AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

3-18-82
Vol. 47 No. 53
Pages 11641-11814

federal register

Thursday
March 18, 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.

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 54

Increase in Fees for Federal Meat Grading and Certification Services

AGENCY: Agricultural Marketing Service,[1] USDA.
ACTION: Final rule.

SUMMARY: This final rule amends § 54.27 of the regulations governing the grading and certification of meats, prepared meats, and meat products by increasing the fees for voluntary Federal meat grading and certification services to reflect increased program costs.

EFFECTIVE DATE: April 4, 1982.

FOR FURTHER INFORMATION CONTACT: David K. Hallett, Chief, Meat Grading and Certification Branch; Livestock, Meat, Grain, and Seed Division; Agricultural Marketing Service, USDA; Room M–1, Annex Building; Washington, D.C. 20250 (Telephone 202/382–1246).

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This action has been reviewed under Executive Order 12291 and USDA Secretary's Memorandum 1512–1 implementing Executive Order 12291, and it has been determined that this is not a major rule. Although this rule will directly affect users of Federal meat grading and certification services, it will not result in an annual effect on the economy of $100 million or more. There will be no major increase in production costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Additionally, this rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act

William T. Manley, Deputy Administrator, Marketing Program Operations, has determined that this action will not have a significant economic impact on a substantial number of small entities, because the fees merely reflect a minimal increase in the cost-per-unit graded and/or certified currently borne by those entities utilizing the services. Additionally, the increased fees will not affect normal competition in the marketplace.

Comments

On October 14, 1981, the Agricultural Marketing Service published in the **Federal Register** (46 FR 50509) an interim final rule increasing the fees for Federal meat grading and certification services, effective November 29, 1981. It was published on an interim basis with request for comments as a means of providing full public participation in the rulemaking process. Additionally, this amendment was implemented on an interim basis without a prior proposal because increased revenues were needed immediately to cover increased costs of providing service. Comments on this amendment were requested by December 31, 1981.

During the comment period, the Agency received nine letters in response to the interim final rule. Six comments were received from the general public, two from meatpacking and processing establishments, and one from a meat association.

Discussion of Comments

All nine comments reflected dissatisfaction with the fee increase; however, six of these comments were not considered substantive. The remaining three comments contained general and specific observations on increasing the fee rates and offered suggested alternatives to increasing the fees.

One comment contained an assumption that the majority of the hourly fee rate is used to recover program overhead costs; and, consequently, there was no justification for increasing the fee rates in excess of the 4.8 percent salary increase granted to Federal employees last October. Additionally, this comment expressed the opinion that increased fee rates will result in higher prices for consumers and reduce the consumer demand for graded meats. As an alternative, the comment contained a suggestion to reduce the number of Federal meat graders because of (1) increased sales volume of ungraded beef and (2) a decline in the number of Plants using meat grading and certification services.

In determining the increased fee rates, the Agency considered all costs associated with providing service. Approximately 70 percent of the fee rates is used to recover the direct costs of providing service and include the meat grader's base salary and overtime payments, the cost of the meat grader's fringe benefits such as retirement fund contributions, life and health benefit contributions, uniform allowances, and reimbursable travel and transfer costs not charged directly to applicants of the service. The remaining 30 percent of the fee rates recover all indirect costs of the services and include supervisory and clerical salaries and fringe benefits, supervisory travel, employee training, office rents, utilities, supply costs, and other Branch, Agency, and Departmental overhead costs. Because of escalating direct and indirect costs and the operational deficit incurred during fiscal year 1981, the Agency must increase the fee rates to continue providing requested services. Prior to increasing these fee rates, the Department determined that the fee increase on a cost-per-pound basis is minimal and will not have any significant adverse effects on prices for meatpackers, processors, or consumers. This determination was based on the average, nationwide cost of grading and certification, which was 11.400 cents per hundred pounds of meat. Under the increased fees, this cost is approximately 11.408 cents per hundred pounds.

Reducing the number of Federal meat graders was not considered a feasible alternative to increasing the fee rates. Although the number of plants using grading and certification services has

[1] The Commodity Services Program of the Food Safety and Quality Service of the U.S. Department of Agriculture (USDA) was transferred to the Agricultural Marketing Service of USDA by USDA Secretary's Memorandum 1000–1, issued June 17, 1981. A notice detailing the Agency's reorganization is being drafted for later publication.

declined in recent years, the number of meat graders required on a per plant basis has increased due to an increase in the certification workload of the Agency. Similarly, while there may have been an increase in the sales volume of ungraded beef, this has not resulted in less grader manpower requirements. Since there has been no significant decline overall in the national workload and the number of meat graders required to provide service, reducing the number of Federal meat graders would result in the Agency denying requested services to users.

Another comment contained a suggestion to establish different fee rates for meat certification services and for meat grading services because more meat graders are required on a per plant basis for certification than for grading. However, this alternative was not considered appropriate, because the direct and indirect costs of providing service per hour are identical for grading and certification, even though the volume examined, per meat grader, is usually higher in grading operations. This is because the cost of grading and certification work is directly related to the manpower requirements and not the amount of product. Since the Agricultural Marketing Act of 1946, as amended, provides for the collection of fees from users of the service, which are approximately equal to the costs of providing service, different fee rates would not be equitable to the industry and would require some plants to subsidize services provided to other plants.

A third comment contained a suggestion to reduce supervision and training of Federal meat graders as an alternative to increasing the fee rates. This alternative was considered by the Agency; however, as published in the interim final rule, implementing this alternative could result in less accurate and nonuniform application of the U.S. grade standards and specifications, thus causing economic inequities within the meat industry and reducing the value of the service. The uniform and accurate application of grade standards and specifications nationwide is essential to maintaining the effectiveness and integrity of grading and certification services and facilitating marketing of meat and meat products. Any decline in the effectiveness and integrity of services would result in an adverse impact on the identification of the quality of products available to consumers and on the orderly marketing of red meats.

In view of the foregoing and pursuant to the authority in 5 U.S.C. 553, it is found that other public procedure and notice with respect to these amendments are impractical and unnecessary, and good cause is found for making these amendments effective as a final rule without changes.

Accordingly, under the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the U.S. Department of Agriculture hereby amends the regulations governing the grading and certification of meats, prepared meats, and meat products (7 CFR Part 54) as follows:

PART 54—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

1. Section 54.27 is amended by revising paragraph (a) to read as follows:

§ 54.27 Fees and other charges for service.

* * * * *

(a) *Fees based on hourly rates.* Except as otherwise provided in this section, fees for service shall be based on the time required to render the service, calculated to the nearest 15-minute period, including time required for the preparation of certificates and travel of the official grader in connection with the performance of service. A minimum charge of one-half hour shall be made for service pursuant to each request notwithstanding that the time required to perform service may be less than 30 minutes. The base hourly rate shall be $23.20 per hour for work performed between the hours of 6 a.m. and 6 p.m., Monday through Friday, except on legal holidays; $28.20 per hour for work performed before 6 a.m. or after 6 p.m., Monday through Friday, and anytime Saturday or Sunday, except on legal holidays; and $46.40 per hour for all work performed on legal holidays.

* * * * *

(Agricultural Marketing Act of 1946, as amended, Secs. 203 and 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., March 15, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-7427 Filed 3-17-82; 8:45 am]

BILLING CODE 3410-02-M

Federal Crop Insurance Corporation

7 CFR Ch. IV

Crop Insurance Regulations—Various General Amendment—Application for Insurance

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends certain regulations for insuring crops, effective with the 1982 crop year, by replacing the current application form which applies only to each named crop with a new multi-crop application form. This will eliminate the need for filing a separate application form for each crop to be insured. The intended effect of this rule is to eliminate unnecessary duplcation of effort, preparation, and paper, which will benefit the policyholder and make administration of the crop insurance program more efficient. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: March 18, 1982.

ADDRESS: Comments on this final rule may be sent to the Office of the Chairman, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3325.

The Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981), and has been classified as "not significant."

On Friday, September 25, 1981, the Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking which would amend certain regulations for insuring crops by changing the present application for crop insurance. The regulations for each individual crop insurance program are contained in separate CFR Parts and each contains an application for crop insurance which names the crop to be insured. If a producer grows more than one crop and wishes to insure each one, a separate application is filed for each

crop to be insured. These separate applications are then processed by FCIC. This has been determined to be unnecessary and duplicative for both the applicant and FCIC. By using the multi-crop application outlined below, the applicant will complete only a single application, entering all the crops to be insured. Upon acceptance, the applicant will be furnished the policies and appendixes for each crop listed on the application and a worksheet to provide an example of how the insurance will apply to a particular crop.

This final rule will have no effect on present policyholders but will affect future applicants for crop insurance.

The public was invited to submit written comments on the proposed rule. One comment was received from the National Association of Crop Insurance Agents which merely confirmed that, at the time the sale is made, the applicant would receive policies and appendixes for all crops listed on the application and a worksheet to indicate how the program would work. No other comment was received.

Melvin E. Sims, Chairman, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons in accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), and (3) this action conforms with the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this General Amendment to the crop insurance regulations listed below applies are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically on area and community development; therefore, review as established by the Office of Management and Budget (OMB) Circular A–95 was not used to assure units of local government are informed of this action.

It has been determined that this action does not constitute a review as to the need, currency, clarity, and effectiveness of the regulations listed below under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). The sunset review date for each of the regulations is provided herein as an adjunct to the list of regulations affected by this rule.

Information collection requirements contained in the regulations to which this rule applies have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control numbers 0563–0003 and 0563–0007.

Final Rule

Accordingly, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends 7 CFR Ch. IV as follows:

1. The authority citation for Parts 402–404, 408–411, 413–425 and 427–439 reads as follows:

Authority: Secs. 501 et seq., Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1501 et seq.).

SUNSET REVIEW

	Sunset review date
7 CFR 439.7(d) Almond Crop Insurance Regulations.	Sept. 2, 1985.
7 CFR 408.7(d) Eastern United States Apple Crop Insurance Regulations.	May 30, 1985.
7 CFR 404.7(d) Western United States Apple Crop Insurance Regulations.	July 14, 1985.
7 CFR 419.7(d) Barley Crop Insurance Regulations.	July 19, 1984.
7 CFR 409.7(d) Arizona-California Citrus Crop Insurance Regulations.	June 1, 1986.

SUNSET REVIEW—Continued

	Sunset review date
7 CFR 410.7(d) Florida Citrus Crop Insurance Regulations.	Jan. 30, 1986.
7 CFR 413.7(d) Texas Citrus Crop Insurance Regulations.	May 30, 1985.
7 CFR 432.7(d) Corn Crop Insurance Regulations.	Nov. 26, 1984.
7 CFR 421.7(d) Cotton Crop Insurance Regulations.	Sept. 28, 1984.
7 CFR 433.7(d) Dry Bean Crop Insurance Regulations.	Nov. 29, 1984.
7 CFR 423.7(d) Flax Crop Insurance Regulations.	Nov. 26, 1984.
7 CFR 415.7(d) Forage Production Crop Insurance Regulations.	June 1, 1985.
7 CFR 414.7(d) Forage Seeding Crop Insurance Regulations.	June 1, 1985.
7 CFR 420.7(d) Grain Sorghum Crop Insurance Regulations.	Sept. 20, 1984.
7 CFR 411.7(d) Grape Crop Insurance Regulations.	May 30, 1985.
7 CFR 427.7(d) Oat Crop Insurance Regulations.	Oct. 22, 1984.
7 CFR 425.7(d) Peanut Crop Insurance Regulations.	Nov. 28, 1984.
7 CFR 416.7(d) Pea Crop Insurance Regulations.	Jan. 28, 1986.
7 CFR 403.7(d) Peach Crop Insurance Regulations.	May 30, 1985.
7 CFR 422.7(d) Potato Crop Insurance Regulations.	July 25, 1985.
7 CFR 402.7(d) Raisin Crop Insurance Regulations.	June 25, 1984.
7 CFR 424.7(d) Rice Crop Insurance Regulations.	Nov. 26, 1984.
7 CFR 429.7(d) Rye Crop Insurance Regulations.	Oct. 22, 1984.
7 CFR 431.7(d) Soybean Crop Insurance Regulations.	Nov. 8, 1984.
7 CFR 430.7(d) Sugar Beet Crop Insurance Regulations.	June 19, 1984.
7 CFR 417.7(d) Sugarcane Crop Insurance Regulations.	June 21, 1984.
7 CFR 428.7(d) Sunflower Crop Insurance Regulations.	Nov. 26, 1984.
7 CFR 437.7(d) Sweet Corn Crop Insurance Regulations.	Aug. 18, 1985.
7 CFR 434.7(d) Tobacco (Dollar Plan) Crop Insurance Regulations.	Dec. 20, 1984.
7 CFR 436.7(d) Tobacco (Guarantee Plan) Crop Insurance Regulations.	Dec. 20, 1984.
7 CFR 435.7(d) Tobacco (Quota Plan) Crop Insurance Regulations.	Dec. 19, 1984.
7 CFR 438.7(d) Tomato Crop Insurance Regulations.	Oct. 14, 1984.
7 CFR 418.7(d) Wheat Crop Insurance Regulations.	June 1, 1984.

2. The Application and Policy sections of the above regulations are hereby amended by removing the application as found in the above-cited regulations and substituting the following therefor:

BILLING CODE 3410-08-M

Rev (9-81)

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION

CROP INSURANCE APPLICATION

CONTINUOUS CONTRACT

1 Name of Applicant — 6 State ☐☐ - County ☐☐☐ - 7 Contract Number ☐☐☐☐☐

2 Agent, Administrator, Executor, Etc. — 8 County ☐☐☐ — 9 State ☐☐

3 Street or Mailing Address — 10 Identification Number ☐☐☐☐☐☐☐☐☐ — 11 SSN - TAX

4 City and State — 5 ZIP Code — 12 Type of Entity

13 Applicant is Over 18: Yes____ No____ If No, Date of Birth _____

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the crop(s) shown below planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and, where applicable, a price election or plan of insurance. **THE PREMIUM RATE AND APPLICABLE PRODUCTION GUARANTEE OR AMOUNT OF INSURANCE PER ACRE SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.**

14 Effective Crop Year	15 Crop	16 Type, Class Plan of Ins.	17 Price Election	18 Level Election	19	20 For Agency Use Only (A)	21 For Agency Use Only (P)
					☐		
					☐		
					☐		
					☐		
					☐		
					☐		
					☐		
					☐		

22 Crop(s) **NOT** insured the first year: _____ _____ _____

B. This application is accepted by the Corporation unless the applicant is notified of rejection within 30 days of the date hereof. Rejection shall be accomplished by depositing notification thereof in the United States Mail, postage paid, to the above address. Rejection may be for any reason which would also serve as a basis for termination under the policy, the Federal Crop Insurance Act, or the regulations issued thereunder. Outstanding and delinquent indebtedness to any United States Government Agency may be grounds for rejection. The contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, **AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED** as provided in the contract. This accepted application, the insurance policy(ies), the attached appendix(es), and the provisions of the county actuarial table showing the insurable and uninsurable acreage, coverage levels, premium rates, and where applicable, the production guarantees, amounts of insurance, or plan of insurance shall constitute the contract. No term or condition of the contract shall be waived or changed except in writing by the Corporation. A material failure to include complete and accurate information on this application may invalidate the automatic acceptance provision hereof.

23 ☐ Applicant has received the policy(ies) and appendix(es) for the crop(s) shown above.

24 ☐ Previous Carrier _____ 25 Policy Number _____

26 Applicant's Signature _____ 27 Date _____, 19__ 28 Code No. ☐☐☐☐☐ 29 Witness to Signature _____

30 Location of Farm Headquarters	31 Address of Your Service Office
Phone	Phone

SEE REVERSE SIDE OF FORM FOR STATEMENT REQUIRED BY PRIVACY ACT OF 1974

32 N S I O T - F U R

33 Page____ of ____ pages

BILLING CODE 3410-08-C

Done in Washington, D.C., on March 10, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: March 10, 1982.

Approved by:

Melvin E. Sims,

Chairman.

[FR Doc. 82-7367 Filed 3-17-82; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 425

[Amdt. No. 5]

Peanut Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: This rule amends the Peanut Crop Insurance Regulations effective with the 1982 and succeeding crop years to incorporate changes made necessary by the passage of the Farm Bill. The principal changes are contained in the "Policy" and "Terms and Conditions" sections of the regulations and include providing for protection of both quota and nonquota (additional) peanuts; providing separate price elections for quota and nonquota (additional) peanuts; and providing a replanting provision to benefit policyholders by covering the cost involved in replanting peanuts. This action is promulgated under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*).

DATES: This interim rule is effective March 18, 1982.

Comment period dates: The Federal Crop Insurance Corporation is soliciting public comment on this interim final rule for 60 days following publication. Written comments must be submitted not later than May 17, 1982, to be sure of consideration.

ADDRESS: All written comments on this interim rule should be sent to the Office of the Chairman, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3325.

The Impact Statement describing the options considered in developing this interim rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981) and has been classified as "not significant."

Melvin E. Sims, Chairman, Federal Crop Insurance Corporation (FCIC), has determined that an emergency situation exists which warrants immediate implementation of this rule without allowing for the normal 60-day comment period because the Peanut Crop Insurance Regulations (7 CFR Part 425) provide that any amendments to the regulations must be placed on file 15 days prior to the cancellation date in order to allow policyholders sufficient time to decide on their insurance plans. In 47 FR 6, January 4, 1982, FCIC extended the cancellation date from December 31 to March 1, 1982, effective for the 1982 crop year only, thereby allowing sufficient time to amend the regulations and notify all policyholders of changes after passage of the Agriculture and Food Act of 1981 (Pub. L. 97-98, December 22, 1981). The amendments contained in this interim rule must be placed on file by February 16, 1982, in order to be effective for the 1982 crop year. It has been determined that there would not be sufficient time to permit a comment period and still conform with the requirements of the regulations with respect to placing the amended regulations on file 15 days prior to the cancellation date.

Pursuant to the administrative provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim action are impracticable and contrary to the public interest; and good cause is found for making this action effective less than 30 days after publication in the **Federal Register.**

Comments have been solicited for 60 days after the publication of this document, and this interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

All written submissions made pursuant to this action will be available for public inspection in the Office of the Chairman during regular business hours, Monday through Friday.

The Chairman of FCIC has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons in accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), and (3) this action conforms with the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this amendment applies are: Title—Crop Insurance; Number 10.450.

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

Information collection requirements contained in these regulations (7 CFR 425.7(d)(3) and 425.7(d)(11)) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35, and have been assigned OMB #0563-0003 and #0563-0007.

It has been determined that this action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). That review will be completed prior to the sunset review date.

The current peanut crop insurance program offers only one price election and makes no provision for a replanting benefit to minimize the production costs involved in replanting peanuts.

In addition to making minor corrections to language, this interim final rule provides protection for both quota and nonquota (additional) peanuts. A replanting provision is also included to help defray the costs involved in replanting a peanut crop.

Interim Final Rule

Accordingly, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Peanut Crop Insurance Regulations (7 CFR Part 425), effective with the 1982 and succeeding crop years, in the following instances:

PART 425—PEANUT CROP INSURANCE

1. The authority citation is amended to read as follows:

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516).

2. 7 CFR 425.7(d), the Peanut Crop Insurance Policy, is revised to read as follows:

§ 425.7 The application and policy.

* * * * *

(d) * * *

Peanut Crop Insurance Policy

Subject to the regulations of the Federal Crop Insurance Corporation (herein called "we," "us" or "our") and in accordance with the terms and conditions set forth in this policy and Appendix, we will upon acceptance of a person's (herein called "you" or "your") application insure your peanut crop against unavoidable loss of production due to causes of loss insured against that are specified in this policy. No term or condition of the contract shall be waived or changed on our behalf except in writing by a representative duly authorized by us.

Terms and Conditions

1. Causes of Loss. (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract will not cover any loss of production, as determined by us, due to (1) the neglect or malfeasance of yourself or any member of your household, your tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. Crop and Acreage Insured. (a) The crop insured will be peanuts planted for the purpose of digging, maturing and marketing as farmers' stock peanuts, as determined by us, and which are grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year will be that acreage planted to peanuts on insurable acreage as shown on the actuarial table, and your share therein as reported by you or as determined by us, whichever we shall elect: *Provided,* That insurance will not attach or be considered to have attached, as determined by us, to any acreage (1) not planted to a type shown as insurable on the actuarial table, (2) destroyed for the purpose of conforming with any other program administered by the U.S. Department of Agriculture, (3) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (4) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (5) which is destroyed and after such destruction it was practical to replant peanuts and such acreage was not replanted, (6) initially planted after the date on file in your service office which has been established by us as being too late to initially plant and expect a normal crop to be produced, or (7) planted for experimental purposes.

3. Responsibility to Report Acreage, Share, Poundage Quota and, Where Applicable, Practice. You shall submit to us on our prescribed form, a report showing (a) all acreage of peanuts planted in the county (including a designation of any acreage to which insurance does not attach) in which you have a share, (b) your share therein at the time of planting, (c) the effective poundage marketing quota, if any, applicable to the unit for the current crop year as provided under ASCS Peanut Marketing Quota Regulations and such quota shall not be subject to change by you and (d) where applicable, the practice. Such report shall be submitted each year not later than the acreage reporting date on file in your service office.

4. Production Guarantees, Coverage Levels and Prices for Computing Indemnities. (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantee per acre shall be reduced by the lesser of 250 pounds or 20 percent for any unharvested acreage.

5. Annual Premium. (a) The annual premium is earned and payable at the time of planting and the amount thereof shall be determined by multiplying the production guarantee for the unit (insured acreage times the applicable production guarantee) which may consist of quota and non-quota (additional) peanuts times the applicable price for computing indemnities, times the percentage rate, times your share at the time of planting, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

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% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE																
	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 – .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 – .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 – .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 – .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 – 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE																
	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 – 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 – 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 – 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 – 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 – 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 – 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 – 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 – 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 – 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 – Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

1/ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

2/ Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

BILLINE CODE 3410-08-C

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop year shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of the policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due us may be deducted from any indemnity payable to you by us or from any loan or payment to you under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. Insurance Period. Insurance on insured acreage shall attach at the time the peanuts are planted and shall cease upon the earliest of (a) final adjustment of a loss, (b) threshing or removal of the peanuts from the field, (c) November 30 of the calendar year in which the peanuts are normally harvested, or (d) total destruction of the insured peanut crop.

7. Notice of Damage or Loss. (a) Any notice of damage or loss shall be given promptly in writing by you to us at your service office.

(b) You must give us notice promptly if (1) you want our consent to replant insured acreage damaged by an insured cause(s): *Provided,* That in order to qualify for a replanting payment, such acreage shall be at least the lesser of 10 acres or 10% of the insured acreage on the unit, (2) during the growing season or after harvest but before threshing, the peanuts on any unit are damaged to the extent that you do not expect to further care for the crop or harvest any part of it, or (3) you want our consent to put the acreage to another use. No insured acreage shall be put to another use until we have made an appraisal of the potential production of such acreage and given consent in writing to such other use. Such consent shall not be given until it is too late or impractical to replant to peanuts. Notice shall also be given when such acreage has been put to another use.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, you shall give written notice thereof to us at your service office not later than *30 days* after the earliest of (1) completion of harvest or otherwise disposing of the insured crop on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire peanut crop on the unit is destroyed, as determined by us. We may provide additional time if we determine that circumstances beyond your control prevented the filing of this notice and if we will not be prejudiced by the granting of additional time.

(d) Acreage upon which a replanting payment will be claimed shall not be disturbed until written consent is given by us to replant.

(e) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall not be disturbed until we make an inspection of the acreage and release the acreage in writing for other use.

(f) We may reject any claim for indemnity if any of the requirements of this section are not met.

8. Claim for Indemnity. (a) It shall be a condition precedent to the payment of any indemnity that you (1) establish the total production of peanuts on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by us.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of peanuts on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of peanuts to be counted for the unit, (3) multiplying the remainder applicable to quota and/or non-quota (additional) production by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage, share and, where applicable, practice is more than the premium computed on the reported acreage, share and, where applicable, practice, the amount of indemnity shall be computed on the insured acreage, share and, where applicable, practice and then reduced proportionately. Any such indemnity will be reduced by the amount of any replanting payment.

(c) The total production to count shall be identified as quota and/or non-quota (additional) production by (1) counting all threshed and appraised production less than or equal to the unit's effective poundage quota as quota production and (2) counting any threshed and appraised production in excess of the unit's effective poundage quota as non-quota (additional) production.

(d) The total production to be counted for a unit shall be determined by us and shall include all threshed and appraised production as follows:

(1) Threshed production shall be the net weight in pounds shown on the United States Department of Agriculture "Inspection Certificate and Sales Memorandum."

(2) If due to insurable causes, any peanuts are damaged, the total production to be counted shall be adjusted by (i) dividing the value per pound for the insured type of peanuts by the applicable average price per pound, as determined by us, and (ii) multiplying the result thus obtained by the number of pounds of such production.

(3) Appraised production to be counted shall include (i) any appraisals made by us for potential production on harvested acres, for uninsured causes of loss, and for poor farming practices, (ii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an unnisured cause, and (iii) only the appraisal and threshed production in excess of the lesser of 250 pounds or 20 percent of the production guarantee for all other unharvested acreage.

(e) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. However, if consent is given to put acreage to another use and we determine that any such acreage (1) is not put to another use before harvest of peanuts becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

(f) To enable us to determine the net weight and quality of production of any peanuts for which a United States Department of Agriculture "Inspection Certificate and Sales Memorandum" has not been issued, we shall be given the opportunity to have such peanuts inspected and graded before you dispose of them. If you dispose of any production without giving us the opportunity to have the peanuts inspected and graded, the gross weight of such production shall be used in determining total production to count unless you submit a marketing record satisfactory to us which clearly shows the net weight and quality of such peanuts.

(g) A replanting payment shall be applicable to any insured acreage replanted after our written consent for replanting: *Provided,* That the acreage replanted is at least the lesser of 10 acres or 10% of the insured acreage for the unit. *Provided, however,* no replanting payment will be made on acreage (1) initially planted prior to the date determined as reasonable by us or (2) on which a prior replanting payment has been during the current crop year. The amount per acre of such payment will be your actual cost per acre for replanting, as determined by us. Such amount shall not exceed the lesser of 250 pounds or 20% of the production guarantee multiplied by the applicable price for computing indemnities which shall be the quota price up to and including the units effective quota and the non-quota price for any additional peanuts times the insured share: *Provided, further,* That if the premium computed on the insured acreage, share and, where applicable, practice is more than the premium computed on the reported acreage, share and, where applicable, practice, the amount of replanting payment shall be reduced proportionately.

(h) Any replanting payment will be considered as an indemnity with respect to all provisions of the policy and appendix not inconsistent with the replanting provisions.

(i) We reserve the right to determine the amount of production of unharvested peanuts on the basis of field appraisals immediately after the end of the insurance period.

9. Misrepresentation and Fraud. We may void the contract without affecting your liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. Transfer of Right to Indemnity on Insured Share. If you transfer any part of your share during the crop year, you may, on an approved form, transfer the right to an indemnity. If such form is executed, the transferee shall have the same rights and responsibilities as you had for the current crop year. *However,* we reserve the right to collect the premium from either you or your transferee or both. Your liability for payment of the premium is not affected by the transfer.

11. Records and Access to Farm. You shall keep for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all peanuts produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons we designate shall have access to such records and the farm for purposes related to the contract.

12. Life of Contract: Cancellation and Termination. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by delivering a written notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due us under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date that you sign such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State	Cancellation date	Termination date for indebtedness
All states	December 31	March 31.

(d) In the absence of a written notice from you to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix

(Additional Terms and Conditions)

1. Meaning of Terms. For the purposes of peanut crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices where applicable, insurable and uninsurable acreage, and related information regarding peanut insurance in the county.

(b) "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

(c) "Average quota support price per pound" means the average quota support price per pound for the insured type of peanuts for the crop year as announced by the United States Department of Agriculture under the current price support program. If such price is not announced by July 15 of the crop year, we may elect to use the national average support price and determine the price by type based on the differentials in effect the previous crop year: *Provided, however,* That for any crop year in which a quota support price is not in effect, the estimated average market price, as determined by us, shall be used in lieu thereof.

(d) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(e) "Crop year" means the period within which the peanut crop is normally grown and shall be designated by the calendar year in which the peanut crop is normally harvested.

(f) "Effective Farm Marketing Quota" means the farm marketing quota as established and recorded by ASCS.

(g) "Harvest" as to any acreage means the digging of the lesser of 250 pounds or 20 percent of the production guarantee per acre shown on the actuarial table of peanuts for the purpose of combining or threshing.

(h) "Insurable acreage" means the land classified as insurable by us and shown as such on the county actuarial table.

(i) "Insured" means the person who submitted the application accepted by us.

(j) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "Replanting" means performing the cultural practices necessary to replant insured acreage to the same crop.

(l) "Service office" means the office serving your contract as shown on the application for insurance or such other office as may in writing be selected by you after approval by us or designated by us upon written notice to you.

(m) "Share" means your interest as landlord, owner-operator, or tenant in the insured peanut crop at the time of planting as reported by you or as determined by us, whichever we shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed your share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by us.

(n) "Tenant" means a person who rents land from another person for a share of the peanut crop or proceeds therefrom.

(o) "Unit" means all insurable acreage of peanuts in the county on the date of planting for the crop year (1) in which you have a 100 percent share or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the peanut crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between us and you. We shall determine units as herein defined when adjusting a loss notwithstanding what is shown on the acreage report, and we have the right to consider any acreage and share reported by or for your spouse or child or any member of your household to be the bona fide share of you or any other person having the bona fide share.

(p) "Value per pound" means the "value per pound including loose shell kernels" as shown on the United States Department of Agriculture "Inspection Certificate and Sales Memorandum," except for Segregation II, III and non-quota (additional) peanuts for which the value per pound shall be determined by us.

2. Acreage Insured. (a) We reserve the right to limit the insured acreage of peanuts to any acreage limitations established under any Act of Congress, provided you are so notified in writing prior to the planting of peanuts.

(b) If you do not submit an acreage report on or before the acreage reporting date on file in your service office, we may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero." If you do not have a share in any insured acreage in the county for any year, you shall submit a report so indicating. Any acreage report submitted by you may be revised only upon approval from us.

3. Irrigated Acreage. (a) Where the actuarial table provides for insurance on an irrigated practice, you shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good irrigation practice at the time of planting.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, as determined by us, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. Annual Premium. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of your estate or surviving spouse in case of your death, (2) the contract of the person who succeeds you if such person had previously participated in the farming operation, or (3) your contract if you stop

farming in one county and start farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however*, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. Claim for and Payment of Indemnity. (a) Any claim for indemnity on a unit shall be submitted to us on our prescribed form.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to us of any insured peanut acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by us, an action on such claim may be brought against us under the provisions of 7 U.S.C. 1508(c), as amended: *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by you.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by us. *However*, in no event shall we be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by us.

(f) If you are an individual who dies, disappears, or is judicially declared incompetent, or you are an entity other than an individual and such entity is dissolved after the peanuts are planted for any crop year, any indemnity will be paid to the person(s) we determine to be beneficially entitled thereto.

(g) We reserve the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and we determine that the amount of loss cannot be satisfactorily determined.

6. Subrogation. You (including any assignee or transferee) assign to us all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by us. You thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. Termination of the Contract. (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If you are an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. Coverage Level and Price Election. (a) If you have not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which you shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) You may, with our consent, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. Assignment of Indemnity. On our prescribed form and with our approval, you may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. Contract Changes. We reserve the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to you or placed on file and made available for public inspection in your service office at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to you. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract as provided in section 12 of the policy.

11. Notices. Unless otherwise required by the contract all written notices except legal process, required by the contract or the regulations shall be effective as follows:

(a) Notices by you to be delivered to us shall be completed by: (i) personal delivery to our agent or his representative at the service office during customary and usual business hours or at the time and location of any business meeting between you and our agents; or (ii) placing the notice, with proper postage affixed, in the United States Mail, marked priority mail (first class) and correctly addressed to your Service Office or to the District Director, FCIC, for the District in which your Service Office is located. (The correct address for the District Director is available from your Service Office.)

(b) Notices by us to be delivered to you shall be completed by: (i) personal delivery to you or your representative; or (ii) mailing the notice by priority or first class mail to the address on your application or to any subsequent address provided by you, in writing, to us at the Service Office at least 30 days prior to the notice.

Approved by the Board of Directors on January 4, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: March 8, 1982.

Approved by:

Melvin E. Sims,

Chairman.

[FR Doc. 82-7383 Filed 3-17-82; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 545]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

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

EFFECTIVE DATE: March 19, 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 is 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). This action is based upon the recommendations 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 March 16, 1982 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. 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 is 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. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Section 907.845 is added as follows:

§ 907.845 Navel orange regulation 545.

The quantities of navel oranges grown in Arizona and California which may be handled during the period March 19, 1982, through March 25, 1982, are established as follows:

(1) District 1: 1,500,000 cartons;
(2) District 2: Unlimited 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: March 17, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-7566 Filed 3-17-82; 11:38 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Rule To Require Applicants To Evaluate Differences From the Standard Review Plan

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is issuing a rule that will require future applicants for operating licenses, construction permits, manufacturing licenses, and preliminary or final design approvals for standard plants to identify and evaluate differences from the acceptance criteria of the applicable revision of the Standard Review Plan (SRP) as part of the technical information to be submitted as part of an application. The SRP was originally issued in 1975 as NUREG–75/087; it describes an acceptable basis and criteria for conclusions presented in a staff Safety Evaluation Report (SER) for an application. The most recent revision to the SRP was issued in September 1981. The purpose of this rule is to improve the efficiency and effectiveness of NRC safety reviews.

EFFECTIVE DATE: May 17, 1982.

ADDRESS: Copies of the rule and related background material are available for inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. Single copies may be obtained on request from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Document Control.

FOR FURTHER INFORMATION CONTACT: Robert L. Tedesco, Assistant Director for Licensing, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301) 492–7425.

SUPPLEMENTARY INFORMATION: On October 9, 1980, the NRC published in the **Federal Register** (45 FR 67099) a Notice of Proposed Rulemaking that would require all commercial nuclear power plant licensees and applicants to document and evaluate differences from the Standard Review Plan (SRP). Interested persons were invited to submit written comments to the Secretary of the Commission by November 24, 1980. Numerous comments were received. After consideration of the comments and other factors involved, the Commission has amended the requirements as published for public comment by limiting their applicability to nuclear power plant applications docketed after the effective date of the rule.

The majority of the comments on the proposed rule (1) questioned the time permitted to comply with the requirements of the rule in consideration of the significant short-term impact on engineering resources, (2) questioned the applicability of the requirements to operating reactors, and (3) questioned why pending applications for construction permits should be subject to significantly different documentation requirements that similarly situated pending applications for operating licenses.

To allow further consideration of these comments, the Commission has decided to exclude operating reactors and pending applications for operating licenses from the requirements of the rule, at this time. The pending operating license applicants have proceeded far enough in the licensing process that the application of the rule at this time could delay licensing decisions. Further, excluding the operating reactors and pending operating license applicants will significantly reduce the impact on available short-term engineering resources. In addition, the Commission had decided to exclude pending applications for construction permits and manufacturing licenses docketed prior to the effective date of the rule, since the evaluation required of these applications could add significantly to the length of their licensing process while the evaluation could be performed later at the operating license review stage without this disadvantage. The Commission is also clarifying that the requirements of the rule are explicitly applicable to new applications for preliminary and final design approvals of standard plants and that applicants for these approvals must evaluate their application against the SRP. In the proposed rule, such requirements for standard plant applications were implicit in that it was proposed to include all CP and OL applications (including those referencing standard plant approvals) within the scope of the rule. The Commission has decided that the requirements for standard plants should be explicit to avoid any misunderstanding on this point.

In adopting this rule, the Commission wishes to make it clear that it does not intend to elevate the status of the SRP to that of a regulation. The SRP is not a regulation and compliance with it is not required. The SRP acceptance criteria are intended by the staff to provide one way, but not necessarily the only way, of complying with the Commission's regulations. The purpose of this rule is to require applicants to identify differences from the SRP acceptance criteria and to evaluate how the proposed alternatives to the SRP criteria provide an acceptable method of complying with the Commission's regulations. This will lead to improved efficiency and effectiveness of NRC safety reviews.

The Commission will publish for public comment any guidance documents the staff intends to use to implement the rule.

Paperwork Reduction Act Review

The rule will be submitted to the Office of Management and Budget for clearance of the application requirements as required by the Paperwork Reduction Act (P.O. 96–511). The SFF–83, "Request for Clearance," Supporting Statement, and related documentation submitted to OMB will be available for public inspection and copying in the NRC Public Document Room at 1717 H Street NW., Washington, D.C. 20555.

Pursuant to the Atomic Energy Action of 1954, as amended, the Energy Reorganization Act of 1974, as amended,

the Section 552 and 553, Title 5 of the United States Code, the following rule is published for codification.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246, (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat, 939 (42 U.S.C. 2152). Sections 50.78–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 50.41(i) issued under sec. 161i, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71 and 50.78 issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)), and the laws referred to in Appendices.

2. A new paragraph (f) is added to § 50.34 to read as follows:

§ 50.34 Contents of applications; technical information.

* * * * *

(f) Conformance with the Standard Review Plan (SRP).

(1)(i) Applications for light water cooled nuclear power plant operating licenses docketed after May 17, 1982 shall include an evaluation of the facility against the Standard Review Plan (SRP) in effect on May 17, 1982 or the SRP revision in effect six months prior to the docket date of the application, whichever is later.

(ii) Applications for light water cooled nuclear power plant construction permits, manufacturing licenses, and preliminary or final design approvals for standard plants docketed after May 17, 1982 shall include an evaluation of the facility against the SRP in effect on May 17, 1982 or the SRP revision in effect six months prior to the docket date of the application, whichever is later.

(2) The evaluation required by this section shall include an identification and description of all differences in design features, analytical techniques, and procedural measures proposed for a facility and those corresponding features, techniques, and measures given in the SRP acceptance criteria. Where such a difference exists, the evaluation shall discuss how the alternative proposed provides an acceptable method of complying with those rules or regulations of Commission, or portions thereof, that underlie the corresponding SRP acceptance criteria.

(3) The SRP was issued to establish criteria that the NRC staff intends to use in evaluating whether an applicant/licensee meets the Commission's regulations. The SRP is not a substitute for the regulations, and compliance is not a requirement. Applicants shall identify differences from the SRP acceptance criteria and evaluate how the proposed alternatives to the SRP criteria provide an acceptable method of complying with the Commission's regulations.

Dated at Washington, D.C., this 12th day of March 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-7425 Filed 3-17-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-ASW-10, Amdt. 39-4348]

Sikorsky Aircraft Model S-76A Helicopters Certificated in All Categories; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires modification of the DC junction box grounds to preclude simultaneous loss of both DC generators on certain Sikorsky S-76A helicopters. Loss of the generators may result in loss of equipment necessary for continuation of safe flight under instrument flight rule conditions.

DATE: Effective date March 22, 1982. Compliance as prescribed in the AD.

ADDRESSES: The applicable service bulletin may be obtained from: Sikorsky Aircraft, United Technologies Corporation, Stratford, CT 06602.

These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or at the Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue SW., Washington D.C.

FOR FURTHER INFORMATION CONTACT: Wayne Langston, ANE-153, Boston Aircraft Certification Branch, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7340.

SUPPLEMENTARY INFORMATION: A Sikorsky S-76A helicopter experienced a simultaneous failure of the Number 1 and Number 2 DC generators while in flight under instrument flight rules. While investigating this incident, it was found that the manufacturer's connections of DC junction box grounds in some S-76A helicopters failed to separate grounds for Number 1 and Number 2 generator controls. The connections may allow a single ground failure to cause loss of both generators, and this may result in the loss of equipment necessary for continuation of safe flight under instrument flight rule conditions. This condition is likely to exist in other S-76A helicopters.

The modification specified in this AD is expected to cost $7,000 for the 200 aircraft that could be affected by this AD.

Need for Amendment

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 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 AD:

Sikorsky Aircraft Division. Applies to Model S-76A helicopters, prior to S/N 760207, certificated in all categories.

Compliance is required within the next 50 hours' time in service after the effective date of the AD unless already accomplished.

To prevent possible loss of both DC generators due to loss of ground, modify DC junction box ground circuits in accordance with Sikorsky Alert Service Bulletin 76-24-7, dated February 3, 1982, or an equivalent means of compliance approved by the Chief, Boston Aircraft Certification Branch, Aircraft Certification Division, New England Region, Federal Aviation Administration.

This amendment becomes effective March 22, 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)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a 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). A copy of the final regulatory evaluation prepared for this action

is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Note.—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 various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on March 4, 1982.

C. R. Melugin, Jr.,

Southwest Region.

[FR Doc. 82-7030 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ANW-10]

Alteration of VOR Federal Airways; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects a final rule that altered the description of several airways in the vicinity of Portland, OR, as published in the Federal Register on February 1, 1982 (47 FR 4502). When V-287E between Medford, OR, and Eugene, OR, was renumbered V-448, inadvertently the description of V-287 was not amended to reflect the revocation of V-287E. This action corrects that omission.

EFFECTIVE DATE: May 13, 1982.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, 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.

Correction to the Rule

The purpose of this correction to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revoke alternate airway V-287E between Medford, OR, and Eugene, OR. This segment of V-287E has been renumbered V-448. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in the Federal Register on January 2, 1981 (46 FR 409).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended, effective 0901 G.m.t, May 13, 1982, as follows:

V-287 [Amended]

By deleting the words "and including an east alternate from Medford to the INT Corvallis, OR, 352° and Newberg 204° radials via Roseburg, OR, INT Roseburg 003° and Eugene, OR, 187° radials, Eugene and Corvallis; Portland, OR," and substituting for them the words "Portland, OR."

(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 11.69)

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 Washington, D.C. on March 10, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-7147 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airpace Docket No. 81-ANW-6]

Designation of Restricted Area; Boise, Idaho

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments designate new Restricted Area R-3203 in the Boise, ID, area. That area was the Orchard Range Controlled Firing Area (CFA). This CFA is designated as Restricted Area R-3203 in order to enhance safety due to increased use of the area and a higher angle of fire.

EFFECTIVE DATE: May 13, 1982.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, 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:

History

On January 18, 1982, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate new Restricted Area R-3203 in the Boise, ID, area (47 FR 2488). This area, formerly known as the Orchard Range CFA is now Restricted Area R-3203. These actions increase aviation safety because of increased use and a higher angle of artillery fire. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, these amendments are the same as those proposed in the notice. Sections 71.151 and 73.32 were republished on January 2, 1981 (46 FR 446 and 801).

The Rule

These amendments to Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) designate new Restricted Area R-3203 in the Boise, ID, area. These actions enhance safety by changing this area from the Orchard Range CFA to Restricted Area R-3203.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.151 and § 73.32 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (46 FR 446 and 801), are amended, effective 0901 GMT, May 13, 1982, as follows:

§ 71.151 [Amended]

By adding:

R-3203A Boise, ID [New]
R-3203B Boise, ID [New]
R-3203C Boise, ID [New]

§ 73.32 [Amended]

By adding:

R-3203A Boise, ID [New]

Boundaries. Beginning at lat. 43°17'00" N., long. 116°12'00" W.; to lat. 43°17'00" N., long. 116°05'00" W.; to lat. 43°15'00" N., long. 116°01'00" W.; to lat. 43°12'30" N., long. 116°00'30" W.; to lat. 43°06'00" N., long. 116°07'15" W.; to lat. 43°10'00" N., long. 116°16'30" W.; to lat. 43°14'00" N., long. 116°16'30" W.; to point of beginning.

Designated altitudes. Surface to 15,000 feet MSL.

Times of designation. By NOTAM, 24 hours in advance.

Controlling agency. FAA, Salt Lake ARTC Center.

Using agency. Idaho Army National Guard.

R-3203B Boise, ID [New]

Boundaries. Beginning at lat. 43°17'00" N., long. 116°12'00" W.; to lat. 43°17'00" N., long. 116°05'00" W.; to lat. 43°15'00" N., long. 116°01'00" W.; to lat. 43°12'30" N., long. 116°00'30" W.; to lat. 43°06'00" N., long. 116°07'15" W.; to lat. 43°10'00" N., long. 116°16'30" W.; to lat. 43°14'00" N., long. 116°16'30" W.; to point of beginning.

Designated altitudes. 15,000 feet MSL to and including 22,000 feet MSL.

Times of designation. By NOTAM, 24 hours in advance.

Controlling agency. FAA, Salt Lake ARTC Center.

Using agency. Idaho Army National Guard.

R-3203C Boise, ID [New]

Boundaries. Beginning at lat. 43°12'30" N., long. 116°00'30" W.; to lat. 43°09'15" N., long. 116°00'00" W.; to lat: 43°06'00" N., long. 116°07'15" W.; to point of beginning.

Designated altitudes. Surface to and including 6,000 feet MSL.

Times of designation. By NOTAM, 24 hours in advance.

Controlling agency. FAA, Salt Lake ARTC Center.

Using agency. Idaho Army National Guard.

(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 11.69)

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 Washington, D.C., on March 9, 1982.

B. Keith Potts,

Chief, Airpace and Air Traffic Rules Division.

[FR Doc. 82-7148 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 82-ASO-4]

Alteration of Restricted Areas R-2923, R-2924, R-2925, and R-2926, Cape Kennedy, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment realigns the internal boundaries of Restricted Areas R-2923, R-2924, R-2925, and R-2926, Cape Kennedy, FL. This action provides increased protection for the space transportation system (space shuttle) and associated airborne aircraft during shuttle processing operations at the Kennedy Space Center.

DATES: Effective date July 8, 1982. Comments must be received on or before April 19, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 82-ASO-4, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

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. 20591.

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:

Request for Comments on the Rule

Although these actions are in the form of a final rule, which involves the realignment of the internal boundaries of Restricted Areas R-2923, R-2924, R-2925, and R-2926, Cape Kennedy, FL, and, thus, were not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the rule that might suggest the need to modify the rule.

Send comments on environmental and land use aspects to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 82-ASO-4, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The Rule

The purpose of this amendment to § 73.29 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to realign the internal boundaries of Restricted Areas R-2923, R-2924, R-2925, and R-2926, Cape Kennedy, FL. This action is necessary to better protect the space transportation system and airborne aircraft during shuttle processing operations at the Kennedy Space Center. Section 73.29 of Part 73 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 793). This amendment does not affect the outer boundaries of these interconnected restricted areas and thus will not increase the burden on the public. Therefore, I find that notice or public procedure under 5 U.S.C. 533(b) is impracticable and contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.29 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 793), is amended, effective 0901 GMT, July 8, 1982, as follows:

R-2923, Cape Kennedy, FL [Amended]

By revising the boundaries to read as follows:

Boundaries. Beginning at lat. 28°39'20" N., long. 80°42'40" W.; to lat. 28°40'00" N., long. 80°40'28" W.; to lat. 28°41'40" N., long. 80°35'00" W.; thence 3 NM from and parallel to the shoreline; to lat. 28°34'00" N., long. 80°30'47" W.; to lat. 28°34'00" N., long. 80°39'30" W.; thence to point of beginning.

Designated altitudes, times of designation, controlling agency, and using agency remain unchanged.

R-2924, Cape Kennedy, FL [Amended]

By revising the boundaries to read as follows:

Boundaries. Beginning at lat. 28°34'00" N., long. 80°35'45" W.; to lat. 28°34'00" N., long. 80°30'47" W.; thence 3 NM from and parallel to the shoreline; to lat. 28°24'30" N., long. 80°30'30" W.; to lat. 28°24'30" N., long. 80°38'30" W.; thence to point of beginning.

Designated altitudes, times of designation, controlling agency, and using agency remain unchanged.

R-2925, Cape Kennedy, FL [Amended]

By revising the boundaries to read as follows:

Boundaries. Beginning at lat. 28°39'20" N., long. 80°42'40" W.; to lat. 28°41'31" N., long. 80°35'30" W.; thence 3 NM from and parallel to the shoreline; to lat. 28°24'30" N., long. 80°30'30" W.; to lat. 28°24'30" N., long. 80°38'00" W.; to lat. 28°34'00" N., long.

80°35'45" W.; to lat. 28°34'00" N., long. 80°39'30" W.; thence to point of beginning.

Designated altitudes, times of designation, controlling agency, and using agency remain unchanged.

R-2926, Cape Kennedy, FL [Amended]

By revising the boundaries to read as follows:

Boundaries. Beginning at lat. 28°39'20" N., long. 80°42'40" W.; to lat. 28°34'00" N., long. 80°39'30" W.; to lat. 28°34'00" N., long. 80°35'45" W.; to lat. 28°24'30" N., long. 80°38'00" W.; to lat. 28°24'30" N., long. 80°41'45" W.; to lat. 28°31'20" N., long. 80°43'50" W.; to lat. 28°38'00" N., long. 80°47'02" W.; thence to point of beginning.

Designated altitudes, times of designation, controlling agency, and using agency remain unchanged.

(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 11.69)

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 Washington, D.C., on March 9, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-7031 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 420

[Docket No. R-82-944]

Homeownership Assistance Housing Management and Assistance Payment Administration; Section 235 Assistance Payments; Homes for Lower Income Families; Correction

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner; HUD.

ACTION: Correction to final rule.

SUMMARY: The final rule published at 46 FR 56784 on November 19, 1981, removed Part 420, Assistance Payments—Homes for Lower Income Families, which was the sole part under Subchapter C—Homeownership Assistance Housing—Management and Assistance Payment Administration—Section 235. This notice will correct the final rule by removing the title of Subchapter C, which is obsolete, and reserving the Subchapter for future use.

