....5995
928....6422
958....7999
979....6421
987....4489
989....5883
993....7388
1004....5193
1139....7203
1421....5995
1435....8000
1701....5884, 7825
1900....5699
1951....6423

Proposed Rules:

273....6433
282....6433
319....4693
945....7676
1093....5124
1094....7676
1464....7436
1701....5901
1944....8016
1980....7437
1990....7437

8 CFR

212....5990, 8005

9 CFR

53....5995
71....7825
82....5700, 7389
92....6609
113....5194, 6817
318....7613
331....7390
354....5196
381....7390, 7613

Proposed Rules:

201....4668
203....4668

10 CFR

Ch. I....5010
2....4490
9....4676
11....5197
15....7615
40....7205
50....4497, 5010
110....6610
477....5688
516....4493

Proposed Rules:

50....8203
73....6657–6659
378....6283
794....6776

12 CFR

1....5701
226....7391
265....4981
545....4498
546....8152
563....5996, 8152
721....8006
723....8006
724....8006
749....8006

Proposed Rules:

531....8204
561....8026
563....8026, 8204
721....8027
747....7441

13 CFR

101....4676, 4981, 6611
302....5997
308....5997

14 CFR

21....8154
39....4498–4501, 5197, 5199, 5707, 5708, 6611, 7206–7209, 7620, 7621, 8155–8157
47....8158
71....4502, 5200, 5708, 5709, 6249–6251, 6613, 7622, 8159, 8160
73....4503, 4504, 5709, 6252
91....7816, 8161
95....8163
97....5201, 5710, 7623
203....7210
205....4982
212....8006
300....5202
302....5203, 7393
305....5203
323....7393
377....7211
380....5204
385....5204, 5205

Proposed Rules:

Ch. I....4523
39....4523, 5231, 6284
71....4527, 4528, 5231, 5726, 6284–6286, 7677, 8206
73....4529
91....5727
207....7443
208....7443
212....7443
250....7261
254....5232
294....7443
298....7443
380....7443
389....7846

15 CFR

30....7213
370....5206
372....5206
373....5206
374....5206
376....5206
377....5206
378....5206
379....5206
386....5206
399....5884, 6614
935....5211
936....5211
970....5966, 8171

Proposed Rules:

371....4677
806....4530

16 CFR

4....7826
13....5885, 6252, 6423, 6817–6825, 7625
1610....8136
1611....8136

Proposed Rules:

13....4532, 7853
460....6026
1306....6436
1610....8139
1611....8139

17 CFR

10....5998
12....5998
140....7636
200....4982, 7827
211....5215
230....5215
240....5215, 5404, 7399
250....5215, 5216
260....5215
270....5215
275....5215

Proposed Rules:

34....7677
270....5428

18 CFR

2....6253
4....6826
35....6826
157....6263
260....6263
271....4504, 5224, 6423, 6424

Proposed Rules:

Ch. X....6029
271....4535, 5237, 6028, 6437–6439, 6883, 6884, 7451–7454
273....4535, 6439
274....4535, 6439
290....5437

19 CFR

4....5225
101....4985, 5406
111....6615
171....7408
201....6182
207....6182
210....6182

Proposed Rules:

4....4535
101....7455
113....7456

20 CFR

208....7636
210....7636
216....7636
217....7636
219....7636
221....7636
230....7636
232....7636
237....7636
238....7636
404....5999, 8171

Proposed Rules:

404....7261
416....6885, 7261

21 CFR

81....4677

136 6425
137 6425
145 6426
184 7410
193 8007
404 4985
416 4985
436 6615
444 7827
510 5407
520 5407
522 ..... 4678, 5408, 5409
524 5410
546 4678
552 6616
558 ..... 6617, 7410, 7828
601 6617
740 7829

Proposed Rules:
193 6886
203 ..... 7200, 7458
561 6887
862 4802
1308 6888

22 CFR
41 5990

Proposed Rules:
203 4535

23 CFR
511 6266
662 8172
740 6618

Proposed Rules:
230 4536
625 5238
655 5238
771 6287
790 6287
795 6287
1205 5254

24 CFR
Ch. V 5886
Ch. IX 5886
Ch. XX 5886
81 5410
207 ..... 4507, 5886, 6619
300 5226
570 7982
3282 5887
3610 5886

Proposed Rules:
200 6893

26 CFR
1 ..... 4508, 6002
5e 4680
7 4681
48 6004
142 6004
144 6004
301 5712
304 5712

Proposed Rules:
1 ..... 5902, 64440, 6894, 8028, 8029
31 ..... 6440, 6894
301 5728