FOR FURTHER INFORMATION CONTACT: Richard B. Buchheit, Director, Single Family Mortgage Servicing Division, Office of Single Family Housing, Room 9272, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410; Telephone (202) 755-6700. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In the document printed on page 56785, Column 1, of Volume 46 of the Federal Register published on November 19, 1981, the amendatory language is corrected as follows:

"Accordingly, 24 CFR Part 420 is removed, the title of Subchapter C, 'Homeownership Assistance Housing—Management and Assistance Payment Administration—Section 235' is removed and Subchapter C is reserved."

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Sec. 211 of the National Housing Act, 12 U.S.C. 1715b)

Dated: March 15, 1982.

Richard Lasner,

Assistant General Counsel for Regulations.

[FR Doc. 82-7385 Filed 3-17-82; 8:45 am]

BILLING CODE 4210-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans Benefits; Former Prisoners of War

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration has amended its adjudication regulations to implement a provision of a new law, the Former Prisoner of War Benefits Act of 1981, which provides that disabilities resulting from a number of specified diseases may be considered service connected if a former prisoner of war was held for at least 30 days.

EFFECTIVE DATE: These changes are effective October 1, 1981, the date specified in the new law, designated as Pub. L. 97-37.

FOR FURTHER INFORMATION CONTACT: T. H. Spindler, Jr. 202-389-3005.

SUPPLEMENTARY INFORMATION: On page 57571 of the Federal Register of November 24, 1981, the Veterans Administration published proposed amendments to 38 CFR 3.307, 3.309 to implement section 4, Pub. L. 97-37. Interested persons were given 30 days to submit comments, suggestions or objections to the proposed amendments.

None have been received and the proposed regulations are hereby adopted without change and are set forth below.

The Administrator hereby certifies these regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this rule is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that these regulations liberalize benefit requirements for former prisoners of war. They will have no significant impact on small entities.

The agency has determined that these regulations are nonmajor in accordance with Executive Order 12291 because they simply implement statutory requirements and have little or no economic impact, in themselves.

(Catalog of Federal Domestic Assistance Program number, 64.109)

Approved: February 25, 1982.

Robert P. Nimmo,

Administrator.

PART 3—ADJUDICATION

1. Section 3.307 is amended as follows:

a. By removing the reference "paragraph (a) (3), (4) and (5)" and inserting the reference "paragraph (a) (3) and (4)" in the first sentence of paragraph (a)(2).

b. By removing the last sentence of paragraph (b) which reads "Where, for the purposes of § 3.309(c), the issue is presented as to whether a prisoner of war suffered from dietary deficiencies, forced labor, or inhumane treatment (in violation of the terms of the Geneva Conventions of July 27, 1929, and August 12, 1949), while held as a prisoner of war, it will be resolved on the basis of all evidence available including the statements of comrades and the veteran's own statement in certified form."

c. By revising paragraph (a)(5) as follows:

§ 3.307 Presumptive service connection for chronic, tropical or prisoner of war related disease; wartime and service on or after January 1, 1947.

(a) *General.* * * *

(5) *Diseases specific as to former prisoners of war.* The diseases listed in § 3.309(c) shall have become manifest to a degree of 10 percent or more at any time after discharge or release from active service. (38 U.S.C. 312)

* * * * *

2. In § 3.309, paragraph (c) is revised as follows:

§ 3.309 Disease subject to presumptive service connection.

* * * * *

(c) *Diseases specific as to former prisoners of war.* If a veteran is (1) a former prisoner of war and (2) as such was interned or detained for not less than 30 days, the following diseases may be considered service connected if manifest to a degree of 10 percent or more at any time after discharge or release from active military, naval, or air service even though there is no record of such disease during service.

Avitaminosis.
Beriberi (including beriberi heart disease).
Chronic dysentery.
Helminthiasis.
Malnutrition (including optic atrophy associated with malnutrition).
Pellagra.
Any other nutritional deficiency.
Psychosis.
Any of the anxiety states.

(38 U.S.C. 312)

[FR Doc. 82-7350 Filed 3-17-82; 8:45 am]
BILLING CODE 8320-01-M

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38 CFR Parts 6 and 8

Updating of National Service and U.S. Government Life Insurance Regulations

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration is amending its regulations relating to insurance matters to (1) permit a Veterans Administration physician's assistant to conduct certain physical examinations that are required for insurance purposes, (2) reflect that the law permits the conversion or exchange of National Service Life Insurance policies to insurance on a modified life plan with reduction at age 70, (3) update certain Agency insurance service personnel job titles, and (4) update insurance information pamphlet and policy form references. In addition, certain terms are being changed to eliminate gender reference in those regulations which are being amended. These changes result from a review of the Agency's insurance regulations.

EFFECTIVE DATE: February 19, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Carey, Assistant Director for Insurance, Veterans Administration Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA 19101, or (215-951-5360).

SUPPLEMENTARY INFORMATION: Current insurance regulations §§ 6.90, 8.64(a) and 8.65 permit only a Veterans Administration physician to conduct physical examinations that are required for certain insurance purposes. These sections are being amended to permit a Veterans Administration physician's assistant to conduct such examinations. This change recognizes and is consistent with the role of physicians' assistants in current medical practice.

Sections 8.0(e), 8.3, 8.27(b) through (g), 8.29(c), 8.33, 8.34, 8.35, 8.36, 8.40, 8.41(a) and (b), 8.99c, 8.102, 8.103, 8.111, 8.112(b), 8.112a(a) and (b), and 8.112b are all being amended to reflect their applicability to the insurance coverage provided by section 704(e), title 38, United States Code, which was added by Pub. L. 92-193, enacted December 15, 1971. This statutory amendment authorized the conversion or exchange of National Service Life Insurance policies to insurance on modified life plan with reduction at age 70 under the same terms and conditions, except as to age, as the coverage already provided under sections 704(b) and 704(c) of title 38, United States Code. Although the Veterans Administration has been implementing section 704(e) since its enactment, it was discovered during the Agency's review that the regulations implementing sections 704(b) and 704(c) had not been amended to reflect their applicability, except as to age, to the coverage provided by section 704(e).

Amendments updating personnel job titles are made to §§ 6.80, 6.90, 8.24, 8.65, 8.66 and 8.70. Revised information pamphlet references are contained in § 8.99c and revised policy forms references in § 8.108 amendments.

The Veterans Administration is publishing these amendments as final regulations. An opportunity for public comment is not being provided for the following reasons. As to the amendments implementing 38 U.S.C. 704(e), the agency finds that public comment is unnecessary since the statutory language requires that the insurance provided be under the same terms and conditions, except as to age, as previously authorized insurance. The other amendments deal with matters related to agency organization, procedure or practice. (38 CFR 1.12.) Since a proposed notice will not be published, these regulation changes are not subject to requirements of the Regulatory Flexibility Act, Pub. L. 96-354.

The agency has determined that these regulations are nonmajor in accordance with Executive Order 12291, Federal Regulation. These regulations will not have a large effect on the economy, will not cause an increase of costs or prices, and will not otherwise have any significant adverse economic effects.

(Catalog of Federal Domestic Assistance Program number, 64.103)

Approved: February 19, 1982.

Robert P. Nimmo,
Administrator.

The Veterans Administration is amending 38 CFR Parts 6 and 8 as follows:

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

§ 6.79 [Amended]

1. Section 6.79 is amended by inserting the words "or she" following the word "he" in paragraph (a).

§ 6.80 [Amended]

2. Section 6.80 is amended by inserting the words "or her" following the word "his" and removing the word "him" and inserting the words "the applicant" in the first sentence; by inserting the words "or she" following the word "he" and "or her" following the word "his" and removing the words "Director, Insurance Service, in Central Office and the Insurance Officer, VA Center, Philadelphia, Pennsylvania" and inserting "Assistant Director for Insurance, VA Center, Philadelphia, Pennsylvania" in the third sentence; and inserting "(38 U.S.C. 759)" at the end of the section.

§ 6.88 [Amended]

3. Section 6.88 is amended by inserting the words "or she" following the word "he" (three times) and the words "or her" following the word "his" in the introductory portion preceding paragraph (a).

§ 6.90 [Amended]

4. Section 6.90 is amended as follows:

(a) By inserting the words "or physician's assistant" following the words "part-time salaried physician" in the first sentence; removing the word "Disability" from "Disability Insurance Claims activity" in subparagraphs (2) and (3); and by inserting the citation "(38 U.S.C. 742 and 748)" following paragraph (a).

(b) By inserting "or physician's assistant" following "part-time salaried physician" and by removing the words "Underwriting activity" and inserting the words "Medical Determination/ Underwriting activity" in the first sentence; inserting the words "or her" following the words "with him" in the third sentence; and inserting the citation "(38 U.S.C. 742 and 748)" following paragraph (b).

§ 6.91 [Amended]

5. Section 6.91 is amended by inserting the words "or her" following the word "his" in the headnote and the first sentence and by removing the words "Manager of a regional office or Director of a hospital" and inserting the words "Director of a regional office or of a medical facility."

§ 6.92 [Amended]

6. Section 6.92 is amended as follows:

(a) By removing the word "hospitals" and inserting the words "medical facilities" in the portion preceding subparagraph (1) and by inserting the words "or she" following the word "he" in subparagraph (2) of paragraph (a).

(b) By removing the word "hospital" and inserting the words "medical facility" in paragraph (b).

(c) By removing the words "Standardized Government Travel Regulations" and inserting the words "Federal Travel Regulations" in the third sentence in paragraph (c).

PART 8—NATIONAL SERVICE LIFE INSURANCE

7. Section 8.0 is amended as follows:

(a) By inserting the words "or her" following the word "his" in paragraph (d)(6).

(b) By revising paragraph (e) (1) and (2) as follows:

§ 8.0 Eligibility.

* * * * *

(e) *Applications for insurance on the ordinary life plan issued under section 704 (d) and (e) of title 38, United States Code.* (1) Any insured who has a National Service Life Insurance policy on the modified life plan which is in force under premium paying conditions on the day before his or her 65th or 70th birthday, depending on the plan of insurance, may upon written application signed by the insured and payment of the required premium made to the Veterans Administration before such birthday, be granted insurance on the ordinary life plan in accordance with § 8.112b(c), without evidence of health. The ordinary life plan shall become effective on the 65th or 70th birthday, depending on the plan of insurance of the insured and the premium rate for such insurance will be the applicable ordinary life premium for the attained age of the policyholder on that day. (38 U.S.C. 704 (d) and (e))

(2) Any insured who has a National Service Life Insurance policy on the modified life plan which is in force by waiver of premiums under 38 U.S.C. 712 on the day before his or her 65th or 70th birthday, depending on the plan of insurance (or such waiver of premiums is subsequently granted) shall automatically be granted insurance on the ordinary life plan in accordance with § 8.112b(c). The amount of insurance granted on such plan in accordance with that section shall not exceed one-half of the face amount of the modified life insurance policy in force on the day before his or her 65th or 70th birthday, depending on the plan of insurance. The ordinary life plan shall become effective on the 65th or 70th birthday, depending on the plan of insurance of the insured and the premium rate for such insurance will be the applicable ordinary life premium for the attained age of the policyholder on that day. (38 U.S.C. 704 (d) and (e))

* * * * *

§ 8.1 [Amended]

8. Section 8.1 is amended by removing the word "He" and inserting "The Chief Benefits Director" in the last sentence of paragraph (b).

9. Section 8.3 is amended as follows:

(a) By removing the reference "38 U.S.C. 704 (b) or (d)," and inserting the reference "38 U.S.C. 704 (b), (d), or (e)," in the first and second sentence of paragraph (a).

(b) By removing the reference "38 U.S.C. 704 (c) or (d)," and inserting the reference "38 U.S.C. 704 (c), (d), or (e)," in paragraphs (b), (c), and (f).

(c) By removing the reference "38 U.S.C. 704(c)" and inserting the reference "38 U.S.C. 704 (b) or (e)" and removing the citation "38 U.S.C. 704(d)," and inserting the reference "38 U.S.C. 704 (d) or (e)" in the second sentence of paragraph (d).

(d) By removing the reference "38 U.S.C. 704 (c) or (d)," and inserting the reference "38 U.S.C. 704 (b), (d), or (e)," in paragraph (e).

(e) By inserting the citation "(38 U.S.C. 702)" following paragraph (a) and the citation "(38 U.S.C. 704)" following paragraphs (b), (c), (d), (e), (f) and (g).

(f) By revising the first sentence of paragraph (g) as follows:

§ 8.3 Premium rates.

* * * * *

(g) The premium rates for insurance issued under 38 U.S.C. 725(c) and for policies of such insurance issued on the modified life, ordinary life, 20-payment life or 30-payment life plans, where appropriate, under 38 U.S.C. 704 (c), (d), or (e), respectively, are based on the American Experience Table of Mortality and interest at the rate of 3½ per centum per annum. * * *

§ 8.23 [Amended]

10. Section 8.23 is amended by inserting the words "or she" following the word "he" in paragraph (a).

11. Section 8.24 is revised as follows:

§ 8.24 Application and medical evidence.

The applicant for reinstatement of National Service Life Insurance, during his or her lifetime, and within 5 years after the date of lapse if the insurance was issued under 38 U.S.C. 725, must submit a written application signed by him or her and furnish satisfactory evidence of health as required in § 8.23 at the time of application. Applicant's own statement of comparative health may be accepted as proof of insurability for the purpose of reinstatement under § 8.23(a), but, whenever deemed necessary in any such case, report of physical examination may be required. Applications for reinstatement submitted after expiration of the applicable period mentioned in § 8.23(a) must be accompanied by satisfactory evidence of good health. If the insurance becomes a claim after the tender of the amount necessary to meet reinstatement requirements but before full compliance with the requirements of this section, and the applicant was in a required state of health at the date that he or she made the tender of the amount necessary to meet reinstatement requirements, and that there is satisfactory reason for his or her noncompliance, the Assistant Director for Insurance, VA Center, Philadelphia, Pennsylvania may, if the applicant be dead, waive any or all requirements of this section (except payment of the necessary premiums) or, if the applicant be living, allow compliance with this section as of the date the required amount necessary to reinstate was received by the Veterans Administration (38 U.S.C. 725)

12. Section 8.27 is amended as follows:

(a) By inserting the sentence "Paid-up additions do not have to be in force for 1 year before they have cash values," following the fourth sentence which ends with the words "least 1 year" in paragraph (a) and following the third sentence ending with the words "proportionally adjusted" in paragraph (c).

(b) By removing the reference "section 704 (c) and (d)" and inserting the reference "section 704 (c), (d), and (e)", in the headnote of paragraphs (b), (c), (d) and (f) and in the first sentence of paragraph (f).

(c) By removing the reference "section 704 (b) and (d)", and inserting the reference "section (b), (d), and (e)," in the headnote and the first sentence of paragraph (e).

(d) By inserting the following citations:

(1) "(38 U.S.C. 702 and 706)" following paragraph (a).

(2) "(38 U.S.C. 704 and 706)" following paragraph (b).

(3) "(38 U.S.C. 704 and 723)" following paragraph (c).

(4) "(38 U.S.C. 706)" following paragraphs (d), (e), (f), and (g).

(e) By revising the headnote and the first sentence of paragraph (g) as follows:

§ 8.27 Cash value.

* * * * *

(g) *Cash value on insurance issued under the provisions of section 725(c) of title 38, United States Code, and on modified life, ordinary life, 20-payment life and 30-payment life plans, where appropriate, of such insurance issued under section 704 (c), (d), and (e) respectively, of such code.* Provisions for cash value, paid-up insurance and extended term insurance shall become effective at the completion of the first policy year on any plan of insurance issued under 38 U.S.C. 725(c) or any modified life and ordinary life plans of such insurance issued under 38 U.S.C. 704 (c), (d), and (e), respectively. * * *

13. In § 8.29, the second and third sentences of paragraph (c) are revised and a citation is inserted at the end of the paragraph as follows:

§ 8.29 Provision for extended term insurance—other than 5-year level premium term or limited convertible 5-year level premium term policies.

* * * * *

(c) * * * The extended term insurance shall be for an amount of insurance equal to (1) the initial face amount of insurance (face amount of policy in force prior to the insured's 65th or 70th birthday, depending on the plan of insurance), less any indebtedness, for lapses which occur prior to the insured's 65th or 70th birthday, depending on the plan of insurance, or (2) the ultimate face amount of insurance (face amount of policy in force on or after insured's 65th or 70th birthday, depending on the plan of insurance) less any indebtedness, for lapses which occur on or after the insured's 65th or 70th birthday, depending on the plan of insurance. If a modified life plan policy is on extended term insurance at the end of the day preceding the insured's 65th or 70th birthday, depending on the plan of insurance, the amount of extended term insurance in effect under such policy shall be automatically reduced by one-half thereof. * * * (38 U.S.C. 706)

§ 8.33 [Amended]

14. Section 8.33 is amended by removing the words "61 years" and inserting the words "61 or 70 years, depending on the plan of insurance," in the introductory portion preceding paragraph (a); by removing the reference "38 U.S.C. 704(b)" and inserting the reference "38 U.S.C. 704 (b) and (e)" in paragraph (a); and inserting the citation "(38 U.S.C. 704)" following the section.

§ 8.34 [Amended]

15. Section 8.34 is amended by removing the words "61 years" and inserting the words "61 or 70 years, depending on the plan of insurance" in the first sentence and inserting the citation "(38 U.S.C. 704)" at the end of the section.

§ 8.34a [Amended]

16. Section 8.34a is amended by inserting the words "or her" following the word "his" in the third sentence.

17. In § 8.35 the last sentence is revised and a citation inserted at the end of the section as follows:

§ 8.35 Exchange to a policy bearing the same effective date and having a higher reserve value.

* * * Subject to the other conditions of this section, a participating modified life plan policy issued under 38 U.S.C. 704(b) or (e), and a participating ordinary life plan policy issued at age 65 or 70, depending on the plan of insurance, under 38 U.S.C. 704(d) and (e), may be exchanged for a participating permanent plan policy with the premium rates, reserve, loan, paid-up and extended insurance values being based on the American Experience Table of Mortality and interest at the rate of 3 per centum per annum. (38 U.S.C. 704)

§ 8.36 [Amended]

18. Section 8.36 is amended by inserting the words "or 70 years, depending on the plan of insurance" following the words "age of 61" in the second sentence; by inserting the words "or she" following the word "he" in the fifth sentence; and by inserting the citation "(38 U.S.C. 704)" following the section.

19. Section 8.40 is amended as follows:

(a) By inserting the words "or her" following the word "his" in the second and sixth sentences.

(b) By revising the last two sentences and adding a citation at the end of the section as follows:

§ 8.40 Requirements for waiver of premiums under section 712 of title 38, United States Code.

* * * Waiver of premiums under this section shall not be denied on ordinary life, 20-payment life or 30-payment life plans issued under 38 U.S.C. 704(d) and (e) because the total disability of the insured commenced prior to the effective date of such policy, provided premiums were being waived under this section on the modified life plan policy, which the ordinary life plan replaced, on the day before the insured's 65th or 70th birthday, depending on the plan of insurance, or such waiver of premiums is subsequently granted. Where an insured meets the requirements of this section, waiver of premiums hereunder on his or her National Service Life Insurance shall not be denied for the reason that premiums on such insurance are or have been waived under 38 U.S.C. 724. (38 U.S.C. 712)

20. Section 8.41 is amended as follows:

(a) By removing the word "he" and inserting the words "the Administrator" in the second sentence and inserting the words "or her" following the word "his" in the third sentence of paragraph (a).

(b) By removing the word "he" and inserting the words "the Administrator" in the second sentence and inserting the words "or her" following the word "his" in the third sentence of paragraph (b).

(c) By inserting the citation "(38 U.S.C. 712)" at the end of paragraphs (a) and (b).

(d) By revising the penultimate sentence of paragraphs (a) and (b) as follows:

§ 8.41 Effective date of premium waiver.

(a) * * * On an ordinary life, 20-payment life or 30-payment life plan policy issued pursuant to 38 U.S.C. 704(d) and (e), waiver of premiums shall not be effective prior to the effective date of such insurance. * * *

(b) * * * On an ordinary life, 20-payment life or 30-payment life plan policy issued pursuant to 38 U.S.C. 704(d) and (e), waiver of premiums shall not be effective prior to the effective date of such insurance. * * *

* * * * *

§ 8.42 [Amended]

21. Section 8.42 is amended by removing the word "he" and inserting the words "the Administrator" in the

first sentence and inserting the words "or her" following the word "him" in the last sentence of paragraph (a).

§ 8.64 [Amended]

22. Section 8.64 is amended as follows:

(a) By inserting the words "or her" following the word "him" and removing the words "physician at a regional office or hospital of the Veterans Administration" and inserting the words "physician or a physician's assistant at a regional office or medical facility of the Veterans Administration" in the first sentence; by inserting the words "or her" following the word "him" in the third sentence; and by inserting the citation "(38 U.S.C. 704 and 705)" following paragraph (a).

(b) By inserting the words "or her" following the word "him" in the second sentence of paragraph (b).

23. Section 8.65 is revised as follows:

§ 8.65 Examination in connection with total disability benefits.

Physical examination in connection with claim for total disability benefits may be made by a medical officer of the United States Army, Navy, Air Force, or Public Health Service, or may be made at Government expense by a full-time or part-time salaried physician or physician's assistant at a regional office or medical facility of the Veterans Administration. If an insured is unable to travel, because of physical or mental condition, the Director of a regional office or of a medical facility may, on his or her own initiative or at the request of the Insurance activity concerned, authorize at Government expense examination at the residence of the insured. The Administrator of Veterans Affairs may require such further medical examination or such additional medical evidence as may be deemed necessary and proper to establish the physical and mental condition of the insured. (38 U.S.C. 712(b))

§ 8.66 [Amended]

24. Section 8.66 is amended by removing the word "hospitals" and inserting the words "medical facilities" and removing the words "Manager of a regional office or Director of a hospital" and inserting the words "Director of a regional office or of a medical facility" in the first sentence; inserting the words "or her" following the word "his" in the third sentence; and removing the words "Standardized Government Travel Regulations" and inserting the words "Federal Travel Regulations" in the fourth sentence.

25. Section 8.70 is amended as follows:

(a) By inserting the words "or her" following the word "his" in the fourth sentence and inserting the words "or she" following the word "he" in the fifth sentence.

(b) By revising the last two sentences and adding a citation as follows:

§ 8.70 Claims alleging insurance contract where there is no application for insurance on file.

* * * The Assistant Director for Insurance, VA Center, Philadelphia, Pennsylvania will make all original determinations as to whether a person made valid application for insurance as alleged. The determination as to the validity of beneficiary designations, in death cases, will be made by the claims activity in the office having jurisdiction over the insurance death claim. (38 U.S.C. 784)

§ 8.71 [Amended]

26. Section 8.71 is amended by inserting the words "or her" following the word "his" in the introductory portion preceding paragraph (a) and removing the word "serviceman" and inserting the word "serviceperson" and inserting the words "or she" following the word "he" in paragraph (c)(2).

27. Section 8.99c is revised as follows:

§ 8.99c Premium rates for the total disability income provision authorized by section 715 of title 38, United States Code, as amended by Pub. L. 88-355.

The premium rates for the total disability income provision authorized by 38 U.S.C. 715, as amended by Pub. L. 88-355, are published in Veterans Administration Pamphlets 29-23, 29-23A and 29-12. If the total disability income provision is attached to a policy of insurance issued under 38 U.S.C. 725, or to a modified life plan of such insurance issued under 38 U.S.C. 704 (c) and (e), the premium for the provision may be adjusted to cover administrative cost to the Government of the insurance as set forth in the policy. (38 U.S.C. 715)

§ 8.100 [Amended]

28. Section 8.100 is amended by inserting the words "or her" following the word "his" in paragraphs (a), (c), and (d).

§ 8.102 [Amended]

29. Section 8.102 is amended as follows:

(a) By removing the reference "38 U.S.C. 704 (c) or (d)" and inserting the reference "38 U.S.C. 704 (c), (d), or (e)" in paragraphs (a)(2) and (b)(2).

(b) By inserting the citation "(38 U.S.C. 704)" following paragraphs (a)(2) and (b)(2).

30. The center title following § 8.102 is changed to read "Other National Service Life Insurance Funds."

§ 8.103 [Amended]

31. Section 8.103 is amended as follows:

(a) By removing the words "Veterans' Special Term Insurance Fund" and inserting the words "Veterans' Special Life Insurance Fund" in the headnote and in paragraph (b).

(b) By removing the reference "38 U.S.C. 704(c) or (d)," and inserting the reference "38 U.S.C. 704(c), (d), or (e)," in paragraphs (a) and (b) and in the first and third sentences of paragraph (c).

(c) By removing the words "his judgment" and inserting the words "the Administrator's judgment" in the third sentence of paragraph (c).

(d) By inserting the citation "(38 U.S.C. 704)" following paragraphs (a), (b) and (c).

32. Section 8.108 is amended as follows:

(a) By inserting "Veterans' Special Life Insurance or Veterans Reopened Insurance Fund" following "National Service Life Insurance Fund" in the last sentence and inserting the citation "(38 U.S.C. 725)" following the introductory portion preceding paragraph (a).

(b) By revising paragraphs (a) through (v) and adding paragraphs (w) through (ff) as follows:

§ 8.108 Forms of policies.

* * * * *

(a) "V" Five-Year Level Premium Term Plan (VA Form 29-1660).

(b) "V" Ordinary Life Plan, Twenty Payment Life Plan and Thirty Payment Life Plan (VA Form 29-1661).

(c) "V" Endowment Plan (VA Form 29-1664).

(d) "RS" Five-Year Level Premium Term Plan (VA Form 29-4400).

(e) "RH" Five-Year Level Premium Term Plan (VA Form 29-4401).

(f) "RH" Ordinary Life Plan, Twenty Payment Life Plan and Thirty Payment Life Plan (VA Form 29-4402).

(g) "RH" Endowment Plan (VA Form 29-4405).

(h) "W" Limited Convertible Five-Year Level Premium Term Plan (VA Form 29-4408).

(i) "W" Ordinary Life Plan, Twenty Payment Life Plan and Thirty Payment Life Plan (VA Form 29-4409).

(j) "W" Endowment Plan (VA Form 29-4410).

(k) "V" Modified Life at Age 65 Plan (VA Form 29-8161).

(l) "H" Modified Life at Age 65 Plan (VA Form 29-8162).

(m) "RH" Modified Life at Age 65 Plan (VA Form 29-8163).

(n) "W" Modified Life at Age 65 Plan (VA Form 29-8164).

(o) "J" Modified Life at Age 65 Plan (VA Form 29–8165).
(p) "JR" Modified Life at Age 65 Plan (VA Form 29–8166).
(q) "JS" Modified Life at Age 65 Plan (VA Form 29–8167).
(r) "J" Ordinary Life Plan, Twenty Payment Life Plan and Thirty Payment Life Plan (VA Form 29–8168).
(s) "JR" Ordinary Life Plan, Twenty Payment Life Plan and Thirty Payment Life Plan (VA Form 29–8169).
(t) "JS" Ordinary Life Plan, Twenty Payment Life Plan and Thirty Payment Life Plan (VA Form 29–8170).
(u) "J" Endowment Plan (VA Form 29–8171).
(v) "JR" Endowment Plan (VA Form 29–8172).
(w) "JS" Endowment Plan (VA Form 29–8173).
(x) "V" Special Ordinary Life at Age 65 Plan (VA Form 29–8175).
(y) "H" Ordinary Life at Age 65 Plan (VA Form 29–8176).
(z) "V" Modified Life at Age 70 Plan (VA Form 29–8177).
(aa) "J" Modified Life at Age 70 Plan (VA Form 29–8178).
(bb) "W" Modified Life at Age 70 Plan (VA Form 29–8179).
(cc) "RH" Modified Life at Age 70 Plan (VA Form 29–8180).
(dd) "V" Special Ordinary Life at Age 70 (VA Form 29–8181).
(ee) "H" Modified Life at Age 70 (VA Form 29–8289).
(ff) "JR and JS" Modified Life at Age 70 (VA Form 29–8291).

§ 8.110 [Amended]

33. Section 8.110 is amended by inserting the words "or her" following the word "his" in the first sentence of paragraph (a).

34. Section 8.111 is amended by revising paragraph (a) (5) and (6) and the penultimate sentence of paragraph (b) and by inserting the citation "(38 U.S.C. 722)" following paragraphs (a) and (b) as follows:

§ 8.111 National Service Life Insurance issued under section 620 of the National Service Life Insurance Act, as amended, and section 722(a) of title 38, United States Code.

(a) * * * (5) insurance issued under 38 U.S.C. 722(a) on a modified life plan shall be issued under the same terms and conditions as are provided in this paragraph, except that at the end of the day preceding the 65th or 70th birthday, depending on the plan of insurance, of the insured, the face value of the modified life plan policy in force by payment or waiver of premiums and the amount of any extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in the premium; and indebtedness against the policy at the time of reduction will be continued on the reduced amount of insurance; and if the policy is on extended term insurance at the end of the day preceding the 65th or 70th birthday, depending on the plan of insurance, of the insured the provisions of § 8.29(c) shall apply; (6) the modified life plan policies cannot be issued if the applicant has attained the insurance age of 61 or 70 years, depending on the plan of insurance, and must be effective before such date. (38 U.S.C. 722)

(b) * * * However, ordinary life plan insurance issued under 38 U.S.C. 704 (d) and (e) to replace any amount of insurance reduced under a modified life plan policy by reason of attainment of age 65 or 70, depending on the plan of insurance, shall be issued in an amount of not less than $500, in multiples of $250, but not in excess of one-half of the face amount of the modified life policy in force by payment or waiver of premiums on the day before the insured's 65th or 70th birthday. * * * (38 U.S.C. 722)

35. In § 8.112, the last sentence of paragraph (b) is revised and a citation is added following paragraph (b) as follows:

§ 8.112 National Service Life Insurance issued under section 621 of the National Service Life Insurance Act, as amended, and section 723(b) of title 38, United States Code.

* * * * *

(b) * * * However, ordinary life plan insurance issued under 38 U.S.C. 704 (d) and (e) to replace any amount of insurance reduced under a modified life plan policy by reason of attainment of age 65 or age 70, depending on the plan of insurance, shall be issued in an amount of not less than $500, in multiples of $250, but not in excess of one-half of the face amount of the modified life plan policy in force by payment or waiver of premiums on the day before the insured's 65th or 70th birthday, depending on the plan of insurance. (38 U.S.C. 723)

* * * * *

36. Section 8.112a is amended as follows:

(a) By inserting the words "or 70" following the words "of age 65" in the third sentence and inserting the citation "(38 U.S.C. 725)" following paragraph (e).

(b) By revising paragraphs (a) (11) and (12) and (b) (10) and (11) and inserting a citation following paragraphs (a) and (b) as follows:

§ 8.112a National Service Life Insurance issued under section 725 of title 38, United States Code.

(a) * * * (11) insurance issued under 38 U.S.C. 704 (c) and (e) and 725(b) on the modified life plans shall be issued under the same terms and conditions as are provided in this paragraph, except that at the end of the day preceding the 65th or 70th birthday, depending on the plan of insurance, of the insured, the face value of the modified life plan policy in force by payment or waiver of premiums and the amount of any extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in the premium; any indebtedness against the policy at the time of reduction will be continued on the reduced amount of insurance; and if the policy is on extended term insurance at the end of the day preceding the 65th or 70th birthday, depending on the plan of insurance, of the insured the provisions of § 8.29(c) shall apply; and (12) the modified life plan policy cannot be issued if the applicant has attained the insurance age of 61 or 70 years, depending on the plan of insurance. (38 U.S.C. 704(e) and 725(b))

(b) * * * (10) insurance issued under 38 U.S.C. 704(c) and (e) and 725(c) on the modified life plans shall be issued under the same terms and conditions as are provided in this paragraph, except that at the end of the day preceding the insured's 65th or 70th birthday, depending on the plan of insurance, the face value of the modified life plan policy in force by payment or waiver of premiums and the amount of any extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in the premium; any indebtedness against the policy at the time of reduction will be continued on the reduced amount of insurance; and if the policy is on extended term insurance at the end of the day preceding the insured's 65th or 70th birthday, depending on the plan of insurance, the provisions of § 8.29(c) shall apply; and (11) the modified life plan policy cannot be issued if the applicant has attained the insurance age of 61 or 70 years, depending on the plan of insurance. (38 U.S.C. 704(c) and 725)

* * * * *

37. Section 8.112b is revised as follows:

§ 8.112b National Service Life Insurance issued on the modified life plan and on the ordinary life, 20-payment life or 30-payment life plan, where appropriate, under section 704 (b), (c), (d), and (e) of title 38, United States Code.

(a) Effective May 1, 1965, and prior to the insured attaining the insurance age of 61 or 70 years, depending on the plan of insurance, a policy of participating insurance may be converted or exchanged in accordance with §§ 8.33, 8.34, and 8.36, whichever is applicable, for a modified life plan issued under 38 U.S.C. 704 (b) and (e). Insurance issued under 38 U.S.C. 704 (b) and (e) shall be on the same terms and conditions as the participating insurance it replaces, except (1) the premium rates for such insurance shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 3 per centum per annum; (2) all cash, loan, paid-up and extended values shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 3 per centum per annum; and (3) at the end of the day preceding the insured's 65th or 70th birthday, depending on the plan of insurance, the face value of the modified life plan policy in force by payment or waiver of premiums and the amount of any extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in the premium; any indebtedness against the policy at the time of reduction will be continued on the reduced amount of insurance; and if the policy is on extended term insurance at the end of the day preceding the insured's 65th or 70th birthday, depending on the plan of insurance, the provisions of § 8.29(c) shall apply. (38 U.S.C. 704)

(b) Prior to the insured attaining the insurance age of 61 or 70 years, depending on the plan of insurance, a policy of nonparticipating or participating insurance may be converted or exchanged in accordance with §§ 8.33, 8.34, and 8.36, whichever is applicable, for a modified life plan issued under 38 U.S.C. 704 (c) and (e). Insurance issued under 38 U.S.C. 704 (c) and (e) shall be under the same terms and conditions as the nonparticipating insurance it replaces, except that (1) term insurance issued under section 621 of the National Service Life Insurance Act, as amended, shall be deemed for the purpose of this paragraph to have been issued under 38 U.S.C. 723(b); and (2) at the end of the day preceding the insured's 65th or 70th birthday, depending on the plan of insurance, the face value of the modified life plan policy in force by payment or waiver of premiums and the amount of any extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in the premium; any indebtedness against the policy at the time of reduction will be continued on the reduced amount of insurance; and if the policy is on extended term insurance at the end of the day preceding the insured's 65th or 70th birthday, depending on the plan of insurance, the provisions of § 8.29(c) shall apply. (38 U.S.C. 704)

(c) National Service Life Insurance on the ordinary life plan issued under 38 U.S.C. 704 (d) and (e) shall, except for the provisions concerning automatic reduction on the day preceding the insured's 65th or 70th birthday, depending on the plan of insurance, be issued on the same terms and conditions as the insurance on the modified life plan which the ordinary life plan replaces. The premium rates, cash, loan, paid-up and extended insurance values on the ordinary life policy issued under this paragraph shall be based on the same mortality tables and interest rates as the insurance issued under the modified life policy which it replaces. However, a participating ordinary life policy issued under this paragraph can be exchanged only for another participating permanent plan policy having a higher reserve (§ 8.35) and with premium rates, reserve, loan, paid-up and extended insurance values being based on the American Experience Table of Mortality and interest at the rate of 3 per centum per annum. Settlements on ordinary life policies issued under this paragraph involving annuities shall be based on the same mortality or annuity tables and interest rates as such settlements on the modified life policy which it replaces. Waiver of premiums on the ordinary life plan under 38 U.S.C. 712 shall not be denied because the total disability of the insured commenced prior to the effective date of such policy, provided premiums were being waived under 38 U.S.C. 712 on the modified life plan policy, which the ordinary life plan replaced, on the date before the insured's 65th or 70th birthday, depending on the plan of insurance, or such waiver of premiums is subsequently granted. Insurance on the ordinary life plan issued under this paragraph shall be granted in multiples of $250 but not less than $500 and such insurance shall not be granted in excess of one-half of the face amount of the modified life plan policy which was in force by payment or waiver of premiums on the day before the insured's 65th or 70th birthday, depending on the plan of insurance. (38 U.S.C. 704)

§ 8.113 [Amended]

38. Section 8.113 is amended by inserting the words "or her" following the words "date of his" in paragraph (c)(2).

[FR Doc. 82-7351 Filed 3-17-82; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL-2058-1]

Attainment Status for State Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Information on Wichita, Kansas Carbon Monoxide Plan.

SUMMARY: In the August 31, 1981, **Federal Register** (46 FR 43701) the EPA proposed a rulemaking to approve the Kansas State Implementation Plan (SIP) for meeting the requirements of Part D of the Clean Air Act, as amended in 1977, for adequately demonstrating the attainment and maintenance of the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS) in the Wichita, Kansas, nonattainment area. The SIP submittal used the linear (proportional) rollback method for determining the quantity of CO reductions needed for attainment. EPA found linear rollback an acceptable method for making the attainment and maintenance demonstration, see Subsection D.1., page 43703 of the August 31, 1981, **Federal Register**. The EPA published the final rulemaking on the Wichita CO SIP in the December 15, 1981, **Federal Register** (46 FR 61117) and did not make a conditional SIP requirement that the State of Kansas complete a CO dispersion model for demonstrating attainment in the Wichita nonattainment area. However, the SIP submittal committed to carrying out a CO dispersion model as a more sophisticated and accurate method, to verify the expected attainment status predicted by linear rollback. The purpose of this notice is to inform the public that this modeling information has been received and is available for review.

DATE: This information is available for inspection during normal business hours until May 17, 1982; after this date it will remain available at the EPA, Region VII office in Kansas City, Missouri.

ADDRESSES: This information will be available at the following locations:

Environmental Protection Agency, Public Information and Reference Unit, Room 2922, 401 M Street, SW., Washington, D.C. 20460

Kansas Department of Health and Environment, Division of Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66620

Wichita-Sedgwick County Metropolitan Area Planning Department, City Hall—10th Floor, 455 North Main Steet, Wichita, Kansas 67202

Kansas Department of Transportation, Planning and Development Department, Systems Planning Section, State Office Building, 10th and Harrison, Topeka, Kansas 66612

Environmental Protection Agency, Region VII, Air and Waste Management Division, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106

FOR FURTHER INFORMATION CONTACT: Michael T. Marshall, EPA, Region VII (816) 374–3791, (FTS 758–3791).

SUPPLEMENTARY INFORMATION: On May 8, 1980, the Kansas Department of Transportation in cooperation with the Kansas Department of Health and Environment and the Wichita-Sedgwick County Metropolitan Area Planning Department, submitted a copy of the "Wichita Carbon Monoxide Dispersion Modeling Study." This dispersion model predicted six locations with highest second high 8-hour averages exceeding the nine parts per million (ppm) CO NAAQS after December 31, 1982. This original dispersion model was performed using the emission factors of the EPA Mobile–I emission factor model. EPA then requested that the dispersion model be adjusted for the CO reductions expected from the transportation control measures (TCM) planned for implementation in the nonattainment area.

On November 9, 1981, EPA received the adjusted dispersion model for the Wichita CO nonattainment area. This model indicated that attainment of the CO NAAQS would be achieved prior to December 31, 1982, and maintained thereafter, and it predicts that the highest second high 8-hour average for the nonattainment area is estimated to be 8.7 ppm CO. EPA finds that (1) the CO dispersion model for Wichita verifies the December 31, 1982, linear rollback estimated attainment status, and (2) no further SIP revisions will be necessary to demonstrate attainment.

Dated: February 3, 1982.

John J. Franke, Jr.,

Regional Administrator.

[FR Doc. 82–7366 Filed 3–17–82; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 61

[A–7–FRL–2076–7]

National Emission Standards for Hazardous Pollutants; Delegation of Authority to the State of Iowa and Addition of Address

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA is today amending 40 CFR 61.04(b)(Q). Address, to reflect a delegation of authority to the Iowa Department of Environmental Quality (IDEQ). The IDEQ has been delegated authority to implement and enforce the federal National Emission Standards for Hazardous Air Pollutants (NESHAPS) for source catagories involving four pollutants (asbestos, beryllium, mercury and vinyl chloride). Notification of this delegation is published today elsewhere in the **Federal Register.** The amended 40 CFDR 61.04(b)(Q) adds this address of the IDEQ to which all reports, requests, applications, submittals, and communications to the Administrator, as required by 40 CFR Part 61, must also be addressed.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Whitmore, Air Branch, U.S. Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106, 816/374–6525; FTS 758–6525.

SUPPLEMENTARY INFORMATION: The administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an Administrative change and not one of substantive content. No additional burdens are imposed upon the parties affected.

The delegation which influenced this administrative amendment was effective on January 19, 1982, and it serves no purpose to delay the technical change of this address in the Code of Federal Regulations. This rulemaking is effective immediately, and is issued under the authority of Section 112 of the Clean Air Act, as amended. The Office of Management and Budget has exempted the underlying action in this rulemaking from the requirement of Section 3 of Executive Order 12291.

Dated: March 5, 1982.

John J. Franke, Jr.,

Regional Administrator, Region VII.

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04, paragraph (b) is amended by adding subparagraph (Q) to read as follows:

§ 61.04 Address.

* * * * *

(b) * * *

* * * * *

(Q) Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50316.

* * * * *

[FR Doc. 82–7563 Filed 3–17–82; 10:46 am]

BILLING CODE 6560–38–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6201

[LA–0169885]

California; Powersite Restoration No. 592, Partial Revocation of Power Projects No. 550 and No. 564, Powersite Reserve No. 655, and Partial Revocation of Public Land Order No. 548

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will revoke in part, three withdrawals affecting approximately 74.52 acres of land reserved by the Federal Energy Regulatory Commission (FERC) for power purposes in Kern County, California. This order also partially revokes a Corps of Engineers withdrawal, Public Land Order No. 548, which overlaps the FERC revocation. Of the land restored, 17.51 acres will be open to the operation of the public land laws generally, including the mining and mineral leasing laws; 20.15 acres are privately owned and not affected by this action; the remainder of the land is still withdrawn by the Corps of Engineers for use in connection with the Lake Isabella Project.

EFFECTIVE DATE: April 15, 1982.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714 and pursuant to the determination of the Federal Power Commission (now Federal Energy Regulatory Commission) in DA 1025 California, it is ordered as follows:

1. The executive orders creating Power Projects 550 and 564, dated October 30, 1924, and November 6, 1926, respectively, and Powersite Reserve No. 655 of September 7, 1917, are hereby revoked insofar as they affect the following described land:

Mount Diablo Meridian

T. 25 S., R. 33 E., sec. 28, lot 7 and SE¼SE¼ (now designated lots 18, 19, and 20).

The area aggregates 74.52 acres in Kern County.

2. Public Land Order No. 548 of January 28, 1949, which withdrew public land for use of the Department of the Army in connection with the Isabella Dam and Reservoir Project, is hereby revoked insofar as it affects the following described land:

Mount Diablo Meridian

T. 25 S., R. 33 E.,

Commencing at the Southwest corner of the Southeast one-quarter of said Section 28, which is marked by a U.S. Corps of Engineers 2" galvanized iron pipe and cap marked for ¼ cor. sec. 28 and 33 25/33 and set in concrete and rock mound, said corner being the POINT OF BEGINNING of this description.

Thence, along the West line of the Southeast one-quarter of section 28, North 0°38'45" West, a distance of 298.97 feet to an intersection with the southeasterly boundary line of lot 41 of the Content Gold and Silver Mine, located by Percy Long during 1906, recorded in Book 8, page 264 of Patents;

Thence, along said southeasterly boundary North 30°30'30" East, a distance of 995.61 feet;

Thence, North 14°45'00" East, a distance of 210.38 feet, to the North line of the South one-half of the Southeast one-quarter of Section 28;

Thence, along said North line, North 89°38'07" East, a distance of 1520.88 feet, to an intersection with the southeasterly right-of-way line of County Road No. 2167, as said right-of-way line is shown on that certain map of Proposed County Road No. 2167, Map No. 6–1a.2167 M1, dated June 1961, filed for record in the Kern County Surveyor's Office;

Thence, along the southeasterly right-of-way line the following courses:

Southwesterly along a tangent curve to the right having a radius of 3090.00 feet through a central angle of 5°12'05" and an arc length of 280.52 feet;

South 47°06'31" West, a distance of 128.10 feet;

South 42°53'29" East, a distance of 20.00 feet;

South 47°06'31" West, a distance of 300.00 feet;

North 42°53'29" West, a distance of 20.0 feet;

South 47°06'31" West, a distance of 79.20 feet;

Thence, leaving said southwesterly right-of-way line, South 67°05'00" East, a distance of 12.82 feet;

Thence, South 78°24'00" East, a distance of 289.80 feet;

Thence, South 11°02'00" West, a distance of 197.80 feet;

Thence, North 78°44'00" West, a distance of 227.80 feet;

Thence, North 58°41" West, a distance of 186.45 feet, to an intersection with the aforementioned southeasterly right-of-way line of County Road No. 2167;

Thence, along said southeasterly right-of-way line the following courses:

South 47°06'31" West, a distance of 180.37 feet;

Southeasterly along a tangent curve to the left, having a radius of 1410.00 feet, through a central angle of 16°49'53" and an arc length of 414.21 feet;

North 59°43'22" West (radial), a distance of 10.00 feet;

South 30°16'38" West, a distance of 297.23 feet, to an intersection with the South line of Section 28;

Thence, along the South line of Section 28, South 89°08'42" West, a distance of 834.46 feet, to the POINT OF BEGINNING (designated as lots 18, 19, and fraction of lot 20).

Containing 37.66 acres, more or less.

3. The State of California has waived its preference rights of application for highway right-of-way or material sites as provided by section 24 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

4. At 10 a.m. on April 15, 1982, the following described land shall be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 15, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Mount Diablo Meridian

T. 25 S., R. 33 E.,
Sec. 28, lot 18 and fraction of lot 20 lying westerly of the easterly line of the metes and bounds description as set out in paragraph 2.

5. The land described in paragraph 4 also will be open to application and offers under the mineral leasing laws, and to location under the United States mining laws, at 10 a.m. on April 15, 1982.

6. Of the land described in paragraph 1, the surface estate of lot 19, sec. 28, T. 25 S., R. 33 E., has been conveyed from the United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, 44 Stat. 741 as amended, 43 U.S.C. 869 (1970); therefore, unless and until appropriate regulations are issued, the lands will not be open to location under the United States mining laws (30 U.S.C. Ch. 2). This land has been and continues to be open to application and offers under the mineral leasing laws. Further, that portion of lot 20 lying easterly of the easterly line of the metes and bounds description, as set out in paragraph 2, remains withdrawn from the public land laws, including the mining and the mineral leasing laws, by PLO 548 for use by the Corps of Engineers as a part of the Isabella Lake Project.

Inquiries concerning the lands shall be addressed to the Bureau of Land Management, U.S. Department of the Interior, Room E–2841. Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Dated: March 10, 1982.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 82–7274 Filed 3–17–82; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6202

[U–14585]

Utah; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes Secretary's Order of May 6, 1942, establishing the Gray Canyon Unit of the Colorado River Storage Project as it affects 8,761.08 acres described below. This action will partially restore the lands to the operation of the public land laws including the mining laws.

EFFECTIVE DATE: April 15, 1982.

FOR FURTHER INFORMATION CONTACT: Darrell Barnes, Utah State Office (801) 524–4245.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714 it is ordered as follows:

1. Secretary's First Form Reclamation Withdrawal Order of May 6, 1942, which withdrew public lands for the Gray Canyon Unit, Colorado River Storage Project, and from all forms of appropriation under the public land laws, including the mining laws, for use by the Bureau of Reclamation is hereby revoked as to the following described lands:

Salt Lake Meridian

T. 18 S., R. 16 E.,
Sec. 25, lots 1–3, N½, SW¼, W½SE¼.
T. 19 S., R. 16 E.,
Sec. 1, lots 1–17, SE¼NE¼, SW¼NW¼, SE¼.
T. 15 S., R. 17 E., partially surveyed
Secs. 16, 17, 20, 21, 28, 29, 32, 33.
T. 18 S., R. 17 E.,
Secs. 29, 30, 31.
T. 19 S., R. 17 E., partially surveyed
Sec. 6.

Aggregating 8,761.08 acres.

2. At 10:00 a.m. on April 15, 1982, the public lands described in this paragraph shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on April 15, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Salt Lake Meridian

T. 18 S., R. 16 E.,
Sec. 25, N½N½, S½NW¼, W½SW¼.
T. 19 S., R. 16 E.,
Sec. 1, E½SE¼.
T. 15 S., R. 17 E., partially surveyed
Sec. 28, SW¼NW¼, NW¼SW¼.
T. 18 S., R. 17 E.,
Sec. 29, NE¼NE¼, S½SE¼.
T. 19 S., R. 17 E., partially surveyed
Sec. 6.
Aggregating 1,407 acres.

3. At 10:00 a.m. on April 15, 1982, the public lands described in this paragraph shall be open to location for metalliferous minerals under the U.S. mining laws. The lands have been open to applications and offers under the mineral leasing laws.

Salt Lake Meridian

T. 18 S., R. 16 E.,
Sec. 25, lots 1–3, N½, SW¼, W½SE¼.
T. 19 S., R. 16 E.,
Sec. 1, lots 1–17, SE¼NE¼, SW¼NW¼, SE¼.
T. 15 S., R. 17 E., partially surveyed
Sec. 16, Tract B;
Sec. 21, Tract A;
Sec. 28, Tract A;
Sec. 33, Tract A.
T. 18 S., R. 17 E.,
Secs. 29, 30, 31.
T. 19 S., R. 17 E., partially surveyed
Sec. 6.