27 CFR

Proposed Rules:
1 4694
9 5011

28 CFR
0 4989
2 5411
50 8172

Proposed Rules:
31 5982

29 CFR
1903 6426
1952 ..... 5888, 5889
1953 5891
2610 8174
2619 6426

Proposed Rules:
1903 6534
1910 5906
1926 5910

30 CFR
221 8175
250 6620
915 7829
916 4513
920 7214
926 6266
936 7217
946 8008
950 7218

Proposed Rules:
700 5728
701 5728
764 5728
770 5728
771 5728
779 5728
780 5728
783 5728
784 5728
785 5728
786 5728
788 5728
816 ..... 5728, 7384
817 ..... 5728, 7384
825 5728
828 5728
906 ..... 4694, 8207
915 6029
917 8030
931 7855
936 7262
942 6031
944 ..... 7264, 7266
946 5013

32 CFR
198 7411
199 7220
297 5892
706 ..... 4989, 6008-6010, 7222
754 6011
1602 ..... 4640, 5716, 7411
1603 7411
1604 7411
1605 ..... 4640, 5716, 7411
1608 7223
1609 ..... 4640, 5716, 7411
1618 ..... 4640, 5716, 7411
1621 ..... 4640, 5716, 7411
1622 7411
1623 7411
1624 ..... 4640, 5716, 7411
1625 7411
1626 7411
1627 ..... 4640, 5716, 7411
1628 7411
1630 ..... 4640, 5716, 7411
1631 7411
1632 7411
1633 ..... 4640, 5716, 7411
1636 ..... 4640, 5716, 7411
1639 ..... 4640, 5716, 7411
1641 7411
1642 ..... 4640, 5716, 7411
1645 ..... 4640, 5716, 7411
1648 ..... 4640, 5716, 7411
1651 ..... 4640, 5716, 7411
1653 ..... 4640, 5716, 7411
1655 7411
1659 ..... 4640, 5716, 7411
1661 7411
1662 7223
1665 7223
1680 7411

33 CFR
84 7657
85 7657
86 7657
110 6268
117 7657
164 6269
165 7658
174 8175

Proposed Rules:
100 4515
110 ..... 6288, 6660
117 ..... 4516, 4517, 5729, 8212
165 4515
204 4990

34 CFR
539 7659
624 6826
625 6826
626 6826
627 6826
643 7604
650 7659
695 7659
708 7659
714 7659
740 7659

Proposed Rules:
74 ..... 6584, 6598
76 ..... 6584, 6598
78 ..... 6584, 6598
200 6584
201 6584
298 6598
369 5439
370 5439
371 5439
372 5439
373 5439
374 5439
375 5439
378 5439
379 5439

35 CFR
70 8176

36 CFR

Proposed Rules:
219 7678

37 CFR

Proposed Rules:
202 5259

38 CFR

Proposed Rules:
3 ..... 6290, 6291
21 7460

39 CFR
10 ..... 7830, 7831
111 ..... 6270, 6826, 8178
775 5716

Proposed Rules:
266 6295

40 CFR
51 5864
52 ..... 4991, 5411, 5716, 5892, 6011-6017, 6274, 6427, 6621-6624, 6827-6829, 7227, 7660-7662, 7834-7837, 8009
55 5893
60 7665
61 7665
62 ..... 5900, 7666
81 ..... 6428, 6628, 7228
86 6629
122 ..... 4992, 8304
123 ..... 5412, 5413, 6831, 8010
146 4992
180 ..... 5001, 5002, 6018, 6019, 6832, 8011-8013
205 7186
256 ..... 6638-6643, 6833, 6834
262 7841
264 ..... 7841, 8304
265 ..... 7841, 8304
403 5413
405 6835
406 6835
407 6835
422 6835
424 6835
426 6835
429 6835
432 6835
1517 6276

Proposed Rules:
32 7194
35 ..... 4704, 7461
52 ..... 4704, 5014, 5015, 5439, 5729, 5912, 6296, 6441, 7267, 7696, 7856, 8212
65 6442
80 ..... 7812, 7814
81 ..... 5440, 6661
120 6662
122 ..... 4706, 5262, 5731
123 ..... 5262, 5731, 5732, 6297, 6298, 6443-6445, 6662
124 ..... 5262, 5731
146 ..... 5262, 5731
180 ..... 6033, 6299, 6894, 6896, 8030
260 4706
264 4706
265 ..... 4706, 8307
266 4706
403 ..... 4518, 6897

41 CFR
Ch. 1 6021
Ch. 18 8179

3–1 ..... 5413, 6837
3–7 6837
5B–1 6643
5B–2 6643
101–26 4681
101–36 7411
101–37 8014
101–43 8192
101–47 4521
105–62 5416
105–735 6848

Proposed Rules:
3–3 6034
101–41 ..... 4707, 4709, 7461

42 CFR

100 7230

Proposed Rules:
59 7699
405 ..... 5263, 6556
421 7269

43 CFR

230 6277
1780 6428
3200 5004

Public Land Orders:
5 (Revoked in part by PLO 6127) 6277
329 (Revoked in part by PLO 6114) 5421
642 (Revoked in part by PLO 6165) 7237
694 (Revoked in part by PLO 6170) 7414
725 (Revoked in part by PLO 6167) 7238
1381 (Revoked in part by PLO 6170) 7414
1467 (Revoked in part by PLO 6170) 7414
1481 (Revoked in part by PLO 6170) 7414
1492 (Revoked in part by PLO 6170) 7414
1493 (Revoked in part by PLO 6170) 7414
1494 (Revoked in part by PLO 6170) 7414
1510 (Revoked in part by PLO 6170) 7414
1605 (Revoked in part by PLO 6170) 7414
1659 (Revoked in part by PLO 6170) 7414
1686 (Revoked in part by PLO 6170) 7414
1687 (Revoked in part by PLO 6170) 7414
1746 (Revoked in part by PLO 6170) 7414
1825 (Revoked in part by PLO 6170) 7414
1835 (Revoked by PLO 6121) 5423
1868 (Revoked in part by PLO 6149) 6857
1873 (Revoked in part by PLO 6170) 7414
1884 (Revoked in part by PLO 6170) 7414
1901 (Revoked in part by PLO 6170) 7414
1915 (Revoked in part by PLO 6170) 7414
1943 (Revoked in part by PLO 6170) 7414
1978 (Revoked by PLO 6121) 5423
2101 (Revoked by PLO 6116) 5422
2279 (Revoked in part by PLO 6170) 7414
2280 (Revoked in part by PLO 6170) 7414
2282 (Revoked in part by PLO 6170) 7414
2286 (Revoked in part by PLO 6170) 7414
2297 (Revoked in part by PLO 6170) 7414
2302 (Revoked in part by PLO's 6167 and 6170) 7238, 7414
2314 (Revoked in part by PLO 6170) 7414
2390 (Revoked in part by PLO 6170) 7414
2553 (Revoked in part by PLO 6170) 7414
2558 (Revoked in part by PLO 6170) 7414
2589 (Revoked in part by PLO 6170) 7414
2624 (Revoked in part by PLO 6170) 7414
2625 (Revoked in part by PLO 6170) 7414
2656 (Revoked by PLO 6107) 5418
2732 (Revoked in part by PLO 6170) 7414
2783 (Revoked in part by PLO 6170) 7414
2785 (Revoked in part by PLO 6170) 7414
2855 (Revoked in part by PLO 6134) 6851
2922 (Revoked in part by PLO 6170) 7414
2976 (Revoked in part by PLO 6170) 7414
3051 (Revoked in part by PLO 6170) 7414
3092 (Revoked in part by PLO's 6167 and 6170) 7238, 7414
3143 (Revoked in part by PLO 6170) 7414
3149 (Revoked in part by PLO 6170) 7414
3500 (Revoked in part by PLO's 6103 and 6168) 5416, 7238
3677 (Revoked in part by PLO 6127) 6277
3769 (Revoked in part by PLO 6170) 7414
4036 (Revoked in part by PLO 6149) 6857
4061 (Revoked in part by PLO 6149) 6857
4248 (Revoked by PLO 6124) 5424
4579 (Revoked in part by PLO 6170) 7414
4928 (Revoked in part by PLO 6170) 7414
5107 (Revoked in part by PLO 6170) 7414
5109 (Revoked by PLO 6123) 5424
5121 (Revoked in part by PLO 6170) 7414
5952 (Revoked by PLO 6126) 5003
6025 (Corrected by PLO 6106) 5418
6102 5416
6103 5416
6104 5003
6105 5417
6106 5418
6107 5418
6108 5418
6109 5419
6110 5419
6111 ..... 5419, 7842
6112 5420
6113 5421
6114 5421
6115 5421
6116 5422
6117 5422
6118 ..... 5422, 7667
6119 5423
6120 5423
6121 5423
6122 5424
6123 5424
6124 5424
6125 5425
6126 5003
6127 6277
6128 6849
6129 6850
6130 7230
6131 6646
6132 6850
6133 6850
6134 6851
6135 6851
6136 6851
6137 6852
6138 6852
6139 6852
6140 6853
6141 6854
6142 6855
6143 6855
6144 6856
6145 6856
6146 6856
6147 6857
6148 6429
6149 6857
6150 6858
6151 7230
6152 7231
6153 7231
6154 7232
6155 7232
6156 7232
6157 7233
6158 7233
6159 7234
6160 7234
6161 7235
6162 7235
6163 7236
6164 7236
6165 7237
6166 7237
6167 7238
6168 7238
6169 7239
6170 7414