Aggregating 4,571.08 acres.

4. Of the lands being revoked and not described in paragraphs 2 or 3 above, 1,752 acres are within Public Law 440, Uintah Indian Reservation withdrawal, and will remain segregated from entry under the public land laws including the mining and mineral leasing laws; also, 2,438 acres are within Executive Order No. 5327, oil shale withdrawal, and will remain segregated from entry under the public land and mining laws, but not the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: March 10, 1982.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 82-7290 Filed 3-17-82; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6203

[OR-21768 (WASH), OR-21783 (WASH)]

Washington; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a Secretarial Order and a Bureau of Land Management Order as to 2,682.02 acres of land withdrawn for reclamation purposes. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: April 15, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of December 26, 1913, and the Bureau of Land Management Order of June 18, 1947, which withdrew certain lands for use by the Bureau of Reclamation for reclamation purposes in connection with the Columbia Basin Project are hereby revoked insofar as they affect the following described lands:

Willamette Meridian

Columbia Basin Project

T. 9 N., R. 31 E.,
Sec. 10, SW¼;
Sec. 20, NE¼SW¼ and N½SE¼;
Sec. 22, N½NW¼ and NW¼NE¼.
T. 10 N., R. 31 E.,
Sec. 20, E½;
Sec. 26, S½;
Sec. 28, NE¼ and S½;
Sec. 32, E½NW¼;
Sec. 34, N½, SW¼, NE¼SE¼, and S½SE¼.
T. 10 N., R. 32 E.,
Sec. 20, NW¼;
Sec. 30, Lots 1, 2, 3, and 4, NW¼NE¼, NE¼NW¼, and E½SW¼.
T. 13 N., R. 33 E.,
Sec. 10, SW¼NW¼.

The areas described aggregate 2,682.02 acres in Franklin County.

2. At 10 a.m., on April 15, 1982, the lands described above will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on April 15, 1982, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

3. At 10 a.m., on April 15, 1982 the lands described above will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 10, 1982.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 82-7293 Filed 3-17-82; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6204

[M 40845]

Montana; Revocation of Public Water Reserve No. 49, Montana No. 4

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which identified certain lands for inclusion in the withdrawal for Public Water Reserve No. 49, Montana No. 4. The revocation involves 1,834.77 acres which are restored to operation of the public land laws and to location of nonmetalliferous minerals. Because of overlapping withdrawals, 271.37 acres remain segregated from entry under the public land laws, including the mining laws.

EFFECTIVE DATE: April 15, 1982.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior, by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order dated April 28, 1917, which created Public Water Reserve No. 49, Montana No. 4, withdrawing the following described lands, is hereby revoked in its entirety:

Principal Meridian

T. 17 N., R. 29 E.,
Sec. 1, lots 2, 10, 11, and 15;
Sec. 11, lots 1 and 2;
Sec. 12, lots 1 and 5;
Sec. 13, lot 10;
Sec. 14, lot 2;
Sec. 24, lots 5 and 6;
Sec. 25, lots 5 and 6.
T. 18 N., R. 29 E.,
Sec. 1, lot 10;
Sec. 12, lots 1 and 7;
Sec. 24, lots 2 and 3, and W½NW¼;
Sec. 25, lot 14;
Sec. 35, lot 1.
T. 15 N., R. 30 E.,
Sec. 4, SW¼NW¼ and W½SW¼;
Sec. 9, lots 1, 2, 3, and 18.
T. 16 N., R. 30 E.,
Sec. 5, lots 7 and 8;
Sec. 9, S½NW¼;
Sec. 19, lot 8, and NE¼NE¼;
Sec. 20, lots 1, 11, 12, 20, and 21;
Sec. 28, lot 15;
Sec. 32, SW¼NW¼ and NW¼SW¼;
Sec. 33, NW¼NW¼.
T. 17 N., R. 30 E.,
Sec. 19, lot 3;
Sec. 30, lots 5 and 6;
Sec. 31, SE¼SE¼.
T. 19 N., R. 30 E.,
Sec. 8, SE¼SE¼;
Sec. 17, lot 1, and NE¼NE¼;
Sec. 19, lot 9;
Sec. 30, lot 4;
Sec. 31, lot 2.

The area described aggregates 1,834.77 acres in Petroleum and Garfield Counties.

2. At 8 a.m. on April 15, 1982, the above described lands, excepting those lands described in Paragraph 3 below, shall be open to the public land laws generally, including the mining of nonmetalliferous minerals under the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and requirements of applicable law.

3. This action will not restore the following described lands to operation of the public land laws or to mineral location under the mining laws as they are subject to the Charles M. Russell National Wildlife Refuge Withdrawal, the Corps of Engineers Fort Peck Reservoir Withdrawal, and the Bureau of Land Management Withdrawal Application No. M 30912:

Principal Meridian

T. 18 N., R. 29 E.,
Sec. 1, lot 10;
Sec. 12, lots 1 and 7.
T. 19 N., R. 30 E.,
Sec. 8, SE¼SE¼;
Sec. 17, lot 1, and NE¼NE¼;
Sec. 19, lot 9;
Sec. 30, lot 4;
Sec. 31, lot 2.

The area described aggregates 271.37 acres in Petroleum and Garfield Counties.

4. Except for those lands identified in Paragraph 3, the lands have been and continue to be open to location for metalliferous minerals under the mining laws and to applications and offers under the mineral leasing laws. The lands in Paragraph 3 are subject to such regulations as apply to refuge lands.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: March 10, 1982.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 82-7280 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6205

[M-139, M-262, M-35201]

Montana; Partial Revocation of Military Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes Executive Order dated March 14, 1978, in part, as to 287.35 acres of land situated near Miles City, Montana. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: April 15, 1982.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order dated March 14, 1878, which withdrew certain lands for military purposes (Fort Keogh) is hereby revoked insofar as it affects the following described lands:

Principal Meridian

(M-139)

T. 7 N., R. 47 E.,
Secs. 3 and 10, Tract U;
Sec. 4, Tract V.

(M-262)

T. 7 N., R. 47 E.,
Sec. 4, Tract "S".
T. 8 N., R. 47 E.,
Sec. 33, Tract "S".

(M-35201)

T. 8 N., R. 47 E.,
Sec. 32, lots 9, 17 and 21.

The areas described aggregate 287.35 acres in Custer County.

2. At 8 a.m. on April 15, 1982, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to April 15, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

3. At 8 a.m. on April 15, 1982, the lands will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: March 10, 1982.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 82-7279 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6206

[OR-18994, OR-19000, OR-19006, OR-20234-B, OR-20242]

Oregon; Partial Revocation of Public Water Reserves No. 118, No. 142, No. 160, No. 87, and No. 110

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes five separate Executive Orders in part and would restore a total of 479.90 acres of land to nonmetalliferous mineral location. Of this total, 439.90 acres will also be opened to the operation of the public land laws generally. The remaining 40 acres are included in a Powersite reserve and thus will remain closed to the public land laws generally.

EFFECTIVE DATE: April 15, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Orders of February 13, 1929, November 9, 1923, and September

20, 1927, Executive Order No. 5650 of June 18, 1931, and Executive Order No. 8009 of November 18, 1938, which withdrew certain lands for public water reserve purposes are hereby revoked insofar as they affect the following described lands:

Willamette Meridian

Public Water Reserve No. 118

T. 17 S., R. 20 E.,
Sec. 12, NE¼NE¼.
T. 17 S., R. 21 E.,
Sec. 6, Lot 7 and SE¼SW¼.

Public Water Reserve No. 142

T. 19 S., R. 18 E.,
Sec. 18, Lots 7, 8, 9, and 10, and SW¼NE¼.

Public Water Reserve No. 160

T. 9 S., R. 23 E.,
Sec. 18, NE¼SW¼.

Public Water Reserve No. 87

T. 16 S., R. 25 E.,
Sec. 1, NW¼SW¼;
Sec. 2, SW¼SW¼.

Public Water Reserve No. 110

T. 20 S., R. 22 E.,
Sec. 13, SW¼SW¼.

The areas described aggregate 479.90 acres in Crook and Wheeler Counties.

2. The land in section 18, T. 9 S., R. 23 E., is included in Powersite Reserve No. 24 of July 2, 1910, and remains segregated from operation of the public land laws generally.

3. At 10 a.m., on April 15, 1982, the lands described in paragraph 1, except as provided in paragraph 2, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on April 15, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m., on April 15, 1982, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 10, 1982.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 82-7285 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6207

[OR-19072]

Oregon; Powersite Restoration No. 596; Partial Revocation of Powersite Reserve No. 429

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 2,717.25 acres of lands withdrawn for a powersite reserve. This action will restore the public lands involved to operation of the public land laws generally.

EFFECTIVE DATE: April 16, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-551-Oregon, it is ordered as follows:

1. The Executive Order of April 3, 1914, which created Powersite Reserve No. 429 is hereby revoked so far as it affects the following described lands:

Willamette Meridian

Powersite Reserve No. 429

T. 39 S., R. 22 E.,
Sec. 12, Lots 3, 4, 5, 6, 10, and 11;
Sec. 13, Lot 1.
T. 39 S., R. 23 E.,
Sec. 7, Lot 4;
Sec. 16, N½, N½SW¼, SW¼SW¼, and NE¼SE¼;
Sec. 17, NE¼NE¼, S½NE¼, NW¼NW¼, S½NW¼, and S½;
Sec. 18, Lots 1, 2, and 3, E½, E½NW¼, and NE¼SW¼;
Sec. 19, Lots 2 and 3, E½, and E½NW¼;
Sec. 20 N½NW¼ and SW¼NW¼;
Sec. 30, Lot 3, NW¼NE¼, and SE¼NW¼.

The areas described aggregate 2,717.25 acres in Lake County.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 10 a.m. on April 16, 1982, the public lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on April 16, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands have been open to appplications and offers under the mineral leasing laws and to location under the United States mining laws, subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquires concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 11, 1982.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 82-7286 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6208

[OR-19613 (WASH)]

Washington; Powersite Restoration No. 744; Partial Revocation of Powersite Reserve No. 533

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order as to 40 acres of land withdrawn for powersite reserve purposes. This action will restore the land to such forms of disposition that may by law be made of national forest lands.

EFFECTIVE DATE: April 16, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-221-Washington, it is ordered as follows:

1. The Executive Order of June 30, 1916, which created Powersite Reserve No. 533, is hereby revoked insofar as it affects the following described land:

Willamette Meridian

Snoqualmie National Forest

T. 27 N., R. 10 E.,
Sec. 18, SE¼SE¼.

The area described contains 40 acres in Snohomish County.

2. At 10 a.m. on April 16, 1982, the land will be open to such forms of disposition as may be law be made of national forest lands.

Dated: March 11, 1982.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 82-7296 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6209

[W-72573]

Wyoming; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a withdrawal affecting 7.05 acres of land withdrawn for reclamation purposes. This action will restore the lands to the operation of the public land laws, including the mining laws.

EFFECTIVE DATE: April 16, 1982.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307-778-2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Departmental Order of April 21, 1903, as modified by Secretarial Order of February 19, 1916, is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian

T. 53 N., R. 101 W.,
Sec. 21, lot 3.
The area described contains 7.05 acres in Park County, Wyoming.

2. At 7:45 a.m. on April 16, 1982, the lands will be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on April 16, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 7:45 a.m. on April 16, 1982, the lands will be open to location under the United States mining laws. The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 11, 1982.

[FR Doc. 82-7297 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6210

[M-40698]

Montana; Partial Revocation of an Interpretation of Public Water Reserve No. 107

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive order and a Secretarial order as to 40 acres withdrawn as a public water reserve. This action will restore the land to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: April 16, 1982.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by the Secretarial Order of May 14, 1935, as Interpretation No. 217, is hereby revoked insofar as it affects the following described lands:

Principal Meridian

T. 20 N., R. 23 E.,
Sec 15, SE¼NE¼.
The area described contains 40 acres in Fergus County.

2. At 8 a.m. on April 16, 1982, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on April 16, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to nonmetalliferous mineral location under the United States mining laws at 8 a.m. on April 16, 1982. The land has been and continues to be open to applications and offers under the mineral leasing laws and location of metalliferous minerals under the United States mining laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 11, 1982.

[FR Doc. 82-7281 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6211

[CA-9438]

California; Revocation of Air Navigation Site Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Departmental order which withdrew 0.13 acres of land for an air navigation site, and will simultaneously restore and open the land to the operation of the public land laws generally, including the mining and the mineral leasing laws.

EFFECTIVE DATE: April 16, 1982.

FOR FURTHER INFORMATION CONTACT: Marie Getsman, California State Office, 916-484-4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Departmental Order dated January 21, 1958, identified as LA 0151487, withdrawing a parcel of land containing 0.13 acres, described by metes and bounds in T. 7 N., R. 5 W., San Bernardino Meridian, for use by the Corps of Engineers, Department of the Army, for an air navigation site, is hereby revoked:

2. At 10 a.m. on April 16, 1982, the land shall be open to operation of public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 16, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

3. The land will be open to applications and offers under the mineral leasing laws and to location under the United States mining laws at 10 a.m. on April 16, 1982.

Inquiries concerning the land should be addressed to the Chief, Branch of Land and Minerals Operations, Bureau of Land Management, Room E-2811,

Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 11, 1982.

[FR Doc. 82-7275 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6212

[A-10342]

Arizona; Public Land Order No. 6044; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This document will correct a typographical error in a land description contained in Public Land Order No. 6044 of October 1, 1981 (46 FR 49869, October 8, 1981). Public Land Order 6044 withdrew approximately 2,781 acres of public lands for enlargement of the Bill Williams Unit of the Havasu National Wildlife Refuge, and, simultaneously, partially revoked the existing reclamation withdrawals on approximately 2,091 acres.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

A description of the lands in Public Land Order No. 6044 of October 1, 1981, in FR Doc. 81-29336 appearing at page 49869 in the issue of Thursday, October 8, 1981, is hereby corrected as follows:

The second column in paragraph No. 1, T. 11 N., R. 18 W., sec. 13, the second line which reads, "SW¼, N½S½SE¼, and SE¼SE¼, lying," is corrected to read "SW¼, N½S½SE¼, and SE¼SE¼SE¼, lying."

The second column in paragraph No. 2, T. 11 N., R. 18 W., sec. 13, the second line which reads, "those portions of the E½SW¼SW¼," is corrected to read "those portions of the E½SE¼SW¼."

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 11, 1982.

[FR Doc. 82-7300 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6213

[CA-2266]

California; Opening of Land Subject to Section 24 of the Federal Power Act

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order opens a tract of land in the Six Rivers National Forest within Powersite Reserve No. 258 and Power Project No. 74 to such forms of disposition as may by law be made of the national forest lands, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920.

EFFECTIVE DATE: April 16, 1982.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916-484-4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, as amended, 16 U.S.C. 818) and pursuant to the determination of the Federal Power Commission (now the Federal Energy Regulatory Commission), in DA-1119 California, it is ordered as follows:

1. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the following described land in the Six Rivers National Forest withdrawn in Powersite Reserve No. 258 by Executive Order of April 12, 1913, and Power Project No. 74 of October 25, 1920, shall at 10 a.m. on April 16, 1982, be open to such forms of disposition as may be law be made of national forest lands, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920, *supra.*

Humboldt Meridian

T. 11 N., R. 6 E.,

Sec. 9, NE¼NE¼, that portion lying west of the Klamath River. Aggregating approximately 20 acres in Humboldt County.

2. The State of California has waived its preference right of application for highway rights-of-way or material sites afforded it by Section 24 of the Federal Power Act.

The land has been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955, 69 Stat. 682; 30 U.S.C. 621.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 11, 1982.

[FR Doc. 82-7276 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6214

[ES-11443]

Florida; Revocation of Executive Order Nos. 808 and 4060 and Public Land Order No. 30

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes two Executive Orders and one Public Land Order which withdrew and reserved lands for use of the Department of the Navy. The lands involved remain withdrawn for use of the Department of the Treasury and the U.S. Fish and Wildlife Service, Department of the Interior.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Jeff O. Holdren, Eastern States Office, 703-235-2844.

By virtue of the authority contained in Section 204(a) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 808 of June 8, 1908, which reserved the following described land for naval purposes is hereby revoked:

Tallahassee Meridian

T. 68 S., R. 23 E.,

All that part of Man Key lying in Section 17; all that part of Woman Key lying in Sections 13 and 14; and the small inlet in Sections 11 and 14, north of Woman Key about one-eight of a mile, and separated therefrom by a shallow channel of water.

2. Executive Order No. 4060 of August 11, 1924, which reserved all the islands, keys, harbors, and shoals for naval purposes located in T. 67 S., R. 25 E. and Ts. 67 and 68 S., Rs. 21, 22, 23 and 24 E., adjacent to and in the vicinity of the island of Key West is hereby revoked.

3. Public Land Order No. 30 of August 14, 1942, which reserved two parcels of public land for naval purposes aggregating approximately 2,071.47 acres in T. 67 S., R. 25 E., is hereby revoked.

Public land in Section 5, T. 68 S., R. 21 E., remains subject to the unnumbered Executive Order of March 12, 1884, which reserved the land for the use of

the Department of the Treasury for life-saving purposes. All of the remaining public lands in Ts. 67 and 68 S., Rs. 21, 22, and 23 and 24 E., which are no longer subject to Executive Order Nos. 808 and 4060, are now and will remain withdrawn for the Key West National Wildlife Refuge in accordance with Executive Order No. 923 of August 8, 1908 and Proclamation No. 2416 of July 25, 1940.

Public lands within Sections 1 through 18, T. 67 S., R. 25 E., which are no longer subject to Executive Order No. 4060, are now and will remain withdrawn for the Great White Heron National Wildlife Refuge in accordance with Executive Order No. 7993 of October 27, 1938 and Proclamation No. 2416 of July 25, 1940.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 11, 1982.

[FR Doc. 82-7278 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6215

[OR-19037]

Oregon; Powersite Restoration No. 596; Revocation of Powersite Reserve No. 79

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order as to 1,129.86 acres of lands withdrawn for a powersite reserve. This action will restore the public lands to operation of the public land laws generally.

EFFECTIVE DATE: April 16, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-551-Oregon, it is ordered as follows:

1. The Executive Order of July 2, 1910, which created Powersite Reserve No. 79 is hereby revoked insofar as it affects the following described public lands:

Willamette Meridian

Powersite Reserve No. 79

T. 39 S., R. 23 E.,
Sec. 23, S½NE¼ and N½NW¼;
Sec. 24, N½ and N½S½.
T. 39 S., R. 24 E.,
Sec. 19, lots 3, 9, 10, 11, 12, NE¼SW¼ and N½SE¼;
Sec. 20, lots 5 and 6, and N½SW¼.

The areas described aggregate 1,129.86 acres in Lake County.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 10 a.m. on April 16, 1982, the public lands described above will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 16, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The public lands described above have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955, (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 11, 1982.

[FR Doc. 82-7286 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6216

[OR 19056]

Oregon; Powersite Restoration No. 596; Partial Revocation of Powersite Reserve No. 265

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 1,280 acres of land withdrawn for a powersite reserve. This action will restore the public lands involved to operation of the public land laws generally.

EFFECTIVE DATE: April 16, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-559-Oregon, it is ordered as follows:

1. The Executive Order of April 29, 1912, which created Powersite Reserve No. 265, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Reserve No. 265

T. 40 S., R. 22 E.,
Sec. 10, SW¼SW¼.
T. 39 S., R. 23 E.,
Sec. 14, N½, N½S½, SW¼SW¼, and SE¼SE¼;
Sec. 15.
T. 39 S., R. 24 E.,
Sec. 20, SW¼SE¼.
The areas described aggregate 1,280 acres in Lake County.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 10 a.m. on April 16, 1982, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 16, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955, 69 Stat. 682; 30 U.S.C. 621.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 11, 1982.

[FR Doc. 82-7289 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6217

[A-9134]

Arizona; Withdrawal for Bush Highway Research Natural Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 480 acres of national forest land and reserves it for vegetative research and resource management programs in connection with the Bush Highway Research Natural Area for a period of 20 years.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT:

Mario L. Lopez, Arizona State Office, 602–261–4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is hereby ordered as follows:

1. Subject to valid existing rights, the following described national forest lands which are under the jurisdiction of the Secretary of Agriculture, are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, as a research natural area.

Gila and Salt River Meridian

Tonto National Forest, Bush Highway Research Natural Area

T. 3 N., R. 8 E.,
Sec. 16, E½ and E½W½.

The area described contains 480 acres in Maricopa County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 11, 1982.

[FR Doc. 82-7273 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6218

[C-3590]

Colorado; Total Revocation of Stock Driveway Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes 10 Secretarial orders, as amended, which withdrew 31,514 acres for use as Stock Driveways. The public lands involving 30,681 acres will be opened to operation of the public land laws generally. The national forest lands involving 833 acres will be opened to such forms of disposition as may by law be made of such lands.

EFFECTIVE DATE: April 16, 1982.

FOR FURTHER INFORMATION CONTACT:

Richard D. Tate, Colorado State Office, 303–837–2535.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretary's Order of July 23, 1917, as amended, establishing Stock Driveway No. 1; Secretary's Order of October 9, 1917, as amended, establishing Stock Driveway No. 2; Secretary's Order of November 17, 1917, as amended, establishing Stock Driveway No. 5; Secretary's Order of January 29, 1918, as amended, establishing Stock Driveway No. 8; Secretary's Order of September 27, 1921, as amended, establishing Stock Driveway No. 151; Secretary's Order of July 14, 1928, as amended, establishing Stock Driveway No. 191; Secretary's Order of May 1, 1930, as amended, establishing Stock Driveway No. 215; Secretary's Order of May 29, 1931, as amended, establishing Stock Driveway No. 224; Secretary's Order of August 6, 1940, as amended, establishing Stock Driveway No. 260; and Secretary's Order of August 25, 1941, as amended, establishing Stock Driveway No. 264 are hereby revoked. This action involves approximately 31,514 acres of land in Alamosa, Eagle, Garfield, Grand, Gunnison, Larimer, Mesa, Moffat, Ouray, Park, Pitkin, Rio Blanco, Saguache and Summit Counties, Colorado. (Land descriptions are available in the Colorado State and District Offices.)

2. At 7:45 a.m. on April 16, 1982, the 30,681 acres of public land shall be open to operation of the public land laws generally, subject to any valid existing rights, the provisions of any existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on April 16, 1982, shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

3. At 7:45 a.m. on April 16, 1982, the 833 acres of national forest lands shall be open to such forms of disposition as may by law be made of national forest lands, subject to any valid existing rights, the provisions of any existing withdraws, and the requirements of applicable law.

The public lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning these lands should be directed to the Chief, Branch of Adjudication, Bureau of Land Management, 2000 Arapahoe, Denver, Colorado 80205.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 11, 1982.

[FR Doc. 82-7277 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6219

[U-45066]

Utah; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This document will revoke the Commissioner's Order of December 17, 1954, withdrawing approximately 142.21 acres of land and will simultaneously restore and open 22.2 acres to the operation of the general land laws including the mining laws. The remaining 120.01 acres will be opened to proposals under Section 206 of the Act of October 21, 1976.

EFFECTIVE DATE: April 16, 1982.

FOR FURTHER INFORMATION CONTACT:

Deen Bowden, Utah State Office, 801–524–4245.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Commissioner's Order of December 17, 1954, which withdrew public lands for the Central Utah Project from all forms of appropriation under the public land laws, including the mining laws, for use by the Bureau of Reclamation, is hereby revoked as to the following described lands:

Salt Lake Base and Meridian

Parcel A

An irregular parcel and land in the W½ and lot 2, of Section 19, T. 7 S., R. 3 E., being more particularly described as follows:

Beginning at a point which lies W. 1,496.4 feet along the section line and S. 1,082.5 feet from the north quarter corner of said Section 19; said point also being on the east right-of-way line of Highway I–15; thence along the Utah Lake Meander Line the following courses: thence S. 72°00' E., 1,312.6 feet; thence S. 85°00' E. 567.6 feet; thence S. 41°00' E. 145.2 feet; thence S. 35°00' W. 369.6 feet; thence S. 75°00' W. 442.4 feet; thence S. 85°00' W. 627.8 feet, more or less, to a point on the easterly right-of-way line of said Highway I–15; thence N. 31°52' W. 1,220.6 feet along said Highway I–15 right-of-way line to point of beginning containing 22.2 acres, more or less.

Parcel B

An irregular parcel of land in the S½ of Section 18 and the N½ of Section 19, T. 7 S., R. 3 E., being more particularly described as follows:

Beginning at a point which lies S. 01°20' W. 4,547.5 feet along the section line from the northwest corner of said Section 18; thence N. 69°30' E. 2,824.6 feet; thence along the Utah Lake Meander Line the following courses: S. 75°00' E. 462 feet; thence S. 46°30' E. 528 feet; thence S. 02°30' E. 231 feet; thence S. 85°00' W. 283.8 feet; thence N. 86°30' W. 719.4 feet; thence S. 77°00' W. 1,214.4 feet; thence S. 20°00' W. 396 feet; thence S. 03°00' E. 100.8 feet, more or less, to a point on the easterly right-of-way of Highway I–15; thence N. 31°52' W. 1,069.4 feet, more or less, along the easterly line of said Highway I–15, to point of beginning containing 45.8 acres, more or less.

Parcel C

An irregular parcel of land in the E½ of Section 13, T. 7 S., R. 2 E., and the W½ of Section 18, T. 7 S., R. 3 E., containing 74.21 acres, more or less, and being more particularly described as follows:

Beginning at a point which lies S. 2,392.4 feet along the section line and W. 898.2 feet from the northeast corner of said Section 13; said point being on the east right-of-way line of Highway I–15; thence along the Utah Lake Meander Line the following courses: N. 87°30' E. 110.6 feet; thence S. 85°00' E. 679.8 feet; thence S. 66°00' E. 2,065.8 feet; thence S. 75°00' E. 792 feet; thence S. 69°30' W. 2,824.6 feet, more or less, to a point on the east right-of-way of said Highway I–15; thence along the east right-of-way line of said Highway I–15 the following courses: N. 31°52' W. 504.2 feet; thence N. 29°44' W. 404.1 feet; thence N. 27°06' W. 287.5 feet to point of tangency of a regular curve to the right having a radius of 1,859.9 feet; thence along the arc of the said curve 886.2 feet; thence N. 02°12' E. 200.2 feet, more or less, to the point of beginning, containing 83.85 acres, more or less, excepting therefrom a parcel of land containing 9.64 acres, more or less, leaving a net "Parcel C" area of 74.21 acres, more or less, said excepted area being described as follows:

Exception (to be used for Bureau of Reclamation project purposes).

A parcel of land in the SW¼ of Section 18, T. 7 S., R. 3 E., containing 9.64 acres, more or less, and being more particularly described as: Beginning at a point which lies N. 89°22' E. 398 feet along the section line and S. 00°38' E. 3,130.1 feet from the northwest corner of said Section 18; said point has U.S.C. and G.S. plane grid coordinates N. 683,103.99 and E. 1,957,054.81; thence S. 89°38' E., 700 feet; to a point which lies S. 01°05' W. 38.1 feet from found monument; thence S. 01°05' W. 600 feet, thence N. 89°38' W. 700 feet; thence N. 01°05' E. 600 feet, more or less, to the point of beginning. (The foregoing bearings are based on the Utah Coordinate System, Central Zone.) Based on the Utah Coordinate System, the northwest corner of said Section 18 has plane grid coordinates N. 686,230.47 and E. 1,956,622.41 and north quarter corner of said Section 18 has plane grid coordinates N. 686,264.17 and E. 1,959,297.92.

The total net area of Parcels A, B, and C is 142.21 acres, more or less, in Utah County.

2. At 10 a.m. on April 16, 1982, the lands in Parcel A shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 16, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on April 16, 1982, the lands in Parcel A will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

4. Effective the date of this publication, the lands in Parcels B and C shall be open to proposals under Section 206 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2756; 43 U.S.C. 1716, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 11, 1982.

[FR Doc. 82-7292 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6220

[W-61107]

Wyoming-Nebraska; Partial and Total Revocation of National Forest Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will revoke numerous Public Land Orders and a Secretarial Order which withdrew 15,676.55 acres for various recreational and administrative uses. The lands are located within the national forests of Wyoming and Nebraska. This action will restore the lands to such forms of disposition as may by law be made of such lands.

EFFECTIVE DATE: April 17, 1982.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307–778–2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1368 of November 28, 1956, which withdrew certain lands for the Bighorn Experimental Range, is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian, Wyoming

Bighorn National Forest

T. 55 N., R. 89 W.,
Sec. 2, W½, and W½E½;
Sec. 3, E½, and E½W½;
Sec. 10, N½NE¼, and NE¼NW¼;
Sec. 11, N½NW¼, and NW¼NE¼.
T. 56 N., R. 89 W.,
Sec. 34, S½SE¼, and SE¼SW¼;
Sec. 35, S½SW¼, and SW¼SE¼.

The area described contains 1,441.44 acres in Sheridan County, Wyoming.

2. Public Land Order No. 1421 of May 23, 1957, which withdrew certain lands for a Youth Organization Camp, is hereby revoked insofar as it affects the following described lands:

Bighorn National Forest

T. 54 N., R. 89 W.,
Sec. 1, E½NE¼.

The above area aggregates 52.00 acres in Sheridan County, Wyoming.

3. Public Land Order No. 1529 of October 18, 1957, which withdrew lands for the Five Springs Camp Ground and Winter Sport Area, is hereby revoked insofar as it affects the following described lands:

Bighorn National Forest

T. 56 N., R. 92 W.,
Sec. 20, SE¼SW¼NW¼, S½SE¼NW¼, S½NE¼, E½NW¼SW¼, NE¼SW¼, N½SE¼, NE¼SW¼SW¼, N½SE¼SW¼, N½SW¼SE¼, and NW¼SE¼SE¼;
Sec. 21, S½SW¼NW¼, and N½NW¼SW¼.

The area described above contains 350.00 acres in Big Horn County, Wyoming.

4. Public Land Order No. 1653 of June 6, 1958, which created the Sandhills Experimental Forest and Range Site is hereby revoked in entirety:

Sixth Principal Meridian, Nebraska

Nebraska National Forest

T. 32 N., R. 32 W.,
Sec. 1, SW¼;
Sec. 2, S½;
Sec. 3, S½;
Sec. 4, S½;
Sec. 5, S½;
Sec. 6, lots 7, 8, 9, 10, 13, 14, and SE¼;
Secs. 7 to 11, inclusive;
Secs. 12, W½;
Sec. 13, W½;
Secs. 14 to 18, inclusive.
T. 32 N., R. 33 W.,
Sec. 1, SE¼;

Sec. 12, E½;
Sec. 13, E½.

The area described aggregates 9,875.21 acres in Cherry County, Nebraska.

5. Public Land Order No. 2278 of February 27, 1961, as modified by Public Land Order No. 4788 dated April 2, 1970, creating administrative sites, is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian, Wyoming

Medicine Bow National Forest

Mountain Home Administrative Site

T. 12 N., R. 78 W.,
Sec. 17, W½SW¼NE¼.

Centennial Administrative Site

T. 15 N., R. 78 W.,
Sec. 4, SE¼NE¼, S½NE¼SE¼, E½E½NW¼SE¼, E½E½SW¼NE¼, less 1.52 acres in the Little La Rue Lode M.E. Survey 81.

Spruce Mountain Administrative Site

T. 14 N., R. 79 W.,
Sec. 12, W½SW¼NE¼, N½NW¼SE¼, W½NW¼NE¼SE¼, E½SE¼NW¼, SW¼NW¼NE¼, and SE¼NE¼NW¼.

Brooklyn Lake Administrative Site

T. 16 N., R. 79 W.,
Sec. 10, E½SE¼SE¼, and SE¼SW¼ SE¼SE¼;
Sec. 15, N½NE¼NE¼, NE¼SE¼ NE¼NE¼, W½SE¼NE¼NE¼, E½SW¼NE¼NE¼, NW¼SW¼ NE¼NE¼, NE¼SE¼NW¼NE¼, and SE¼NE¼NW¼NE¼.

Blackhall Mountain Administrative Site

T. 12 N., R. 83 W.,
Sec. 1, W½SW¼SW¼, W½E½ SW¼SW¼, and SW¼NW¼SW¼;
Sec. 2, SE¼NE¼SE¼, SE¼SE¼SE¼, SW¼SE¼SE¼, and NE¼SE¼SE¼.

Jack Creek Administrative Site

T. 15 N., R. 86 W.,
Sec. 18, SW¼SE¼NE¼, and W½NE¼ SE¼.

The above described area aggregates 355.98 acres in Albany and Carbon Counties, Wyoming

6. Public Land Order No. 2845 of December 7, 1962, creating administrative sites, is hereby revoked insofar as it affects the following described lands:

Shoshone National Forest

Rennerberg Administrative Site

T. 46 N., R. 102 W.,
Sec. 16, lot 5, and SE¼SW¼;
Sec. 21, lots 1, and 2.

Windy Mountain Lookout Administrative Site

T. 56 N., R. 106 W., (Partially surveyed)
Sec. 35, NE¼

Clayton Mountain Lookout Administrative Site

T. 51 N., R. 107 W., (Unsurveyed)
Sec. 3, S½.

Warm Springs Mountain Lookout Administrative Site

T. 42 N., R. 108 W.,
Sec. 35, NW¼SW¼.

Sheridan Creek Administrative Site

T. 42 N., R. 109 W.,
Sec. 3, lots 3, 4, N½SE¼NW¼, and NE¼SW¼NW¼.

The described area contains 757.56 acres in Fremont and Park Counties, Wyoming.

7. Public Land Order No. 2978 dated March 18, 1963, creating the following designated areas, is hereby revoked insofar as it affects the following described lands:

Medicine Bow National Forest

Jack Creek Campground

T. 15 N., R. 87 W.,
Sec. 12, NW¼SE¼SE¼.

Platte River Recreation Area

T. 14 N., R. 80 W.,
Sec. 30, lot 4, S½SE¼SW¼, NE¼SE¼ SW¼, E½NE¼SW¼, and W½NW¼SE¼.
T. 14 N., R. 81 W.,
Sec. 25, S½SE¼SE¼;
Sec. 36, N½NE¼NE¼, and NE¼NW¼ NE¼.

Shoshone National Forest

Wayne's Creek Sagebrush Watershed Project

T. 43 N., R. 105 W.,
Sec. 10, lot 1, SE¼NE¼, and NE¼SE¼;
Sec. 11, lot 1, SW¼NE¼, S½NW¼, N½SW¼, and NW¼SE¼.

The above described area contains 540.21 acres in Carbon and Fremont Counties, Wyoming.

8. Public Land Order No. 3250 issued October 10, 1963, creating campgrounds and picnic areas, is hereby revoked insofar as it affects the following described lands:

Medicine Bow National Forest

Jim Creek Campground

T. 15 N., R. 79 W.,
Sec. 2, SE¼SE¼.

North Fork Campground

T. 16 N., R. 78 W.,
Sec. 8, SE¼SW¼SE¼, and S½SE¼SE¼;
Sec. 16, S½SW¼NW¼;
Sec. 17, W½NE¼NE¼, and NW¼SE¼NE¼.

North Spring Creek Campground

T. 15 N., R. 86 W.,
Sec. 16, SW¼NW¼NW¼, and NW¼SW¼NW¼.

North Twin Lake Campground

T. 16 N., R. 80 W.,
Sec. 14, E½SW¼SW¼, and W½SE¼ SW¼.

Pole Creek Campground

T. 15 N., R. 72 W.,
Sec. 24, S½NW¼NE¼, S½NE¼NW¼, N½SE¼NW¼, and N½SW¼NE¼.

Stillwater Park Campground

T. 17 N., R. 80 W.,
Sec. 2, lots 3, 4, SW¼NW¼, and N½SE¼NW¼;
Sec. 3, E½SE¼NE¼.

South Twin Lake Campground

T. 16 N., R. 80 W.,
Sec. 22, SE¼NE¼NE¼, and NE¼SE¼ NE¼;
Sec. 23, S½NW¼NW¼, and N½SW¼NW¼.

Woods Creek Picnic Ground

T. 13 N., R. 77 W.,
Sec. 19, NE¼ of lot 6, and N½N½ of lot 10.

Bighorn National Forest

Big Willow Campground

T. 55 N., R. 89 W.,
Sec. 1, SW¼SW¼;
Sec. 2, SE¼SE¼.

Canyon Creek Campground

T. 48 N., R. 85 W.,
Sec. 18, SE¼NE¼NW¼.

Cliff Lake Back Area Camp

T. 51 N., R. 86 W.,
Sec. 4, S½NE¼SW¼, and N½SE¼SW¼.

Cold Springs Campground

T. 50 N., R. 88 W.,
Sec. 2, S½SE¼NE¼.

Dayton Gulch Campground

T. 56 N., R. 91 W.,
Sec. 12, S½S½SE¼SW¼;
Sec. 13, NE¼NW¼.

Frying Pan Lakes Back Area Camp

T. 51 N., R. 85 W.,
Sec. 3, SE¼SW¼SE¼.

Granite Creek Campground

T. 53 N., R. 89 W., (Unsurveyed), when surveyed, will be.
Sec. 14, W½NE¼NW¼.

Highway Campground

T. 56 N., R. 88 W.,
Sec. 28, SW¼SW¼SW¼;
Sec. 29, SE¼SE¼SE¼;
Sec. 32, NE¼NE¼NE¼;
Sec. 33, NW¼NW¼NW¼.

Hunter Mesa Lookout

T. 50 N., R. 84 W.,
Sec. 3, NE¼SE¼NW¼SW¼, and NW¼SW¼NE¼SW¼.

Indian Creek Organization Camp

T. 48 N., R. 86 W.,
Sec. 18, lot 8.

Lake Creek Campground

T. 49 N., R. 86 W.,
Sec. 22, E½NW¼NW¼NE¼.

Lake Helen Back Area Camp

T. 50 N., R. 86 W.,
Sec. 9, S½N½NW¼SW¼, and N½S½NW¼SW¼.

Lake Geneva Back Area Camp

T. 52 N., R. 86 W.,
Sec. 19, S½NW¼SE¼.

Little Horn Picnic Ground

T. 58 N., R. 89 W.,
Sec. 19, lot 3.

Lower Lake Solitude Back Area Camp

T. 51 N., R. 87 W.,
Sec. 36, N½NW¼NE¼.

Paralto Picnic Ground

T. 53 N., R. 86 W.,
Sec. 21, S½NE¼NE¼SE¼, and N½SE¼NE¼SE¼.

Preacher Rock Picnic Ground

T. 54 N., R. 86 W.,
Sec. 31, NE¼SE¼NW¼.

Shell Reservoir Campground

T. 52 N., R. 88 W., (Unsurveyed), when surveyed, will be.
Sec. 2, lots 1, 2, and S½NE¼.

Sourdough Campground

T. 50 N., R. 84 W.,
Sec. 34 E½W½SE¼SW¼, and W½E½SE¼SW¼.

South Tongue Recreation Area

T. 56 N., R. 88 W.,
Sec. 33, E½W½SW¼.

Spear Lake Back Area Camp

T. 52 N., R. 86 W.,
Sec. 35, E½E½SW¼SW¼, and W½SE¼SW¼.

Upper Doyle Campground

T. 47 N., R. 85 W.,
Sec. 12, lot 15.

Zipe Campground

T. 49 N., R. 86 W.,
Sec. 8, SW¼NW¼SW¼SE¼, and NW¼SW¼SW¼SE¼.

The above described area aggretgates 1,244.52 acres in Albany, Big Horn, Johnson, Sheridan, and Washakie Counties, Wyoming.

9. Public Land Order No. 3282 of December 3, 1963, creating a recreation area, is hereby revoked insofar as it affects the following described lands:

Bighorn National Forest

Woodrock Recreation Area

T. 55 N., R. 88 W.,
Sec. 34, NW¼, and N½SW¼.

The area contains 240.00 acres in Sheridan County, Wyoming.

10. Public Land Order No. 3310 of January 17, 1964, creating a campground, is hereby revoked insofar as it affects the following described lands:

Medicine Bow National Forest

Bobbie Thomson Campground

T. 14 N., R. 79 W.,
Sec. 22, SE¼SE¼SW¼;
Sec. 27, NW¼SW¼NE¼, and NE¼SE¼NW¼.

The above area contains 30.00 acres in Albany County, Wyoming.

11. Public Land Order No. 3777 of August 10, 1965, creating a campground, is hereby revoked insofar as it affects the following described lands:

Medicine Bow National Forest

Beaver Meadows Campground

T. 15 N., R. 79 W.,
Sec. 34, SE¼NE¼, NE¼SW¼NE¼, S½SW¼NE¼, N½SE¼, E½SW¼SE¼, and SE¼SE¼;
Sec. 35, NW¼SW¼NW¼, S½SW¼NW¼, and SW¼/.

The above area aggregates 400.00 acres in Albany County, Wyoming.

12. Public Land Order No. 3841 of October 4, 1965, creating the following designated areas, is hereby revoked insofar as it affects the following described lands:

Shoshone National Forest

Blue Ridge Lookout Observation

T. 31 N., R. 101 W.,
Sec. 23, SW¼SW¼NW¼.

East Fork Campground

T. 43 N., R. 104 W.,
Sec. 8, W½SE¼SE¼, and E½SW¼SE¼.

The above area contains 50.00 acres in Fremont County, Wyoming.

13. Public Land Order No. 4265 of August 30, 1967, creating a recreation area, is hereby revoked insofar as it affects the following described lands:

Medicine Bow National Forest

Lake Owen Recreation Area

T. 14 N., R. 78 W.,
Sec. 26, E½E½SE¼;
Sec. 35, E½NE¼NE½.

The described lands contain 60.00 acres in Albany County, Wyoming.

14. Public Land Order No. 5140 of October 18, 1971, creating a campground, is hereby revoked insofar as it affects the following described lands:

Medicine Bow National Forest

Bow River Campground

T. 18 N., R. 80 W.,
Sec. 22, SW¼SE¼.

The above area contains 40.00 acres in Carbon County, Wyoming.

15. The Secretarial Order of October 26, 1906, creating a ranger station, is hereby revoked insofar as it affects the following described lands:

Medicine Bow National Forest

Ranger Station No. 35

T. 12 N., R. 78 W.,
Sec. 17, S½NW¼.

The above area contains 80.00 acres in Albany County, Wyoming.

16. Public Land Order No. 2565 of December 19, 1961, creating campgrounds, is hereby revoked insofar as it affects the following described lands:

Black Hills National Forest

North Redwater Campground

T. 53 N., R. 63 W.,
Sec. 14, lot 1.

Tongus Springs Campground

T. 53 N., R. 63 W.,
Sec. 33, NE¼NE¼, E½NW¼NE¼, NE¼SW¼NE¼, and N½SE¼NE¼;
Sec. 34, W½NW¼NW¼, and NW¼SW¼NW¼.

The above described area aggregates 159.63 acres in Crook County, Wyoming.

17. The lands described in Paragraph 5 have been open to all forms of appropriation under the public laws applicable to national forest lands, except the United States mining laws.

18. Therefore, at 10:00 a.m., on April 17, 1982, the lands described in Paragraphs 1 through 4, and 6 through 16, inclusive, will be open to such forms of appropriation as may, by law, be made of national forest lands, subject to valid existing rights.

19. At 10:00 a.m., on April 17, 1982, all of the above-described lands shall be open to entry and location under the United States mining laws, subject to any other existing withdrawals or classification orders.

The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 12, 1982.

[FR Doc. 82-7298 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6221

[Nev-027282]

Nevada; Revocation of Public Land Order No. 1609

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revoke a public land order as to the remaining approximately 16 acres in the Tonopah Air Force Station and Housing Annex at Tonopah, Nevada. This land was determined to be unsuitable for return to public domain status and has been assigned to the General Services Administration for disposal pursuant to the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 471.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702-784-5703.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1609 of March 31, 1958, withdrawing the following described land for the Tonopah Air Force Station, is hereby revoked in entirety:

Mount Diablo Meridian

T. 2 N., R. 42 E.,
That land within Tract 40 situated in sections 1 and 2 and more specifically described as follows:
From the northeast corner sec. 2, thence S. 15°51'40" E., 854.52 ft., to a point on the northerly boundary of the Nye County Hospital site; S. 73°25' W., 408.23 ft., along northerly boundary to a point on the westerly boundary of hospital site; S. 6°58'45" W., 745.32 ft., along westerly boundary; N. 62°38'30" W., 400 ft., to the southwesterly corner of the Nevada State Maintenance Station Site; S. 12°00'26", 623.78 ft.; N. 6°44'45" E., 26 ft., to the point of beginning. Thence,
S. 83°15'15" E., 700 ft.;
S. 06°44'45" W., 998.43 ft.;
N. 83°15'15" W., 700 ft.;
N. 06°44'45" E., 998.43 ft., to a point of beginning.

The land described contains approximately 16 acres in Nye County.

The land released from withdrawal was declared to be unsuitable for return to the public domain. The property was transferred to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 471 (1974).

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 12, 1982.

[FR Doc. 82-7282 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6222

[OR-19589 (WASH)]

Washington; Powersite Restoration No. 663; Revocation of Powersite Reserve No. 163

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order as to 180.10 acres of lands withdrawn for a powersite reserve. This action will restore approximately 25.25 acres of land to operation of the public land laws generally. 74.20 acres have been conveyed from Federal ownership. 80.65 acres remain under other existing withdrawals.

EFFECTIVE DATE: April 17, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-208-Washington, it is ordered as follows:

1. The Executive Order of December 1, 1910, which created Powersite Reserve No. 163 is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Reserve No. 163

T. 35 N., R. 41 E.,
Sec. 11, SE¼SW¼;
Sec. 14, SW¼NW¼;
Sec. 15, NE¼SW¼.

Colville National Forest

T. 36 N., R. 42 E.,
Sec. 17, Lots 5 and 6;
Sec. 18, Lot 8.

The areas described aggregate 180.10 acres in Stevens County.

2. The State of Washington has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. The lands in the SW¼NW¼ of section 14, T. 35 N., R. 41 E., and Lot 6 of section 17, T. 36 N., R. 42 E., have been conveyed from United States ownership and are not open to operation of the public land laws, including the United States mining laws and mineral leasing laws.

4. The SE¼SW¼ of section 11, and that portion of the NE¼SW¼ of section 15 located south of the centerline of State Highway 294, T. 35 N., R. 41 E., are included in the Little Pend Oreille National Wildlife Refuge and remain withdrawn from the public land laws generally, including the United States mining laws.

5. Lot 5 of section 17, T. 36 N., R. 42 E., is included in a Forest Service recreation area and remains withdrawn from operation of the public land laws, including the United States mining laws.

6. At 10 a.m., on April 17, 1982, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, Lot 8 of section 18, T. 36 N., R. 42 E., will be open to such forms of disposition as may by law be made of national forest lands.

7. At 10 a.m. on April 17, 1982, that portion of the NE¼SW¼ of section 15, located north of the centerline of State Highway 294, T. 35 N., R. 41 E., will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 17, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land in paragraph 5, 6 and 7, have been open to applications and offers under the mineral leasing laws. The land in paragraph 7 has been open to location under the United States mining laws subject to the provisions of the Act of August 11, 1955, (69 Stat. 682; 30 U.S.C 621).

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 98208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 12, 1982.

[FR Doc. 82-7295 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6223

[OR-12690 (WASH)]

Washington; Withdrawing Public Land for Addition to Willapa National Wildlife Refuge

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws a 0.15-acre parcel of public land from operation of the general land laws, including the mining laws, for use by the U.S. Fish and Wildlife Service as an addition to the Willapa National Wildlife Refuge for a period of 40 years.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is hereby ordered as follows:

1. Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved for use by the U.S. Fish and Wildlife Service as an addition to the Willapa National Wildlife Refuge:

Willamette Meridian

T. 12 N., R. 10 W.,
Sec. 31, lot 1.

The area described contains a 0.15-acre parcel in Pacific County.

2. The withdrawal shall remain in effect for a period of 40 years from the date of this order.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 12, 1982.

[FR Doc. 82-7294 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6224

[U-46982]

Utah; Partial Revocation of Public Water Reserve

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive order creating Public Water Reserve No. 66 insofar as it affects 40 acres. This action will restore the lands to the operation of the public land laws generally, including location for nonmetalliferous minerals under the mining laws.

EFFECTIVE DATE: April 17, 1982.

FOR FURTHER INFORMATION CONTACT: Darrell Barnes, Utah State Office, 801-524-4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. The Executive order of August 15, 1919, creating Public Water Reserve No. 66 is hereby revoked insofar as it affects the following described land.

Salt Lake Meridian

T. 14 S., R. 1 W.,
Sec. 4, SW¼SW¼.

The area described above contains 40 acres in Juab County.

2. At 7:45 a.m. on April 17, 1982, the land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on April 17, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 7:45 a.m. on April 17, 1982, the land will be open to location for nonmetalliferous minerals. It has been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws for metalliferous minerals.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 12, 1982.

[FR Doc. 82-7291 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6225

[M-21192 (ND)]

North Dakota; Withdrawal for Waterfowl Production Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 13.5 acres of public land from operation of the general land laws, including the mining laws, but not the mineral leasing laws, and transfers jurisdiction of the Dash Lake Waterfowl Production Area to the U.S. Fish and Wildlife Service.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Dan Stark, Montana State Office, 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws (30 U.S.C Ch. 2), but not the mineral leasing laws, and reserved for the U.S. Fish and Wildlife Service for administration of the Dash Lake Waterfowl Production Area and outdoor recreation:

Fifth Principal Meridian

T. 163 N., R. 65 W.,
Sec. 5, lot 3.

The area described contains 13.5 acres in Towner County.

2. This withdrawal shall remain in effect for a period of 40 years from the date of this order.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 12, 1982.

[FR Doc. 82-7284 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6226

[OR 21980]

Oregon; Revocation of Executive Order No. 4170

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which withdrew 10.58 acres of land for townsite purposes. This action will restore 1.56 acres of public land to operation of the public land laws generally, including the mining laws and mineral leasing laws.

EFFECTIVE DATE: April 17, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order No. 4170 of March 12, 1925, which withdrew the following described land for townsite purposes is hereby revoked:

Willamette Meridian

Algoma Townsite

T. 37 S., R. 8 E.,
Sec. 37, Lot 3 and that portion of Lot 2 located north of the public highway.

The area described contains 10.58 acres in Klamath County.

2. The following described land has been conveyed from United States ownership and will therefore not be restored to operation of the public land laws generally, including the mining laws and mineral leasing laws:

Willamette Meridian

T. 37 S., R. 8 E.,
Sec. 37, that portion of Lot 2 located north of the public highway, and Lot 3 except that portion described as follows: Beginning at the southwest corner of said Lot 3; thence N. 21°45' W., 256.7 feet; thence N. 89°39' E., 339.1 feet; thence S. 4°18' W., 244.8 feet; thence N. 89°45' W., 224 feet to the point of beginning.

The area described, after making the above mentioned exception, contains 9.02 acres in Klamath County.

3. At 10 a.m., on April 17, 1982, the land described in paragraph 1, except as provided in paragraph 2, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on April 17, 1982, shall be considered as

simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m., on April 17, 1982, the land described in paragraph 1, except as provided in paragraph 2, will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 12, 1982.

[FR Doc. 82-7287 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6227

[M-10815 (ND)]

North Dakota; Partial Revocation of Executive Order No. 7799

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will partially revoke Executive Order No. 7799 of January 27, 1938, covering the Lower Souris National Wildlife Refuge, now the J. Clark Sayler National Wildlife Refuge. This action will remove the appearance of a cloud on the surface title of lands transferred to private ownership.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 7799 of January 27, 1938, enlarging the Lower Souris National Wildlife Refuge, subsequently changed to the J. Clark Sayler National Wildlife Refuge, is revoked insofar as it affects the following described lands:

Fifth Principal Meridan

T. 159 N., R. 77 W.,
Sec. 33, NE¼SW¼, NW¼SE¼, and S½SE¼.

The area described contains 160.00 acres in McHenry County, North Dakota.

2. This action will remove any indication of Federal ownership of the surface. The mineral estate remains in Federal ownership and continues to be subject to regulations pertaining to acquired minerals.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 12, 1982.

[FR Doc. 82-7283 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-167]

Organization and Delegation of Powers and Duties; Act To Prevent Pollution From Ships

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: DOT delegates to appropriate Departmental officials functions vested in the Secretary by the Act to Prevent Pollution from Ships.

DATE: This amendment becomes effective March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

The Act to Prevent Pollution from Ships (October 21, 1980; Pub. L. 96-478; 94 Stat. 2297) implements the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London on November 2, 1973 (MARPOL Protocol). Generally, the Act authorizes the Secretary of the department in which the Coast Guard is operating to implement the Protocol and to issue regulations applicable to ships of countries not party to the Protocol; additionally, in section 3(d), it imposes upon the head of Federal departments and agencies responsible for United States ships which are exempt from the Protocol the responsibility for ensuring that such ships, insofar as is reasonable and practicable without impairing the operations or operational capabilities of such ships, comply with the Protocol. Exempt ships include warships, naval auxiliaries, or other ships owned or operated by the United States when engaged in noncommercial service, and other ships specifically excluded by the MARPOL Convention. In addition to the Coast Guard, the Federal Aviation Administration, Saint Lawrence Seaway Development Corporation, and Maritime Administration own or operate exempt ships. Consequently, they also are delegated this responsibility, as appropriate.

Finally, in section 10 (b) and (c), the Act authorizes the Secretary of the department in which the Coast Guard is operating to consult with the Secretary of State on action to be taken by the United States on proposed amendments to the Protocol. This authority is reserved to the Secretary of Transportation while the Coast Guard is operating in DOT.

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

1. Section 1.44 is amended by adding at the end of paragraph (m) a new subparagraph (13), to read as follows:

§ 1.44 Reservations of authority.

The delegations of authority in §§ 1.45 through 1.53 and 1.66 and 1.67 of this title do not extend to the following actions, authority for which is reserved to the Secretary or his delegatee within the Office of the Secretary.

* * * * *

(m) *Coast Guard.* The following powers relating to the Coast Guard:

* * * * *

(13) Consultation with the Secretary of State relating to action to be taken by the United States on proposed amendments to the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, pursuant to section 10 (b) and (c) of the Act to Prevent Pollution from Ships (33 U.S.C. 1909 (b) and (c)).

* * * * *

2. Section 1.46 is amended by adding at the end thereof the following new paragraph (ff), to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

The Commandant of the Coast Guard is delegated authority to—

* * * * *

(ff) Carry out the functions vested in the Secretary by the Act to Prevent Pollution from Ships (October 21, 1980; Pub. L. 96-478; 94 Stat. 2297) except

section 10 (b) and (c) and except as limited by §§ 1.47(n), 1.52(c), and 1.66(u) of this title.

3. Section 1.47 is amended by adding at the end thereof a new paragraph (n), to read as follows:

§ 1.47 Delegations to Federal Aviation Administrator.

The Federal Aviation Administrator is delegated authority to—

* * * * *

(n) Carry out the functions vested in the Secretary by section 3(d) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(d)) as it relates to ships owned or operated by the Federal Aviation Administration when engaged in noncommercial service.

4. Section 1.52 is amended by adding at the end thereof a new paragraph (c), to read as follows:

§ 1.52 Delegations to the Saint Lawrence Seaway Development Corporation Administrator.

The Administrator of the Saint Lawrence Seaway Development Corporation is delegated authority to:

* * * * *

(c) Carry out the functions vested in the Secretary by section 3(d) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(d)) as it relates to ships owned or operated by the Corporation when engaged in noncommercial service.

5. Section 1.66 is amended by adding at the end thereof a new paragraph (u), to read as follows:

§ 1.66 Delegations to Maritime Administrator.

With the exception of those authorities delegated to the Maritime Subsidy Board in § 1.67 of this title, the Maritime Administrator is delegated authority to:

* * * * *

(u) Carry out the functions vested in the Secretary by section 3(d) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(d)) as it relates to ships owned or operated by the Maritime Administration when engaged in noncommercial service.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, D.C., on December 31, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 82-7166 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-62-M

Federal Railroad Administration

Urban Mass Transportation Administration

49 CFR Part 670

[UMTA Docket No. 82-B]

Transfer of Conrail Commuter Service Operations; Correction

AGENCY: Federal Railroad Administration (FRA) and Urban Mass Transportation Administration (UMTA), Department of Transportation (DOT).

ACTION: Emergency interim final rule; correction.

SUMMARY: This document corrects an emergency interim final rule on the transfer of Conrail Commuter Service Operations that appeared in the Federal Register on Thursday, February 4, 1982, (47 FR 5227).

FOR FURTHER INFORMATION CONTACT: S. Mark Lindsey, Office of the Chief Counsel of the Federal Railroad Administration, (202)–426–7710 or Anthony Anderson, Office of the Chief Counsel of the Urban Mass Transportation Administration, (202)–426–4011, both located at 400 Seventh Street S.W., Washington, D.C. 20590. FRA and UMTA office hours are from 8:30 to 5:00 p.m. e.s.t., Monday through Friday.

Issued on March 12, 1982.

Robert W. Blanchette,

Administrator, Federal Railroad Administration.

Arthur E. Teele,

Administrator, Urban Mass Transportation Administration.

The following corrections are made in FR Doc. 82–2887 appearing on page 5227 in the issue of February 4, 1982:

1. On page 5227, column one, the **AGENCY** heading is corrected to read:

"**AGENCY:** Federal Railroad Administration (FRA) and Urban Mass Transportation Administration (UMTA), Department of Transportation (DOT)."

2. On page 5227, column one, paragraph one of the summary, "(ACS)" is inserted after the words "Amtrak Commuter Services Corporation".

3. On page 5227, column three, paragraph one, "April 1, 1981" is corrected to read "April 1, 1982".

4. On page 5227, column three, paragraph one, sentence four, "withing" is corrected to read "within".

5. On page 5227, column three, paragraph two, "Northeast Rail Services Act" is corrected to read "Northeast Rail Service Act".

6. On page 5228, column one, paragraph two, "Amtrak Commuter" is corrected to read "ACS".

7. On page 5228, column two, paragraph three, sentence three, "twenty-five percent" is corrected to read "twenty percent".

PART 670—TRANSFER OF COMMUTER SERVICES

8. 49 CFR 670.13(a)(8)(v) is corrected to read as follows:

§ 670.13 Applications.

(a) * * *

(8) * * *

(v) 40 CFR Part 1520 which prohibits the use of financial assistance for facilities on the Environmental Protection Agency's list of violating facilities;".

[FR Doc. 82-7386 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-06-M

BILLING CODE 4910-57-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

Tanner Crab Off Alaska

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

ACTION: Notice of closures.

SUMMARY: The Director, Alaska Region, National Marine Fisheries Service, has determined that the desired harvest levels of Tanner crab for the Westside and North Mainland Sections of the Kodiak District in Registration Area J will be achieved on March 14, 1982, and that early closure of the fishery is necessary to protect Tanner crab stocks. The Secretary of Commerce, therefore, issues this notice of closure of the Westside and North Mainland Sections to fishing for Tanner crab by vessels of the United States on March 15, 1982, thereby adjusting the previous closing date of April 30, 1982, in order to prevent overfishing of Tanner crab stocks in these sections.

DATE: This notice is effective from 12:00 noon, Alaska Standard Time (AST), March 15, 1982, until 12:00 noon, Alaska Daylight Time (ADT), April 30, 1982.

This notice of closures was filed for public inspection with the Office of the Federal Register on March 15, 1982, at 4:53 p.m. Public comments on this notice of closures are invited until March 30, 1982.

ADDRESS: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

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

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska (FMP), governing this fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act, provides for inseason adjustments, by field order, to season and area openings and closures. Implementing rules at 50 CFR 671.27(b) specify that these orders will be issued by the Secretary of Commerce under the criteria set out in that section.

50 CFR 671.26(f) establishes five districts within Registration Area J in order to prevent overfishing of individual Tanner crab stocks by allowing closure or partial closure of a particular district when the desired harvest level is reached. One of these districts is the Kodiak District, for which an optimum yield of 35 million pounds has been set. The 1982 fishing season for the Kodiak District began on February 10 (the opening date was delayed from January 22 to February 10, see 46 FR 58699).

One section in the Kodiak District is the Westside Section. The State of Alaska's 1981 Tanner crab index survey indicates that the desired harvest during the 1982 season is 1.6 million pounds for this section. That level is based on the relative abundance of legal male crabs observed in the crab indexing surveys conducted in 1981 as compared to 1980. Since the fishing season began, catch per unit of effort (CPUE) has declined from an average of 43 crabs per pot to 15 crabs per pot over the area. This declining CPUE substantiates the results of the 1981 survey. The entire harvest level of 1.6 million pounds has now been harvested in the Westside Section by 43 vessels. Further fishing could result in harm to the resource.

Another section in the Kodiak Distarict is the North Mainland Section. The State of Alaska's 1981 Tanner crab index survey indicates that the desired harvest level during the 1982 season is 1.9 million pounds for this section, based on the same survey method as used for the Westside Section. Since the start of the fishing season, the CPUE has declined from and average of 41 crabs per pot to 29 crabs per pot in the area. This declining CPUE substantiaties the results of the 1981 survey. As of March 11, about 1.7 million pounds have been harvested in the North Mainland Section by 24 vessels. It is estimated that the desired harvest level of 1.9 million pounds of crab from this section will be achieved on March 14, 1982. Further fishing could harm the resource.

In light of this information, the Regional Director, National Marine Fisheries Service, in accordance with 50 CFR 671.27(b), has determined that:

1. The actual condition of Tanner crab stocks in the Westside and North Mainland Sections is substantially different from the condition that was previously anticipated; and

2. This difference reasonably supports the need to protect those Tanner crab stocks by closing the Westside and North Mainland Sections to further fishing for Tanner crab during the current fishing year after 12 noon, AST, on the first business day following March 14, 1982.

For these reasons, the Westside and North Mainland Sections of the Kodiak District in Registration Area J, as defined in 50 CFR 671.26(f)(1)(i) (F) and (G), are closed to all fishing for Tanner crab from 12 noon, AST, March 15, 1982, until 12 noon ADT, April 30, 1982, at which time the closure of this district prescribed in 50 CFR 671.26(f)(2)(i) will begin.

These closures will not be effective prior to filing this notice for public inspection with the Office of the Federal Register and publicizing the closures for 48 hours through Alaska Department of Fish and Game (ADF&G) procedures, under 50 CFR 671.27(a)(2).

Under 50 CFR 672.27(b)(4), public comments on this notice of closures may be submitted to the Regional Director at the address stated above for 15 days following the effective date. During the 15-day comment period, the data upon which this notice is based will be available for public inspection during business hours (8 a.m. to 4:30 p.m.) at (1) the NMFS Kodiak Field Office, ADF&G Building, at Kashevaroff and Mission Roads, Kodiak, Alaska 99615, and (2) the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802. If comments are received, the necessity of these closures will be reconsidered and a subsequent notice will be published in the **Federal Register**, either confirming this field order's continued effect, modifying it, or rescinding it.

Other Matters

The Tanner crab stocks in the Westside and North Mainland Sections of the Kodiak District in Registration Area J will be subject to damage by overfishing unless this field order takes effect promptly. I therefore find for good cause that advance notice and public comment on this field order is contrary to the public interest, and that there should be no delay in its effective date.

This action is taken under the authority of regulations specified at 50 CFR 671.27, and is taken in compliance with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. In addition, it does not contain any collection of information request, as defined in the Paperwork Reduction Act of 1980.

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

Dated: March 15, 1982.

E. Craig Felber,

Chief, Management Services Staff, National Marine Fisheries Service.

[FR Doc. 82–7384 Filed 3–15–82; 4:53 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 47, No. 53
Thursday, March 18, 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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1011

[Docket No. AO-251-A22]

Milk in the Tennessee Valley Marketing Area; Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision makes several changes in the Tennessee Valley Federal milk order. The changes relate basically to the performance standards that determine which distributing plants and supply plants qualify under the order as fully regulated pool plants. Other changes pertain to those provisions that determine which persons shall be defined as handlers and producers under the order. The proposed changes, which are based on a public hearing held in March 1980, are necessary to reflect current marketing conditions and to maintain orderly conditions for the marketing of milk in the area.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-5443.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Tennessee Valley Order

Notice of Hearing: Issued February 11, 1980; published February 14, 1980 (45 FR 9942).

Correction: Published February 21, 1980 (45 FR 11503).

Notice of Rescheduled Hearing: Issued February 28, 1980; published March 5, 1980 (45 FR 14218).

Recommended Decision: Issued July 1, 1981; published July 8, 1981 (46 FR 35264).

Extension of Time: Issued July 28, 1981; published August 3, 1981 (46 FR 39440).

Extension of Time: Issued August 28, 1981; published September 2, 1981 (46 FR 43997).

Tennessee Valley Order (Reopening) and 28 Other Orders

Notice of Hearing: Issued July 10, 1980; published July 15, 1980 (45 FR 47432).

Supplemental Notice of Hearing: Issued July 21, 1980; published July 25, 1980 (45 FR 49584).

Recommended Decision: Issued February 11, 1981; published February 18, 1981 (46 FR 12709).

Extension of Time: Issued March 9, 1981; published March 12, 1981 (46 FR 16270).

Extension of Time: Issued March 19, 1981; published March 25, 1981 (46 FR 18558).

Final Decision: Issued July 8, 1981; published July 14, 1981 (46 FR 36151).

Order Amending Order: Issued August 25, 1981; published August 28, 1981 (46 FR 43371).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and order regulating the handling of milk in the Tennessee Valley marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Knoxville, Tennessee, on March 20-21, 1980, pursuant to notice thereof issued on February 11, 1980 (45 FR 9942), and to a notice rescheduling the hearing issued on February 28, 1980 (45 FR 14218).

On August 12-14, 1980, pursuant to notices issued July 10, 1980 (45 FR 47432) and July 21, 1980 (45 FR 49584), a hearing was held to consider proposed changes in the procedure for announcing Class II prices under 29 Federal milk orders, including the Tennessee Valley order. That hearing constituted a reopening of the Tennessee Valley hearing that had been held on March 20-21, 1980. The issues concerning Class II price announcement procedures was dealt with in a final decision issued on July 8, 1981 (46 FR 36151). An order amending the orders was issued August 25, 1981 (46 FR 43371).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Marketing Program Operations, on July 1, 1981, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions rulings and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under the heading "Background Information," one new paragraph is added at the end of the discussion.

2. Under the heading "1. *Definition of handler.*", two new paragraphs are added after paragraph 10, three paragraphs are added after paragraph 13, two paragraphs are added after paragraph 14, four paragraphs are added after paragraph 17, two paragraphs are added after paragraph 23, and two paragraphs are added at the end of the discussion.

3. Under the subheading "2.(a) *Class I utilization standards.*", five paragraphs are added after paragraph 11, and two paragraphs are added at the end of the discussion.

4. Under the subheading "2.(b) *Seasonal variations in production and Class I utilization.*", two paragraphs are added at the end of the discussion.

5. Under the subheading "2.(c) *Performance standards for proprietary bulk tank handlers.*", fourteen paragraphs are added at the end of the discussion.

6. Under the subheading "2.(d) *Performance standards for supply plants.*", nine paragraphs are added at the end of the discussion.

7. Under the subheading "2.(e) *Performance standards for distributing plants.*", four paragraphs are added after paragraph 8.

8. Under the subheading "3.(a) *Producer eligibility for diversion of milk to nonpool plants.*", eight paragraphs are added at the end of the discussion.

9. Under the heading "4. *Seasonal pricing of surplus milk.*", four paragraphs are added at the end of the discussion.

The material issues on the record of the hearing relate to:

1. Definition of "handler."
2. Performance standards for full regulation of plants and handlers.
(a) Class I utilization standards.
(b) Seasonal variations in production and Class I utilization.
(c) Performance standards for proprietary bulk tank handlers.
(d) Performance standards for supply plants.
(e) Performance standards for distributing plants.
3. Definition of "producer milk."
(a) Producer eligibility for diversion to nonpool plants.
(b) Other changes in diversion provisions.
4. Seasonal pricing of surplus milk.
5. Conforming changes.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Background Information [1]

The Tennessee Valley order resulted from a merger of the Appalachian, Chattanooga and Knoxville Federal milk marketing orders. It became effective on October 1, 1976. At that time there were no supply plants on the market.

In September 1977, a supply plant operated by Kraft, Inc., at Greeneville, Tennessee, became a pool plant. At that time Kraft's total supply of producer milk under the order was received at its supply plant and transferred about 80 miles to another handler's pool distributing plant in Knoxville. A number of the producers' farms were located between Greenville and Knoxville, and some of them were closer to the Knoxville distributing plant than to the Greeneville supply plant. Under order provisions then in effect, such milk nevertheless had to be hauled to the Greeneville supply plant and then be transferred to the Knoxville plant in order for Kraft to be the handler. If the milk moved from such farms directly to the Knoxville plant, Kraft could not be the accountable handler under the order.

Because of this situation, Kraft proposed in mid-1978 that the order be amended to allow a supply plant operator to include milk delivered directly from producers' farms to pool distributing plants as qualifying shipments from such plant. Kraft contended that this change was needed to reduce plant handling and transportation costs for milk pooled by its supply plant.

Dairymen, Inc. (DI), a dairy farmer cooperative whose members supply more than 85 percent of the producer milk on the market, opposed the adoption of the Kraft proposals. The cooperative contended that marketing conditions did not warrant the order changes proposed by Kraft. DI maintained that adoption of the proposals would merely make it easier for Kraft to pool a Grade A milk supply for its nonpool cheese manufacturing plant, which is located on the same premises as the handler's Grade A supply plant. Kraft's Grade A milk supplies in excess of the needs of the Knoxville distributing plant are used to produce cheese at such plant.

On the basis of the hearing, the Department amended the order to provide that a supply plant could qualify as a pool plant on the basis of transfers and diversions from such plant to pool distributing plants. However, diversions could account for no more than one-half of the required shipments. This change allowed Kraft to move milk produced on farms near Knoxville directly to the distributing plant and count such deliveries as qualifying shipments for the supply plant. Soon after the amended order became effective, the cooperative asked the Department to hold another hearing to consider further related amendments to the order.

The proposals considered in this proceeding were submitted by DI. The association's spokeman indicated that the primary purpose of these proposals was to obtain order provisions that would require milk to be more closely associated with the Class I needs of the Tennessee Valley market in order to participate in the marketwide pool. DI contended that since the Agricultural Marketing Agreement Act of 1937 does not specify anything about the grade of milk to be covered by marketing agreements or orders, the Secretary clearly could have included all milk under the Federal order regulatory system. Instead, the Secretary narrowed the focus to only that milk that is suitable for human consumption in fluid form.

The cooperative asserted that throughout the operation of the Federal order program the Secretary has utilized classified pricing primarily for the purpose of obtaining a supply of milk for fluid use. In support of this position, DI pointed to the Department's widely circulated informational brochure entitled "Questions and Answers on Federal Milk Marketing Orders," noting specifically the following quote: "Federal orders are primarily instruments for stabilizing marketing conditions for 'fluid milk' and, for this reason, they apply to milk which is produced under sanitary inspection for sale in fluid form. Such milk is often known as Grade A or milk eligible for fluid use * * *."

DI contended that this statement clearly establishes that Federal milk marketing orders are designed primarily to regulate milk for fluid use. The cooperative thus concluded that standards of performance must be established to distinguish between those milk supplies that are primarily associated with the fluid needs of a regulated area and those supplies that do not serve the fluid market to a degree that warrants their sharing in the market's higher priced Class I utilization.

DI insisted that dairy farmers only casually or incidentally associated with the fluid market should not share in the Class I sales of plants serving the marketing area. In the cooperative's view, permitting such dairy farmers to participate in the marketwide pool does not assure that their milk will be available when needed for Class I use. DI stressed that pooling such milk is contrary to the objectives of the Act and reduces the blend price of other Grade A producers who are serving the fluid market.

According to the cooperative, pooling standards should not be so high that they force uneconomic movements of milk normally associated with the market solely for the purpose of qualifying the milk for pooling. At the same time, however, DI called for an appropriate minimum standard to avoid the possibility that milk will share in the market's Class I use even though it is not available to fluid outlets when it is needed there. The cooperative maintained that the establishment of minimum performance requirements to distinguish between those plants substantially engaged in serving the regulated market's fluid needs and those that do not serve the market in a way or to a degree that warrants their sharing (by being included in the pool) in the Class I utilization of the market also is essential to the operation of a marketwide pool. Based on these philosophies, DI submitted the pooling proposals considered in this proceeding.

Kraft's position as presented in its brief was that the DI proposals would erect barriers to pool participation by supply plants and producers who are not members of a cooperative association. In this regard, the handler alleges that the cooperative would prefer to use the Federal order as a

[1] Official notice is taken of the Deputy Assistant Secretary's decision issued April 23, 1979 (44 FR 24563).

means of eliminating alternative milk supplies.

In the brief, Kraft took the position that the order provisions should be such that milk supplies attracted to the regulated area can be marketed in an orderly manner. It was the handler's viewpoint that sharing the burden of surplus milk production, in the form of a lower uniform price, is as much a part of the Federal order program as is the sharing of higher price returns from Class I milk.

Kraft also held that Grade A milk supplies that are both eligible and available for the fluid market should be pooled. In the handler's view, Congress authorized for all milk to participate in the marketwide pool to avoid the disruptive results of surplus milk competing for a fluid outlet. According to Kraft's brief, the result should be an equitable and orderly distribution of the total dollar value of all milk sold in the market among the producers supplying the market.

Kraft noted that in the eastern area there are many dairy farmers whose production now is ineligible for fluid milk uses. At the time of the hearing Kraft's cheese plant in Greenville was receiving non-Grade A milk form about 230 such dairy farms. According to Kraft, some of this milk sooner or later will convert to Grade A, and such milk should be able to participate in the order's marketwide pool with less demonstration of market association than was proposed by the cooperative.

These basic differences in pooling philosophies are an underlying factor in the consideration of the issues in this proceeding.

In its exceptions to the recommended decision, DI disagreed with certain statements contained in this "background" section as set forth in the recommended decision. DI's exceptions in this regard generally fit into one of two categories: the point made in the exception may be true but is not relevant in this proceeding, or the exception merely restated views already considered in arriving at the recommended decision. In either case, the exceptions failed to provide any information not previously considered and thus provide no basis for modifying the discussion in this section. Accordingly, the DI exceptions concerning this section are denied.

1. *Definition of "handler."* The order should be amended to provide that under certain conditions a proprietary operator of a nonpool manufacturing plant may be a "handler" with respect to milk that it moves directly from producers' farms to pool plants operated by other handlers. The arrangement would be similar to that now provided for a cooperative bulk tank handler. Such handler should be identified as a "proprietary bulk tank handler."

Dairymen, Inc., (DI) proposed that a "supply unit" definition be included in the order to facilitate the efficient handling of bulk tank milk. The proposed provision would establish a means whereby a person (other than a cooperative or a pool plant operator) could be the handler on farm bulk tank milk moved directly from the farm to plants. Under DI's proposal, the unit would be defined as a plant and would have both a Class I utilization standard and a requirement to ship a proportion of its receipts to distributing plants for achieving pool status (performance standards are discussed in a separate issue elsewhere in this decision). The operator of a supply unit under DI's proposal could be any person who controls the movement of the milk included in such unit and who also meets certain other conditions. The unit operator would be required to designate the specific dairy farmers and the haulers assigned to pick up the milk of such farmers, which would make up the unit. No other haulers could haul any of the milk, and no other milk could be commingled with the unit's milk. Also, it was proposed that both the unit operator and the pool plant operator must request in writing that such milk be considered as a receipt of producer milk by the unit operator. The cooperative proposed that such designations and requests be made to the market administrator prior to the beginning of the month.

DI testified that these proposed conditions would be necessary to precisely identify the producers and the handler responsbile for the producer milk of the unit. Since unit operators would be responsible for paying producers, DI proposed that such persons be required to demonstrate their ability to pay producers. The determination of a supply unit's ability to pay would be made by the market administrator. Proponent claimed that this condition is needed to assure that producers will be paid for their milk.

The supply unit concept was proposed by DI as part of a package of proposals designed to assure that only a supply of milk needed for the fluid market would be pooled. The cooperative contended that the current order is structured in a way that permits milk to be pooled without demonstrating adequate association with the fluid market and proposed a general "tightening" of certain pooling provisions to correct that situation. At the same time, DI proposed several order changes intended to foster the efficient handling and pooling of milk that has demonstrated the degree of association with the fluid market that DI believes is necessary for participation in the benefits of a marketwide pool.

DI indicated that there is no economic reason for milk to be received at a supply plant under market conditions where the milk supply is produced in an area sufficiently near distributing plants to permit direct farm-to-plant delivery. The cooperative maintained that under such conditions it is costly and inefficient to receive, cool and reload milk at a supply plant for delivery to a pool distributing plant. Accordingly to DI, the proposed supply unit provisions would allow the delivery of milk from a designated group of producers to pool distributing plants in a manner that would establish the milk's association with the fluid market and maintain its pool status without requiring the operation of a supply plant.

Kraft supported the "supply unit" concept. The handler agreed that such provisions would provide a useful pooling alternative to handlers and producers who are willing and able to serve the Class I needs of the market. However, Kraft contended that marketing conditions did not justify adoption of DI's proposals, but held that adoption of certain parts of the proposals could result in more efficient handling of producer milk. Kraft also expressed the view that the order should be structed to accommodate the efficient and orderly marketing of Grade A milk that is available for the fluid market.

At the hearing and in its brief, Kraft proposed certain modifications to the cooperative's proposed supply unit provisions. Kraft proposed that haulers and producers be identified to the market administrator prior to their participation in the unit, rather than prior to the beginning of the month, as DI proposed. This would allow changes in producers or haulers to be made during the month. Kraft's modifications would not include a Class I utilization standard for pooling a unit's milk, and would not prohibit the commingling of unit milk with other milk.

Kraft's proposed modifications also would not require a supply unit handler that operates a pool or nonpool plant to satisfy the market administrator of the ability to pay producers. However, such plants would have to be located within an area comprised of the marketing area plus the area within 100 miles of the marketing area boundary (no such limitation was included in DI's proposal). Kraft contended that a plant operator is presumed to be financially

responsible, and that it would be reasonable to require assurances from supply unit operators who are not plant operators of their ability to properly pay producers.

The record in this proceeding does not indicate that there are any major marketing problems that need to be resolved. The Tennessee Valley market is a relatively high Class I-use market. The fluid market is adequately supplied, and there is not indication that any plants have experienced difficulties in obtaining milk. Nevertheless, under current conditions, some marketing inefficiencies may occur in connection with the operation of a supply plant for supplying milk to a distributing plant.

Both of the major participants in this proceeding seemed to agree that the order should provide a mechanism for Kraft to be a handler on milk delivered to another handler's plant without requiring unnecessary hauling or handling of such milk in the process. The approach taken in this decision provides an appropriate means to achieve this, while at the same time providing assurance that the fluid needs of the market will have first call on available milk supplies.

DI took exception to several of the statements in the above two paragraphs, which were included in the recommended decision. The cooperative indicated that the Department's conclusion that there were no major marketing problems to be resolved failed to recognize the need to strengthen the degree of association that producer milk must have with the market's Class I needs if such milk is to be permitted to share in the pool proceeds. Also, DI contended that the fluid needs of the market have been adequately supplied only because its members have cooperated in making their milk available to furnish the needs of the market's distributing plants. In addition, the cooperative claimed that its members' supply is supplemented with milk from other Federal orders when needed. The cooperative also stated that Kraft continually seeks milk supplies for the purpose of maintaining milk for their manufacturing plant at Greeneville.

These views expressed by DI were considered in arriving at the findings and conclusions of the recommended decision. The exceptions, therefore, provide no basis to change the recommended decision.

Conditions in this market are such that most, if not all, of the milk needed for fluid use can be delivered to bottling plants directly from the farm. It is doubtful that any milk needs to move through a supply plant other than for the purpose of establishing which party is the responsible handler under the order. However, under present order provisions, the only means for a person other than a cooperative association to be a "handler" of "producer milk" is to operate a pool plant.

Thus, it is concluded that overall marketing efficiency may benefit from the adoption of certain provisions that will permit a person to be a handler of producer milk without operating a pool plant, while also assuring that such milk will be available for fluid use when it is needed. Conceptually, the proprietary bulk tank handler provisions adopted herein will accomplish much of the intent of the proponent cooperative's supply unit proposal, i.e., to facilitate the use of efficient methods of transporting and handling milk to qualify the milk for pooling. Thus, a handler will be able to pool milk without having to construct or modify plant facilities merely to have such facilities qualify as a pool supply plant, and without having to inefficienctly transport and receive such milk at a supply plant and then transfer the milk to a distributing plant.

The provisions adopted herein follow a different approach than proposed by DI. Under the proposal, a supply unit meeting certain criteria would have been defined as a pool plant, and the operator would be a "handler" on the basis of being the operator of a pool plant. However, defining a supply unit as a plant would be inconsistent with the order's plant definition. The order defines a "plant" as "the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed or packaged." The approach proposed by DI would have minimized the changes required to incorporate the supply unit concept into other sections of the order, such as those pertaining to the classification of transfers and diversions and the allocation of receipts to utilization. Nevertheless, the more approriate means of implementing such concept is through the "handler" definition. This approach also is consistent with the provisions under which a cooperative association may be a handler on bulk tank milk.

Dairymen, Inc., took exception to the approach recommended by the Department, i.e., substituting the proprietary bulk tank handler provisions for the cooperative's proposed supply unit concept. The cooperative objected primarily on the basis that no Class I utilization standard was specified for the new type of handler. This aspect of DI's exceptions is discussed more extensively under the issue concerning Class I utilization standards for fully regulated plants and handlers.

In exceptions, Kraft took the position that neither the hearing notice nor the record addressed the issue of incorporating the "supply unit" concept proposed by DI under the order's handler definition rather than in the pool plant section. In Kraft's view, interested parties would have been more responsive in helping to formulate the provisions if the proposed supply unit had been included in the "handler" definition of the hearing notice. The handler contended that the hearing should be reopened to receive additional evidence on this issue if the Secretary concludes that amendments to the Tennessee Valley order are needed in this regard.

The essential consideration on this point is whether interested parties were given adequate notice of the general issue to be dealt with at the hearing and the opportunity to address this issue at the hearing. These conditions were met. For the reasons noted herein, however, it is considered preferable to modify a different section of the order than that specifically proposed to implement the pooling concept contained in the notice of hearing and discussed at the hearing. The record does not indicate that the order changes to carry out this pooling concept must be limited to those advocated by proponent. Moreover, Kraft's exceptions do not indicate how the adopted order changes are deficient or what type of additional evidence would be presented at a reopened hearing. For these reasons, Kraft's request to reopen the hearing is denied.

The proprietary bulk tank handler provisions adopted herein are similar in many respects to the cooperative association bulk tank handler provisions of the order. Under the "supply unit" proposal, qualifying deliveries by the unit would have to move to distributing plants. However, a cooperative bulk tank handler may pool milk by delivery to the "pool plant" of another handler, and thus deliveries only to distributing plants are not required. Accordingly, the proprietary bulk tank handler provision should provide that shipments to "pool plants" of other handlers will count as qualifying shipments for meeting pooling standards. The actual pooling performance standards are discussed under another issue.

DI took exception to the recommended adoption of provisions for proprietary bulk tank handlers similar to the cooperative bulk tank handler provisions in the current order. The cooperative contended that these two types of handlers have entirely different

economic incentives to deliver milk for Class I use as bulk tank handlers. Thus, in DI's view, it was erroneous to relate the types of handlers and to provide similar provisions for them in the recommended decision.

It is recognized that a cooperative association of producers and proprietary operators may have varying operational goals. Nevertheless, this does not mean that they should not operate under somewhat similar types of pooling provisions. Providing for a proprietary bulk tank handler under the order does not provide such handler any special advantages in the market. It would not permit the handler to pool additional milk on the market, since the maximum quantity of milk that could be pooled would be the same as if the proprietary bulk tank handler operated a pool distributing plant. Thus, the provisions could benefit a proprietary handler only from the standpoint of allowing its milk supplies to move in the least costly manner, i.e., directly from the farm to a distributing plant rather than through its supply plant. In these times of short energy supplies and high costs, the order should promote the most efficient milk handling practices for proprietary and cooperative association handlers alike.

A basic question regarding this issue is which persons should be permitted to be identified as a handler fully subject to the terms and provisions of the order. Although the testimony on this issue contemplated allowing a person that did not operate a plant to be a handler, a proprietary bulk tank handler should be limited to a plant operator. A basic concern is whether a handler is able to make the payments that an order requires to be made to producers. At the hearing there was much discussion of the concept of having the market administrator decide whether a prospective handler would be financially responsible. Questions were raised concerning what type of information might be required, reliability of information, and other administrative problems. Neverthelsss, no clear guidelines in this regard were established.

While haulers or others could be handlers, plant operators are more likely to have the financial strength to make required payments to producers. Such persons obviously are directly involved in processing milk, are presumed to be financially responsible, and likely would want to develop a regular, dependable milk supply. Moreover, on the basis of the record in this proceeding, it is desirable that the market administrator not make determinations of financial strength for purposes of determining handler eligibility.

Under the present provisions, there is no need for encompassing a pool plant operator within the proprietary bulk tank handler definition. If a pool plant operator that is not a cooperative wishes to supply milk directly from farms to the pool plant of another handler, the order now provides a means of doing so through the diversion provisions. Moreover, it is reasonable to limit proprietary bulk tank handler status to the operator of a nonpool plant where only manufacturing of milk takes place. The major issue in this proceeding concerns whether a nonpool manufacturing plant should be afforded a means of pooling milk without building facilities otherwise not needed and without hauling milk unnecessarily. There is no need to provide bulk tank handler status to other plant operations.

In its exceptions, DI claimed that the proprietary bulk tank handler provisions of the recommended decision are highly discriminatory, since only the operator of a nonpool manufacturing plant could be a bulk tank handler. The cooperative contended that limiting handler status to the operator of such a plant was * * * "unreasonable, discrminatory and constitutes special regulation solely for the purposes and convenience of one company."

The reasons for including or excluding certain persons as proprietary bulk tank handlers were discussed in the recommended decision. The points raised in the cooperative's exceptions were fully considered in arriving at the provisions set forth in the recommended decision. Moreover, the provisions are equally applicable to any similarly situated organization, whether presently a handler under the order or not. Accordingly, the exceptions provide no basis for changing the proprietary bulk tank handler provisions adopted in the recommended decision.

DI's exceptions also claimed that the major issue in this proceeding is not whether a nonpool manufacturing plant should be afforded a means of pooling milk without building facilities otherwise not needed and without hauling milk unnecessarily, as was described in the recommended decision. In the cooperative's view, the primary issue is whether there is a need to strengthen the association of milk with the market's fluid needs to qualify such milk for pool participation without creating any undue inefficiencies in handling the market's milk supply.

The first statement identifies a major concern in this proceeding as envisioned by Kraft, whereas the latter statement indicates a major concern of DI. Both statements identify the same issue, but from opposite points of view. The recommended decision addressed the concerns of both parties. It would promote efficiency by allowing a proprietary organization to operate as a bulk tank handler in the market. On the other hand, it also would increase slightly the minimum level of association that producer milk must have with the market's Class I needs to maintain pool status, which was suggested by DI.

A further consideration arises as to whether there should be any restrictions on where such a nonpool milk manufacturing plant may be located in order for the operator to be a bulk tank handler. DI's proposal provided no such limitation, while Kraft suggested that such a plant should be within an area comprised of the marketing area plus the area within 100 miles of the nearest edge of the marketing area. The Kraft witness stated that any such defined area should include most of the production area for the Tennessee Valley market.

It is reasonable under the present circumstances that such a nonpool milk manufacturing plant be located within an area that includes the marketing area of the Tennessee Valley order plus all the territory within 100 miles of the marketing area boundary. Such an area includes most of the milkshed for this market. It is from within this area that it is most likely that a handler would want to move milk directly from farms to pool distributing plants. Such milk supplies, when not needed for fluid use on weekends or at other times, then most likely would be moved to a nearby manufacturing plant. Thus, the geographic limitation adopted herein is consistent with the marketing situation that would be expected to exist.

Another important element in defining the new handler provision is control of the movements of the milk to be pooled. As adopted herein, a proprietary bulk tank handler must be the person who controls whether the milk moves from the farm to some particular plant or to a different plant. Such person would decide whether the milk was to be moved to a distributing plant for fluid use, or diverted to a nonpool plant. Requiring the handler to exercise control over milk movements is consistent with the cooperative association bulk tank handler provision.

Also, it is reasonable to require that prior to pooling milk in this manner the proprietary bulk tank handler must submit to the market administrator a statement signed by such handler and the operator of the pool plant where the

milk will be received specifying that the proprietary bulk tank handler will be the responsible handler for the milk. This will tend to assure that there is a clear understanding on this matter between the parties involved.

There is no need, however, to require that only the milk of designated producers on specified routes which is picked up only by certain haulers be qualified for pooling. Although both DI and Kraft proposed that the market administrator be notified in advance about the designated producers on a supply unit, the reason was primarily for ease of administration. However, it has not been necessary to require prior notification of the market administrator when the cooperative acts as a bulk tank handler and adds a new producer during the month. There appears to be no reason for treating a proprietary bulk tank handler differently in this regard.

Similarly, one feature of the supply unit proposal would have precluded such an operation from commingling Grade A and non-Grade A milk. However, such a provision need not be considered further since the touch-base requirements adopted elsewhere in this decision are adequate to establish producer association with this market and to demonstrate that the milk is available for the fluid needs of the market.

DI took exception to the Department's tentative findings and conclusions presented in the preceding two paragraphs. DI stated that if the Department includes in its final decision the proprietary bulk tank handler provisions set forth in the recommended decision, the Department should consider adopting the following provisions. First, only the milk of designated Grade A producers on specified Grade A routes should be eligible for pooling. Secondly, the milk of Grade A producers on such routes should not be commingled with milk of non-Grade A producers and be eligible for pool status under the order. In support of its exceptions, DI insisted that its supply unit proposal was made to promote more efficient handling of Grade A milk supplies for the fluid market. The cooperative maintained that it was not the intent or purpose of its proposal to allow an order which regulates the handling of Grade A milk to facilitate the handling of non-Grade A milk which is not available for fluid purposes.

These two issues (designation of the specific producers and routes, and commingling) raised in DI's exceptions were discussed in the recommended decision. The reasons for not including these requirements in the bulk tank handler provisions were explained in that decision. There are no overriding considerations presented by DI in its exceptions that compel a different conclusion in the final decision.

The producer milk picked up in a bulk tank truck on a farm route by a proprietary bulk tank handler could be delivered to a pool plant of another handler or it could be diverted to a nonpool plant. The quantities of milk that could be diverted to a nonpool plant by such a handler would vary seasonally. Specific pool performance standards for this type of operation are discussed elsewhere in this decision.

The order recognizes that a pool plant operator may purchase milk from a cooperative bulk tank handler on the basis of farm weights and butterfat samples or weights and samples taken when the milk is received at the plant. When the milk is purchased on the basis of farm weights and samples, the pool plant operator has a Class III shrinkage allowance of 2 percent of the farm weight for the milk lost in handling and processing. In this case, the cooperative has no shrinkage allowance. However, when the pool plant operator purchases the milk on the basis of plant weights and samples, the plant operator has a Class III shrinkage allowance of 1.5 percent, while the bulk tank handler has a shrinkage allowance of .5 percent. These same allowances also should be applicable when a pool plant operator receives milk from a proprietary bulk tank handler.

The pool obligation of a pool plant operator on milk purchased from a cooperative bulk tank handler is the same as for producer milk received directly from the farm of an individual producer. The plant operator must account to the pool for this milk according to the classification assigned to the milk based on the plant's utilization. The pool plant operator in turn settles with the cooperative on the basis of the uniform price for the milk.

The accounting and payment procedure should be different, however, when a pool plant operator purchases milk from a proprietary bulk tank handler. In this case, the milk would be the "producer milk" of the bulk tank handler, and it is the bulk tank handler that must account to the pool for it. This should be done by passing back to the bulk tank handler the classification of the milk assigned at the pool plant. Such milk would be classified on the same basis as transfers and diversions between pool plants. The basis of payment for this milk would be negotiated by the two handlers.

The reason for the difference in treatment accorded the proprietary bulk tank handler is that the Act does not provide for the enforcement of payments between proprietary handlers. Accordingly, the proprietary bulk tank handler must be held as the accountable handler for milk delivered to the pool plant of another handler.

A pool plant operator receiving farm bulk tank milk from a cooperative pays the administrative assessment on such milk. However, if a pool plant operator receives milk from a proprietary bulk tank handler, it is the latter who should be held accountable for paying the administrative assessment on such milk. This is because the proprietary bulk tank handler must be the accountable handler for the milk as described above.

In its exceptions, DI requested that the Department re-evaluate the record and briefs with respect to its supply unit proposal and adopt the cooperative's proposal in its entirety. Otherwise, DI requested that this issue be deleted from final decision and that the present order remain unchanged in this regard. DI indicated that its pooling proposals in this hearing were made as a package and adoption of all of them are necessary to promote efficient milk handling practices in the market and assure that milk pooled under the order will be available for fluid use, when needed.

As noted earlier, the pooling changes adopted herein are intended to accommodate the marketing needs of handlers and producers. There is no demonstration on the record that the proposals of DI must be adopted in total or not at all. The changes provided herein should promote efficient milk handling practices and foster the availability of milk for fluid use. The request of DI is denied.

2. *Performance standards for full regulation of plants and handlers.*

(a) *Class I utilization standards.*

A DI proposal to impose seasonally varying Class I utilization standards for pooling supply unit operations and supply plants should not be adopted.

The current order specifies a Class I utilization standard for pooling distributing plants only. No such standard is specified for pooling other types of plant operators and handlers.

Along with proposing a supply unit as a means for pooling milk, the cooperative also proposed that certain performance standards apply to such operations, and also to supply plants, to determine whether they qualify for pooling. In this regard, DI proposed that to qualify as a pool plant not less than 60 percent in the months of August through November and January and February and 40 percent in the other

months of such operations' milk must be assigned to Class I. Shipping requirements for these operations also were proposed with the same percentages, 60 and 40, to apply in the same months as the Class I utilization standards.

DI contended that a Class I utilization standard is needed to assure that the quantity of milk pooled is more closely associated with the market's fluid milk needs, and maintained that the current order provisions, which allow a pool supply plant's monthly Class I utilization to be as low as 25 percent, are inappropriate for the Tennessee Valley market. The cooperative's spokesman expressed the view that the market's average Class I use is too high to justify such a low level of performance when the objective of the order is to assure an adequate supply of milk for Class I purposes. Otherwise, according to DI, milk intended solely for manufacturing uses can be attached to the pool without being available for the fluid market.

DI offered extensive testimony on why the Federal order program should accommodate in the Tennessee Valley area only the pooling of enough milk to meet the Market's Class I needs, including reserves to accommodate daily, weekly, and seasonal variations in supply and demand. DI's contention was that this is what the Act contemplates, and that it indeed has been the Department's policy in that regard.

DI testified that its proposed Class I utilization standard is reasonable because it would allow a supply plant or supply unit to have pool status with a Class I utilization 15 percentage points below the market's average Class I use for the lowest month of the short milk production season (August–November and January and February). During the other months, a supply plant or a unit could maintain pool status with a Class I use of 40 percent. DI noted that the 40 percent standard is about 28 percentage points below the market's average Class I use for the lowest month of the flush season. In the cooperative's view, these monthly minimum Class I requirements on supply plants and units, which would vary seasonally, reasonably demonstrate association with the fluid market without being overly restrictive.

Kraft opposed the imposition of Class I utilization requirements for supply units and supply plants. The handler spokesman testified that the current pooling standards for supply plants were found to be reasonable and appropriate based on marketing conditions in the area. The handler maintained that these standards are adequate to insure the availability of milk at distributing plants. It was claimed that this request for more stringent performance requirements on market suppliers apparently was predicated on the market's customarily high Class I utilization. The Kraft spokesman alleged, however, that the proposal comes at a time when the market's Class I utilization during the months of short milk production in 1979 showed a dramatic decline relative to earlier fall periods. The witness claimed that there have been no changes in marketing conditions which would support more stringent performance requirements for supply units and supply plants than those previously found to be appropriate for supply plants.

Kraft also testified that the application of the proposed minimum level of Class I performance to its pool supply plant would be grossly unfair in comparison to the performance level required of the cooperative in qualifying its producer milk for pooling. Kraft stated that a supply plant's performance level would be less burdensome than a cooperative's performance level only in the case of supplying a distributing plant that exceeded 80 percent Class I use in the flush months. To highlight the difference in performance levels, the Kraft witness noted that during the months of short milk production at least 60 percent of the producer milk received at its supply plant at Greeneville would have to be classified in Class I to pool the plant, while the cooperative could pool its members' milk on the basis of as little at 36 percent Class I use.

The record provides no basis for concluding that the pooling standards in this market should be substantially tightened by imposing additional Class I utilization standards. In the three years since the present Tennessee Valley order became effective, there has been no indication that milk supplies are being attached to the market solely for manufacturing uses.

Although there have been a number of changes in marketing conditions over those three years, they have not led to the development of milk supplies that far exceed the market's fluid needs. Nor have plants experienced difficulty obtaining adequate milk for fluid uses. One change has been the entry of a supply plant into the market. Also, during that time the cooperative has shifted producers onto and off the market to rearrange its supply patterns as needed. Most recently, another cooperative has begun to supply milk to a distributing plant. Nevertheless, during this period, marketwide Class I utilization on an annual basis has remained quite stable. Moreover, this has occurred under pooling provisions that would accommodate the pooling of far more milk than has yet been pooled. Market data do not indicate that a Class I standard is needed to insure that the market's Class I needs will continue to be adequately supplied. Since the order merger in 1976, the relationship between the market's Class I utilization and total producer milk has changed only moderately. In 1977, 74 percent of the producer milk was used in Class I compared with 76 percent in 1978 and 75 percent in 1979. Producer milk used in Class I during 1979 was up 3.7 percent from 1977 while receipts from producers were up only 2.2 percent over that same period. Even if the market's Class I utilization in the future declined from recent levels, it would not necessarily mean that fluid milk plants would be unable to attract adequate supplies of milk for fluid use.

The Act provides no basis for concluding that a Federal order should restrict the absolute volume of Grade A milk that is pooled. What is intended is to provide regulations to ensure that the market's fluid milk needs will be met under marketing conditions characterized by orderliness and stability. To that end the order provides certain performance standards for identifying plants and producers who participate in meeting those needs for the market to a degree that warrants being included in the marketwide pool. However, those performance standards should not preclude from pool status additional supplies of milk that may in the future become associated with the fluid milk needs of the Tennessee Valley market.

DI took exception to the Department's tentative denial of its proposal to impose seasonally varying Class I utilization standards as a basis for pooling supply units and supply plants. The association maintained that the government's statistics presented at the hearing justified the need for such standards.