Proposed Rules:
426 6299

44 CFR

64 ..... 6430, 6646–6650
65 7423
67 ..... 6430, 6652, 6859
333 7239

Proposed Rules:
67 ..... 4709–4712, 5016, 6445, 6446, 6664
70 ..... 4682, 4683

45 CFR

71 7668
201 7668
205 5648
206 5648
208 7668
232 5648
233 5648
234 5648
235 5648
238 5648
239 5648
302 7425
303 7425
1206 5718
1392 7668

Proposed Rules:
302 4713
1321 5440

46 CFR

2 5720
42 5720
43 5720
44 5720
45 5720
46 5720
70 5720
71 5720
72 5720
73 5720
74 5720
90 5720
92 5720
93 5720
175 5720
177 5720
188 5720
191 5720
502 6430

Proposed Rules:
11 6300
42 ..... 5266, 7271
251 5732
401 6300

47 CFR

0 8194
2 6869
21 5724
22 ..... 5724, 6869
73 ..... 6431, 6653, 6873, 6875, 7240, 7429–7432
81 7433
83 7433
87 ..... 4684, 7433
90 ..... 5226, 6432, 7669
94 6869
97 7434

Proposed Rules:
Ch. I.....5270, 6303, 6446, 7462
1.....8214
15.....5442
21.....5732
22.....5732
31.....6039
33.....6039
42.....6039
43.....6039
73.....4537, 4538, 5271, 5734, 6039, 6452, 6897–6903, 7274, 7462–7467, 7701
81.....5735
83.....5735, 7857
97.....6305

48 CFR

Proposed Rules:
22.....6453
32.....6453
46.....6453
49.....4713

49 CFR

Ch. X.....4689
25.....6278
171.....7242
172.....7670
173.....7242–7244, 7670
179.....7670
394.....6654
526.....7245
533.....7245
571.....7250–7255
575.....7257
670.....5227
1033.....4690, 4691, 5006, 6022, 7258, 7843
1057.....6878
1100.....4691
1120.....8195
1125.....5006
1201.....6879
1241.....6879
1248.....6879
1249.....6881

Proposed Rules:
171.....4538
172.....4538
173.....4538
192.....6675
195.....6675
213.....7275
232.....7283
390.....5273
391.....5273
392.....5273
393.....5273
394.....5273
395.....5273, 7702
396.....5273
397.....5273
398.....5273
399.....5273
537.....7706
571.....4541, 7291–7293, 7711–7713, 8231, 8232
1039.....5912
1051.....6904
1125.....8031
1244.....6040
1310.....7294

50 CFR

17.....5425
611.....7674
621.....6881
671.....6655, 7675
675.....7674

Proposed Rules:
17.....6675
23.....6772, 7190
611.....6043
638.....5442, 6057
658.....6454
661.....5913
663.....6043
671.....5008, 8234

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Last Listing February 18, 1982

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.J. Res. 391/Pub. L. 97–148 Making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982. (Feb. 22, 1982; 96 Stat. 5) Price: $1.50.