All of the record data were fully and carefully considered in arriving at the findings and determinations of the recommended decision. Although DI disagrees with the results of the Department's analysis, the exception does not provide sufficient grounds for reaching a different conclusion.

In exceptions, the cooperative also contended that since a Class I utilization standard is specified for pool distributing plants, there is no logical reason why such a standard should not be applicable to other types of plant operators and handlers supplying the

market. Although the cooperative expressed this opinion in its exceptions, no Class I utilization standard was proposed at the hearing for a cooperative as the operator of a balancing plant and/or as a bulk tank handler. Hence, not all pool plants and handlers would be directly subject to a Class I utilization standard if DI's proposal were adopted.

On the basis of the record, the Department tentatively found that it was not necessary that a minimum Class I utilization standard be specified for supply plants and proprietary bulk tank handlers to assure adequate supplies to meet the market's fluid needs. Although DI disagrees with this conclusion, there is nothing in the cooperative's exception of such a nature that the Department's initial position in this regard should be reversed. Accordingly, the exception is denied.

Kraft contended in its exceptions that even though the recommended decision purported to deny a minimum Class I utilization standard for bulk tank handlers and supply plants, such a standard is, nevertheless, indirectly applicable. This is true to the extent that the present order is structured such that all producer milk must be associated with a pool plant, and directly or indirectly with a pool distributing plant. This ultimately results in establishing a minimum level of Class I utilization of producer milk for the market. More is said about this later in the sections dealing with performance standards for establishing pool status for plants and handlers.

In connection with its proposal to impose a Class I utilization requirement on supply plants and supply units, DI proposed that milk transferred or diverted from a supply plant or supply unit to a pool plant be classified pro rata to the utilization remaining in each class just before assigning utilization to receipts from other pool plants, to overage, and to receipts from producers and cooperative association handlers. This was intended to assure that each such supplier would be assigned a fair share of the plant's Class I use, which would be important because the assignment could affect the pool status of supply plants and supply units under DI's proposal.

Since this decision denies the proposal to impose a Class I utilization requirement on supply plants and proprietary bulk tank handlers, it is not necessary to consider this corollary proposal further.

In exceptions, DI repeated its position with respect to the classification of transfers or diversions of milk from a supply plant or a supply unit to a pool plant. The cooperative insisted that such milk should be classified on the same basis as milk received from a producer since the milk moves directly from the farm in both instances. In DI's view, classifying transfers from a proprietary bulk tank handler on the same basis as transfers between pool plants, while classifying receipts from a cooperative as a bulk tank handler pro rata with producer milk at the receiving plant, is unreasonable, unfair, and would not provide the proper allocation of returns among all producers supplying the market. According to the exception, this is particularly significant in this market where prices in excess of the order prices for Class I milk are needed to maintain an adequate supply of milk for fluid use.

DI's exception in this regard was carefully reviewed. The record does not reveal whether prices in excess of the order prices are necessary to maintain an adequate supply of milk for fluid use. Pricing levels were not at issue in this proceeding. The other arguments raised by DI were considered in reaching the initial decision. Therefore, whether this issue is considered separately or as a corollary to the proposed Class I utilization standard, the grounds for the exception are insufficient to result in a different conclusion from that contained in the initial decision.

(b) *Seasonal variations in production and Class I utilization.*

Before discussion the appropriate performance standards for proprietary bulk tank handlers, supply plants, and distributing plants, there is a related matter that must be resolved. The question is the extent of seasonal variations of fluid sales and producer receipts and which months should be specified as generally indicative of the short and flush milk production periods. In that connection, DI proposed that the months of August through November and January and February be recognized as the season when milk production is low relative to the market's fluid needs. The cooperative also proposed that the months of December and March be considered along with the months of April through July as months when milk supplies normally exceed fluid needs. These proposals should be adopted.

Under the present order, the short production season is considered to be August through March. During these months, supply plants must qualify each month and diversions of milk from pool plants to nonpool plants are limited. The flush production season is considered as the months of April through July. Because the milk supply is generally more than adequate to meet fluid milk demands during these months, a supply plant that has qualified for pooling on the basis of shipments during each of the preceding months of August through March is afforded automatic pool plant status in the following months of April through July. Also, the order does not specify a limit on diversions to nonpool plants during these months.

In support of its proposals, DI testified that since the consolidation of three individual orders into the Tennessee Valley order, the level of Class I use of producer milk for the months of August through November and January and February has been at least 74 percent. Thus, in DI's view, these are the months in which milk production is lowest relative to Class I sales.

Kraft supported DI's proposal to consider the months of December and March as part of the flush production season, and urged that August also be included. In support of that position, the handler spokesman stated that most orders include August as a month in which a supply plant is afforded automatic pool plant status if such plant qualified on the basis of shipments in the immediately preceding months of short milk production. In addition, the handler cited market data to indicate that the Class I utilization for August 1977–1979 was about the same as for December and March of the 3-year period.

Market data indicate that the months of August through November and January and February are the months when milk supplies are shortest relative to the fluid needs. On the other hand, the months of March through July and December are the months when milk supplies for this market are more than adequate to meet the fluid demand.

Over a recent 3-year period (August 1977-July 1980),[2] for example, the average monthly Class I utilization of producer milk for the months of August through November and January and February ranged from a high of 81 percent in September to a low 76 percent in August. In the other six months, the average Class I utilization ranged from a high of 74 percent in March to a low of 68 percent in April.

Class I utilization of producer milk in March 1979 was nearly 79 percent compared to 72 percent in March 1977, while the actual pounds of producer milk in Class I was about the same. The difference in the Class I utilization percentages was due to the fact that in March 1977 there were 7 million more

[2] Official notice is taken of the Tennessee Valley Marketing Area Order No. 11 Statistical Summary issued by the Market Administrator for that order for each of the months of March through August 1980.

pounds of producer milk on the market than in March 1979. The record indicates that unusually severe winters adversely affected milk production for this market in March of 1978 and 1979. Nevertheless, the month of March has a potential for higher milk production during an early spring, and it should be included with the flush production months.

The record indicates that schools are closed during the latter part of December, and thus, considerably more milk must be disposed of for Class III purposes during that time. Even though the market's average Class I utilization for December is not considerably below that for the fall months, plants that have a high proportion of their sales in school milk may find it necessary to handle milk in an uneconomic fashion in order to keep their milk supply pooled if the pooling standards for December are not lowered. For this reason, pooling standards and diversion allowances for December should be the same as during the flush production months.

Even though the market's Class I utilization of producer milk in August is only slightly higher than for March and December, market data show that the Class I utilization of producer milk in August has increased since 1977. For instance, although the percentage of the market's producer milk used in Class I during August 1980 was lower than for August 1979, it was still higher than the percentage for August of 1977. This indicates a trend toward greater Class I demand relative to the milk supply for that month. In addition, the record indicates that toward the end of August handlers generally begin to build their inventories in preparation for school openings later in the month. Accordingly, August should continue to be included with the group of months when milk supplies are shortest relative to the market's Class I utilization.

In exceptions related to the performance standards for supply plants, Kraft contended that the Department erred in taking official notice of statistical data for March through August of 1980 in its July 1981 recommended decision. The handler claimed that the decision should have reflected the most current market data available at the time the decision was issued, and asked the Secretary to correct this error by updating such data in the final decision.

The Kraft request for official notice to reflect more current statistical data in the final decision is denied. Under the procedural rules, official notice cannot be taken of documents in a final decision since interested parties would not have an opportunity to take exception to any findings and conclusions that might be based on such documents.

(c) *Performance standards for proprietary bulk tank handlers.*

A proprietary bulk tank handler should be required to ship to pool plants not less than 60 percent of its receipts from producers during the months of short milk production (August through November and January and February). The shipping requirement for such handlers should be 40 percent in the other months. The amended order also should provide that the Director of the Dairy Division may increase or decrease the performance standard by up to 10 percentage points, if he finds such a revision is warranted.

Under the current order, shipping standards are provided for certain plants to qualify their milk for pooling. For example, a supply plant qualifies as a pool plant if it ships 50 percent or more of its approved receipts from dairy farmers to pool distributing plants in any month.

In addition to the proposed Class I utilization requirement, DI proposed that a monthly minimum shipping standard, which would vary seasonally, apply to a supply unit. As proposed, not less than 60 percent of the unit's producer milk would have to be shipped to pool distributing plants in the months when milk supplies are short relative to the market's fluid needs (August through November and January and February). In the other months (December and March through July), the cooperative proposed that a 40 percent shipping standard be applicable to a supply unit.

DI contended that a shipping requirement for supply units was needed to directly associate such unit with the fluid needs of distributing plants regulated under the Tennessee Valley order. The cooperative claimed that a shipping requirement, in addition to a Class I requirement, is necessary to demonstrate that the supply unit is directly associated with the fluid needs of handlers regulated under this order. DI testified that while the imposition of Class I utilization and shipping requirements on supply units may appear to be dual standards, a supply unit could be pooled without any association with this market if pool qualification were based completely on a Class I utilization requirement. Thus, the cooperative proposed both standards as a basis for pool qualification for supply units.

DI also proposed that the Director of the Dairy Division be permitted to increase or decrease the minimum shipping percentage by up to 10 percentage points if such a revision is warranted. Proponent supported this latter proposal on the basis that it would provide flexibility to meet temporary changes in marketing conditions without requiring a hearing.

Kraft supported DI's proposed year-round shipping requirements. The handler also supported permitting the Director to increase or decrease the minimum shipping percentage by up to 10 percentage points if such a change is found to be warranted.

No one suggested a different level of shipping standards for supply unit operators. In view of current marketing conditions in the area, the proposed standards appear to be reasonable and appropriate for the proprietary bulk tank handler provisions adopted herein. However, as noted earlier, such shipments may be made to any pool plant, rather than just to distributing plants.

Although the amended order would not specify a shipping requirement as such for proprietary bulk tank handlers, one would be applicable, in effect, by way of the diversion allowance applicable to such handlers. A bulk tank handler may qualify milk for pooling only by delivering it to a pool plant of another handler or diverting it to a nonpool plant. Limiting diversions to nonpool plants to not more than a specified percentage of such handler's total milk supply means, in effect, that the remainder must be delivered to pool plants. For example, if the diversion allowance is 40 percent of the handler's total supply, then 60 percent of the supply must be delivered to pool plants, if the total supply is to be pooled.

The order now requires that all diverted milk must be associated with the pool plant from which it is diverted. Accordingly, when a proprietary bulk tank handler diverts milk from a distributing plant to one or more nonpool plants, such diverted milk would be included in the distributing plant's receipts for the purpose of determining whether the plant qualifies as a pool plant. Thus, all of a proprietary bulk tank handler's producer milk supply would be accounted for as a receipt at the distributing plant. The Class I utilization standard applicable to the distributing plant effectively establishes the maximum amount of milk that may be pooled by the bulk tank handler. Therefore, as adopted herein, a proprietary bulk tank handler could not pool more milk than could be pooled by the operator of the distributing plant for a given level of Class I sales.

For example, if the pooling standard for a distributing plant is 60 percent Class I, and the plant has 3 million

pounds of Class I route sales, the total quantity of milk that the pool plant operator can pool is 5,000,000 pounds (3,000,000 ÷ .60 = 5,000,000). Rather than receiving a milk supply from its own producers, the distributing plant could receive a milk supply of 3 million pounds for its Class I use from a bulk tank handler. The latter handler could then divert an additional two million pounds of milk to nonpool plants. In computing whether the distributing plant qualifies for pool status, the milk physically received at the plant and also the milk diverted from the plant would be included as a receipt at the plant. Since the pooling requirement for the distributing plant is 60 percent Class I, 5 million pounds also is the maximum quantity of milk that the bulk tank handler can pool through this arrangement, based on 3 million pounds of Class I sales, and assuming that the bulk tank handler supplies only the one plant described in the example. In view of the foregoing, the pool and also the producer pay prices are adequately safeguarded against the association by proprietary bulk tank handlers of additional supplies of milk solely for Class III purposes.

Under current order provisions, a cooperative association may qualify a pool balancing plant on the basis of the cooperative's total deliveries of milk to distributing plants in this market. Under these provisions, a plant operated by a cooperative qualifies as a pool plant if at least 60 percent of the cooperative's producer milk is delivered to pool distributing plants. This percentage is applicable to the cooperative each month if it elects to pool a balancing plant. Thus, up to 40 percent of the cooperative's milk supply could be pooled through its balancing plant.

It is reasonable that a proprietary bulk tank handler also be required to deliver a comparable percentage of its milk supply to pool plants during the month to establish a basis for qualifying its remaining milk for pooling. Under the provisions adopted herein, a bulk tank handler would have to deliver at least 60 perent of its producer milk to pool plants in the short milk production months. This is the same percentage that DI must furnish to distributing plants in those months to secure pool status for its balancing plant. Thus, diversions to nonpool plants for such months should not exceed 40 percent of the bulk tank handler's total supply.

A higher diversion allowance (60 percent) would be appropriate for proprietary bulk tank handlers in the spring and summer months when additional milk is produced. In those months a smaller proportion of the handler's receipts from producers would be needed at pool distributing plants if their Class I sales remain relatively constant. Furthermore, some pool distributing plants have a lower Class I utilization when schools are not in session, which includes the December holidays. Accordingly, in the flush production months, and in December, a more liberal diversion allowance (60 percent) is provided.

In order to accommodate unexpected circumstances, the amended order also should provide for a temporary upward or downward adjustment of the diversion allowance for proprietary bulk tank handlers. Such adjustment should be made only if the Director of the Dairy Division determines that additional supplies are needed at pool plants, or to prevent uneconomic shipments of milk to such plants. The maximum adjustment should be limited to 10 percentage points.

Under such an arrangement, the Director would investigate the need for revision, either at the Director's own initiative or at the request of interested persons. If the investigation showed that a revision might be appropriate, the Director would issue a notice stating that a temporary revision of the diversion allowance is being considered and inviting views of interested persons with respect to the proposed revision. After evaluating the information, the Director would then decide whether a temporary revision was warranted.

There is always a possibility that temporary or emergency situations affecting the market's supply-demand conditions could develop for a short time that would warrant a timely adjustment in the diversion allowance applicable to a proprietary bulk tank handler. Absent the discretionary authority to respond, these changes could be accomplished only through an amendment proceeding or by a suspension action. Amendment proceedings normally take considerable time, and suspension actions often are limited in their effects. Inclusion of provisions to temporarily adjust diversion allowances by up to 10 percentage points will provide more flexibility to respond to short-run or emergency marketing situations on a timely basis.

In its exceptions, Kraft took the position that the adopted bulk tank handler provisions were intended to provide a mechanism for Kraft to be a handler under the order for producer milk without operating a supply plant. The handler claimed that the recommended decision implied that the provisions were adopted to promote overall marketing efficiency and were intended to operate for Kraft's own good. However, Kraft expressed the view that if the provisions are included in the order as set forth in the recommended decision, they probably could not be usefully employed by Kraft or any other proprietary market suppliers.

In this regard, Kraft excepted to what it viewed as an implication in the recommended decision that "comparable" pooling standards would be provided for proprietary bulk tank handlers and cooperatives. The handler claimed that a cooperative may deliver to its balancing plant milk supplies in excess of the needs of distributing plants without affecting the cooperative's allowance for diversions to nonpool plants or reducing the Class I utilization of a distributing plant. In addition, the handler contended that a cooperative may tailor its diversions from multiple distributing plants with varying Class I needs and may shift producers between markets to adjust for supply-demand imbalances. Kraft maintained that these operating flexibilities would not be available to proprietary bulk tank handlers, and that because of this the recommended provisions for a proprietary bulk tank handler do not provide a practical pooling option for Kraft.

The recommended decision was not intended to imply that the pooling standards provided in the recommended decision for proprietary bulk tank handlers and cooperatives were precisely comparable. There were only limited instances in the decision where specific comparability between the two types of handlers was cited.

The differences in pooling standards for proprietary and cooperative association handlers that were cited by Kraft were not introduced by the recommended decision. For example, under the present order a supply plant's minimum Class I performance level is different from a cooperative's minimum Class I use level in the market. The proposals considered at this hearing would not have eliminated such distinctions.

In its exceptions, Kraft stated that the primary impediment to using the bulk tank handler provisions would be the corollary increase to a 60 percent Class I utilization standard for distributing plants. Because of this, Kraft indicated, a bulk tank handler actually would have to ship about 67 percent of its milk to a distributing plant with a 90 percent Class I utilization in order for the distributing plant to meet the 60 percent

Class I utilization requirement and maintain producer milk status for the total milk supply of the proprietary bulk tank handler. As a result, the bulk tank handler could divert only 33 percent of its total milk supply from producers. Kraft contended that such an allowance for diversions may be inadequate to meet the peak daily and seasonal needs of the distributing plant and also accommodate the excess producer supplies on weekends.

The Kraft exceptions further stated that while the recommended order provisions would allow a bulk tank handler to divert up to 40 percent of the handler's total supply in the months of short milk production, in effect that much milk could not actually be diverted. The handler claimed that because of the unavoidable Class II and Class III uses of milk in a distributing plant, a bulk tank handler would not be able to pool all of its milk by diverting 40 percent to nonpool plants for manufacturing and shipping 60 percent to a distributing plant, unless 100 percent of the milk were used in Class I at the distributing plant, which is quite unlikely.

Under certain conditions a handler may not be able to divert the maximum amount allowed under the order. However, the situation described by exceptor in the preceding paragraph exists under the present order provisions. In effect, the amount of milk a distributing plant operator now may divert as producer milk would vary depending on the plant's Class I utilization. For example, since a distributing plant must now maintain 50 percent Class I utilization, it may not be possible for the handler to divert the maximum percentage of its total producer milk supply and maintain pool status for all such milk if substantial Class II and Class III products are processed in the plant.

Moreover, Kraft's exception deals with a situation where a proprietary bulk tank handler has only one outlet for Class I milk and is the sole supplier of that outlet. A different situation may exist if the bulk tank handler either supplies more than one plant or is not the sole source of milk for the only plant that it supplies.

In further response to Kraft's exceptions, it is noted that the reasons for increasing the Class I utilization standard in certain months are set forth later in this decision under the issue dealing with the performance standards for distributing plants. It is sufficient to point out here that the adverse effect Kraft envisions on a bulk tank handler's allowable diversions resulting from the 10 percent increase is not sufficient to override the reasons supporting the increase.

As an alternative, Kraft suggested in its exceptions that the order's current Class I utilization standard of 50 percent for distributing plants in each of the months of short milk production be retained and that a 30 percent standard be specified for each of the other months. Kraft maintained that because of the unavoidable Class II and Class III milk uses at distributing plants, such a change would tend to effectuate the seasonally varying shipping standards of 60 percent and 40 percent adopted in the recommended decision.

There was a general agreement between the two major participants (Kraft and DI) in this market that a shipping requirement of 60 percent in each of the months of short milk production and 40 percent in each of the other months was appropriate for this market. As stated in the recommended decision, Kraft supported DI's proposed year-round shipping standards for a supply unit at the hearing. Having decided what percentage of shipments should be required by the supply unit to associate it with the market's fluid needs, the difference between that percentage requirement and 100 percent would be such handler's diversion allowance percentage. This reciprocal arrangement between the shipping requirement and diversion allowance for proprietary bulk tank handlers was discussed earlier and need not be repeated here.

The record indicated that a diversion allowance of 40 percent of a bulk tank handler's milk supply would accommodate the needs of such handlers during the months of short milk production. Under the current order, handlers (pool plant operators and cooperatives) effectively may divert not more than 25 percent of their producer milk in the short production months of August through March.

In addition, exceptor presented no specific information about the size of its operation at the hearing. Hence, there are no data in the record about the quantity of shipments or diversions by Kraft that would indicate that a different shipping requirement and diversion allowance than was provided in the recommended decision would be more appropriate for such handlers. Accordingly, the findings and conclusions of that decision in this regard are affirmed.

In exceptions, Kraft asked that if the minimum shipping standards adopted in the recommended decision for proprietary bulk tank handlers are retained in the Department's final decision, a portion of such handlers' qualifying shipments should be permitted to be made to partially regulated distributing plants. Although this idea was suggested by Kraft at the hearing, the issue was not adequately explored to warrant its adoption. It is noted that although the handler suggested that only a portion of the shipments to partially regulated distributing plants should be counted as qualifying shipments, there is no evidence on this record as to what the appropriate portion of such handlers' total qualifying shipments should be. Accordingly, Kraft's proposed modification is denied.

(d) *Performance standards for supply plants.* The performance standards for pooling a supply plant should be revised to provide seasonally varying monthly shipping requirements and to eliminate automatic pool status in the spring and summer months if pooling standards are met throughout the fall months. Also, the order should provide for temporary adjustments to the shipping requirements when warranted.

As adopted herein, a supply plant that ships at least 60 percent of its receipts from dairy farmers to pool distributing plants in any month of August through November and January and February and 40 percent in any other month, would be a pool plant. Also, the Director of the Dairy Division would have authority to increase or decrease temporarily the shipping percentage by up to 10 percentage points.

Under the current order, a supply plant that ships during the month at least 50 percent of its receipts from dairy farmers to pool distributing plants is a pool plant. Not more than one-half of the required shipments may be made by diversion of milk from the supply plant to distributing plants. Also, a supply plant that qualifies as a pool plant on the basis of shipments during each of the months of Agust through March automatically qualifies as a pool plant in the following months of April through July, unless the plant operator elects nonpool status for the plant.

DI proposed the same performance standards for supply plants as it proposed for supply units. Specifically, in addition to the proposed Class I utilization standard already discussed, a supply plant would be required to meet a minimum shipping requirement each month to qualify as a pool plant. At least 60 percent of the plant's receipts from dariy farmers in August–November and January and February and 40 percent in the other months would have to be shipped to pool distributing plants. DI also proposed that the Director of the Dairy Division be permitted to increase

or decrease the shipping percentage temporarily by up to 10 percentage points if such a change is found to be warranted.

DI supported the proposed performance standards for pooling supply plants on the same basis that it justified such standards for supply units. Also, the cooperative's support for allowing the Director of the Dairy Division to adjust the shipping percentage for supply plants was the same as for providing adjustments to the shipping percentage for supply units. DI's justification for these proposals has already been noted in this decision under the preceding issue.

At the hearing and in its brief, Kraft basically took the position that no changes should be made in the current supply plant performance standards. In support of its position, the handler's spokesman maintained that the record does not support adoption of more stringent performance standards. The Kraft witness did, however, favor allowing a supply plant to meet the entire shipping requirement with diverted milk, as DI proposed.

Based on the changes adopted in this decision (60 percent Class I utilization standard for distributing plants and a 60 percent shipping requirement for supply plants in the months of short milk production), the Class I utilization of a pool supply plant's milk would be not less than 36 percent during August–November and January and February. This is the same minimum level of Class I utilization that could be obtained overall by DI under its current mode of handler operations during these months when distributing plants require a greater proportion of production for fluid use. Thus, supply plants and cooperatives would have the same minimum performance requirements during these months.

Also, under the provisions adopted herein, a proprietary bulk tank handler would be required to deliver 60 percent or more of its producer milk to pool plants in the months of short milk production. DI also must furnish at least 60 percent of its producer milk to pool distributing plants each month to qualify its balancing plant for pooling. Accordingly, it is appropriate to also require a supply plant to deliver a comparable percentage of its receipts from dairy farmers to pool distributing plants during the months when milk supplies are shortest relative to the market's fluid needs.

A lower shipping percentage (40 percent) for supply plants should apply in the spring and summer months when additional milk is produced. In those months, a smaller proportion of the supply plant's receipts from producers would be needed at pool distributing plants if their Class I sales remain relatively constant. Furthermore, Class I utilization declines at some pool distributing plants when schools are not in session, which includes the December holidays. Accordingly, in the flush production months, and in December also, a lower shipping requirement for supply plants is appropriate. Such lower standards also is consistent with other pooling provisions adopted in this decision.

Kraft's spokesman at the hearing opposed the elimination of automatic pooling for supply plants during the flush milk production months. He testifed that the Director of the Dairy Division instead should be authorized to require shipments up to the percentage applicable in the qualifying months, if such an increase is warranted. In support of this alternative approach, the Kraft witness recognized that circumstances may arise when a 50 percent shipping requirement for supply plants may be too low to furnish the market's fluid needs, or that such a requirement may be excessive even in the months of short milk production. Thus, Kraft supported permitting the Director of the Dairy Division to adjust the shipping percentage if such a revision is found to be necessary. According to Kraft's spokesman, incorporation of such flexibility into the order would permit prompt regulatory accommodation to changing marketing conditions without imposing permanent burdens that could be unduly restrictive.

Market experience regarding supply plant operations has been limited under the Tennessee Valley order, which became effective in 1976. Since that time, the only supply plant that has been in operation in the market is the Kraft plant at Greenville. According to the testimony by Kraft's witness, Kraft's arrangements with a distributing plant include "* * * supplying the plant with all of its milk on a year-round basis." The record is absent any indication that there would be no need to make shipments from the Kraft supply plant to the distributing plant during the flush production months. What the record does indicate is that the Kraft milk is not a supply used primarily to supplement local supplies in the fall months when milk supplies are lower relative to fluid needs. Instead, the supply plant milk is associated with the fluid market all year.

On the basis of current conditions in the Tennessee Valley market, it is reasonable to require a supply plant to qualify for pooling by making the required shipments to distributing plants each month. This is a relatively tight market, i.e., supplies generally need to be available for use in the fluid market. The record indicates that year-round pooling standards should not adversely affect the operation of the one supply plant on the market. Moreover, there are definite seasonal variations in the relationship of production to fluid demand. The seasonal pooling standards adopted for supply plants are appropriate to reflect the seasonal needs of the fluid market.

DI also proposed that a supply plant be permitted to qualify its milk based entirely on milk diverted from producers' farms to distributing plants, if its proposed Class I use standard is adopted. According to DI, such a standard would limit the amount of milk that could be pooled through a supply plant, and under such conditions milk should be permitted to move from the farm to distributing plants in the most efficient manner.

As noted earlier, the Class I utilization standard proposed by DI is not adopted in this decision. Since the proposal for qualifying a supply plant entirely by diversions from the supply plant to distributing plants was tied to adoption of such a Class I utilization standard, there is no need to consider the matter further.

The order also should provide for a temporary upward or downward adjustment of the shipping percentages for supply plants if the Director of the Dairy Division determines that additional supplies are needed at distributing plants or to prevent uneconomic shipments of milk to such plants. The adjustment should be limited to 10 percentage points. Under such an arrangement, the Director would investigate the need for revision as already described in the discussion of performance standards for proprietary bulk tank handlers.

There is always a possibility that an emergency situation affecting the market's supply-demand situation could develop for a short time which warrants an immediate adjustment (up or down) in the shipping percentage. Presently, any needed change in the shipping requirement for supply plants can be accomplished only through a time-consuming amendment proceeding or by suspension. Inclusion of provisions to adjust the supply plant shipping percentages temporarily will enhance the ability of the order to deal with short-run emergency situations on a timely basis.

In exceptions, Kraft contended that adoption of a higher shipping requirement for supply plants in the

months of short milk production could not be justified on the basis of this record. The handler advanced essentially the same views in making this contention as were presented at the hearing with respect to the performance standards for supply plants. The handler exceptions repeated the contention that other Federal orders with higher marketwide Class I utilization levels provide a monthly minimum shipping requirement of not more than 50 percent for supply plants.

It must be pointed out that the appropriate pooling standards for the Tennessee Valley order cannot be established on the basis of the pooling standards for supply plants under other orders. Also, we would note that at the hearing Kraft declined to state for the record the amount of producer milk pooled through its supply plant, or the amount of such plant's milk that is shipped to a distributing plant, but nevertheless opposed the DI proposals. While Kraft also opposes the more moderate provisions of the recommended decision, the record nevertheless provides no basis for concluding that the changes adopted in the recommended decision should be reversed.

Kraft also excepted to the recommended decision because it would not allow a supply plant's entire shipping requirement to be met on the basis of diversions from the supply plant. According to Kraft, the recommended decision's finding that this issue was moot since it was tied to DI's Class I use standard, which was denied, was an error because Kraft supported the concept without any such contingencies.

This aspect of the supply plant shipping standards, in the absence of a Class I utilization standard, was not adequately explored at the hearing. Kraft stated at the hearing that it would support the proposed provision allowing all qualifying shipments to be milk diverted pursuant to § 1011.13(c) as furthering the efficient and economic movement of milk in the market. The handler offered no other information for the record that would support such a modification of the order's supply plant pooling requirements.

No reference to such a change was made in the Kraft brief. Moreover, the handler concluded its brief by stating that no change should be made to the current performance standards for supply plants under the order. Hence, there is no basis in this record for such a modification of the current order's supply plant performance standards in this regard, either separately or as a corollary to another proposal.

In exceptions, Kraft asked that the Secretary consider allowing a portion of a supply plant's qualifying shipments to be made to partially regulated distributing plants if the minimum shipping standards adopted in the recommended decision for supply plants are retained in the Department's final decision. This same suggestion was advanced by exceptor with respect to the performance standards for proprietary bulk tank handlers. For the same reasons set forth in the discussion under that issue, the proposed modification is denied with respect to supply plants.

Kraft also claimed in its exceptions that the higher shipping requirement in certain months is proposed at a time when the percentage of Class I utilization in this market actually is lower than it was in the past. The exceptions noted the recommended decision's determinations that the market is adequately supplied and that there is no evidence to conclude that the current pooling provisions are being exploited to pool milk solely for manufacturing purposes. These matters were fully considered in arriving at the recommended decision. Thus, the exceptions provide no information that would warrant changing the findings and conclusions of the recommended decision.

Kraft's exceptions further maintained that elimination of automatic pool plant status for supply plants during the flush production months was unwarranted. In its view, year-round shipping standards were adopted because they would not have an adverse impact on Kraft's supply plant since shipments were being made on that basis at the time of the hearing. In the handler's view, a perception of "no harm" is insufficient reason for adopting a regulatory requirement.

The reasons for requiring year-round shipments by supply plants were fully set forth in the recommended decision. There is no information now offered by exceptor that has not been thoroughly considered. Hence, the findings and conclusions of the recommended decision in this regard are affirmed.

(e) *Performance standards for distributing plants.* The Class I utilization standard for pooling distributing plants should be changed from 50 percent each month to 60 percent each month of August through November and January and February, and 40 percent in other months. Also, the Director of the Dairy Division should have authority to temporarily increase or decrease the Class I pooling standard for distributing plants by up to 10 percentage points.

DI proposed the same Class I utilization standards for pooling a distributing plant (60 percent or more of the plant's receipts of approved milk in the months of short milk production and 40 percent in the other months) as it proposed for supply plants and supply units.

The cooperative testified that its proposal to seasonally vary Class I utilization requirements for distributing plants would not result in a significant change on an annual average basis from the present 50 percent Class I use standard. In support of the proposal, DI stated that all distributing plants currently regulated by the Tennessee Valley order would have no problem meeting the 60 percent Class I utilization requirement, even on a year-round basis.

Kraft opposed the proposal to increase the Class I utilization requirement for pool distributing plants to 60 percent during the months of short milk production. The handler witness testified that the current 50 percent requirement has proved to be adequate in this market as well as for the dozen or so other orders with even higher Class I use. Kraft also maintained that the fact that a change would not appear to have any adverse effects is not a valid basis for changing a regulation.

The record evidence clearly shows that the market average Class I utilization has been far above the 50 percent level during 1977–1979. In fact, during the seasonally short production months (August–November and January and February) of those years, the Class I use of handlers' total milk receipts dropped below 70 percent only once, to 69.5 percent, in September 1979. When viewed in terms of producer milk assigned to Class I, the low in the short months was 74.3 percent in August 1977. Increasing to 60 percent in the short production months the Class I performance standard for distributing plants would not cause any such plant now regulated under the order to lose its pool status.

Adopting seasonally varying Class I performance standards for distributing plants will facilitate the use of the proprietary bulk tank handler provisions being adopted in this decision. As indicated earlier, diversion allowances for such handlers would vary seasonally from 40 percent to 60 percent of the handler's total supply of producer milk. However, in the flush production months the 60 percent diversion allowance would not be compatible with the current Class I utilization standard of 50 percent for distributing plants. As noted earlier, the order provisions require that

all milk diverted from a distributing plant be included in the plant's receipts in determining whether the plant meets the Class I standard for pool status. Under this arrangement, it is desirable that the Class I pooling standard for distributing plants be the reciprocal of the diversion allowance for a proprietary bulk tank handler so that such a handler can utilize the diversion provisions in the manner intended.

An illustration will help explain this. A likely situation would be where a proprietary bulk tank handler is the sole supplier of milk to a distributing plant that disposes of Class I milk. Under a 50 percent Class I pooling standard for the distributing plant, the maximum amount of milk that could be pooled by the proprietary bulk tank handler would be two times the distributing plant's Class I utilization. That is, the bulk tank handler's diversions to nonpool plants could not exceed an amount equal to the distributing plant's Class I use. Therefore, if the Class I utilization standard is 50 percent, then the effective diversion limit also is 50 percent of the bulk tank handler's total supply. A larger diversion limit, as adopted elsewhere in this decision, would be meaningless in this situation, and a smaller limit would mean that milk surplus to the distributing plant's needs would nevertheless have to be received there and then be transferred, which is an inefficient way to handle milk associated with the fluid market. In this case, a diversion limit of 60 percent for the proprietary bulk tank handler in the flush production months would be meaningless if the Class I standard for the distributing plant is greater than 40 percent. Thus, in order to fully implement the proprietary bulk tank handler provisions, it is desirable to provide a 40 percent Class I pooling standard for distributing plants during March through July, and in December.

The Class I utilization pooling standard for distributing plants should be increased to 60 percent in the other months when production is lowest relative to Class I use. This change is consistent with other changes that are being adopted in this decision to reflect the seasonal variations of production relative to Class I sales in this market. All distributing plants in the Tennessee Valley market have a relatively high Class I utilization of producer milk and this change would not affect their pool plant status under the order under current operating conditions.

In exceptions, Kraft claimed that the illustration in the second preceding paragraph presented an impractical situation, i.e., it may be impossible for a single distributing plant to be served by a proprietary bulk tank handler as its sole supplier of milk in precisely the manner suggested. Because of unavoidable and elective use of milk in Class II and Class III in distributing plants, Kraft suggested in its exceptions that the current 50 percent Class I standard for distributing plants be applicable in each of the months of short milk production, and that a 30 percent standard be specified for such plants in each of the other months.

The hypothetical illustration referred to is premised on the fact that the distributing plant used 100 percent of its receipts from such a handler in Class I. In fact, it is not unusual for some distributing plants to be exclusively engaged in bottling fluid milk products. In such case, Class I use could equal or exceed 98 percent of the plant's receipts, and the example would fit. To the extent that a distributing plant used its milk for other than Class I purposes, and it and the bulk tank handler dealt exclusively with each other, the amount of milk that could be diverted from such plant would have to be reduced in order to maintain pool status for the entire milk supply of the bulk tank handler.

Other aspects of the points raised by Kraft were considered with respect to the performance standards for proprietary bulk tank handlers. They were dealt with extensively under that issue. Hence, the discussion need not be repeated here.

It should be noted that Kraft offered no information for the record as to the Class I utilization level of the distributing plant it was supplying. The handler stated that such information was considered to be confidential. Thus, the record is lacking a basis of support for lowering the distributing plant Class I use standard to 30 percent in the flush milk production months as the handler suggested.

As noted earlier in this decision, the Kraft witness suggested at the hearing that the Director be given the authority to temporarily adjust a number of the order provisions related to pooling standards. One such provision mentioned by Kraft is the Class I utilization standard for determining the pool status of distributing plants. Kraft took the position that providing such flexibility was much to be preferred over fixing the Class I standard at a higher rate as DI proposed.

The order should permit the Director to increase or decrease the distributing plant Class I pooling standard by up to 10 percentage points. This would complement the provision discussed earlier that would give the Director the authority to adjust temporarily the diversion allowances applicable to proprietary bulk tank handlers. For example, if an investigation revealed that bulk tank handlers should be able to divert more milk to nonpool plants, the diversion allowance could be increased temporarily by 10 percentage points. In such a case, the Class I standard for distributing plants would need to be adjusted in the opposite direction by a like amount. Otherwise, in the case of a single bulk tank handler supplying all the needs of one fluid milk plant, it would not be possible for such handler to actually increase diversions to nonpool plants because an increase would lower the distributing plant's Class I percentage to less than that required for pool status. The end result would be that some of the diverted milk would have to be depooled, and the steps taken to resolve the temporary marketing problem could not be effectuated.

Thus, the Director should have the authority to adjust the distributing plant Class I standard in the manner provided with respect to the pooling provisions for proprietary bulk tank handlers and supply plants. The purpose and general operations of such provisions have been discussed for proprietary bulk tank handlers and it is not necessary to reiterate them here.

3. *Definition of "Producer Milk."*

(a) *Producer eligibility for diversion of milk to nonpool plants.* The order provisions relating to diversions of milk to nonpool plants should require that each producer must deliver to a pool plant six days' production each month of August through February and two days' production each month of March through July for such producer's milk to qualify for pool status when it is diverted to a nonpool plant. Current provisions specify that in each month of August through March at least two days' milk production of a producer must be received at a pool plant during the month to establish that producer's eligibility to be diverted to a nonpool plant on other days of the month. In April through July there is no such "touch-base" requirement, and so a producer's milk may be pooled even though during the month all of it is delivered directly from the farm to one or more nonpool plants.

DI proposed that six days' production be received at pool plants each month of August through February, and two days' production in the other months, to establish diversion eligibility for individual producers. The cooperative's main argument in support of the proposal was that producers should

demonstrate a greater degree of association with the fluid milk needs of the market in order to obtain the benefits of pool participation.

Kraft opposed the proposal on the basis that its adoption would be contrary to what Kraft perceives to be the department's general policy in recent years of relaxing, rather than "tightening," the diversion provisions. Kraft also maintained that the combined effect of several different order provisions is adequate to demonstrate that a producer's milk is associated with the fluid market.

A representative of the Kroger Company, which operates a pool distributing plant at Lynchburg, Virginia, suggested that the touch-base requirement should be 16 days' production for a market with the level of Class I utilization demonstrated under this order.

Elsewhere in this decision are discussions of the appropriate pooling criteria for distributing plants, supply plants and proprietary bulk tank handlers. One of the changes adopted herein would provide monthly performance standards for pooling supply plants, with no provision for automatic pool status during the flush production months. A monthly allowance on diversions to nonpool plants is provided herein for proprietary bulk tank handlers. Distributing plants already must meet monthly performance standards and a cooperative association that wishes to pool a balancing plant must do so also.

It is consistent with such performance standards provided for fully regulated plants and handlers to require that each producer demonstrate each month a bonafide association with the fluid market. The cooperative's proposal is a reasonable means of achieving this. This minimum standard will tend to assure that the milk of individual producers is available to the market for fluid use on a continuous basis, and recognizes that a varying seasonal relationship exists between production and fluid milk demand.

Kraft's witness indicated that a touch-base standard of one day's production would be adequate because some producers fill their tanks each day. Kraft suggested that because such producers have their milk picked up daily, rather than every other day, a one-delivery touch-base requirements would be appropriate.

For some producers the touch-base standard of two-days' production in the flush months would entail two deliveries. However, a one-day standard would result in some producers qualifying with only one-half the performance required of other producers whose milk is picked up every other day. For this reason, the standard for establishing diversion eligibility during March through July should be based on the delivery of two days' production to pool plants rather than one day's production.

A suggestion by Kraft to allow the Director to vary the touch-base requirement temporarily without holding a hearing should not be adopted. This matter was not adequately explored on the record and there is no demonstrated need for such a provision.

Kraft took exception to the Department's recommendation to increase the Producer's "touch-base" requirements. The handler contended that higher requirements are without underlying rationale and that there is no evidence that the current requirement has caused any problems in the market. The handler maintained that the order's current "touch-base" requirement has been adequate to protect the integrity of the order. Hence, Kraft asked that the six-day requirement in the months of August through February be rejected in the final decision.

In exceptions, Kraft claimed that there is no apparent difference in the justification for the six-day requirement set forth in the recommended decision and the justification set forth in the decision when the present two-day requirement was adopted in 1976. The handler also noted that the record shows that the six-day requirement would result in uneconomic movements of milk.

In that regard, DI testified that the higher requirements it proposed would not cause problems for the cooperative, even though the record indicated that several of DI's producers would not have met the six-day requirement in a sample month (December 1979). A DI witness stated that because of the makeup of the supply area with respect to the location of the various pool plants in this market, it would be rather easy to switch a milk route that is not normally delivered to a pool plant with a route that almost always is delivered to such a plant so that all of its producers would meet the minimum touch-base requirement each month. In its opinion, this could be accomplished with little if any additional hauling cost to the cooperative.

On the other hand, Kraft testified that it had about three or four milk pick-up routes that had only one Grade A producer. If the milk of such Grade A dairy farmer wasn't needed at a pool plant on a particular day, it would be commingled with the milk of the manufacturing grade milk producers on such route. In the handler's view, the Grade A producers on such manufacturing milk routes could be impacted by the higher touch-base requirements provided by the recommended decision. Kraft contended that on as many as six days in certain months a hauler might have to pick up only Grade A milk and bring it into the handler's Grade A supply plant solely to meet the producer touch-base requirement. On the same day, the hauler then would have to go back along the same route and pick up the manufacturing grade producers and bring their milk into the handler's cheese plant at Greeneville.

The substantive difference between the degree of association specified in the 1976 decision and that authorized herein is best demonstrated by Kraft's own testimony that it had Grade A producers whose milk was regularly included on a manufacturing route. The milk of such producers apparently was only incidentally associated with the fluid market.

The 1976 decision to form the Tennessee Valley order provided a minimal touch-base requirement. However, the decision does not indicate whether there were any Grade A producers whose milk was regularly being delivered to a manufacturing plant at that time. On the basis of the information on this record, the appropriateness of requiring a greater degree of association with the fluid market must stand. The Kraft exception on this matter is denied.

Kraft also claimed that the changes adopted in the recommended decision for the Tennessee Valley market were inconsistent with the recent changes provided in the Southern Michigan order that reduced the touch-base requirement for individual producers in that market from six days to two days. The changes provided under this order are based on the marketing conditions that prevailed in this market at the time of the hearing. The changes recommended for the Southern Michigan order were based on the hearing record of marketing conditions under that order and have no bearing on what is appropriate in the Tennessee Valley market.

Kraft also took issue with the findings and conclusions of the recommended decision that the record was inadequate to adopt its suggestion that would have allowed the Director to increase or decrease the touch-base requirements temporarily, as necessary. It must be noted, however, that the particular marketing conditions that could be cited to justify such a revision were not explored at the hearing. Since the record

does not provide any evidence in this regard, the findings and conclusions of the recommended decision must be affirmed.

(b) *Other changes in diversion provisions.* Certain additional changes should be made in the provisions that prescribe how much producer milk may be diverted from pool plants to nonpool plants. The first concerns the months in which diversion limitations apply. Presently, diversions are limited during August through March, with no limits during the other months of April through July. However, the months during which the diversion limits apply should be changed to August through November and January and February.

This change, though not specifically proposed, is appropriate in order to maintain diversion provisions that complement the plant and the handler pooling standards. Elsewhere in this decision, seasonally varying pooling provisions are adopted for distributing plants, supply plants, and proprietary bulk tank handlers. These pooling provisions are based on the premise that the months of August through November and January and February are the months in which a greater proportion of the market's supplies is needed for fluid use.

The record indicates that March and December are months when less of the milk produced is needed for fluid use. For example, in December, a supply plant will only have to ship 40 percent of its receipts to distributing plants and a proprietary bulk tank handler will be allowed to divert to nonpool plants up to 60 percent of its milk supply. If more restrictive pooling provisions were maintained for December, handlers might need to receive considerable quantities of milk at pool plants solely to establish its pool status. The milk would then have to be reloaded and shipped to some other outlet for processing. This would be contrary to one of the major thrusts of both this proceeding and the previous one, i.e., eliminating inefficient handling requirements. Accordingly, no diversion limits should be specified for March and December for cooperatives and pool plant operators.

A second change in the diversion provisions is desirable to provide consistency in such provisions. Currently, the limit on diversions is expressed as a percentage of the handler's milk that is physically received at pool plants. However, such a basis for applying a diversion limit is inappropriate for a proprietary bulk tank handler since the diversion limit must be expressed in terms of such handler's total supply of producer milk, i.e., that which is delivered to pool plants plus that which is diverted. Unless a change is made, the diversion limits for a proprietary bulk tank handler would be expressed as a percentage of such handler's total supply of producer milk, while the diversion limits for all other pool handlers would be expressed as a percentage of physical receipts at pool plants.

No purpose would be served by expressing the same type of provision two different ways in the order language. By making concurrent changes in both the percentage figure used and the base to which the percentage is applied, diversion limits for cooperatives and pool plant operators can be made to conform with the diversion provisions adopted for a proprietary bulk tank handler.

This can be achieved by expressing the diversion limits for a pool plant operator or a cooperative as 25 percent of such handler's total supply of producer milk rather than as 33⅓ percent of the handler's milk that is physically received at pool plants. An example will demonstrate that this change in language will not change the actual quantity of milk that a handler can divert.

Assume that a pool plant operator is the handler for 100,000 pounds of producer milk that has been physically received at pool plants during September. Under current order provisions, such handler may divert to nonpool plants an additional amount of milk equal to one-third of that physically received at pool plants. In the example, this would be one-third of 100,000 pounds, or 33,333 pounds. Thus, the handler's total supply of producer milk is 133,333 pounds (100,000 pounds received at pool plants plus 33,333 pounds diverted to nonpool plants). Expressed another way, the maximum limit on diversions to nonpool plants would equal 25 percent of the handler's total supply ($33{,}333 \div 133{,}333 = .25 \times 100 = 25$ percent). The amount of milk that may be diverted to nonpool plants as producer milk thus is the same whether the provision is expressed as one-third of the handler's milk that is physically received at pool plants, or as 25 percent of the handler's total supply.

4. *Seasonal pricing of surplus milk.* A proposal to establish seasonal adjustments to the Class III price should not be adopted.

A Dairymen, Inc., proposal noticed for the hearing would provide seasonally varying adjustments to both the Class II and Class III prices. The rates proposed ranged from minus 20 cents to plus 20 cents per hundredweight. As proposed, Class II and III prices would be lower in the heavy production months of March through June, and higher in all other months. However, the total annual value of the milk in the pool was intended to be unchanged by the seasonal pricing scheme.

At the hearing, DI modified its proposal to apply seasonable pricing only to milk assigned to Class III uses. The cooperative's witness indicated that Class II products made from milk priced under the Tennessee Valley order must compete with Class II products made from milk priced under other Federal orders. Accordingly, the cooperative modified its pricing proposal to affect only Class III milk.

DI's representative pointed out that the purpose of the proposal was to lessent the losses incurred by those (primarily DI) who handle the bulk of the market's reserve milk supplies during the flush production months. He also noted that the plan would discourage using milk for Class III purposes in the short production months by adding 20 per hundredweight to the Class III prices for August through November.

The cooperative's spokesman entered an exhibit providing data on diversions of surplus milk during 1979. This exhibit listed various manufacturing outlets used by the cooperative for surplus milk dispositions, along with the pounds diverted to each plant during each month, the gross and net prices received (adjusted to 3.5 percent butterfat), and the Class III prices under the order. The exhibit was entered to demonstrate that the cooperative's returns from surplus milk in each month except August were less than the value at which the milk must be accounted for at order prices. According to the spokesman, the seasonal pricing proposal would lessen this financial burden that the cooperative incurs in handling the market's surplus milk.

The cooperative's representative also pointed out that actual prices paid in Tennessee for manufacturing grade milk are below the Minnesota-Wisconsin (M-W) series prices used as the minimum Class III prices under the order. Thus, although DI negotiated the price they receive for Class III milk moved to manufacturing outlets, such price is often below the order's Class III price.

Another key factor cited by DI is the limited outlets available for surplus milk disposition within the bounds of the Tennessee Valley marketing area. According to the cooperative, much of the milk must be moved to more distant outlets in the flush production months, which increases transportation costs. It

is this combination of higher disposal costs and returns below the rate DI is charged under the order that prompted the proposal for seasonal pricing.

In its brief, DI argued that the record evidence supported having only a lower Class III price during the flush months, rather than a system of plus and minus adjustments throughout the year.

Seasonal pricing of Class III milk was opposed by Pet, Inc., a proprietary handler that operates two pool distributing plants. The Pet spokesman claimed that the proposed price adjustments would have added about six cents per hundredweight to the cost of Class III milk utilized by the two plants during the 12-month period ending February 1980. He further claimed that Pet already loses money on disposition of surplus butterfat in cream moved to an ice cream manufacturing plant and another manufacturing plant operated by another division of Pet, Inc. The Pet representative urged that the Department not adopt the cooperative's pricing proposal.

An alternative suggestion offered by a spokesman for the Kroger Company would eliminate location adjustments in pricing diverted milk during the spring flush production months. According to the Kroger witness, the cost of surplus milk disposition under this approach would be shared by all pool participants. As he saw it, the cooperative has two options: (1) Let handlers balance their own supplies and thus bear their own burden of surplus disposition; or (2) Cooperatives must handle the surplus disposition themselves. In either case, he maintained, the cost of such dispositions should be shared.

The record indicates that the disposition of reserve milk supplies is costly to the cooperative under the conditions that exist in this market. However, adopting seasonal adjustments to the Class III price is not the appropriate remedy. Also, suggestions to simply lower Class III prices during the flush production months or to price diverted milk f.o.b. the marketing area during the spring flush likewise should not be adopted.

Under DI's modified proposal, the Class III price would be higher than the Class II price in each of the months of July through January. This would occur because the seasonal plus adjustments would exceed 10 cents per hundredweight, which is the amount of the current Class II differential. In four months (August–November) the Class III price would exceed the Class II price by 10 cents per hundredweight. The cooperative's witness recognized that this pricing discrepancy would occur, but he maintained that the low level of net returns for Class III use would still make Class II use preferable, even when the Class II order would be below the Class III price.

Many of the current orders, or their predecessor orders in the case of merged orders, were amended in 1974 to provide three use-classifications and corollary pricing provisions.[3] One of the orders so amended was the Chattanooga, Tennessee, order, which later was merged with the Knoxville, Tennessee, and Appalachian orders to form (along with a marketing area expansion) the present Tennessee Valley order. The merged order contains the classification and pricing provisions for Class II and Class III milk that were adopted earlier for the Chattanooga order. The relationship thus established between Class II and Class III prices in the Tennessee Valley order is reflected in the following quotations from the 1974 classification decision:

"* * * The Class II price should be the basic formula price (Minnesota-Wisconsin manufacturing milk price) for the month plus 10 cents. The price under each of the orders for Class III milk should be the basic formula price for thie month."

"*Class II.* Certain used of producer milk not needed for Class I purposes should be priced at a somewhat higher level than that applicable to milk in the adopted Class III uses. * * *"

"The adopted Class II price (the Minnesota-Wisconsin price plus 10 cents) is a reflection of some of the additional value which producer milk used in cottage has to handlers. * * *"

"* * * Pricing Class II milk at this level should permit regulation handlers using producer milk to remain competitive in the marketplace with the unregulated sector in the sale of Class II products. At the same time, such price will reflect the minimum additional value of such high quality producer milk supplied to regulated handlers over the widespread area covered by the 32 markets at the times and places, and in the quantities needed for the several Class II uses."

These quotations from the decision clearly state that producer milk assigned to Class II used should be priced at least 10 cents per hundredweight above the Class III price. Thus, any proposal that would change the Class III price level must be considered within the context of the Class II–Class III price relationship that had been found earlier to be appropriate for this market.

This issue was reopened to receive further evidence in a public hearing on advancing the announcement of Class II prices in 29 Federal milk orders. The hearing was held at St. Louis, Missouri, on August 12, 13, and 14, 1980.[4] At the reopened hearing, a question was raised whether cooperatives would supply milk to handlers for Class II use if the Class II price dropped to the same level as the Class III price. The answer by a DI spokesman indicates that supplies might be available for Class II for a short time, but that if such a pricing relationship between Class II and Class III continued for an extended period of time, that would involve a different situation.

In response to a further question, the cooperative's spokesman agreed that a Class II price level below the Class III price plus 10 cents would, in effect, abolish the purpose for having a Class II price differential 10 cents above the Class III level.

In total, the record of this proceeding lacks any compelling basis for deciding that the present pricing relationship between Class II and Class III no longer is appropriate. Seasonal pricing of Class III milk only, as proposed, would substantially alter the intended relationship between Class II and Class III prices, and for this reason the proposal must be denied.

Dairymen, Inc., took exception to the Department's tentative denial of its proposal to seasonally adjust the Class III price. The cooperative contended that the Class II and Class III price relationship would be maintained over the course of an entire year with the Class II price averaging 10 cents above the average Class III price. The exception expressed the view that the basis for a separate Class II classification thus would not be affected. The cooperative also maintained that any short-run situations where the Class II price would be less than the Class III price plus 10 cents per hundredweight would not adversely affect the supply of milk for Class II uses. Accordingly, DI asked the Department to re-evaluate the record with respect to this issue.

The various points raised in DI's exceptions on this issue were considered in reaching the recommended decision. The Department's conclusion that the Class II-Class III price differential must be maintained if both classifications are warranted remains valid. If seasonal adjustments were applied at the same rate to both classes, the prices would

[3] Official notice is taken of the Assistant Secretary's decision issued February 19, 1974 (39 FR 9012).

[4] Hearing Notice issued July 10, 1980, Docket No. AO–251–A22–R01 (45 FR 47432).

move up or down together and the same monthly price differential between the classes would be maintained. Such was the proposal that was noticed for consideration at the hearing. However, the application of seasonal pricing to the Class III price only, as proposed at the hearing, would have produced a situation where the differential may be maintained on an annual basis, but would not be at the desired level on a monthly basis. In addition, it still could result in Class III prices actually exceeding Class II prices in some months. Such a result would be inconsistent with the concept that the Class II price should average about 10 cents above the Class III price. Accordingly, it is concluded that DI's exception must be denied.

It should be noted that a new procedure for establishing the Class II price is now in effect for 29 Federal order markets, including the Tennessee Valley order. Under the procedure, it is possible that the Class II price may at times be above or below the Class III price plus 10 cents, although in no case will the Class II price be lower than the Class III price. However, it is clear that the basic intent of the new procedure is to maintain a Class II price that approximates closely the Class III price plus 10 cents. Under DI's modified proposal to seasonally vary the Class III price, the Class II price would drop below the Class III price in certain months.

Finally, the cooperative requested that the hearing be reopened on this issue as soon as possible if seasonal Class III pricing cannot be justified on the basis of the existing record. However, DI's exception does not present any basis for concluding that a reopening of the hearing would produce any new evidence that could lead to a reversal of the recommended decision. For this reason, the request to reopen the hearing to further consideration of this issue is denied.

5. *Conforming changes.* The order now excludes from the producer definition any person whose milk is received at or diverted from a supply plant that has automatic pool status in April-July, unless at least 60 days' production from the farm of such person was producer milk during the preceding August through March, or unless the supply plant is a pool plant for the month based on its shipments to pool distributing plants.

One of the changes being adopted in this decision would eliminate the provisions for automatic pooling of a supply plant by specifying year-round shipping standards for pool status. Under that arrangement, the provision described in the preceding paragraph no longer will serve any useful purpose. Accordingly, it is removed so that the order will not contain obsolete language.

In order to fully incorporate into the order the additional handler definition being adopted in this decision, it also is necessary to revise the language in several other sections of the order in addition to specific changes that have already been discussed. Such changes are corollary in nature and do not involve any substantive changes in the order or in the intended application of the order.

One such change concerns the provisions for computing and obligation for a handler operating a partially regulated distributing plant that received milk during the month from a proprietary bulk tank handler. For purposes of computing obligations, fluid milk products and bulk fluid cream products received from a pool plant or another plant are "* * * allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant * * *". However, the order is silent on the allocation of receipts from a bulk tank handler.

An appropriate means for clarifying the order in this regard is to provide that receipts of milk from a cooperative or proprietary bulk tank handler shall be allocated at the partially regulated plant to the class to which it was assigned for the bulk tank handler pursuant to the provisions for classifying transfers and diversions. This is consistent with DI's proposed supply unit concept, which would have been defined as a pool plant. If that approach had been followed, no change would be necessary in the current order language concerning partially regulated plants. However, since the supply unit concept has been adopted as a "handler" in this decision, a language modification is needed and has been provided.

Rulings on Proposed Finding and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties, including Kraft, Inc. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. Kraft requested in its brief that official notice be taken of a Tennessee county outline map indicating for each county the total number of milk producers, the number of Grade A producers, the number of manufacturing milk producers, and the number of the latter who ship milk in cans as of March 15, 1980. The indicated source of the information is the State of Tennessee Department of Agriculture. Kraft notes that a copy of the map was obtained from the market administrator. The Kraft brief also includes reference to the information on the map in support of Kraft's proposed findings and determinations.

This request for official notice is denied because the brief does not indicate the relevance of the map to the issues under consideration.

To the extent that other suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusion set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and affirmed, except where they may conflict with those set forth below.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

Kraft, Inc., took exception to the fact that certain order changes were recommended even though no serious marketing problems were noted and urged that the proceeding be terminated

for that reason. Kraft contended that the recommended decision purports to reject DI's philosophy, while at the same time adopting most of DI's proposed changes, and thus "modifying agency policies which have heretofore governed milk marketing order promulgation and amendment proceedings."

The Kraft exceptions and request for termination are denied. The record in this proceeding provides an adequate basis for the findings and determinations adopted herein. The adopted changes are warranted in view of current marketing conditions.

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Tennessee Valley marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, that this entire decision, except the attached marketing agreement, be published in the **Federal Register.** The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

September 1981 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Tennessee Valley marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on: March 12, 1982.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

Order [1] amending the order, regulating the handling of milk in the Tennessee Valley marketing area.

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tennessee Valley marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Tennessee Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Marketing Program Operations, on July 1, 1981, and published in the **Federal Register** on July 8, 1981 (46 FR 35264), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

1. Section 1011.7 is revised to read as follows:

§ 1011.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A plant that is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which during the month:

(1) Route disposition, except filled milk, in the marketing area is not less than 10 percent of the total quantity of Grade A fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1011.13; and

(2) The total quantity of fluid milk products, except filled milk, disposed of in Class I is not less than 60 percent in each of the months of August through November and January and February, and 40 percent in each of the other months, of the total quantity of fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1011.13. The applicable percentage in this subparagraph may be increased or decreased up to 10 percentage points by the Director of the Dairy Division if the Director finds such revision is necessary to effect a similar adjustment pursuant to § 1011.13(e)(3). Before making such a finding, the Director shall investigate the need for revision either at the Director's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that the revision is being considered and invite data, views, and arguments.

(b) A plant, other than a plant described in paragraph (a) of this section, from which fluid milk products, except filled milk, are shipped to pool plants pursuant to paragraph (a) of this section. Such shipments must equal not

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

less than 60 percent in each of the months of August through November and January and February, and 40 percent in each of the other months, of the total quantity of milk approved by a duly constituted regulatory agency for fluid consumption that is received during the month at such plant from dairy farmers (including producer milk diverted from the plant pursuant to § 1011.13 but excluding milk diverted to such plant) and handlers described in § 1011.9(c) and (d). The operator of such a plant may include milk diverted from such plant to plants described in paragraph (a) of this section as qualifying shipments in meeting up to one-half of the required shipments. The applicable shipping percentage of this paragraph may be increased or decreased up to 10 percentage points by the Director of the Dairy Division if the Director finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding, the Director shall investigate the need for revision either at the Director's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that the revision is being considered and invite data, views, and arguments.

(c) A plant located in the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month 60 percent or more of the producer milk of members of such cooperative association, excluding such milk that is received at or diverted from pool plants described in paragraph (b) of this section but including milk delivered by such cooperative as a handler described in § 1011.9(c), is delivered directly from their farms to pool plants described in paragraph (a) of this section or is transferred to such plants as a bulk fluid milk product from the plant of the cooperative association, subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a) or (b) of this section or under the provisions of another Federal order applicable to a distributing plant or a supply plant; and

(2) The plant is approved by a duly constituted regulatory agency to handle milk for fluid consumption.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of an other Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area; and

(4) A plant qualified pursuant to paragraph (b) of this section which also meets the pooling requirements for the month under an other Federal order.

2. In § 1011.9, paragraphs (d), (e) and (f) are redesignated as paragraphs (e), (f) and (g) and a new paragraph (d) is added to read as follows:

§ 1011.9 Handler.

* * * * *

(d) Any person, except a cooperative association, with respect to milk that it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such person and which is delivered during the month for the account of such person to the pool plant of an other handler or diverted pursuant to § 1011.13, subject to the following conditions:

(1) Such person (who, if qualified pursuant to this paragraph, shall be known as a "proprietary bulk tank handler") must operate a plant located in an area that includes the marketing area plus the area within 100 miles of the marketing area boundary at which milk is processed only into Class II or Class III products; and

(2) Prior to operating as a handler pursuant to this paragraph, such person must submit to the market administrator a statement signed by the applicant and the operator of the pool plant to which the milk will be delivered specifying that the applicant will be the responsible handler for the milk;

(e) Any person who operates a partially regulated distributing plant;

(f) A producer-handler; and

(g) Any person who operates an other order plant described in § 1011.7(d).

3. In § 1011.12, paragraph (b)(5) is removed and paragraphs (a)(2), (b)(3) and (b)(4) are revised to read as follows:

§ 1011.12 Producer.

(a) * * *

(2) Received by a handler described in § 1011.9 (c) or (d); or

* * * * *

(b) * * *

(3) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1011.44(a)(8)(iii) and the corresponding step of §1011.44(b); and

(4) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

4. Section 1011.13 is revised to read as follows:

§ 1011.13 Producer milk

"Producer milk" means the skim milk and butterfat contained in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant, excluding such milk that is diverted from an other pool plant;

(b) Received by a handler described in § 1011.9(c);

(c) Received by a handler described in § 1011.9(d), excluding milk diverted pursuant to paragraph (e) of this section;

(d) Diverted from a pool plant for the account of the handler operating such plant to an other pool plant;

(e) Diverted from a pool plant to a nonpool plant (other than a producer-handler plant) for the account of the handler described in § 1011.9 (a), (b) or (d) subject to the following conditions:

(1) A producer's milk shall be eligible for diversion to a nonpool plant during any month in which such producer's milk is physically received at a pool plant as follows:

(i) In any month of August through February, six days' production; and

(ii) In any month of March through July, two days' production.

(2) During each of the months of August through November and January and February, the total quantity of milk diverted by a cooperative association shall not exceed one-fourth of the producer milk that such cooperative caused that month to be delivered to or diverted from pool plants;

(3) The total quantity of milk diverted by a proprietary bulk tank handler described in § 1011.9(d) shall not exceed 40 percent of the producer milk that such handler caused to be delivered to or diverted from pool plants in each month of August through November and January and February, and 60 percent in each of the other months. The applicable diversion percentage of this subparagraph may be increased or decreased up to 10 percentage points by the Director of the Dairy Division if the Director finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding, the Director shall investigate the need for revision either at the Director's own initiative or at the request of interested persons. If the investigation shows that a revision

might be appropriate, the Director shall issue a notice stating that the revision is being considered and invite data, views, and arguments.

(4) A handler described in § 1011.9(a) that is not a cooperative association may divert for its account any milk that is not under the control of a cooperative association or a proprietary bulk tank handler that diverts milk during the month pursuant to paragraph (e) (2) or (3) of this section. The total quantity of milk so diverted shall not exceed one-fourth of the milk that is physically received at or diverted from pool plants as producer milk of such handler in each month of August through November and January and February;

(5) Any milk diverted in excess of the limits prescribed in paragraph (e) (2), (3) or (4) of this section shall not be producer milk. The diverting handler shall designate the dairy farmer deliveries that shall not be producer milk. If the handler fails to make such designation, no milk diverted by such handler pursuant to this paragraph shall be producer milk;

(6) To the extent that it would result in nonpool status for the pool plant from which diverted, milk diverted for the account of a cooperative association or a proprietary bulk tank handler from the pool plant of an other handler shall not be producer milk;

(7) The cooperative association or proprietary bulk tank handler shall designate the dairy farmer deliveries that are not producer milk pursuant to paragraph (e)(6) of this section. If the diverting handler fails to make such designation, no milk diverted by such handler shall be producer milk; and

(f) Milk diverted pursuant to paragraph (d) or (e) of this section shall be priced at the location of the plant to which diverted.

5. In § 1011.14, paragraph (a) is revised to read as follows:

§ 1011.14 Other source milk.

* * * * *

(a) Receipts of fluid milk products and bulk products specified in § 1011.40(b)(1) from any source other than producers, handlers described in § 1011.9 (c) and (d) or pool plants;

* * * * *

6. In § 1011.30, paragraphs (a) and (c) are revised to read as follows:

§ 1011.30 Reports of receipts and utilization.

* * * * *

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1011.9(c);

(3) Receipts of milk from handlers described in § 1011.9(d);

(4) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(5) Receipts of other source milk;

(6) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1011.40(b)(1); and

(7) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

* * * * *

(c) Each handler described in § 1011.9(b), (c), and (d) shall report:

(1) The quantities of all skim milk and butterfat contained in receipt of milk from producers; and

(2) The utilization or disposition of all such receipts.

* * * * *

§ 1011.31 [Amended]

7. In paragraph (a) of § 1011.31, the section reference "1011.9(a), (b), and (c)" is changed to "1011.9(a), (b), (c), and (d)".

§ 1011.32 [Amended]

8. In paragraph (a) of § 1011.32, the section reference "1011.9(a), (b) and (c)" is changed to "1011.9(a), (c), and (d)".

9. In paragraph (b)(2) of § 1011.41, the section reference "1011.9(c)" is changed to "1011.9(c) and (d)", and paragraph (c) of § 1011.41 is revised to read as follows:

§ 1011.41 Shrinkage.

* * * * *

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1011.9(b) or (c) or a proprietary bulk tank handler is the handler pursuant to § 1011.9(d), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association or the proprietary bulk tank handler shall be zero.

10. In § 1011.42, the introductory text of paragraph (a) is revised to read as follows:

§ 1011.42 Classification of transfers and diversions.

* * * * *

(a) *Transfers and diversions (including deliveries by a handler described in § 1011.9(d)) to pool plants.* Skim milk or butterfat transferred on diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant or from a handler described in § 1011.9(d) to a pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

* * * * *

11. In § 1011.43, paragraphs (a) and (c) are revised to read as follows:

§ 1011.43 General classification rules.

* * * * *

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1011.30 and shall compute separately for each pool plant, for each proprietary bulk tank handler pursuant to § 1011.9(d), and for each cooperative association with respect to milk for which it is the handler pursuant to § 1011.9(b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1011.40, 1011.41, and 1011.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1011.9(b), (c) or (d) shall be such handler's classification of producer milk;

* * * * *

(c) The classification of producer milk of a handler pursuant to § 1011.9 (b), (c), or (d) shall be determined separately from the operations of any pool plant operated by such handler.

12. In § 100.44, paragraph (a)(7)(vii) is removed and paragraphs (a)(7)(v) and (vi), (a)(8)(ii)(*b*), and (a)(13) are revised to read as follows:

§ 1011.44 Classification of producer milk.

* * * * *

(a) * * *

(7) * * *

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipt of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted

skim milk is allocated to Class I at the transferor-plant;

(8) * * *

(ii) * * *

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1011.9(c) or (d), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

* * * * *

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from an other pool plant or a handler described in § 1011.9(d) according to the classification of such products pursuant to § 1011.42(a); and

* * * * *

§ 1001.52 [Amended]

13. In paragraph (a) of § 1011.52, the section reference "1011.9(c)" is changed to "1011.9 (c) or (d)", and in paragraph (b)(1)(i) the section reference "1011.9(c)" is changed to "1011.9(c) and 9(d)".

14. In § 1011.60, the introductory text and paragraph (d) are revised to read as follows:

§ 1011.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk for each handler described in § 1011.9(a) with respect to each of its pool plants, for each handler described in § 1011.9 (b) and (c) with respect to milk that was not received at a pool plant, and for each handler described in § 1011.9(d) as follows:

* * * * *

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1011.44(a)(7)(i) through (iv) and the corresponding step of § 1011.44(b), excluding receipts of bulk fluid cream products from an other order plant;

* * * * *

15. In § 1011.76, paragraphs (a)(2)(i) and (b)(1)(i) are revised to read as follows:

§ 1011.76 Payments by handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(2) * * *

(i) As Class I milk from pool plants, handlers pursuant to § 1011.9(b) and (d), and other order plants, except that subtracted under a similar provision of another Federal milk order: and

* * * * *

(b) * * *

(1) * * *

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant, a handler described in § 1011.9 (b) or (d), or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant or as classified pursuant to § 1011.42 with respect to receipts from a handler described in § 1011.9 (b) or (d);

* * * * *

[FR Doc. 82-7352 Filed 3-17-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 82-AAL-3]

Proposed Amendment to Restricted Area R-2205, Yukon, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the times of designation for Restricted Area R-2205, Yukon, AK. A review of utilization reports for R-2205 indicates that the area is required by the using agency, 172D Infantry Brigade (Alaska), Fort Richardson, AK, on a year round basis rather than continuous from April 1 to November 30, and at other times by NOTAM. This action is necessary for the safe and efficient use of the airspace by prohibiting unauthorized aircraft from use of the airspace during its time of use.

DATES: Comments must be received on or before April 19, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 82-AAL-3, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

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: John Watterson, 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. 82-AAL-3." 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 request a copy of

Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 73.22 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to amend the times of designation for R-2205 from continuous April 1 through November 30, other times as activated by NOTAM issued by the issuing agency at least 24 hours in advance, to continuous on a year round basis. Usage factors and a review of utilization reports indicate that the area is required by the military all year many times on a 24-hour basis, thus necessitating frequent NOTAM's providing advance notification which reduces flexibility of the using agency. Civilian air traffic in the area is light and no adverse effect on civilian traffic is anticipated. A joint-use letter of agreement would be established with FAA Fairbanks TRACON which would provide for the return of the airspace for public use during periods it is not required by the using agency. Section 73.22 of Part 73 was republished January 2, 1981 (46 FR 783).

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.22 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 783), as follows:

§ 73.22 [Amended]

By amending the times of designation for R-2205, Yukon, AK, as follows:

Under times of designation, by removing the words "Continuous from April 1 through November 30; other times as activated by NOTAM issued by the using agency at least 24 hours in advance," and substituting for them the word "Continuous."

(Secs. 307(a), 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 11.69)

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 air 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 March 9, 1982.

Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-7032 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release Nos. 33-6391; 34-18561; S7-925]

Examination of the Registration of Securities To Be Offered and Sold on a Delayed or Continuous Basis in the Future.

AGENCY: Securities and Exchange Commission.

ACTION: Publication of issues to be considered at hearings and order of hearing.

SUMMARY: In Release No. 33-6383 (March 3, 1982), the Commission announced that it would hold public hearings concerning the registration of securities to be sold in delayed or continuous offerings. The Commission today published a list of issues to be considered at the hearings and an order that specifies procedures for the hearings. The schedule of appearances will be announced by the Commission shortly before the hearings commence.

DATE: Hearings will commence on June 28, 1982 at 10:00 a.m.

ADDRESSES: Hearings will be held in Room 776 of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Any written submissions not prepared in connection with an oral presentation should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 and should refer to File No. S7-925.

All witnesses desiring to make oral presentations should submit copies of their prepared statements to the Commission. Such materials should be directed to the attention of either Mrs. McCoy or Mr. Larsen, Securities and Exchange Commission, Washington, D.C. 20549.

All written submissions, including the written texts submitted in connection with oral presentations and the transcripts of such oral presentations, will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Catherine Collins McCoy (202-272-2589) or William L. Larsen (202-272-2604), Office of Disclosure Policy, Division of Corporation Finance, and John B. Manning (202-272-2874), Division of Market Regulation (concerning Rule 10b-6 (17 CFR 240.10b-6) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (the "Exchange Act") and related market matters), Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The public hearings that are scheduled to commence on June 28, 1982 are for the purpose of giving the Commission the benefit of the views of interested members of the public with respect to the registration of securities to be sold on a delayed or continuous basis ("self registration") pursuant to Rule 415 (17 CFR 230.415) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (the "Securities Act"). As discussed below, Rule 415 was adopted on a temporary basis in Release No. 33-6383 (March 3, 1982). At the conclusion of these hearing, the Commission will determine whether it is necessary or appropriate in the public interest or for the protection of investors to propose amendments to its rules and regulations. Persons interested in testifying or furnishing a written submission for the record should consult the procedural instructions contained under the heading "Procedures" at the conclusion of this release.

I. Background

In Release No. 33-6276 (December 23, 1980) (46 FR 78), the Commission proposed the rescission of the Guides for the Preparation and Filing of Registration Statements and Reports ("Guides"), with the exception of the Guides for disclosure by issuers in a particular industry ("Industry Guides"). Among the Guides proposed for rescission was Guide 4, which set forth the instances in which shelf registration was contemplated, such as where the issuer proposed to engage in a continuing acquisition program or in the case of securities underlying exercisable options, warrants or rights. The Commission proposed to replace Guide 4, by adding proposed Rule 462A (Delayed or Continuous Offering and Sale of Securities) to Regulation C (17 CFR 230.400 through 230.494), which would govern shelf registration for delayed or continuous offerings.

The Commission reproposed a substantially revised Rule 462A in Release No. 33-6334 (August 6, 1981) (46 FR 42001). As reproposed, the Rule would have codified staff practice

concerning shelf offerings which had occurred up to that time. Under certain circumstances, it contemplated shelf registration for primary offerings of equity securities which the issuer intended to sell on a non-fixed price basis over time depending on market conditions. Also, the proposed Rule contemplated an issuer's selling the securities registered on the shelf in a succession of different kinds of offerings.

A substantial number of commentators expressed views on the shelf rule proposal ranging from support for the rule, as proposed or with modifications, to concern that the proposal would have various potential impacts upon the capital raising process and the securities trading markets.[1] Recognizing the importance of the views and concerns of the commentators, the Commission determined to take a series of procedural steps to afford the opportunity for continued consideration of shelf registration and adopted the Rule (which was redesignated Rule 415), with modifications, on a temporary basis.

The procedural steps include public hearings to explore the impact of a shelf registration rule and to give all interested parties further opportunity to present their views to the Commission. During the period prior to the commencement of the hearings, interested investors, issuers and members of the securities industry may wish to form groups or task forces to organize and prepare their presentations. Following the hearings, the Commission may publish further rulemaking proposals for notice and comment.

Rule 415 will be effective until December 10, 1982. During that period, the Commission will monitor the operations and impact of the new Rule. Prior to the Rule's expiration, the Commission expects that the further proceedings discussed above will have been concluded and a determination will have been made whether to adopt Rule 415 as a permanent rule, adopt a modification of Rule 415 or allow the Rule to expire.

II. Issues to be Considered at Hearings

The Commission is interested in obtaining the views of interested members of the public on the issues set forth below. In responding to these issues, commentators are urged to present empirical data to the maximum extent possible.

A. Investor Protection and Administrative Practice Under the Securities Act

1. Does Rule 415 provide the investor protection contemplated by the Securities Act with respect to:

a. Disclosure adequate to enable informed investment decisions?

b. Appropriate updating of liability provisions by extension of the statute of limitations for purposes of Sections 11 and 12 of the Securities Act?

c. Staff review of post-effective amendments filed pursuant to Item 512(a) of Regulation S-K (17 CFR 229.512(a))?

2. Does Rule 415 promote administrative fairness and efficiency by codifying existing practice regarding shelf registration with respect to:

a. Providing the Commission staff with uniform guidelines on administration of the shelf registration rule?

b. Avoiding ad hoc determinations?

c. Affording all issuers and underwriters equal access to a published rule governing the procedures of shelf registration?

3. Is Rule 415 consistent with the goal of reducing regulatory and procedural burdens while ensuring investor protection?

B. Shelf Registration and the Structure of Public Offerings

1. A number of commentators have asserted that Rule 415 would change the basic structure of public offerings. To what extent are structural changes occurring today in public offerings due to factors extrinsic to the Commission's adoption of Rule 415, such as:

a. Volatile markets and interest rates?

b. The role played by institutional investors in the securities markets?

c. Quick financings made possible by short form registration?

d. Market windows?

e. Other factors?

2. Should the Commission seek to limit changes in the structure of public offerings? If so, on what basis?

3. To what extent, if any, will fixed price public offerings be affected by Rule 415? To what extent will any changes in fixed price public offerings be the result of the extrinsic factors listed above?

4. What impact would changes in fixed price offerings have on:

a. Investor protection?

b. Underwriters [including retail oriented firms, institutional oriented firms and regional firms]?

c. Issuers?

5. As a number of commentators observed, syndicates can still be formed under Rule 415. Will the practice of syndication in the public offering of securities change under Rule 415? To what extent will any changes be the result of the extrinsic factors listed above? To what extent will any changes be subject to the control of issuers and their advisers?

6. Will there be an increase in competitive bidding for offerings under Rule 415? If so, what will be the impact on market participants of such an increase?

7. Will any changes in fixed price public offerings resulting from Rule 415 be the same for debt and equity offerings?

C. Raising of Capital by Corporate Issuers Through Shelf Registration

1. Shelf registration of securities is voluntary. Other methods of registering securities are available under the Securities Act. To what extent is any impact by Rule 415 on the raising of capital by corporate issuers within the control of issuers themselves?

2. What has been the effect of current shelf registration procedures on the cost of raising capital by those corporate issuers that have shelf registered securities?

3. What will be the impact, if any, of the codification of shelf registration procedures in Rule 415 on the short-term cost of raising capital by corporate issuers?

a. What will be the impact, if any, of Rule 415 on underwriting spreads?

b. What will be the impact, if any, of Rule 415 on the ability to price new issues?

4. What will be the impact, if any, of Rule 415 on the long-term cost of raising capital by corporate issuers?

a. Will Rule 415 cause the size of new issues to change? If so, will this change the long-term cost of raising capital?

b. Will Rule 415 affect the relationship of issuers and underwriters? If so, what, if any, are the consequences for the cost of raising capital?

5. Will Rule 415 enable issuers to raise capital more quickly? Will this affect the amount of capital they are able to raise?

D. Competition in the Investment Banking Industry

1. Should the Commission consider the competitive impact of a rule under the Securities Act governing the registration of securities? If so, what basis should it make competitive judgments that preserve, diminish or otherwise allocate business opportunities?

2. Does Rule 415 foster competition in investment banking?

3. If so, what will be the competitive effects in terms of their impact on issuers, broker-dealers and public investors?

4. Will Rule 415 have other impacts on competition in investment banking or other aspects of the securities business? Will some participants in the securities markets be affected differently from others and, if so, how?

E. Participation of Institutions in the Securities Markets

1. As a result of codification of shelf registration procedures in Rule 415, will the participation of institutions in the securities markets increase above levels now existing?

2. Will the nature of institutional participation in the capital raising process differ marketly as a result of Rule 415 from that which currently exists? If so, how?

3. Should the Commission act to limit or control institutional participation in the securities markets? If so, on what basis?

4. Will broker-dealers sell securities offered under Rule 415 solely to their

[1] Comments on proposed Rule 462A are contained in File No. S7-896 and are available for public inspection in the Commission's Public Reference Room.

institutional customers? What would be the impact, if any, of such a practice?

5. Will institutions purchase directly from issuers in offerings under Rule 415?

a. If so, will institutions purchase for investment or as intermediaries in the distribution process?

b. If the latter, will regulatory constraints, such as their status as underwriters under the Securities Act and/or broker-dealers under the Exchange Act, act as a deterrent?

c. What other effects would result from direct purchase of securities from issuers by institutions?

F. The Secondary Market for Corporate Securities

1. Will Rule 415 change the ability of the secondary market to absorb the substantial purchasing and selling activity in the securities of large and seasoned companies that is engaged in by institutions today?

2. Will the existence of issuers as potential large sellers with the ability to sell into the market at any time have an impact on the securities markets?

3. What are the differences, if any, between the consequences suggested with respect to Rule 415 and the practices that currently exist with respect to the trading of blocks of securities and the registration of secondary offerings?

4. Will Rule 415 affect the notice of the arrival of new issues to the marketplace?

a. If so, what will be the impact, if any, on both stock prices and debt security rates?

b. To what extent would this differ from existing practice, particularly on short form registration statements?

c. To what extent could notice be accomplished voluntarily by issuers?

5. Will the amount of capital available for secondary market trading activities be affected by the techniques codified in Rule 415?

G. Due Diligence

Will techniques of performing a due diligence investigation pursuant to Section 11 of the Securities Act with respect to shelf registered securities differ from practices currently used by underwriters in connection with securities registered on short form registration statements?

H. Foreign Issuers

To what extent should the Commission codify its current interpretive position, as set forth in Release No. 33-6240,[2] revise that interpretive position to comport with Rule 415 or adopt a separate shelf registration rule for offerings by foreign governments or political subdivisions thereof?

I. Trading Restrictions

Several commentators expressed concern about the relationship of shelf registration and the operation of Rule 10b-6. The Commission recently proposed amendments to Rule 10b-6 [3] and urges interested persons to submit written comments in that proceeding. However, to the extent that commentators have specific concerns about the interrelationship of Rule 10b-6 and shelf-registration, they may comment in this proceeding.

J. Rule 415

As discussed above, Rule 415 governs the registration of securities on a delayed or continuous basis. It contains conditions and limitations designed to provide the investor protections contemplated by the Securities Act with respect to disclosure and liability. Commentators are invited to address all of the provisions of Rule 415 with a view toward determining the extent to which the conditions and limitations contained in the Rule are necessary or appropriate. Specifically, commentators are invited to address:

1. The limitation of shelf registration in Rule 415(a)(1)(i) to an amount of securities that is reasonably expected to be offered and sold within two years of the effective date of the registration statement;

2. The restrictions on the availability of "at the market" offerings contained in Rule 415(a)(3); and

3. The requirement to file a post-effective amendment in the circumstances set forth in Item 512(a) of Regulation S-K.

K. Related Securities Act Rules

As a consequence of the adoption of Rule 415, should the Commission consider amending related rules under the Securities Act, such as Rules 137, 138 and 139 with regard to the distribution of research reports and other activities? If so, how should such amendments be structured to best protect investors?

III. Procedures

A. Written Submissions

Interested persons are invited to submit their views on the foregoing questions in writing by June 7, 1982. Written submissions should be made in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 and refer to File No. S7-925.

B. Oral Presentations

Any interested person desiring to make an oral presentation of his/her views at the hearings is requested to write or call Catherine Collins McCoy, (202-272-2589), or William L. Larsen, (202-272-2604), Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, not later than June 7, 1982. The hearings will begin at 10 a.m. on June 28, 1982 and will be held in Room 776 at the above address.

It has been tentatively determined to limit oral statements to 30 minutes each plus such further time as may be necessary to answer questions. Depending upon the number of persons requesting to be heard, appearances may be more limited. Additional time may be granted at the discretion of the hearing officer upon written request timely submitted with copies of the witness's prepared statement. All witnesses shall be required to submit 25 copies of their prepared statements 5 business days in advance of their scheduled date of appearance.

It is requested that persons making oral statements be prepared to respond to specific inquiries from the Commission and its staff. Any person may submit in writing to the hearing officer questions that he wishes to have directed to a particular witness or group of witnesses, but the hearing officer will determine in his sole discretion whether, or to what extent, to direct those questions to any witness.

The Commission has designated Lee B. Spencer, Jr., Douglas Scarff, John J. Huber, Amy L. Goodman and Jeffrey L. Steele as hearing officers of the Commission. The Commission will issue orders designating additional hearing officers as necessary. The hearings will be conducted for the Commission by the Division of Corporation Finance.

Statutory Authority

This public rulemaking proceeding has been ordered by the Commission pursuant to Sections 6(a), 10(a), 19(a) and 21 of the Securities Act and Rule 4(b) of the Commission's Rules of Practice (17 CFR 201.4(b)).

(Secs. 6(a), 10(a), 19(a) and 21, 48 Stat. 78, 81, 85, 86; sec. 209, 48 Stat. 908; sec. 308(a)(2), 90 Stat. 57; 15 U.S.C. 77f(a), 77j(a), 77s(a), 77u)

By the Commission.

George A. Fitzsimmons,

Secretary.

March 12, 1982.

Order Directing Public Proceeding Pursuant to Sections 6(a), 10(a), 19(a) and 21 of the Securities Act of 1933 and Rule 4(b) of the Rules of Practice of the Commission

In the matter of examination of the registration of securities to be offered and sold on a delayed or continuous basis in the future.

I

It appears to the Commission that it is appropriate at this time to study certain issues relating to the shelf registration of securities.

Accordingly, it is ordered, pursuant to Sections 6(a), 10(a), 19(a) and 21 of the Securities Act of 1933 and Rule 4(b) of the Commission's Rules of Practice, that a public investigatory proceeding be held to give the Commission the benefit of views of interested members of the

[2] Release No. 33-6240 (September 10, 1980) (45 FR 61609).

[3] Release No. 34-18528 (March 3, 1982).

public on the topics set forth below. At the conclusion of such proceeding, the Commission will determine whether it is necessary or appropriate in the public interest or for the protection of investors to propose amendments to its rules and regulations.

II

In general, the subjects concerning Rule 415 to be considered at such proceeding shall include the following:

1. Investor protection and administrative practice under the Securities Act;
2. Shelf registration and the structure of public offerings;
3. Raising of capital by corporate issuers through shelf registration;
4. Competition in the investment banking industry;
5. Participation of institutions in the securities markets;
6. The secondary market for corporate securities;
7. Due diligence;
8. Foreign issuers; and
9. Related Securities Act rules.

A more comprehensive and detailed statement of matters to be considered at the hearing is contained in the release accompanying this order and is hereby incorporated by reference.

It has been tentatively determined to limit oral statements to 30 minutes each plus such further time as may be necessary to answer questions. Depending upon the number of persons requesting to be heard, appearances may be more limited. Additional time may be granted in the discretion of the hearing officer upon written request timely submitted with copies of the witness's prepared statement. All witnesses shall submit 25 copies of their prepared statements five business days in advance of their scheduled date of appearance.

Persons making oral statements should be prepared to respond to specific inquiries from the Commission and its staff. Any person may, in writing, submit to the hearing officer questions that he wishes to have directed to a particular witness or groups of witnesses; but the hearing officer will determine in his sole discretion whether or to what extent to direct those questions to any witnesses.

The Commission hereby designates Lee B. Spencer, Jr., Douglas Scarff, John J. Huber, Amy L. Goodman and Jeffrey L. Steele as hearing officers of the Commission. The Commission will issue additional orders designating additional hearing officers as necessary.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 12, 1982.

[FR Doc. 82-7387 Filed 3-17-82; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Parts 230 and 240

[Release Nos. 33-6390; 34-18558]

Withdrawal of Proposed Rules Relating to Options Trading

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of proposed rules.

SUMMARY: The Commission today is withdrawing proposed rule 238 under the Securities Act of 1933 ("Securities Act") and proposed rules 9b-2, 9b-3 and 9b-4 (A) and (B) under the Securities Exchange Act of 1934 ("Exchange Act"). Proposed Rule 238 would have afforded a specific exemption from the registration provisions of the Securities Act for the writing or endorsement of certain put and call options. Proposed Rule 9b-2 would have imposed certain regulations on brokers and dealers engaging in a public options business. Rule 9b-3 would have prohibited trading rotations in exchange-traded options from being conducted in a manner which the Commission believed might be unfair to public customers and Rules 9-b4 (A) and (B) proposed alternative closing times for exchange options trading.

DATE: March 11, 1982.

FOR FURTHER INFORMATION CONTACT: Eugene B. Livaudais, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2411.

SUPPLEMENTARY INFORMATION:

I. Background

A. Proposed Rules 238 and 9b-2

On December 13, 1973, the Commission published for comment revised versions of proposed Rule 238 [1] under the Securities Act and proposed Rule 9b-2 under the Exchange Act.[2] Proposed Rule 238 would have provided a specific exemption from the registration requirements of the Securities Act for the writing or endorsement of certain over-the-counter ("OTC") or "conventional" options. Specifically, proposed Rule 238 would have exempted from registration options which allowed the holder to purchase from, or sell to, the writer (seller) of the option a specified number of the underlying securities at a specific price on or before a specified date. Limited or expiration price options would not have been eligible for the exemption.[3]

The principal conditions of proposed Rule 238 were that the issuer of the underlying security be subject to the reporting requirements of Section 13 or 15(d) of the Exchange Act, that the underlying security be registered on a national securities exchange or quoted by at least five market makers on the automated quotation system of a registered national securities association, that the underlying security trade, or have a closing bid, at or above $5 per share or unit, and that the proceeds from the sale of the options, and any related options, not exceed $500,000.

Proposed Rule 9b-2, which was formulated in conjunction with proposed Rule 238, would have imposed several new regulatory requirements on brokers and dealers conducting a public options business. First, brokers-dealers would have been required to furnish to a customer at least 48 hours before executing the customer's initial order for the purchase or sale of an option a disclosure statement explaining the risks of purchasing or writing (selling) options and, before executing further options transactions for that customer, any written updates to the disclosure statement. Further, the rule would have required a broker-dealer, before recommending any options transaction to a customer, to have a reasonable basis for believing after reasonable inquiry that the transaction was not unsuitable for the customer. The rule specifically would have prohibited a broker-dealer from recommending the purchase of a limited price option unless the broker-dealer had reasonable grounds for believing that the customer understood the special characteristics of such options.[4] In addition, before effecting the sale of an uncovered option for a customer, the rule would have required the broker-dealer to obtain the information necessary to have a

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[1] Securities Act Release No. 5444 (December 13, 1973), 39 FR 1283 (January 4, 1974). This proposed rule was initially published for comment in Securities Act Release No 5386 (February 8, 1973), 38 FR 4993 (February 23, 1973).

[2] Securities Exchange Act Release No. 10550 (December 13, 1973), 38 FR 35334 (December 27, 1973). This proposed rule was initially published for comment in Securities Exchange Act Release No. 9994 (February 8, 1973), 38 FR 4994 (February 23, 1973).

[3] Unlike other OTC or exchange-listed options, which do not expire until the date specified in the contract, limited price options may terminate prior to that date upon the occurrence of a specific event, usually the market price of the underlying security reaching a specified level.

[4] See note 3, *supra*.

reasonable basis for determining that the customer was capable of evaluating the additional risks of writing uncovered options and had the financial capacity to meet reasonably foreseeable margin calls. The rule would have required broker-dealers to file weekly and monthly reports with the Commission or with the appropriate self-regulatory organization regarding the type and volume of all non-registered options they endorsed. Finally, the rule would have required broker-dealers who endorsed or wrote options to maintain a minimum net capital of $50,000.

B. Proposed Rules 9b–3 and 9b–4 (A) and (B)

On January 17, 1979, the Commission published for comment proposed Rules 9b–3 and 9b–4 (A) and (B) under the Exchange Act.[5] Proposed Rule 9b–3 would have prohibited any national securities exchange from conducting or employing any trading rotation in an options class if, during the rotation, new options orders could not be placed on the limit order book or if existing limit orders could not be cancelled, adjusted or replaced. Rules 9b–4 (A) and (B) proposed alternative closing times of 4:00 p.m. and 4:10 p.m. New York time for all exchange trading in options.

II. Discussion

A. Proposed Rules 238 and 9b–2

The Commission promulgated proposed Rules 238 and 9b–2 because of the substantial increase in activity in the conventional options markets which occurred in the early 1970's and the expectation that further increased options trading would result from the Commission's approval in early 1973 of the Chicago Board Options Exchange ("CBOE") pilot program to provide an exchange market for options trading. In addition, the Commission was concerned that, in light of the complexities of the options markets and the long-recognized potential abuses related to options trading, the legal protections then available to the substantial number of public investors participating, or being invited to participate, in the options markets were inadequate. The Commission concluded that the basic purposes of both the Securities Act and the Exchange Act with respect to OTC options trading could best be served by providing a conditional exemption from the registration provisions of the Securities Act and imposing new regulations on broker-dealers trading such options.

[5] Securities Exchange Act Release No. 15503 (January 17, 1979), 44 FR 4703 (January 23, 1979).

Since the Commission proposed Rules 238 and 9b–2, there has been a significant change in the nature of the options markets. The volume of trading in exchange-listed options has grown enormously. Conversely, investor interest and activity in conventional options has substantially declined. To the extent that the Commission has had concerns with respect to exchange-traded options, those have largely been resolved by the adoption of rules by the options self-regulatory organizations ("options SROs")[6] and through their surveillance and other oversight activities.[7]

Accordingly, the Commission has concluded that proposed Rules 238 and 9b–2 no longer are necessary to serve the public interest or to protect investors. The shift in investor interest to exchange-listed options, in combination with the decline in interest in and trading of conventional options, has diminished substantially the need for the specific exemption from registration for conventional options contained in proposed Rule 238.

Moreover, substantially all of the concerns underlying proposed Rule 9b–2, in the Commission's view, have been adequately addressed by the rules of the options SROs, particularly the uniform rule changes adopted in response to the recommendations of the Options Study.[8] While the rules of the options SROs differ in certain respects from proposed Rule 9b–2, the Commission believes that these deviations do not raise significant regulatory concerns.

B. Proposed Rules 9b–3 and 9b–4 (A) and (B)

The Commission proposed Rule 9b–3 primarily because of its concern that the daily closing trading rotations [9] conducted by the options exchanges were being conducted in a manner inconsistent with the public interest or the protection of investors. In particular, the Commission was concerned over the practice of certain exchanges of not permitting new customer orders to be entered on the limit order book (the "book") or existing book orders to be cancelled, adjusted or replaced during trading rotations while allowing exchange members on the floor to trade against book orders. Proposed Rule 9b–3 would have prohibited such a practice.

The Commission proposed Rules 9b–4 (A) and (B) because of its concern over the problems created by the disparity in the trading hours of the options exchanges resulting from the use of after-hours closing rotations by some of the exchanges and not by others. To address this concern, alternative proposed Rules 9b–4 (A) and (B) would have prohibited exchange options trading past 4:00 p.m. or 4:10 p.m. New York time, respectively.

As an interim solution to some of these concerns, the Commission in late 1978 approved exchange rules that implemented on an experimental basis a uniform daily closing time for all exchange options trading of 4:10 p.m. New York time and suspended the use of daily options closing rotations.[10]

[6] Those SROs with rules relating specifically to options are the American Stock Exchange, Chicago Board Options Exchange, Midwest Stock Exchange, New York Stock Exchange, Pacific Stock Exchange, Philadelphia Stock Exchange and National Association of Securities Dealers ("NASD"). While the exchange rules relate solely to exchange-traded options, the NASD rules also apply to conventional options. Accordingly, although trading in conventional options is not monitored as closely as listed options trading, the Commission's concerns regarding the regulation of conventional options sales practices are largely met through the NASD's rules.

[7] In particular, the appearance of trading and selling abuses accompanying the rapid early growth of listed options caused the Commission, in July 1977, to request each of the options exchanges to refrain voluntarily from listing additional options classes and to commence shortly thereafter a comprehensive investigation and study of the standardized options markets. *See* Securities Exchange Act Release No. 13760 (July 18, 1977), 42 FR 38035 (July 26, 1977). In February 1979, the Commission released its Report of the Special Study of the Options Markets, 96th Cong., 1st Sess. (Comm. Print 1978) ("Options Study"), which recommended revisions in the internal supervisory controls of brokerage firms, changes in the surveillance and other oversight activities of the options SROs and amendments to several exchange options sales practices and related rules.

As a result, the options SROs formed a joint task force to address the Options Study's recommendations and submitted uniform rule proposals to the Commission. In the Commission's view, these proposals responsibly addressed the major regulatory deficiencies identified by the Options Study, and, accordingly, on March 26, 1980, the Commission approved the proposals and terminated the options moratorium. *See* Securities Exchange Act Release No. 16701 (March 26, 1980), 45 FR 21426 (April 1, 1980).

[8] In addition, concerns regarding the financial integrity of brokers-dealers who wrote or endorsed conventional options were addressed by the Commission in 1975 when it adopted a rule requiring broker-dealers that wrote or endorsed options to maintain a specified minimum net capital. Securities Exchange Act Release No. 11497 (June 26, 1975).

[9] A trading rotation is a procedure by which a specialist or order book official calls for bids and offers from the crowd for each options series in his or her assigned classes, one series at a time. Once a market is established in that series, any orders on the limit order book (the "book") at that price are executed, either by crossing the book orders or by trading with market participants on the floor. Until the rotation is completed for a particular options class, certain exchanges permit only one options series at a time in that class to be traded. At the time the Commission proposed the Rule, certain option exchanges required a closing rotation to be conducted on a daily basis in any option not expiring the following day.

[10] Securities Exchange Act Release No. 15241 (October 18, 1978), 43 FR 49867 (October 25, 1978).

Continued

On April 27, 1979, the Commission approved exchange rule filings adopting a uniform 4:10 p.m. closing time on a permanent basis.[11] As an exception to these rules, the exchanges were authorized to conduct a trading rotation extending beyond 4:10 p.m. if trading in the underlying security opened or reopened after 3:45 p.m. and a trading rotation was begun promptly thereafter in the corresponding options. On July 11, 1979, the Commission approved exchange rule proposals which authorized them to complete a rotation if initiated in response to unusual market conditions and authorized by two floor officials so long as notice of the rotation was publicly disseminated no later than the beginning of the rotation, or 4:00 p.m., whichever occurred earlier.[12] Finally, the Commission recently approved rule proposals submitted by the CBOE, Amex and Phlx which permit these exchanges to conduct a trading rotation after 4:10 p.m. where notice of the rotation is publicly disseminated after 4:00 p.m., so long as the rotation is not begun until at least ten minutes after news of the rotation is publicly disseminated.[13]

In reviewing the SRO rule proposals, the Commission has sought to assure that adequate public notice is provided of trading rotations that extend beyond the normal close of trading. The Commission also has monitored the use of the various exceptions to the uniform daily closing time rules which the options exchanges have adopted. The Commission has found that these exceptions have been utilized rarely and when invoked have not operated in a manner inconsistent with the public interest and the protection of investors. Consequently, the Commission concludes that the concerns underlying proposed Rules 9b–3 and 9b–4 (A) and (B) have been adequately addressed and that any future problems in this regard may be adequately dealt with in the context of SRO rulemaking proceedings.

In view of the foregoing, the Commission finds that proposed Rule 238 under the Securities Act and Rules 9b–2, 9b–3 and 9b–4 (A) and (B) under the Exchange Act are no longer necessary or appropriate in the public interest or for the protection of investors. Accordingly, these rules are hereby withdrawn.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 11, 1982.

[FR Doc. 82-7395 Filed 3-17-82; 8:45 am]

BILLING CODE 8010-01-M

The experimental period originally was scheduled to expire on February 28, 1979, but subsequently was extended to April 28, 1979. Securities Exchange Act Release No. 15593 (February 28, 1979), 44 FR 12525 (February 28, 1979).

[11] Securities Exchange Act Release No. 15765 (April 27, 1979), 44 FR 26819 (May 7, 1979).

[12] Securities Exchange Act Release No. 16017 (July 11, 1979).

[13] Securities Exchange Act Release Nos. 17614 (March 10, 1981); and 18099 (September 16, 1981).

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10 and 143

Informal Entry for United States Goods Returned

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to establish informal entry procedures, pursuant to section 202 of Pub. L. 96–609, for certain products of the United States which have not been advanced in value or improved in condition while abroad. The purpose of the proposal is to allow importers of these products to use the informal entry procedures which are less costly, complex, and time consuming than the formal entry procedures.

DATE: Comments must by received on or before May 17, 1982.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room, 2426, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Operational Aspects: Herbert Geller, Duty Assessment Division, (202–566–5307); Legal Aspects: Benjamin Mahoney, Entry Procedures and Penalties Division, (202–566–5874) U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

All merchandise imported into the customs territory of the United States must be "entered." The entry of that merchandise means that the consignee (or importer, or agent of either) has filed with the appropriate Customs officer the documentation required to secure the release of the imported merchandise from Customs custody. Generally, shipments of merchandise valued at $250 or less are permitted to be entered under an "informal entry." An informal entry, unlike a formal entry, is one in which documentation requirements are held to a minimum (usually a single brief Customs form), and release of the merchandise is immediate upon payment of any estimated duties and taxes. Section 143.21, Customs Regulations (19 CFR 143.21), lists the types of merchandise which may be entered under an informal entry, and § 143.23, Customs Regulations (19 CFR 143.23), sets forth the documentation required for such entries.

Section 202 of Pub. L. 96–609 recently amended section 498(a) of the Tariff Act of 1930 (19 U.S.C. 1498(a)), by providing for a new subsection (2) which permits informal entry of certain U.S. products and reads as follows:

(2) Products of the United States, when the agregate value of the shipment does not exceed $10,000 and the products are imported.

(A) For the purposes of repair or alteration prior to reexportation, or

(B) After having been either rejected or returned by the foreign purchaser to the United States for credit.

The provisions of section 202 are intended to permit the Secretary of the Treasury to prescribe informal entry procedures for the entry of products of the United State valued at $10,000 or less returned to the United States for the specified purposes. It is inevitable that some goods exported by U.S. companies will be returned to the United States for the specified purposes. The informal procedures which would be available to enter such returned goods are less costly, complex, and time consuming than the formal entry procedures, and would aid businesses, particularly small and medium sized businesses, in engaging in the exportation of merchandise. Whereas the formal entry procedure ordinarily requires the services of a customhouse broker, the posting of bonds, a formal appraisement, and the like, the informal entry procedure generally requires no bond, no formal appraisement of the merchandise, and permits the entry documents to be filled out by the importer. Under such procedure, the Customs officer examines, appraises, classifies, and releases the merchandise to the importer upon payment of duties and taxes.

The proposed amendments to the Customs Regulations would add a new paragraph (j) to § 143.21 to permit informal entry for those products of the United States described in section 202 of Pub. L. 96–609. In addition, a new paragraph (h) would be added to § 143.23 to specify that Customs Form 3311 will serve as the informal entry document for products of the United

States returned for purposes of repair or alteration prior to reexportation, and that Customs Forms 3311 and 7501 are required for United States products returned either rejected or for credit. Lastly, a new paragraph (j) would be added to § 10.1, Customs Regulations (19 CFR 10.1), setting forth the informal entry procedures for qualifying United States products returned (referencing the requirements stated in new § 143.23(h)).

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b)(1), Customs Regulations (19 CFR 103.11(b)(1)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Any economic impact flows directly from section 202 of Pub. L. 96–609 and not the proposed implementing regulations. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping or other compliance burdens on a substantial number of small entities; or generate significant interest or attention from entities through comments, either formal or informal.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Authority

This proposal is initiated under the authority of R.S. 251, as amended, sections 481, 484, 624, 46 Stat. 722, as amended, 728, as amended, 759 (19 U.S.C. 66, 1481, 1484, 1498, 1624).

Drafting Information

The principal author of this document was Robert Joseph Pisani, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Proposed Amendments

It is proposed to amend Parts 10 and 143, Customs Regulations (19 CFR Parts 10 and 143), as set forth below:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

It is proposed to amend § 10.1, Customs Regulations (19 CFR 10.1), by adding a new paragraph (j) to read as follows:

§ 10.1 Domestic products; requirements on entry.

* * * * *

(j) In the case of products of the United States, when the aggregate value of the shipment does not exceed $10,000 and the products are imported—

(1) For the purposes of repair or alteration, prior to reexportation, or

(2) After having been either rejected or returned by the foreign purchaser to the United States for credit, free entry thereof may be made under item 800.00, Tariff Schedules of the United States, on Customs Form 3311, (a Customs Form 7501 must be submitted as well for articles, described in paragraph (b) of this section 143.23(h) of this chapter)) executed by the owner, importer, consignee, or agent and filed in duplicate, without regard to the requirement of a certificate of exportation or evidence of similar purport, unless the Customs officer has reason to believe that Customs drawback or exemption from internal revenue tax, or both, were probably allowed on exportation of the articles or that they are otherwise subject to duty. The person making entry shall show on Customs Form 3311 the name of the importing conveyance, the date of its arrival, the name of the country from which the articles were returned to the United States, and the value of the articles. The person making entry shall also produce evidence of his right to make entry (except as provided in § 142.11(b) of this chapter). If the Customs officer is not entirely certain that the articles to be entered under this paragraph by a nominal consignee are products of the United States, the actual owner or ultimate consignee thereof may be required to execute a Customs Form 3311.

(46 Stat. 759; 19 U.S.C. 1202).

PART 143—CONSUMPTION, APPRAISEMENT AND INFORMAL ENTRIES

1. It is proposed to amend § 143.21, Customs Regulations (19 CFR 143.21), by adding a new paragraph (j) to read as follows:

§ 143.21 Merchandise eligible for informal entry.

* * * * *

(j) Products of the United States, when the aggregate value of the shipment does not exceed $10,000 and the products are imported—

(1) For the purposes of repair or alteration prior to reexportation, or

(2) After having been either rejected or returned by the foreign purchaser to the United States for credit.

2. It is proposed to amend § 143.23, Customs Regulations (19 CFR 143.23), by adding a new paragraph (h) to read as follows:

§ 143.23 Form of entry.

* * * * *

(h) Products of the United States being returned for which informal entry is permitted by § 141.21(j), may be cleared as follows:

(1) For products of the United States returned for the purposes of repair or alteration prior to reexportation, Customs Form 3311 will serve as informal entry.

(2) For products of the United States after having been either rejected or returned by the foreign purchaser for credit, Customs Form 7501, annotated "informal entry" in the upper right hand corner, and Customs Form 3311 will serve as informal entry.

William T. Archey,

Acting Commissioner of Customs.

Approved: February 12, 1982.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-7299 Filed 3-17-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD Reg. 6010.8-R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Beneficiary Signature Requirement

AGENCY: Office of the Secretary, DOD.

ACTION: Proposed amendment.

SUMMARY: This proposed rule would amend the comprehensive CHAMPUS

Regulation, DOD 6010.8–R (32 CFR Part 199), to allow a spouse, parent or guardian to sign the CHAMPUS claim form for a beneficiary who is 18 years or older. The existing requirement frequently results in delays in claims payment. Relaxation of this beneficiary signature requirement would reduce the number of claims returned to the beneficiary and speed payment.

DATE: Written public comments must be received on or before April 19, 1982.

ADDRESS: Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Policy Division Aurora, Colorado 80045.

FOR FURTHER INFORMATION CONTACT: Charles M. Gallegos, Chief, Policy Branch, OCHAMPUS, telephone (303) 361–8608.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the **Federal Register** of April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its Regulation, DOD 6010.8–R, "Implementation of the Civilian Health and Medical Program of the Uniform Services (CHAMPUS)," as Part 199 of this title. Section 199.13 of this part requires a beneficiary who is 18 years or older to sign the claim form.

This requirement is based, in part, on the following:

1. A beneficiary, 18 years or older, can best confirm that the claimed medical care was personally received.

2. According to the Privacy Act of 1974, only the beneficiary may authorize release of his or her medical care information.

We received many claims signed by a spouse, parent or guardian for a beneficiary who is 18 years or older. This result in claims being returned for beneficiary signature. This amendment would allow these claims to be processed if no additional information, or release of medical information, is required.

A second purpose of this amendment involves participating physicians who have only limited or no contact with the beneficiary. Radiologists, pathologists, neurologists, and cardiologists who bill for laboratory and diagnostic tests and test interpretations, and anesthesiologists, have difficulty getting beneficiary signatures on their claims. For these claims, this amendment permits the beneficiary signature on the institutional claim to satisfy the signature requirement.

Many institutional providers use an automated uniform claim form which does not require a patient's signature. Currently these providers must handle CHAMPUS claims separately to get the beneficiary's signature. This amendment would eliminate separate handling of CHAMPUS claims. The beneficiary's signature will still be required on a CHAMPUS claim form in all instances where additional information is necessary to process the claim or release of medical information has been requested.

This amendment is being published for proposed rulemaking at the same time as it is being coordinated within the Department of Defense, and the Department of Health and Human Services and with other interested agencies, in order that consideration of both internal and external comments and publication of the final rulemaking document can be expedited.

PART 199—IMPLEMENTATION OF THE CIVILIAN AND MEDICAL PROGRAM OF THE UNIFORM SERVICES

Accordingly, we proposed to amend 32 CFR Chapter I, § 199.13(c)(1) reading as follows:

By revising (c)(1) and subdivisions (iii) and (v) in § 199.13 as set forth below.

§ 199.13 Claims submission, review and payment.

* * * * *

(c) *Signature on CHAMPUS Claim Form*—(1) *Beneficiary signature.* CHAMPUS claim forms must be signed by the beneficiary except under the conditions identified in paragraph (c)(1)(v) of this section. The parent or guardian may sign for any beneficiary under 18 years.

* * * * *

(iii) *Authorization to obtain or release information.* Prior to requesting additional information necessary to process a claim or releasing medical information, the signature of the beneficiary who is 18 years or older must be recorded on or obtained on the CHAMPUS claim form or on a separate release form. The signature of the beneficiary, parent or guardian will be required when the beneficiary is under 18 years.

* * * * *

(v) *Exceptions to beneficiary signature requirement.* (A) Except as required by § 199.13(c)(1)(iii), the signature of a spouse, parent or guardian will be accepted on a claim submitted for a beneficiary who is 18 years or older.

(B) When the institutional provider obtains the signature of the beneficiary (or the signature of the parent or guardian when the beneficiary is under 18 years) on a CHAMPUS claim form at admission, the following participating claims may be submitted without the beneficiary's signature.

(*1*) Claims for laboratory and diagnostic tests and test interpretations from radiologists, pathologists, neurologists, and cardiologists.

(*2*) Claims from anesthesiologists.

(*3*) Claims filed by participating hospital providers using CHAMPUS-approved uniform claim forms which do not require a patient signature.

* * * * *

(Chapter 55, Title 10, U.S.C.)

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 15, 1982.

[FR Doc. 82–7353 Filed 3–17–82; 8:45 am]

BILLING CODE 3810–01–M

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32 CFR Part 230

[DOD Instruction 1000.12]

Procedures Governing Banking Offices on DOD Installations

AGENCY: Office of the Secretary, DOD.

ACTION: Proposed rule.

SUMMARY: The Department of Defense is proposing to establish Part 230 which will provide operating procedures for banking institutions on Department of Defense installations. This rule will transfer certain domestic responsibilities for these banks from the Department of the Treasury to the Department of Defense; expand automated teller machine and leasing policies. Also, this rule sets forth guidelines to determine the appropriate level of logistical support by the Department of Defense for onbase banking offices and implements overall policy guidance on as set forth in Part 231.

DATE: Written comments must be received by April 20, 1982.

ADDRESS: Director, Banking, International Finance and Professional Development; Office of the Assistant Secretary of Defense (Comptroller); The Pentagon, Room 1B728, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Mr. John Barber, 202–697–8281.

Accordingly it is proposed to amend 32 CFR Chapter I by adding Part 230, reading as follows:

PART 230—PROCEDURES GOVERNING BANKING OFFICES ON DOD INSTALLATIONS

Sec.

230.1 Purpose.
230.2 Applicability and scope.
230.3 Definitions.

Sec.
230.4 Responsibilities.
230.5 Procedures.
230.6 Procedures for the establishment, operation and termination of Domestic Banking Offices.
230.7 Procedures for the establishment, operation and termination of Overseas Banking Offices.
230.8 Guidelines for Application of Privacy Act to Military Banking Program.

Authority: Title 10 U.S.C. 136.

§ 230.1 Purpose.

This Part provides DOD operating procedures used in the military banking program, and implements overall policy guidance.

§ 230.2 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to as "DOD Components").

(b) Its provisions also pertain to all banking institutions operating offices on military installations.

§ 230.3 Definitions.

The terms which are defined in § 231.6 of this chapter shall also apply to these rules.

§ 230.4 Responsibilities.

(a) *The Assistant Secretary of Defense (Comptroller) (ASD(C)) or Designee, the Deputy Assistant Secretary of Defense (Management Systems) (DASD(MS))*, shall:

(1) Initiate plans and conduct special studies on military banking arrangements, cost-benefit relationships, and management of the Military Banking Program in coordination with the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), the DOD Components, and banking institutions and associations participating in the Military Banking Program.

(2) Coordinate with the Fiscal Assistant Secretary of the Treasury, as necessary, DOD components' requests for designation of domestic banking facilities as Depositaries and Financial Agents of the U.S. Government.

(3) For overseas locations:

(i) Recommend to the Fiscal Assistant Secretary of the Treasury the Designation of overseas banking facilities as Depositaries and Financial Agents of the U.S. Government.

(ii) Provide a technical representative (COTR) to the Procuring Contracting Officer (PCO) and Administrative Contracting Officer (ACO) responsible under the Defense Acquisition Regulation —— for acquiring banking services at overseas military installations where a justified need for such services exists.

(iii) Determine cost-benefit relationships related to establishment, termination, expansion or reduction of banking services on military installations.

(iv) Authorize the specific types of banking services that will be provided by overseas banking facilities. (See § 230.6.)

(v) Specify the charges or fees, or the basis for charges or fees, to be levied on users of overseas banking facility services. (See § 230.6.)

(vi) Serve as the principal liaison with banking institutions operating banking facilities on overseas military installations. In this capacity, the ASD(C) will (A) monitor the managerial and operational policies and procedures, and operating results of banking facilities; and (B) take action as appropriate.

(vii) Negotiate government-to-government agreements, as necessary, for the provision of banking services on DOD installations in accordance with DOD Instruction 2050.1.

(b) *The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* shall:

(1) Develop and monitor policies and procedures governing logistical support, including use of DOD real property and equipment furnished to banking offices on military installations, as set forth in 32 CFR Part 231.

(2) Advise the ASD(C) on all aspects of the Military Banking Program relating to the morale and welfare of DOD personnel.

(c) *The Heads of DOD Components* shall:

(1) Supervise the Military Banking Program operated on installations under their jurisdiction within the guidelines provided in this Part and 32 CFR Part 231.

(2) Refer matters requiring policy decisions or changes of policy under this Part and 32 CFR Part 231 to the ASD(C).

(3) Evaluate the services provided by banking offices to ensure that they fulfill the requirements upon which establishment of those offices was justified.

(4) Examine practices and procedures of banking institutions to ensure that the welfare and interests of DOD personnel as consumers are protected, as set forth in 32 CFR Part 43.

(5) Ensure that the recommendations of the Unified Command concerned are considered prior to processing requests for overseas banking facilities and acting on matters of policy that originate in component/subordinate commands.

(6) Review, coordinate, and recommend to appropriate regulating agencies proposals for the establishment of banking offices on installations under their jurisdiction.

(7) Determine whether an existing banking facility may be converted to an independent or branch bank in accordance with § 230.5(b)(2).

(8) Serve as principal liaison with banking institutions operating banking offices on domestic installations under their jurisdictions.

(9) Determine level of logistic support to be provided banking institutions submitting reports reflecting nonself-sustaining status (§ 230.5(b)(3)).

(d) *Unified and Specified Commands and/or Designated Component Commanders* shall:

(1) Ensure the appropriate coordination of requests to establish or terminate banking facilities as they originate in Component commands.

(i) Requests for establishment of banking facilities in countries not presently served by such facilities will include a statement that the requirement has been coordinated with the U.S. Chief of Diplomatic Mission and that the country involved will permit the operation.

(ii) Requests for elimination of all banking facilities in a country will include a statement that the U.S. Chief of Diplomatic Mission has been informed and that appropriate arrangements for coordination of local termination announcements and procedures have been effected with the U.S. Embassy.

(2) Monitor and coordinate military banking operations within the command area. Personnel assigned to overseas security assistance positions will not be used to monitor, coordinate or assist in military banking operations without the prior approval of the Director, Defense Security Assistance Agency.

§ 230.5 Procedures.

(a) *Establishment of Banking Offices.* (1) Banking offices will be established on military installations only with the prior approval of the appropriate DOD Component. Procedures for requesting establishment of banking offices and additional approvals required are specified below.

(2) Only one banking institution will be permitted to operate on a military installation, except under the most unusual circumstances. In the event local conditions at a particular military installation indicate a demonstrated requirement for additional banking services, the banking institution operating on that installation will be

given the opportunity to provide such services prior to consideration of other banking institutions. Thereafter, when conditions warrant consideration of a second banking institution on the installation, a request including full details and rationale will be forwarded through channels to the DOD Component headquarters concerned for evaluation and appropriate action. The senior official responsible for financial management policy in each Military Department, or the Defense Agency Comptroller concerned, may approve such requests after coordination with the ASD(C).

(3) Heads of DOD Components will prescribe procedures for soliciting banking institutions to establish banking offices on military installations. Such procedures will prohibit DOD personnel from subjecting banking institutions to any form of coercion either while banking arrangements are under consideration or after the banking office is in operation. DOD personnel will be prohibited from exhorting banking institutions to provide preferential services or service charges for DOD patrons. No commitment will be made to any banking institution regarding the proposed establishment and operation of a banking office until a selection is announced by competent authority designated under Component regulations.

(4) Normally, banking facilities may be established only in states which prohibit branch-banking or overseas; however, in times of mobilization, it may become necessary to request the designation of domestic banking facilities as an emergency measure. Establishment is subject to designation by the Treasury Department.

(5) At those installations where a full-service banking office is not feasible due to lack of interest in the banking community, lack of available space on the installation, or other operational situations that restrict the introduction of banking offices, the DOD Component may seek proposals from the financial community for the installation of automated teller machines (ATMs). Action taken in response to such proposals will be exempt from the limitation in § 230.4(a)(2), above. The availability of such ATMs will not act as a bar to the establishment of a banking office at a later time if the need therefor is demonstrated; however, their removal from the installation shall not be made a condition of approving the subsequent establishment of a banking office.

(6) Only banking institutions insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC) will be permitted to operate on domestic military installations. Official and nonappropriated fund deposits at banking offices on military installations must be insured or collateralized under procedures established by the Fiscal Assistant Secretary of the Treasury.

(7) Final determination on applications to establish banking offices on domestic military installations is made by the appropriate regulating agency after approval by and upon recommendation of the DOD Component concerned. A banking institution operating on a military installation shall be required to adhere to the provisions of this Part and 32 CFR Part 231 as well as to the DOD Component regulations in effect at the installation where its banking office is located.

(8) Provision of banking services by means other than duly established banking offices or ATMs is subject to prior review by the ASD(C).

(b) *Active Duty Personnel Serving as Directors of Banking Institutions.* (1) A military member on active duty will not be authorized to serve as a director of a banking institution operating a banking office on a military installation, unless the Head of the DOD Component concerned approves the appointment based upon a justified requirement for direct liaison between the banking institution and the installation commander. Under such circumstances, not more than one individual on active duty shall be permitted to serve as a director at any one time and then only if such services are rendered without compensation.

(2) An individual called to active duty from military reserve status, who has been serving as a director of a banking institution that operates a banking office on a military installation, will not be required to resign the directorship because of active duty status.

(c) *Financial Education Seminars.* Officals of banking offices on military installations should be invited to participate in seminars conducted to educate DOD personnel on personal financial management and on services offered by financial institutions. Such officials will be required to submit advance texts of their briefing materials for approval by the installation commander to ensure that the occasion is not used to promote the services of a particular banking institution to the exclusion of other financial institutions.

(d) *Uniformity of Service.* To the maximum extent feasible, banking services provided on DOD installations will be uniform for all DOD personnel and will be provided under uniform service charges and fee schedules. Operating agreements between banking institutions and the installations they serve which are not consistent with the provisions of this Part or 32 CFR Part 231 shall be modified accordingly.

§ 230.6 Procedures for the establishment, operation and termination of Domestic Banking Offices.

(a) *Establishment of Domestic Banking Offices.* (1) *Banking Facilities.* In carrying out the provisions of this Instruction, each DOD Component headquarters shall develop internal instructions governing the submission of requests justifying the need for banking facilities proposed for establishment on installations under its jurisdiction. Normally, a banking facility may only be established in states which prohibit branch-banking; however, in times of mobilization or under other emergency conditions, it may become necessary to authorize additional banking facilities. When approved, such requests shall be submitted to the Fiscal Assistant Secretary of the Treasury for appropriate action. The following information will be included in requests to the DOD Components for establishment of banking facilities:

(i) The approximate number of officers, enlisted personnel, civilian employees and dependents at the installation, together with any other persons who may be authorized to use the banking facility.

(ii) The name(s) of banking institution(s) presently cashing payroll checks of assigned personnel and the approximate number and dollar value cashed by each institution, if such data is obtainable.

(iii) The distance from the installation to banking institutions in the area, to include the names of these institutions and the cities in which located.

(iv) Available official and/or public transportation between the installation and the vicinity of the nearest banking institution.

(v) The approximate loss of duty time as a result of DOD personnel leaving the installation to obtain banking services.

(vi) The number of personnel in duty assignments confining them to the installation or who lack transportation (e.g., trainees, hospital patients, foreign military personnel).

(vii) Source(s) from which the military disbursing officer presently obtains operating and payroll cash, the frequency of these cash acquisitions, and the approximate dollar value obtained monthly.

(viii) The name and location of the depository now being used by the military disbursing officer to make

official deposits for credit to the account of the U.S. Treasury.

(ix) The estimated savings to the military disbursing officer if a banking facility is established on the installation.

(x) A list of organizational/nonappropriated fund accounts, the name and location of the banking institution(s) where presently carried, and the average daily activity and balance of each account.

(xi) A written description, photographs and/or drawings of the space proposed for banking facility use. Include the extent and approximate cost of alterations which are required, including the construction of counters and teller cages.

(xii) A statement detailing the requirements of the proposed banking facility for safes and/or a vault, appropriate alarm systems, and camera surveillance equipment when deemed necessary. The statement will include the costs of such equipment and the manner in which the equipment will be acquired.

(xiii) The justification for utilization of space when such space is controlled by the General Services Administration (GSA). All space assigned by GSA, whether leased space or Federal Office Building space, is reimbursable to GSA as a Standard Level User Charge under Pub. L. 92–313.

As such, the space occupied by a banking facility to serve military requirements would be assigned and charged by GSA to the DOD Component.

(xiv) Any other information in justification of the establishment of a banking facility as opposed to a different type of banking office.

(2) *Conversions of Banking Facilities to Independent or Branch Banks.* Proposals from a banking institution to convert an existing facility to an independent or branch bank will be forwarded to the DOD Component headquarters for approval. DOD Components may actively solicit banking institutions operating banking facilities to convert them to independent or branch banks, where consistent with state law.

(3) *Independent Banks, Branch Banks and Savings and Loan Associations.* Proposals for establishment of an independent bank, a branch bank, or a savings and loan association office received by installation commanders shall be forwarded through channels to the DOD Component headquarters concerned, together with recommendations for acceptance or rejection.

(i) The cognizant DOD Component headquarters will evaluate each proposal for the establishment of such offices.

(A) If there is no existing banking office on the installation and it is determined that a banking office is needed, the DOD Component shall solicit proposals from other nearby banking institutions before making a determination.

(B) If a banking office other than a military banking facility is already in operation on the installation, the provisions of § 230.4(a)(2) apply.

(C) If the proposal offers to replace an existing banking facility, the DOD Component shall offer the institution currently operating the facility an opportunity to submit a proposal to convert its facility.

(ii) Selection of the banking institution to operate such banking offices will be in accordance with § 231.5(c)(2)(i).

(4) *Automated Teller Machine (ATM) Service.* (i) A banking institution that proposes to install an ATM in its existing banking office on a DOD installation shall:

(A) Provide for access via debit transaction card rather than limiting access solely to holders of a financial institution's credit card.

(B) Provide that the cost of ATM installation, maintenance, and operation shall be borne by the financial institution or institutions involved.

(C) Coordinate its ATM proposal with the installation commander.

(ii) A banking institution that proposes to install an ATM at a location on an installation that is remote from its existing banking office shall submit a request through the installation commander to the DOD component concerned for approval and recommendation to the appropriate regulating agency. As a minimum, the proposal will reflect a willingness to comply with paragraphs (a)(4)(i)(A) through (C) of this section. In transmitting a proposal which requires the use of a location not under command jurisdiction, i.e., a post exchange building, the installation commander will ensure that the proposal has been fully coordinated. Upon approval, appropriate leases shall be negotiated in accordance with this Part.

(iii) If attempts to introduce a banking office on the installation have been unsuccessful, the financial community may be requested to submit proposals for "ATM only" service. In acquiring such service, preference will be given to proposals offering multi-access ATMs. The provisions of § 230.6(a)(4)(ii) above, will apply to banking service provided under this paragraph; however, such service is not subject to the limitation in § 230.5(a)(2).

(b) *Logistical Support.* (1) *Categories of Domestic Banking Offices.* Domestic banking offices are placed into two categories for logistical support purposes:

(i) Category 1 includes those that are nonself-sustaining.

(ii) Category 2 includes those that are self-sustaining.

Existing banking facilities that have previously been determined to be nonself-sustaining and, consequently, entitled to support from the Treasury and/or a DOD Component will continue to provide reports in the same format as in the past until modified procedures are announced by the Departments of Treasury and Defense.

(2) *Determination of Category.* (i) A banking office is considered to be self-sustaining (category 2) until the banking institution provides the appropriate DOD Component reports indicating that the profitability of that office has fallen below seven percent of gross expenses incurred for four consecutive calendar quarters. Free rent and utilities may then be authorized by the DOD Component. At this time the banking office is categorized as a category 1 office.

(ii) Authorization for free rent and utilities will remain in effect so long as the banking office continues to provide quarterly profit and loss statements reflecting a profit of less than ten percent of gross expenses for that particular operation. When such statements have reflected a profit of ten percent or more of gross expenses for four consecutive calendar quarters, reimbursement will be required for rent and utilities. After resuming payment for rent and utilities, free rent and utilities will not be authorized again until profitability falls below seven percent of gross expenses for four consecutive quarters.

(iii) Granting free rent and utilities will be under procedures prescribed by the appropriate DOD Component and will be predicated on a favorable recommendation by the installation commander.

(3) *Support Authorized for Nonself-sustaining Banking Offices.* When a banking office is determined by a DOD Component to be nonself-sustaining (category 1) under procedures prescribed above, it may be furnished logistical support, including the use of Government-owned property and services, without charge.

(i) Generally, space in Government-owned buildings will be furnished in support of a category 1 banking office under a nonreimbursable permit for a period of five years, subject to cancellation upon determination that the

office has become self-sustaining (category 2). At that time, a lease will be negotiated in accordance with paragraph (b)(4)(i), of this section.

(ii) In those exceptional instances where a category 1 banking office is authorized to construct its own building on Government-owned land, no ground rent will be charged until it is determined to be self-sustaining or until expiration of the term of lease, whichever occurs sooner. When either of these events occurs, a fair market rental, as determined by appraisal in accordance with paragraph (b)(4)(i), of this section will be charged.

(iii) Adequate space will be made available, to include steel bars, grillwork, security doors, a vault and/or safes, burglar alarm system and other security features normally utilized by banking institutions, construction of counters and teller cages, and other necessary modifications and alterations in existing buildings as limited by DOD Directive 4270.24.

(A) In determining the adequacy of space, it is important that the banking office be housed in a building that is accessible to the majority of DOD personnel on the installation and is so located as to permit maximum security.

(B) The size and arrangement of customer and work areas must permit efficient financial operations. However, the area of the space assigned shall not exceed that prescribed by DOD Manual 4270.1–M, which limits gross floor space in accordance with the following table:

Personnel strength[1]	Area square feet
Up to 1,000	1,000
1,001 to 2,000	2,375
2,001 to 3,000	3,250
3,001 to 4,000	3,625
4,001 to 5,000	4,000
5,001 to 6,000	4,375
6,001 to 7,000	4,750
7,001 to 9,000	5,560
9,001 to 11,000	6,375
11,001 to 13,000	7,190
13,001 to 15,000	8,000
15,001 to 17,000	10,000
17,001 to 20,000	13,000
Over 20,000	(2)

[1] Active duty military personnel assigned to an installation and stationed within a commuting area not served by another banking office, plus civilian employees of the installation.
[2] Determined by engineer study.

(iv) All maintenance, repair, rehabilitation, alterations or construction for banking offices shall be accomplished in accordance with DOD Manual 4270.1–M and DOD Directive 4165.2.

(v) Typewriters, adding machines, and other office equipment and office furniture may be loaned to a category 1 office on memorandum receipt if available from local stocks.

(vi) Air conditioning is considered a normal utility for those banking offices located at installations that qualify for air-conditioning under provisions of applicable DOD Component regulations. Banking spaces is classified as administrative space at military installations.

(vii) Other logistical suport to be furnished includes:

(A) Adequate utilities, custodial and janitorial services.

(B) Intrastation telephone service.

(4) *Self-sustaining Banking Offices.*

(i) *Lease of Land.* A lease of land for construction of a building to house a self-sustaining (category 2) banking office shall be at appraised fair market value as defined in 32 CFR Part 231. The term of the lease will not exceed 25 years. Once determined, the charges will be applicable for the term of the lease.

(A) The right shall be reserved to terminate the lease in event of national emergency; base closure, deactivation, or substantial realignment; default by the lessee; or in the interest of national defense.

(B) Maintenance and the cost of utilities and services furnished shall be the responsibility of the lessee. Rates will be established in conformance with DOD Directive 4000.6 and confirmed by a written mutual agreement between the installation and the banking installation.

(C) The lessee shall be required to provide written notice 90 days in advance of an intention to voluntarily terminate the lease.

(D) Whenever such a lease is terminated or when the term expires, the option shall be with the Government either to cause title in all improvements to be vested in the United States or to require the lessee to remove the improvements and restore the land.

(E) When, under the terms of a lease, title to improvements passes to the United States, the lessee shall be given first choice to continue occupying the building under a lease that provides for fair market rental for the land associated therewith. The lessee shall continue to be responsible for maintenance of the premises and the cost of utilities and services furnished.

(ii) *Lease of Land in a Shopping Mall Complex.* When a banking institution participates in the construction of a complex, it shall be provided a lease at fair market rental value not to exceed 25 years in duration. The lease will cover underlying land upon which the specific space to be exclusively occupied by the banking office is physically located.

(iii) *Lease of Government-owned Building.* A lease of an existing Government structure to house a self-sustaining banking office shall be at appraised fair market rental value and shall consider the following factors:

(A) The term of the lease shall be for five years, subject to renewal by mutual agreement and subject also to the right of the head of the DOD Component concerned to terminate the lease in accordance with the cancellation provisions set forth in paragraph (b)(4)(i)(A), of this section. If space occupied is under assignment from the GSA, the banking institution will reimburse the DOD Component concerned at the Standard Level User Charge rate for that space and other special services furnished through GSA.

(B) When a banking institution uses its own funds to modify/renovate existing Government space, a lease may be negotiated for a period not to exceed 25 years in duration. Duration of the lease shall be commensurate with the extent of the improvements as determined by the DOD Component concerned.

(C) The lessee shall be responsible for interior alteration and maintenance, and reimbursement shall be made by the lessee for utilities, custodial, janitorial and other services to the extent such are furnished.

(iv) *Construction of Building.* A banking institution authorized to operate a banking office on a military installation may construct a building to house its activities, subject to the following provisions:

(A) The building must be confined to the needs of the banking institution. The building will not be constructed to provide for other commercial enterprise or Government instrumentalities.

(B) Proposals for construction of structures on DOD installations at a banking institution's expense must receive approval under procedures contained in DOD Instruction 7700.18.

(v) *Existing Leases.* Leases executed prior to the issuance of this Directive will not be disturbed unless a lessee (banking institution) specifically requests that a lease be renegotiated under the provisions of this section. No lease contract will be negotiated or renegotiated, nor will any rights thereunder be waived or surrendered, without compensating benefit to the Government.

(5) *Duration of Leases.* The duration of leases as set forth in paragraph (b)(4), of this section, will (i) promote the interests of the national defense and the public and (ii) satisfy the determination and findings required by section 2667(b)(1) of Title 10, United States Code.

(6) *Other Support.* Banking offices on military installations are authorized the

following support on a nonreimbursable basis:

(i) Military or civilian guards (the latter to be used within the installation only), military police, or other protective services for the necessary periods of time on paydays; to accompany shipments of money from the parent banking institution or other sources when such monies are for the primary use of the military disbursing officer; or at other times involving unusual circumstances when required to avoid undue risks or costs of insurance on the part of the banking office. In this connection, consideration should be given to overall security precautions normally present.

(ii) Military locator services in accordance with § 230.8.

(iii) Use of the unofficial section of the installation daily bulletin, provided space is available, to inform personnel of seminars, consumer information programs, or other matters of broad general interest. Announcements of free financial counseling services are encouraged. Use of the daily bulletin for competitive or comparative advertising, such as specific interest rates on savings or on loans, is not authorized.

(iv) Use of information bulletin boards for posting promotional material of a broad general nature that complements the installation's financial counseling programs to promote financial responsibility and thrift on the part of DOD personnel. Message center services may be used to distribute reasonable numbers of such announcements to units for display on information bulletin boards as long as such distribution does not impose an unreasonable workload on the system.

(c) *Domestic Military banking operations.* (1) *General Conditions of Banking Office Operation.* (i) Prior to commencing banking office operations, a written mutual agreement will be executed between the installation commander and officials of the banking institution which is to operate the banking office on the military installation. As a minimum, the agreement will address the following:

(A) A general statement of services to be rendered and the conditions under which those services will be offered. To the extent feasible, full-service banking will be provided; however, agreements entered into under this provision shall not restrict the bank's right to adjust services and/or fees as the situation dictates.

(B) The banking office will abide by applicable provisions of this Part, 32 CFR Part 231, and applicable DOD Component regulations.

(C) The banking institution will indemnify and save harmless the Government from (and against) any loss, expense, claim or demand to which the Government may be subjected as a result of death, loss, destruction, or damage in connection with the use and occupancy of premises of the DOD Component occasioned in whole or in part by agents and/or employees of the banking institution.

(D) Neither the DOD Component nor its representatives will have any responsibility or liability for the financial operation of a banking office or for any loss (including criminal losses), expense, or claim for damages arising from this operation.

(ii) Active duty military personnel or civilian employees of the DOD Component may not be detailed to duty or employment with a banking office located on a military installation except off duty DOD personnel may be employed by a banking office, subject to the approval of the installation commander, provided such employment will not interfere with the full performance of the individual's military or civilian duties.

(iii) Each commander having an installation banking office will appoint a banking liaison officer. This officer will be responsible for maintaining contact with the banking office manager to:

(A) Evaluate banking office performance.

(B) Recommend improvements in the quality of banking office services.

(C) Assist in resolving customer complaints relating to banking services. The banking liaison officer's name and duty telephone number will be displayed in the lobby of each banking office located on a military installation. In accordance with DOD Directive 1000.10, anyone who serves as a credit union board member or in any other official credit union capacity may not serve as a banking liaison officer.

(iv) During the hours that a banking office is open for business, traveler's checks and money orders will not be sold by other organizations located on the installation. Postal units and credit unions are exempt from this restriction.

(v) As prescribed by § 230.8 and 32 CFR Part 43a, DOD Components will cooperate with banking offices located on military installations in locating and effecting restitution from individuals who pass dishonored checks, overdraw accounts, or default on loans. If the amount of funds in question is not recouped by the banking office within 48 hours, the banking office manager is authorized to contact the local commander or the banking liaison officer for aid in effecting restitution of the amount due.

(vi) Installation commanders shall require clearance from onbase banking offices for customers who are transferring or otherwise leaving the installation. A clearance must be given by the banking office management when the customer provides the anticipated date of departure and a forwarding address. The purpose of the clearance is to report a change of address, reaffirm allotments or any outstanding debts, and receive counseling if desired or appropriate. Clearance may not be denied to facilitate the collection of debts or the resolution of disputes between departing customers and banking office management.

(2) *Services Rendered.* (i) Domestic banking offices are expected to provide the same services on military installations as are normally provided in the local community. Service charges or fees levied for such services will be no more than those customary for the banking institution that operates the banking office, with the following exceptions:

(A) Cashing of Treasury checks. There will be no encashment charge to accountholders. A fee not to exceed one dollar per Treasury check cashed is authorized for nonaccountholders.

(B) Cashing of personal checks. A reasonable charge may be made for cashing personal checks; however, those drawn on the banking institution operating the banking office will be cashed without charge.

(ii) Any charge made for official services provided to disbursing officers is a matter for negotiation between the bank and the Department of the Treasury.

(3) *Banking Office Construction Proposals.* Proposals by officials for banking institutions for construction of structures on DOD installations at banking institution expense shall be administered in accordance with DOD Instruction 7700.18. The following information will be provided in support of each constructional proposal:

(i) Approximate number of officers, enlisted personnel, civilian employees and dependents at the installation, plus any other persons who may be authorized to use the banking office.

(ii) Square footage of the proposed building.

(iii) Size of land area to be leased to the banking institution.

(iv) Length of the term of lease.

(v) Estimated cost of the proposed construction.

(vi) Estimated fair market value of the land to be leased.

(vii) A brief description of the extent to which the banking institution will be responsible for utility connections and other utility and maintenance costs.

(viii) A statement that the proposed building will be used for banking purposes only.

(ix) Justification for a waiver of space criteria if building size exceeds that specified in DOD Manual 4270.1–M.

(d) *Termination of Domestic Banking Offices.* (1) *Banking Facilities.* (i) The installation commander will immediately notify the cognizant DOD Component headquarters in cases where a banking facility has been placed in an inactive status or where personnel reductions at the installation have reduced banking facility operations below a justifiable level. The Component will immediately advise the Fiscal Assistant Secretary of the Treasury so that appropriate action to terminate the banking institution's authority to operate the banking facility may be taken.

(ii) In general, a banking facility may be terminated by the parent banking institution provided that notice in writing is furnished to the Treasury Department and the installation commander not less than 90 days prior to the closing date. In such cases, the Treasury Department will proceed to terminate the banking institution's authority to operate the banking facility, and the cognizant DOD Component will determine the feasibility of requesting another institution to provide banking service at the installation.

(2) *Other Banking Offices.* (i) Requests for termination for cause (See 32 CFR 231.3(f)) shall be forwarded through channels to the departmental official responsible for financial management policy, or to the Defense Agency comptroller concerned, for coordination with the ASD(C) and approval prior to submission to the appropriate regulating agency for final disposition.

(ii) Banking offices other than banking facilities may be terminated by the parent banking institution provided written notice is furnished to the installation commander not less than 90 days prior to the closing date.

§ 230.7 Procedures for the establishment, operation and termination of overseas banking offices.

(a) *Provision of banking services overseas.* DOD provides banking services overseas to authorized individuals and organizations using one of the following means:

(1) Contracts negotiated with U.S. banking institutions under provisions of the Defense Acquisition Regulation;

(2) Direct negotiation with U.S. banking institutions for operation of nonreimbursable banking facilities; and

(3) Direct negotiation with foreign banks where host countries do not permit the use of U.S. banking institutions.

(b) *Establishment of overseas banking offices.* (1) *Banking Facilities Operated by U.S. Banking Contractors.* In carrying out the provisions of this Instruction, each DOD Component headquarters shall develop internal instructions governing the submission of requests jusatifying the need for banking facilities proposed for establishment on overseas military installations under its jurisdiction. Upon favorable review by the DOD Component headquarters, such requests shall be submitted to the Director for Banking, International Finance and Professional Development, OASD(C), with a recommendation for inclusion in the current contract, subject to the conditions set forth below.

(i) The data used to justify establishment of overseas banking facilities will parallel that required for domestic banking facilities (§ 230.6(a)(1)). In addition, in countries where no U.S.-operated banking facilities presently exist, the justification will include a statement that the requirement has been coordinated with the U.S. Chief of Diplomatic Mission and that the country involved will permit banking facilities operated by U.S. banking institutions.

(ii) As a general rule, banking facilities may be proposed when the population to be served meets the following criteria:

(A) *Full-Time Facility.* The population to be served by a full-time banking facility should, in the absence of unusual circumstances, number at least 1,500 officers, enlisted personnel, and civilian employees.

(B) *Part-Time Facility.* The population to be served by a part-time banking facility should, in the absence of unusual circumstances, number at least 500 officers, enlisted personnel, and civilian employees.

(iii) If the population at certain remote areas is not sufficient to qualify under the criteria for establishing a full- or part-time banking facility, the installation (community) commander will explore all other alternatives for acquiring limited banking services (e.g., check cashing and accommodation exchange service by disbursing officers and their agents) before requesting the establishment of a banking facility as an exception to the provisions of this paragraph.

(iv) Establishment of an overseas banking facility is predicated upon:

(A) Designation of the facility contractor as a "Depositary and Financial Agent of the U.S. Government" by the Fiscal Assistant Secretary of the Treasury under authority contained in 12 U.S.C. 90.

(B) The availability of proposed banking contractors able and willing to bid for the operation of the facility and the reasonableness of such proposals.

(C) The availability of appropriated funds to pay for such banking services.

(2) *Other Overseas Banking Offices.* The banking and currency control laws of certain host countries (e.g., Italy) do not permit the operation of banking facilities on military installations by U.S. banking institutions.

(i) In such cases, installation (community) commanders will forward requests for banking service or proposals voluntarily submitted by local banks through their component commanders. Requests will be documented in accordance with (b)(1), above.

(ii) Overseas component commanders will coordinate with the unified commander, or his designee for banking matters, to ensure (A) full exploration of alternatives with the appropriate U.S. Chief of Diplomatic Mission, and (B) commonality, to the extent practicable, in banking services provided to all DOD personnel stationed in that country.

(iii) Overseas component commanders will forward coordinated requests and proposals to the cognizant DOD Component headquarters. If the DOD Component approves the request, it will coordinate such approval with the DASD(MS) and will obtain "Depositary and Financial Agent of the U.S. Government" designation from the Fiscal Assistant Secretary of the Treasury prior to authorization of the banking office.

(iv) Future banking offices proposed under this paragraph will be approved only after designation of the foreign banking institution as a "Depositary and Financial Agent of the U.S. Government" and exploration of the institution's willingness and ability to provide collateral backing for official and nonappropriated fund U.S. dollar deposits in a form acceptable to the DASD(MS) and the Fiscal Assistant Secretary of the Treasury.

(c) *Logistical support.* (1) *Banking Facilities Operated by U.S. Banking Contractors.*(i) Consistent with policies set forth in 32 CFR 231.3(e), the DOD Components shall furnish, without charge, support to banking facilities operated by U.S. banking contractors as enumerated in § 230.6(b) (3) and (6).

(ii) Overseas commanders shall provide these banking facilities with additional logistical support as enumerated in the contracts between operating banking institutions and the Department of Defense. Such support normally will include but will not be limited to:

(A) AUTOVON and AUTODIN (as separately approved).

(B) Certificates of non-availability, when items of office furniture or equipment are unavailable for loan on memorandum receipt, as required by the designated Property Administrator.

(C) Vehicle registration and purchase of gasoline from Government-owned facilities for bank-operated vehicles where not in conflict with host government agreements. Vehicle registration shall be subject to normal fees.

(D) Public quarters under the provisions of DOD Instruction 4165.44 to key banking facility personnel who cannot obtain suitable, reasonably-priced housing in the vicinity of the installation. Charges for rent shall be in accordance with DOD Instruction 4165.42.

(E) U.S. Military Postal Service (MPS) under provisions of DOD Directive 4525.6 when used for requirements arising from operations of such facilities. All such mail entered into the MPS shall bear appropriate postage.

(iii) Suggestions for change to the contracts under which this logistical support is authorized may be forwarded through channels to the Director for Banking, International Finance and Professional Development, OASD(C).

(2) *Other Overseas Banking Offices.* (i) Logistical support provided to such offices shall be negotiated with the banking institution which proposes to operate the office and will be made a part of the written mutual agreement covering the operation. (See § 230.4(a)(1)).

(ii) Usually, logistical support provided under this paragraph should be no more favorable than that provided to domestic banking offices. (See § 230.6(b)(3), (4), and (6).) Whenever possible, such institutions should be required to reimburse the DOD Component concerned for logistical support provided.

(d) *Overseas Military Banking Operations.* (1) *General Conditions of Banking Office Operation.* (i) Prior to commencing banking office operations, a written mutual agreement will be effected by the installation (community) commander and representatives of the banking contractor or other financial institution concerned. A copy of agreements executed with institutions other than U.S. contractors will be forwarded to the Director for Banking, International Finance and Professional Development, OASD(C), through military channels.

(A) For banking facilities operated by U.S. banking contractors, the agreement will include necessary operating details not specifically set forth in the contract. Although the contract limits the number of hours per week open for business, it encourages local commanders and banking facility managers to agree on daily banking hours and days of operation that meet local needs.

(*1*) Operating days may include Saturday and/or one or more days with evening operating hours when necessary to complement or parallel other retail services available to DOD personnel, provided the contractor agrees to provide such service at no additional cost to the Government.

(*2*) When cost implications are involved, the installation (community) commander will forward his request for expanded or modified days and/or hours of operation, with an explanation of the need therefor, through channels to the Director for Banking, International Finance and Professional Development OASD(C), who will recommend appropriate action to the Administrative Contracting Officer.

(B) For other banking offices operated on overseas military installations, an effort will be made to include in the agreement those provisions specified in § 230.6(c)(1)(i). Every effort shall be made to protect the interests of the U.S. Government; however, submission of operating statements to installation (community) commanders will not be required. In the absence of overriding considerations, the agreement must specify that the bank will give 90 days advance written notice of its intent to terminate operations. Prior to executing the agreement, it should be coordinated with the Unified commander or his designee and forwarded to the DOD Component for coordination with the DASD(MS) and approval.

(ii) The provisions of § 230.6(c)(1)(ii) through (vi) apply to the operation of banking offices on overseas military installations.

(2) *Banking Facilities Operated by U.S. Banking Contractors.* (i) *Authorized Customers.* Contracts between operators and the Department of Defense specify personnel authorized to receive service. DOD Component commands may approve banking services for individuals and organizations that qualify for individual logistic support under the regulations of the appropriate DOD Component, provided that use of banking services is not precluded by status of forces or similar intergovernmental agreements or local law.

(ii) *Services Rendered.* Services rendered by banking facilities operated by U.S. banking contractors overseas and the charges therefor are a matter of contract between these institutions and the Department of Defense. Suggestions for expansion or modification of authorized services or charges may be forwarded through channels to the Director for Banking, International Finance and Professional Development, OASD(C), for consideration.

(iii) *Conditions of Overseas Banking Facility Operations.* (A) Part-time or payday service banking facilities generally will provide a range of services which is equivalent to that required of full-time banking facilities. Since part-time facilities operate out of other nearby banking facilities, DOD Components shall provide and bear the cost for adequate transportation and necessary guards for the protection of their activities.

(B) The installation (community) commander or his designee shall:

(1) Review monthly income, expense and activity statements provided by the full-time banking facility.

(2) Report any deficiency in the delivery of banking services under current contracts, within seven calendar days of the identification of such deficiency, to the manager of the banking facility. If the deficiency has not been remedied within 30 calendar days after its identification, the commander shall then report the deficiency expeditiously through military channels to the Director for Banking, International Finance and Professional Development, OCASD(C), for transmittal to the Administrative Contracting Officer.

(C) It shall be the joint responsibility of the banking facility contractor and DOD disbursing officers to ensure that cash management practices are established that will minimize the cash required to meet joint needs on a continuing basis.

(D) Overseas commanders shall cooperate with banking facility contractors in the development and regular update of plans for smooth transition of banking services in the event of hostilities or other emergencies.

(3) *Other Overseas Banking Offices.* (i) *Authorized Customers.* See paragraph (d)(2)(i) of this section.

(ii) *Services Rendered.* Services rendered by foreign banking offices on military installations and charges levied therefor will parallel, to the extent feasible, similar services and charges offered to DOD personnel by the

overseas banking facilities operated by U.S. banking contractors. Specific services will be a matter of negotiation with the banking institution involved. (See paragraph (d)(1)(i) of this section.)

(iii) *Conditions of Operation.* Each banking institution that operates an overseas banking facility shall provide all equipment (except that furnished by the military installation), supplies, and trained bank personnel necessary for the operation of such banking facilities.

(d) *Termination of Overseas Banking Offices.* (1) *Banking Facility Operations by U.S. Banking Contractors.* The installation (community) commander will, through DOD Component channels, immediately notify the Director for Banking, International Finance and Professional Development, OASD(C), in cases where personnel reductions or other situations at the installation (military community) have reduced banking facility operations below a level that justifies retention.

(i) Such notification should indicate whether a part-time facility should be established and the number of days per week such an operation is necessary.

(ii) The Director for Banking, International Finance and Professional Development, OASD(C), will recommend appropriate action to the Administrative Contracting Officer.

(2) *Other Overseas Banking Offices.* Terminations will be effected under termination clauses of respective operating agreements. Notice of intent to terminate, to include closing date, should also be sent to the Fiscal Assistant Secretary of the Treasury in order that the banking institution's authority as a Depositary and Financial Agent of the U.S. Government may be revoked.

(e) *Notification to Overseas Banking Facilities.* Each U.S. banking contractor authorized to operate a banking facility at an overseas military installation will be provided a copy of this Instruction by the Director for Banking, International Finance and Professional Development, OASD(C). The DOD Components will similarly provide copies of their implementing regulations.

§ 230.8 Guidelines for application of Privacy Act to military banking program.

The following Treasury-Defense guidelines govern the application of the Privacy Act (5 U.S.C. 552), (Pub. L. 93–579, December 31, 1974), to the military banking institutions that operate under 32 CFR Part 231 and this Part.

(a) Banking offices operating on United States military installations do not fall within the purview of the Privacy Act. Such financial institutions do not fit the definition of "agency" to which the Act applies: "* * * any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or an independent regulatory agency." 5 U.S.C. 552(e), 552a(a)(1). Nor are they "* * * to accomplish an agency function." According to the Office of Management and Budget Guidelines for Privacy Act implementation, the provision relating to Government contractors applies only to systems of records "* * * actually taking the place of a Federal system which, but for the contract, would have been performed by an agency and covered by the Privacy Act." 40 FR 28976 (July 9, 1975). Clearly, the subject institutions do not meet these criteria. Since the Act does not apply to them, such institutions are not required to comply with the provisions of 5 U.S.C. 552a(e)(3) in obtaining and making use of personal information in their relationships with personnel authorized to use such facilities. Thus, such institutions are not required to inform individuals from whom information is requested of: (1) The authority for its solicitation, (2) the principal purpose for which it is intended to be used, (3) the routine uses which may be made of it, or (4) the effects of not providing the information. There also is no requirement to post information of this nature at banking institutions on military installations.

(b) The banking institutions concerned hold the same position and relationship to their customers and to the Government as they did before enactment of the Privacy Act. Within their usual business relationships, they are still responsible for safeguarding the information provided by their clients and for obtaining only such information as is reasonable and necessary to conduct business. This includes credit information and proper identification, which may include Social Security number, as a precondition for the cashing of checks.

(c) Banking offices may incorporate the following conditions of disclosure of personal information in all contracts, including loan agreements, savings and transaction accounts signature cards, certificates of deposit agreements, and any other agreements signed by their customers:

> I hereby authorize the Department of Defense and its various Departments and Commands to verify my social security number or other identifier and disclose my home address to authorized (name of financial institution) officials so that they may contact me in connection with my financial business with (name of financial institution). All information furnished will be used solely in connection with my financial relationship with (name of financial institution).

When the financial institution presents such signed authorizations, the military commands or installations shall provide the appropriate information.

(d) Even though the agreement described in § 230.8(c) has not been obtained, the Department of Defense (DOD) may provide banks, banking offices with salary information and, where pertinent, the length or type of civilian or military appointment consistent with the Privacy Act and Freedom of Information Act. Some examples of personal information pertaining to DOD personnel that normally can be released without the creation of an unwarranted invasion of personal privacy are: Name, rank, date of rank, salary, present and past duty assignments, future assignments which have been finalized, office phone number, source of commission, and promotion sequence number.

(e) In those cases in which a Department of Defense member with a financial obligation is reassigned, and fails to inform a banking institution or individual of his or her whereabouts, the remedy is to seek the locator assistance of the individual's last known commander or supervisor at the official position or duty station within that particular Department of Defense component. That commander or supervisor shall either furnish the individual's new official duty location address to the requestor or forward, through official channels, any correspondence received pertaining thereto to the individual's new commander or supervisor for appropriate assistance and response. Correspondence addressed to the individual concerned at his or her last official place of business or duty station is forwarded as provided by postal regulations to the new location, but the individual may choose not to respond. However, once an individual's affiliation with the Department of Defense is terminated through separation or retirement, the locator assistance the Department may render in the disclosure of home address is severely curtailed unless the public interest dictates disclosure of the last known home address. The Department may at its discretion forward correspondence to the individual's last known home address. The individual may choose not to respond and the Department of Defense will not act as an intermediary for private matters

concerning former Department personnel who are no longer affiliated with it.

(f) Questions concerning this guidance should be forwarded through channels to the Director for Banking, International Finance and Professional Development, Office of the Assistant Secretary of Defense (Comptroller), The Pentagon, Washington, D.C. 20301.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 11, 1982.

[FR Doc. 82-7271 Filed 3-17-82; 8:45 am]

BILLING CODE 3810-01-M

32 CFR Part 231

[DOD Directive 1000.11]

Banking Institutions Operating on DOD Installations

AGENCY: Office of the Secretary, DOD.

ACTION: Proposed rule.

SUMMARY: The Department of Defense is proposing to revise its regulations in Part 231 which cover banking institutions operating on Department of Defense installations. The revision is necessary in order to transfer some procedural and operating rules to a new Proposed Part 230 which will contain the Department's procedural rules governing banking offices on military installations. The revision will also expand the rules to include savings and loan associations in the definition of banking institutions and to strengthen the policy on financial responsibility of military members.

DATE: Written comments must be received by April 20, 1982.

ADDRESS: Director, Banking, International Finance and Professional Development; Office of the Assistant Secretary of Defense (Comptroller); The Pentagon, Room 1B728, Washington, D.C. 20301

FOR FURTHER INFORMATION CONTACT: Mr. John Barber, 202-697-8281.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-33742 appearing in the **Federal Register** on November 23, 1977 (43 FR 59972), the Office of the Secretary of Defense (OSD) published a reissuance of this Part, and amended it in FR Doc. 79-30324 appearing in the **Federal Register** on October 1, 1979 (44 FR 56328). Because of major changes of this Part, the OSD is again proposing a reissuance and, accordingly, proposes to amend 32 CFR Chapter I by revising Part 231, reading as follows:

PART 231—BANKING INSTITUTIONS OPERATING ON DOD INSTALLATIONS

Sec.

231.1 Reissuance and purpose.
231.2 Applicability.
231.3 Policy.
231.4 Responsibilities.
231.5 Definitions.

Authority: 10 U.S.C. 136.

§ 231.1 Reissuance and purpose.

This part is reissued to update Department of Defense policies governing the establishment, operation and termination of banking offices operating on DOD installations worldwide. Specific procedures are contained in 32 CFR Part 230.[1]

§ 231.2 Applicability.

The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands and the Defense Agencies (hereafter referred to as "DOD Components").

§ 231.3 Policy.

(a) The prudent administration of public monies and the efficient management of private funds of DOD personnel require the services of properly constituted and convenient banking offices. When a banking institution has been authorized to provide services on a military installation in response to a justified requirement, military disbursing officers and custodians of nonappropriated funds and other installation activities shall use this institution to the maximum extent feasible and consistent with good cash management practices.

(b) Banking offices will be established on DOD installations only with prior approval of the appropriate regulating agency and the DOD Component concerned. In the case of state-chartered institutions which are members of the Federal Reserve System, approval shall also be obtained from the Federal Reserve Bank in whose district the proposed banking office is located.

(c) The establishment of banking facilities on military installations will be requested only when a demonstrated and justified need cannot be satisfied by other means. Normally, banking facilities will be utilized only in states which prohibit branch banking and overseas; however, in times of mobilization, it may become necessary to designate domestic banking facilities as an emergency measure. Upon recommendation of a DOD Component, banking facilities are designated by the Treasury Department under 12 U.S.C. 90.

(d) DOD personnel who tender uncollectable checks or who overdraw accounts damage their credit reputation and affect the public image of all DOD personnel. Furthermore, losses sustained by banking offices on military installations as a result of these actions reduce their viability and, in certain cases, increase the cost incurred by the Government in providing banking services. Therefore, DOD Components shall provide debt processing assistance to banking offices on military installations in accordance with 32 CFR Part 43a, as limited by the Privacy Act Guidelines in 32 CFR 230.8. Unless otherwise prohibited, these banking offices may bring delinquent loans or dishonored checks to the attention of commanders, or their designees, for such assistance. Military financial counselors or legal advisors shall recommend a workable plan for repayment to avoid endangering the individual's credit standing and career. Counselors shall ensure that individuals are aware of the stigma associated with bankruptcy and shall recommend its use only as a last resort when no alternative is available to alleviate the situation.

(e) In the interest of providing banking services at a minimum cost to the Department of Defense and to DOD personnel, banking offices authorized to locate on military installations may be furnished such real estate, utilities and other logistical support as are authorized under the provisions of DOD Manual 4270.1-M and DOD Directive 4000.6 under terms and conditions prescribed in 32 CFR Part 230.

(f) The termination of a banking office's tenure on a domestic military installation shall be initiated by a DOD Component only under one of the following conditions:

(1) The mission of the installation has changed, or is scheduled to be changed, and there is no requirement for banking services.

(2) Active military operations preclude continuation of banking services for DOD personnel.

(3) The performance of the banking institution in providing banking services is not satisfactory according to standards ordinarily associated with the banking industry. Termination actions initiated on the basis of inadequate performance must be substantiated by sufficient evidence and concurred in by the appropriate regulating agency.

§ 231.4 Responsibilities.

(a) *The Assistant Secretary of Defense (Comptroller)* (ASD(C)) shall:

[1] See proposed rule appearing elsewhere in this issue.

(1) Develop and monitor policies and procedures governing the establishment, operation, and termination of banking offices on DOD installations.

(2) Take final action on requests for exception to the provisions of this Part.

(b) *The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* shall:

(1) Develop and monitor policies and procedures governing logistical support furnished to banking offices on military installations, including the use of DOD real property and equipment.

(2) Advise the ASD(C) on all aspects of military banking relating to the morale and welfare of DOD personnel.

(c) *The Heads of DOD Components* shall:

(1) Encourage the use of banking offices on military installations as a means of:

(i) Assisting DOD personnel to manage their personal finances, to include check-to-financial-organization (CTFO) programs and regular savings plans. However, use by DOD personnel of such services shall be on a voluntary basis and should not be urged in preference to (or to the exclusion of) other financial institutions.

(ii) Providing convenient safe custody of appropriated and nonappropriated funds, thereby reducing the threat of loss of funds by theft or otherwise.

(iii) Facilitating effective cash management by disbursing officers and nonappropriated fund instrumentalities.

(2) Encourage regularly established financial institutions to provide full-service banking on military installations where there is a demonstrated need for such services, as follows:

(i) When a DOD Component determines that such a need exists at a domestic military installation, it will make recommendations to the appropriate regulating agency on proposals for establishment of a banking office at that installation.

(A) In the event there is a self-sustaining banking facility serving the military installation, action should be initiated by the military commander and banking facility officials, wherever feasible and consistent with state law, to have the banking facility converted to a full-service branch bank or independent bank.

(B) With respect to a proposed branch bank, preference will be given to the banking institution that has operated the banking facility, provided that prior banking service has been satisfactory and that the institution's proposals are deemed adequate.

(C) With respect to a proposed independent bank, preference will be given to one organized by principals basically composed of directors and officers of the banking institution that has operated the banking facility, provided that prior banking service has been satisfactory and that the operating institution's proposals are deemed adequate.

(ii) Where approved by the appropriate regulating agency, automated teller machines (ATMs) may be used to augment service provided by a banking office on a military installation.

§ 231.5 Definitions.

(a) *Automated Teller Machine (ATM).* An electronic machine that dispenses cash, accepts deposits and transfers funds between a customer's various accounts. Equipment generally is activated by a plastic card in combination with pushbuttons. Also known as a Customer-Bank Communication Terminal (CBCT).

(b) *Banking Facility.* A banking office located on a military installation and operated by a banking institution which, under its designation as a Depositary and Financial Agent of the U.S. Government, has been specifically authorized by the Treasury Department to provide certain banking services at the installation. Such offices may be either self-sustaining or nonself-sustaining. Also known as a Military Banking Facility (MBF).

(c) *Banking Institution.* A term used to refer to the organization which operates a financial outlet on a DOD installation. At domestic locations, the organization shall be any bank insured by the Federal Deposit Insurance Corporation or any savings and loan association insured by the Federal Savings and Loan Insurance Corporation.

(d) *Banking Liaison Officer.* A commissioned officer or DOD civilian employee of equivalent grade appointed by an installation (military community) commander to interface with officials of the servicing banking office and its clients.

(e) *Banking Office.* A term indicating an outlet operated by a banking institution on a military installation.

(f) *Branch Bank.* A separate unit chartered to operate at an onbase location geographically remote from its parent organization.

(g) *DOD Personnel.* All military personnel, civil service employees, and other civilian employees including special Government employees of all offices, agencies, and departments carrying on functions on a DOD installation (including nonappropriated fund instrumentalities).

(h) *Domestic Location/Military Installation.* Military installations located within the states of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(i) *Fair Market Rental.* A reasonable charge for on-base land, buildings, or building space. Rental is determined by a government appraisal based on comparable properties in the local civilian economy. However, appraisers shall consider that on-base land may not always be comparable to similar land in the local commercial geographic area recognizing, for example, limitation of usage and access to the bank by persons other than those on the installation, proximity to the community center or installation business district, the Government's right to take title to improvements constructed at bank expense, the Government's right to terminate lease, and the limited consumer environment of a military installation.

(j) *Full-service Banking.* Those services commonly associated with commercial banks in the United States, such as: checking and savings accounts, transferring funds, sales of money orders and traveler's checks, loan service, safe deposit boxes, trust services, and other services such as sale and redemption of U.S. Savings Bonds, acceptance of utility payments, etc.

(k) *Full-time Banking Facility.* A banking facility which operates five or more days a week.

(l) *Independent Bank.* A bank chartered specifically to operate on a military installation. Directors and officers of such institutions usually come from the local business and professional community, thus differentiating this operation from a statewide or countywide branch system which consists of a head office and one or more geographically separate branch offices.

(m) *National Bank.* An association approved and chartered by the Comptroller of the Currency to operate a banking business.

(n) *Overseas Location/Military Installation.* Military installations (communities) located outside the states of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(o) *Part-time Banking Facility.* A banking facility which operates less than five days, a week, exclusive of additional payday service. When only payday service is provided, the banking facility may be termed a "payday service facility."

(p) *Regulating Agency.* This term includes the Office of the Comptroller of the Currency; the Federal Deposit Insurance Corporation; the several

Federal Reserve Banks and/or the Board of Governors of the Federal Reserve System; the Federal Home Loan Bank Board; the Federal Savings and Loan Insurance Corporation; the various state regulating agencies and commissions; and, for banking facilities, the Fiscal Assistant Secretary of the Treasury.

(q) *State Bank.* An association which operates under the laws of a state and is chartered by the state in which it is located to operate a banking business.

(r) *Savings and Loan Association.* A state or Federally chartered mutual cooperative financial institution which is insured by the Federal Savings and Loan Insurance Corporation and which is capable of providing full-service banking.

M. S. Healy,

OSD Federal Register Liason Officer, Department of Defense.

March 11, 1982.

[FR Doc. 82-7270 Filed 3-17-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 147 and 165

[CCGD 11-79-02]

Establishment of Safety Zones Around Structures on the Outer Continental Shelf (OCS) and the Navigable Waters of the United States

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes regulations to establish safety zones around fixed structures on the Outer Continental Shelf (OCS) and in the navigable waters off Southern California and establish regulations for navigation within such safety zones. The need for these safety zones has been created by the presence of fixed structures in the vicinity of areas of vessel navigation and an increase in vessel traffic off Southern California. While the direct effect of this action will be minimal, it will have a substantial indirect effect. The safety zones will be indicated on navigation charts which will make the fixed structures more readily apparent to the mariner. The safety zones will also give the Coast Guard a very effective enforcement tool in the event of a near miss between a vessel and a fixed structure. The establishment of safety zones around offshore structures is one method recommended by the Intergovernmental Maritime Consultative Organization (IMCO) in its Resolution A.379(X) by which to resolve the conflict between oil and gas activities and vessel navigation. The overall impact of the proposed action would be to promote the safety of life and property on the structures, their appurtenances and attending vessels and on the adjacent waters within the safety zones.

DATE: Comments must be received on or before May 3, 1982.

ADDRESSES: Comments should be submitted to the Commander, Eleventh Coast Guard District (m), 400 Oceangate Blvd., Long Beach, CA 90822. Comments received will be available for examination at the Marine Safety Division, Office of the Commander, Eleventh Coast Guard District, Room 917, 400 Oceangate Blvd., Long Beach, CA 90822. Comments received pursuant to the Advance Notice of Proposed Rulemaking and the study conducted by the Commander, Eleventh Coast Guard District concerning this rulemaking are also available at the above address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Jan E. Terveen, c/o Commander, Eleventh Coast Guard District (m), Room 917, 400 Oceangate Blvd., Long Beach, CA 90822, (213) 590-2301.

SUPPLEMENTARY INFORMATION:

Drafting Information:

The principal persons involved in drafting this proposed rulemaking are Lieutenant Commander Jan E. Terveen, U.S. Coast Guard, Project Manager and Lieutenant William P. Athayde, U.S. Coast Guard, Project Counsel.

Interested persons are invited to participate in this proposed rulemaking by submitting written views, data and arguments. Persons submitting comments should include their names and addresses, identify this notice (CCGD 11-79-02) and the specific sections of the Proposal to which their comments apply, and give reasons for their comments. All comments received will be considered before further rulemaking action is taken on this proposal and the proposal may be changed as a result of comments received. No public hearing is planned but one may be held at a time and place to be set in a later notice in the **Federal Register** if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Background

In the **Federal Register** February 20, 1979 (40 FR 10399) the Coast Guard published an Advance Notice of Proposed Rulemaking concerning the establishment of safety zones around structures and artificial islands on the OCS and in the navigable waters of the United States. The public was invited to participate in the initial development of the proposal. Several comments have been received and were carefully considered. The Coast Guard now proposes to issue regulations establishing these safety zones.

The structures for which these safety zones are proposed are located both on the OCS and in the navigable waters of the U.S. The authority under the OCS Lands Act, (43 U.S.C. 1333(d)(1)), to establish safety zones around artificial islands and fixed structures being constructed, maintained or operated on the OCS has been delegated to the District Commander by 33 CFR 147.01-3. The authority under the Ports and Waterways Safety Act, (PWSA) as amended by the Port and Tanker Safety Act (33 U.S.C. 1231), to establish safety zones for the protection of vessels, structures and water and shore areas in the navigable waters of the U.S. has been delegated to the District Commander by 33 CFR, 165.10.

There are presently 16 artificial islands or fixed structures in the navigable waters adjacent to Southern California (Santa Maria River to Mexican Border) and 13 fixed structures on the OCS adjacent to Southern California with two additional fixed structures in the construction phase. Two more OCS structures will be installed in the near future.

33 CFR 147.01-1 states that the purpose of OCS safety zones is "* * * to promote the safety of life and property on the islands and structures, their appurtenances and attending vessels, and on the adjacent waters within the safety zones." Safety zones established under the Port and Tanker Safety Act are to "* * * prevent damage to, or destruction of, any bridge or other structure on or in the navigable waters of the United States * * *". Considering the purpose of each of the types of safety zones, the Commander, Eleventh Coast Guard District, has studied all existing and proposed artificial islands and fixed structures on the OCS and in the navigable waters adjacent to Southern California to assess the need for safety zones and the types of regulations needed. Both the size of the proposed safety zone and the regulations applicable therein have been considered on a case-by-case basis. The regulations will not affect the production activity on the structures or islands themselves.

Before proposing these safety zones and appropriate regulations, the

Commander, Eleventh Coast Guard District, has considered the relevant safety factors, including existing or foreseeable congestion of vessels, the presence of hazardous substances, or any obstructions within 500 meters of an artificial island or fixed structure. A Study conducted by the Commander, Eleventh Coast Guard District, indicates that there are numerous existing and proposed fixed structures which are within or in close proximity to areas of marine traffic. This traffic in some circumstances involves carriage of unusually harmfully substances. This study also indicates that there is considerable marine traffic in the Southern California Traffic Separation Scheme (TSS), and it appears necessary to establish safety zones as large as possible for structures in or near these TSS's. Although 33 CFR Part 165, Subpart A contains no limitation as to size, it is proposed to limit the size of safety zones to the maximum size permissible for zones established under the authority of the Outer Continental Shelf Lands Act, i.e., 500 meters, unless safety considerations require a larger size zone. Also, it is proposed to establish safety zones of 500 meters around structures which lie in close proximity to marine traffic focal points such as the ports of Hueneme, Los Angeles/Long Beach, offshore tanker transfer moorings, or the proposed liquifier natural gas terminal site at Point Conception.

This proposal has been limited to safety zones around structures since there is, at present, no perceived need for safety zones around artificial islands. Those artificial islands which exist in the Southern California area are generally located outside of established vessel traffic areas or designed such that a vessel could not be expected to damage them if it grounded on the island itself.

Environmental Impact Statement

While this proposed action is not judged to be of a significant nature, an environmental assessment was initiated due to the political sensitivity of the proposal. However, a finding of no significant impact is anticipated. Comments on the preliminary environmental assessment or the anticipated finding are welcome and may be submitted in the same manner as comments on the proposed rule. The preliminary environmental assessment is available for examination at the Office of the Commander, Eleventh Coast Guard District (m), Room 917, 400 Oceangate Boulevard, Long Beach, California 90822.

Evaluation

The only vessels that normally navigate within 500 meters of a structure are ones that would be permitted to do so under this rule. Vessels that will be excluded from the 500 meter safety zones should not safely be that close to a structure to begin with. Hence the costs of avoiding a structure by 500 meters as opposed to navigating through a safety zone are almost nonexistent. Therefore, an economic Evaluation of this proposal has not been conducted since, for the reasons discussed above, its impact is expected to be minimal.

The Commander, Eleventh Coast Guard District, has determined that these regulations are nonmajor under the provisions of Executive Order 12291, and nonsignificant under the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Discussion of Major Comments

Comments were received by the Commander, Eleventh Coast Guard District, and were carefully considered by him in the preparation of this proposed rulemaking. A summarization of those comments and the District Commander's response are as follows:

Maximum Size of Safety Zone: Four commenters asked if 500 meters was the maximum size safety zone the Coast Guard would establish. For those structures on the OCS, the safety zone is limited to 500 meters. For those structures on navigable waters of the U.S., i.e. within the territorial waters of the U.S., a safety zone established under the Ports and Waterway Safety Act and 33 CFR 165 could be made larger than 500 meters. For the sake of consistency and in the absence of any compelling reason for a larger zone, 500 meters was considered the appropriate size for all the safety zones established by this proposal.

Purpose of Structures Considered: Four commenters asked if we were limiting our considerations to facilities related to exploitation of natural resources. The safety zones proposed are only for structures which are directly or indirectly involved with the exploration, production, storage, etc., of natural resources of the subsoil and seabed of the OCS and ocean bottom under the U.S. navigable waters off of Southern California. However the safety zones do not relate to the activity conducted on the structure. Future efforts may be made toward establishment of safety zones around offshore oil terminals on navigable waters.

Due Consideration to the Need for Each Safety Zone: Three commenters were concerned that not enough individual consideration was given to the safety zone for each structure. Further, several commenters were concerned that this action may set a precedent for establishing maximum size zones around future structures wherever they may be. Due consideration was given to the need for each safety zone and the reason for nomination of each safety zone was given in the advanced notice of proposed rulemaking. Since the publication of the advance notice a reevaluation of the safety zones was made and many are excluded from this proposed rulemaking. The reason for each safety zone proposed by this notice is stated elsewhere in this preamble. Comments concerning the justification for each zone and the appropriateness of the size are welcome. While the experience gained in this rulemaking will certainly provide guidance for any future proposals to establish safety zones, any proposal to establish a safety zone will be done only after individual consideration of the need and appropriateness of the safety zone for that particular structure. Except in emergencies, no safety zones will be established without following normal rulemaking procedures permitting public comment.

Buffer Zone Concerns: Three commenters were concerned about the effect of the "500 meter buffer zones" of the Traffic Separation Schemes (TSS) in Southern California on these proposed safety zones. The buffer zone is not a dimensional entity which exists as such. Rather it is the result of an understanding between the Corps of Engineers and the Eleventh Coast Guard District that the Coast Guard will object to the placement of any permanent structure closer than 500 meters to a traffic lane of a TSS. This would allow for the establishment of a safety zone of up to 500 meters radius around a permanent structure that would not interfere with vessel traffic, as all such structures would be more than 500 meters from any traffic lane. Any future structure proposed near a TSS will receive individual consideration.

Structure Siting In The Separation Zone: One commenter was concerned that safety zones would preclude "siting" a structure in the separation zone of a TSS. The separation zone is

the area which separates opposing traffic lanes of a TSS. Rule 10 of the COLREGS prohibits vessels from navigating within the separation zone except vessels crossing the TSS, fishing within the separation zone, or in case of emergency. Permanent structures are allowed in the separation zone subject to case-by-case review. The only restriction on the establishment of a safety zone within the separation zone is that the safety zone not interfere with vessel traffic. This means that any permanent structure sited within the separation zone of a TSS would have to be more than 500 meters from any traffic lane.

Impacts on Fishing: Three commenters were concerned about what restrictions the safety zones would have on both commercial and recreational fishing. The safety zone regulations as published in the advance Notice would have prohibited vessels of 100 gross tons and upward from entering the safety zone. This would have allowed vessels under 100 gross tons without tows to navigate in the safety zone. After considerable discussion with fishing interests it was decided to raise this limit to 200 gross tons, to avoid present and future commercial fishing vessel conflicts. Additionally, very few recreational vessels are as large as 200 gross tons, and the impact on them as a whole was seen as negligible. Though this size increase would have allowed larger vessels near structures, a vessel of up to 200 gross tons was not considered likely to inflict appreciable damage to a structure.

However, subsequent to the decision to raise the proposed limit to 200 gross tons, the Commander, Eleventh Coast Guard District, in a final rulemaking establishing an emergency safety zone around Platform GRACE, invited comments on the 200 gross ton limit (see 44 FR 57927). A comment was received which indicated that gross tonnage is often a misleading figure, not accurately reflecting the actual size of a vessel. There are some vessels of 200 gross tons which are much larger than typically envisioned. Since the primary concern is the potential damage created by a vessel during a collision with a structure, size is the key factor. Length is a much more accurate determinant of a vessel mass and size than gross tonnage which is really a measurement of closed volumetric space. Therefore the proposed size limitation has been changed to allow vessels up to 100 feet in length, not engaged in towing, to navigate in the safety zone. Vessels 100 feet in length roughly equate to 200 Gross Tons in most cases so that the restriction will affect essentially the same vessels.

Further Resource Development: Three commenters were concerned that safety zones would preclude further oil and gas development within the safety zone. This was not the intent of the regulations for the safety zones but the proposal was not clear on that point. To remedy this problem and upon recommendation of one commentor, a definition of attending vessel has been proposed. It will include vessels contracted by or operated for the OCS parcel lease holder for natural resource exploration and exploitation. If an additional structure were to be sited within the 500 meter safety zone, modification of the safety zone would be considered.

Other Reasonable Uses Of Area: One commenter suggested that the potential impacts of the proposed safety zones on other reasonable uses of the areas involved should be considered but did not provide any suggestion as to what impacts could occur. The only negative impact detected in a thorough impact assessment of the safety zone proposal was that large vessels would have to navigate well clear of the structure. For safety reasons such vessels should not navigate closer than 500 meters to the structures under normal circumstances, and in light of positive impacts and lack of any other negative impact, the proposal is still deemed appropriate.

Marine Sanctuaries and Port Access Routes: The National Oceanic and Atmospheric Administration (NOAA) commented that they are considering the establishment of Marine Sanctuaries for areas which lie over some of the proposed safety zones. A draft environmental impact statement has been published on the Marine Sanctuaries. No conflict between safety zones and Marine Sanctuaries appears to occur. Safety zones are established where necessary for safety purposes around structures sited on the OCS or within navigable waters of the U.S. The purpose is to prevent certain vessels from entering the safety zone. The designation of an area as a Marine Sanctuary, on the other hand, will affect the siting of such structures or the activities within the Sanctuary for the purpose of protecting an area of significant environmental concern. Since it is not likely that any structures would be sited within a designated Marine Sanctuary, safety zones probably would not be needed. However, a safety zone could be established within a Marine Sanctuary without conflict with the purposes of the Sanctuary.

NOAA also commented on the relationship between Port Access Routes (PAR) and safety zones. The Coast Guard is undertaking a study of the potential vessel traffic density and the need for safe access routes for vessels operating in the approaches to U.S. ports and in the traditional routes between ports in the continental United States including Alaska. The results of this study could cause restrictions on the manner in which specific areas leased after April 16, 1979 may be explored and developed for natural resources.

Any action taken as result of the study would be consistent with subsection 4(c)(1) and 4(c)(2) of the PWSA, as amended (Pub. L. No. 95–474, 92 Stat. 1473 (33 U.S.C. 1223)). Proposed or existing Marine Sanctuaries are among the considerations addressed by the PAR study. No conflicts between PAR's and safety zones are foreseen.

Relationship to LNG Terminal: One commenter, Western LNG (Liquefied Natural Gas) Association, inquired as to the impact of this proposal on their proposed LNG Receiving Terminal at Pt. Conception, California. The impact would be negligible except where a vessel arriving at the Terminal would approach any nearby structure closer that 500 meters, a highly unlikely and unseamanlike situation. No structures are in place now or are contemplated in the very near future in the immediate vicinity of the proposed LNG facility and interference with terminal operations is unlikely. One structure has a safety zone proposed based on its proximity to the LNG facility, but it is not located near the intended tracklines of vessels proceeding to and from the proposed facility.

Enforcement and Penalties: One commenter asked if this proposal would give an extra enforcement tool to the Coast Guard to prevent an unsafe act such as a large vessel passing close aboard a structure. Another commenter asked what the penalty would be for violation of safety zone regulations. The regulations for the safety zones provide for a prohibition against certain vessels, usually 100 feet in length or larger, from entering the safety zone. The penalty provisions or a safety zone established on the navigable waters of the U.S. under the PWSA are found in 33 U.S.C 1232 and provide for a civil penalty of up to $25,000 for each violation. The penalty provisions for a safety zone established on the OCS under the Outer Continental Shelf Lands Act are found in 43 U.S.C 1350 and provide for a civil penalty of up to $10,000. Each statute also provides for criminal penalties for

knowing and willing violations which carry much stiffer penalties and possible imprisonment. In addition, licensed personnel would be subject to action against their licenses under Suspension and Revocation Proceedings, R.S. 4450.

Further Restrictions in a Safety Zone: One commenter suggested that all vessels (including those under 100 gross tons) other than the structure's attending vessels be excluded from the safety zone. Specifically, this would preclude fishing vessels, small passenger boats, and recreational vessels. It is not apparent to the Commander, Eleventh Coast Guard District that an *active threat* exists to either these vessels or the structure by permitting these vessels closer than 500 meters to the structure during the operational phase of the structure. Such a restriction generally would be unnecessary and would amount to overregulation. There are certain structures however that are located within or in close proximity to a vessel routing measure such that an exclusion of all vessels may be appropriate. It is felt that extraneous traffic operating in close proximity to such structures could cause confusion to the mariner operating within an adjacent traffic lane. It is likely however, that for a short period of time (normally only two weeks) during the structure installation process, a total vessel exclusion regulation may be necessary. Restrictions related to a structure's installation phase would be considered by separate, temporary rulemaking.

Hondo Structure and Appurtenant Offshore Storage and Treatment (OST) Vessel: EXXON, the operator of this structure requested that the permanently moored OST vessel (a floating vessel moored to a buoy which treats and stores crude oil developed by the HONDO structure) have a special safety zone design. The OST vessel swings freely on a single anchor leg mooring buoy to allow it to act as a weather vane. It was proposed that instead of a 500 meter safety zone around the buoy and the moored OST vessel that a floating 500 meter safety zone be established around both the mooring buoy and the OST vessel. This concept has been rejected in favor of a safety zone with fixed limits. The safety zone herein proposed for the OST vessel mooring will be centered at the mooring buoy where the OST vessel pivots. It will extend 500 meters beyond the arc cut by the outer limit of the OST vessel and transfer tanker as they pivot a full 360 degrees. This arc extends 608 meters out from the pivot point of the mooring making the limit of the safety zone 1108 meters out from the pivot point. Because of the unique characteristics of this installation the District Commander has proposed that only attending vessels and vessels authorized by the Commander, Eleventh Coast Guard District be allowed within the OST vessel safety zone.

Limiting 500 Meter Safety Zones: The Bureau of Land Management (BLM) suggested that 500 meter safety zones be limited to those structures adjacent to traffic lanes off Southern California. This comment relates BLM's concern that safety zones only be established where they are necessary and that no large areas of the OCS, specifically areas within the safety zones, would be closed to further oil and gas development. Since the safety zones will not inhibit further oil and gas development and since the number and sizes of the safety zones are such that they affect a relatively small portion of the available exploration and exploitation areas, this effect is felt to be minimal. In any event, the establishment of a safety zone *is dependent upon a determination of its need in each particular case.* Proximity to a TSS is not the only factor which would indicate such a need. It would, therefore, be improper to limit safety zones only to those in the vicinity of a TSS.

Discussion of Proposed Regulations.

The regulations as proposed contain a description of the area of the safety zone (in each case 500 meters from the structures' outer edge) including the location of the center of the particular structure. Each section then contains the regulations pertinent to the particular safety zone. In all cases, the regulations prohibit the entry of vessels into the safety zone except attending vessels and those vessels authorized by the Commander, Eleventh Coast Guard District. Vessels under 100 ft in length overall not engaged in towing are allowed in most safety zones also.

In one of the safety zones being considered under this rulemaking, kelp harvesting vessels are not excluded even though they are typically 100 feet in length or over. By nature of their employment and navigation, they create a minimal threat to the structure. Since marketable quantities of kelp may exist within 500 meters of the structure and because of the low level of hazard created, it was felt inappropriate to exclude these vessels from the safety zone. The restriction with respect to vessels towing other vessels was left in place. The District Commander remains convinced that because they are restricted in their ability to maneuver regardless of size, they do pose a significant threat to themselves and the structure.

There are also changes to the structures being considered for safety zones. Since the time of the publication of the Advanced Notice, several additional structures have been installed or are at some stage in the planning process. It is appropriate that where justification exists, they be considered under this rulemaking. As such, Platforms ELLEN, ELLY, GINA, GILDA and EDITH are included for consideration. Platforms Union A, Union B, Union C, HILLHOUSE, HENERY, HOUCHIN, HOGAN, HOPE, HAZEL, HEIDI and HILDA are no longer being considered for safety zones. Safety zones were originally proposed for them largely because of their close proximity to the Carpinteria offshore tanker mooring. Since the time of the Advance Notice, the Carpinteria Offshore Tanker Mooring has effectively been disestablished in favor of an onshore pipeline system. Though the offshore Tanker Mooring will not be permanently disestablished, it will handle little if any vessel traffic. As such, safety zones around these structures are not necessary.

Structures ELLEN and ELLY and proposed Platform EDITH are the only structures where access is completely limited to attending vessels and vessels authorized by the District Commander. This is so because of their unique positions, being sited within the separation zone of the Approaches to Los Angeles/Long Beach Traffic Separation Scheme (TSS). These structures are the first ever to be sited within a TSS. Though not recommended by the Intergovernmental Maritime Consultative Organization, the international governing and adoptive organization for TSS's, the District Commander did not object to the structures being sited within the TSS conditional upon them being sited where a 500 meter safety zone established around the structures would not interfere with the traffic lanes of the TSS. The decision not to object to the siting of the structures there was based on the fact that the subseabed resources planned to be developed by these structures could not be developed by any other feasible method except by permanent structures sited in the separation zone. It is felt, however, that extraneous traffic operating in close proximity to these structures could cause confusion to the mariner operating within an adjacent traffic lane. Therefore the District Commander has proposed that all vessels be excluded

from these safety zones other than attending vessels and those authorized by the District Commander.

These safety zones will supercede several emergency type safety zones now in place or likely to be in place before these rules become final. Under 33 CFR 147.03–3(b), the District Commander may establish an OCS safety zone around a structure or artifical island without public rulemaking procedures if it is determined that imminent danger exists with respect to the safety of life and property on those structures.

The table printed in the Advance Notice of Proposed Rulemaking is being reprinted with modifications even though the proposed regulations themselves are being printed herein also. The table offers a quick reference for all structures being considered.

Column Code

1. Structure.
2. Safety zone radius in meters.
3. Navigation restricted to attending vessels and,
4. Safety zone authority; PWSA for navigable waters, OCSLA (OCS Lands Act) for OCS.
5. Justification.

1	2	3	4	5
Hondo	500	Vessels under 100 feet in length overall not engaged in towing.	OCSLA	Close proximity to SBC TSS, inshore traffic and Gaviota offshore tanker mooring.
Hondo Offshore Storage and Treatment Vessel Mooring.	1,108	No other vessels.	OCSLA	Do.
Grace	500	Vessels under 100 feet in length overall not engaged in towing.	OCSLA	Close proximity to inshore traffic, Ventura and Mandatory offshore tanker moorings and the SBC TSS.
Gina	500	do	OCSLA	Close proximity to SBC TSS Part and Hueneme Safety Fairway.
Gilda	500	do	OCSLA	Close proximity to SBC TSS, inshore traffic and Ventura and Mandalay offshore tanker moorings.
Ellen	500	No other vessels.	OCSLA	Structure site is in the separation zone of the Gulf of Santa Catalina TSS.
Elly	500	do	OCSLA	Do.
Edith	500	do	OCSLA	Do.
Herman	500	Vessels under 100 feet in length overall not engaged in towing and kelp harvesting vessels.	PWSA	Close proximity to proposed onshore LNG facility at Point Conception.
Holly	500	do	PWSA	Close proximity to Elwood offshore tanker terminal.
Belmont Island (actually a structure, not artificial island).	500	Vessels under 100 feet in length overall not engaged in towing.	PWSA	Close proximity to the following: (1) Long Beach Harbor anchorages, (2) U.S. Navy Station, Seal Beach.
Eva	500	do	PWSA	Close proximity to Huntington Beach Offshore tanker mooring.
Emmy	500	do	PWSA	Do.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Parts 147 and 165 of Title 33, Code of Federal Regulations as follows:

PART 147—SAFETY ZONES

1. The authority citation for Part 147 is revised to read as follows:

Authority: Sec. 203, Pub. L. 95–372, 92 Stat. 636 (43 U.S.C. 1333(d)(1)); sec. 6(b)(1), 80 Stat. 938 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b); 33 CFR 147.01–3.

2. The regulations on OCS Safety Zones, 33 CFR Subpart 147.05, are revised to read as follows:

Subpart 147.05—OCS Safety Zones

Sec.

147.05–1101 Definitions.
147.05–1102 Platform GRACE safety zone.
147.05–1103 Platform GINA safety zone.
147.05–1104 Platform ELLEN & ELLY safety zone.
147.05–1105 Platform HONDO safety zone.
147.05–1106 Platform HONDO Offshore storage and treatment vessel mooring safety zone.
147.05–1107 Platform GILDA safety zone.
147.05–1108 Platform EDITH safety zone.

Authority: Sec. 203, Pub. L. 95–372, 92 Stat. 636 (43 U.S.C. 1333(d)(1)); sec. 6(b)(1), 80 Stat. 938 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b); 33 CFR 147.01–3.

Subpart 147.05—OCS Safety Zones

§ 147.05–1101 Definitions.

(a) *Attending Vessel.* As used in safety zones established in the Eleventh Coast Guard District, unless otherwise stated, the term "attending vessel" refers to any vessel operated by the owner or operator of a facility located on the Outer Continental Shelf, which is used for the purpose of carrying supplies or personnel to or from the facility, engaged in construction, maintenance, alteration or repair of the facility, or which is used for further exploration, production, transfer or storage of natural resources from the seabed beneath the safety zone.

§ 147.05–1102 Platform GRACE safety zone.

(a) *Description.* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 33°34'57" N., 133°07'41" W.

(b) *Regulations.* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.05–1103 Platform GINA safety zone.

(a) *Description.* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°07'02" N., 119°16'35" W.

(b) *Regulations.* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.05–1104 Platforms ELLEN and ELLY safety zone.

(a) *Description.* The areas within a line 500 meters from each point on the outer edge of each structure. The structures are approximately 120 meters apart. The position of the center of each structure is: Platform ELLEN, 33°34'57" N., 118°07'42" W.; and Platform ELLY, 33°35'00" N., 118°07'40" W.

(b) *Regulations.* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel serving either structure, or (2) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.05–1105 Platform HONDO safety zone.

(a) *Description.* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°23'27" N., 120°07'14" W.

(b) *Regulations.* No vessel may enter or remain in this safety zone except for the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.05–1106 Platform HONDO offshore storage and treatment vessel mooring safety zone.

(a) *Description.* The area within a line 1108 meters for the center of the mooring. The position of the center of the mooring is 34°24'19" N., 120°06'00" W.

(b) *Regulations.* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.05–1107 Platform GILDA safety zone.

(a) *Description.* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°10'56" N., 119°25'07" W.

(b) *Regulations.* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.05–1108 Platform EDITH safety zone.

(a) *Description.* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 33°35'45" N., 118°08'27" W.

(b) *Regulations.* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel or (2) a vessel authorized by the Commander, Eleventh Coast Guard District.

PART 165—SAFETY ZONES

33 CFR Part 165 is amended as follows:

1. The authority citation for Part 165 is revised to read as follows:

Authority: Sec. 12, Pub. L. 95–474, 92 Stat. 1477 (33 U.S.C. 1231); 49 U.S.C. 1655(b)(1); 49 CFR 1.46(n)(4); 33 CFR 165.10.

§ 165.1101 [Redesignated as § 165.1107]

2. Section 165.1101 is redesignated as § 165.1107.

3. Sections 165.1101 through 165.1106 are added to read as follows:

§ 165.1101 Attending vessel.

As used in safety zones established in the Eleventh Coast Guard District, unless otherwise stated, the term "attending vessel" refers to any vessel operated by the owner or operator of a facility located within the navigable waters of the United States which is used for the purpose of carrying supplies or personnel to or from the facility, engaged in maintenance and repair of the facility or which is used for further exploration, production, transfer or storage of natural resources from the seabed around the facility and beneath the safety zone.

§ 165.1102 Platform HERMAN safety zone.

(a) *Description.* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°25'53" N., 120°22'53" W.

(b) *Provisions.* Subject to authorization granted under § 165.20 of Subpart A, no vessel other than an attending vessel, a vessel engaged in kelp harvesting or a vessel under 100 feet in length overall not engaged in towing is permitted to enter or remain within the safety zone.

§ 165.1103 Platform HOLLY safety zone.

(a) *Description.* The area within a line 500 meters from each point on structure's outer edge. The position of the center of the structure is 34°23'24" N., 119°54'19" W.

(b) *Provisions.* Subject to authorization granted under vessel § 165.20 of subpart A, no vessel other than an attending vessel, a vessel engaged in kelp harvesting or a vessel under 100 feet in length overall not engaged in towing is permitted to enter or remain within the safety zone.

§ 165.1104 Platform BELMONT Island safety zone.

(a) *Description.* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 33°43'18" N., 118°07'29" W.

(b) *Provisions.* Subject to authorization granted under § 165.20 of Subpart A, no vessel other than an attending vessel or a vessel under 100 feet in length overall not engaged in towing is permitted to enter or remain within the safety zone.

§ 165.1105 Platform EVA safety zone.

(a) *Description.* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 33°39'42" N., 118°03'40" W.

(b) *Provisions:* Subject to authorization granted under § 165.20 of Subpart A, no vessel other than an attending vessel or a vessel under 100 feet in length overall not engaged in towing is permitted to enter or remain within the safety zone.

§ 165.1106 Platform EMMY safety zone.

(a) *Description.* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 33°39'44" N, 188°02'37" W.

(b) *Provisions.* Subject to authorization granted under § 165.20 of Subpart A, no vessel other than an attending vessel or a vessel under 100 feet in length overall not engaged in towing is permitted to enter or remain within the safety zone.

* * * * *

A. P. Manning,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 82–6918 Filed 3–17–82; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 157

[CGD 82–28]

Existing Tank Vessels of 20,000 to 40,000 Deadweight Tons; Intent To Prepare Environmental Impact Statement

AGENCY: Coast Guard, DOT.

ACTION: Notice of intent to develop regulations and to prepare an environmental impact statement.

SUMMARY: The Coast Guard is issuing this notice to advise the public of its intent to develop regulations to implement Subsections (7) (E) and (H) of Section 5 of the Port and Tanker Safety Act of 1978 and or its intent to develop a draft environmental impact statement (EIS) to support the issuance of a future notice of proposed rulemaking for those regulations. The statutes require the Coast Guard to issue regulations which would cause:

(1) Existing crude oil carriers of 20,000 deadweight tons (DWT) or above but less than 40,000 DWT to have segregated ballast tanks (SBT) or a crude oil washing system (COW) by January 1, 1986 or when they reach 15 years of age, whichever occurs later; and

(2) Existing product carriers of 20,000 DWT or above but less than 40,000 DWT to have SBT or dedicated clean ballast tanks (CBT) by January 1, 1986 or when they reach 15 years of age, whichever occurs later.

DATE: Comments must be received on or before May 3, 1982.

ADDRESSES: Comments or information regarding this notice or the draft EIS should be mailed to Commandant (G-CMC/41) (CGD 82-2 8), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying from 9:00 am to 5:00 pm Monday through Friday at the Marine Safety Council (G-CMC/41), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C. 20593, (202) 426-1477.

FOR FURTHER INFORMATION CONTACT: LCDR Richard S. Tweedie, Office of Merchant Marine Safety, Room 1206, U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426-4431

SUPPLEMENTARY INFORMATION: Subsections (7) (E) and (H) of Section 5 of the Port and Tanker Safety Act of 1978 (Pub. L. 95-474) amended Section 4417a of the Revised Statutes (46 USC 391a) to require the Coast Guard to issue regulations for SBT, CBT, or COW on certain existing tank vessels as described above. The primary effect of these regulations would be to reduce operational oil discharges, mainly on the high seas, from existing tank vessels of 20,000 to 40,000 DWT.

To ensure that the full range of issues related to the EIS are addressed and that all significant issues are identified, comments and suggestions are invited from all interested parties. To solicit comments relating to this notice and the preparation of the draft EIS, copies of this notice are being sent to appropriate Federal and state agencies, to private organizations (industry and environmental) and to persons who have previously expressed interest in this proposal or earlier proposals of a similar nature.

In addition to an EIS, the Coast Guard may have to prepare a regulatory impact analysis under E.O. 12291. Comments concerning the economic impact of these standards would be helpful, particularly those concerning the anticipated impact on the shipbuilding and related industries. Commenters should indicate whether they consider themselves a "small entity."

Because of the clear and relatively precise wording of the statute and the similarity of this propsal to a previous proposal for vessels of 40,000 DWT and above, the Coast Guard does not anticipate difficulty in determining the scope of issues to be addressed or identifying significant issues related to the proposed action. Therefore, it is not anticipated that a scoping meeting will be held relative to the preparation of the draft EIS. No public hearing is planned prior to the publication of proposed rules.

Dated March 15, 1982.

A. D. Utara,

Commander, U.S. Coast Guard Regulations Officer, by direction of the Commandant.

[FR Doc. 82-7396 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF INTERIOR

National Park Service

36 CFR Part 50

Demonstrations and Special Events; Proposed Rule

AGENCY: National Park Service, Interior.

ACTION: Proposed rule and policy statement with request for comments.

SUMMARY: This proposed rule suggests amendments to the National Park Service regulations governing demonstrations and special events in Washington, D.C. and its environs. A proposed Administrative Policy Statement explains the administration of these regulations. These amendments and statement clarify the definition of symbolic campsites and the extent to which temporary structures are permitted in connection with First Amendment activities.

DATE: Written comments must be received on or before April 1, 1982.

ADDRESSES: Written comments may be sent to: Manus J. Fish, Jr., Regional Director, National Capital Region, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242.

FOR FURTHER INFORMATION CONTACT: Sandra Alley, Associate Regional Director, Public Affairs, National Capital Region, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242, telephone: 202-426-6700; Richard G. Robbins, Assistant Solicitor, National Capital Parks, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, telephone: 202-343-4338.

SUPPLEMENTARY INFORMATION: The following persons participated in the writing of this regulation: Richard G. Robbins and Dianne H. Kelly, Office of the Solicitor.

Background

On November 13, 1981, an administrative policy statement and amendments to the National Park Service regulations governing demonstrations and special events in Washington, D.C. and its environs were published in the **Federal Register**, 45 FR 29856. Since that time, the United States Court of Appeals for the District of Columbia Circuit has interpreted that policy statement and those amended regulations as permission granted by the National Park Service to demonstrators to use as sleeping accommodations temporary structures such as tents erected for the purpose of symbolizing a message or providing logistical support. *Community for Creative Non-Violence v. Watt*,——, *F.2d*——(D.C. Cir. 1982), slip. op. 81-2381. The National Park Service thus finds it necessary to clarify the definition of symbolic campsites and the extent to which temporary structures are permitted in connection with First Amendment activities.

In addition, experience with attempts to administer the amended regulations in the wake of the court decision has led to a proposed change in the circumstances under which the erection of temporary structures will be permitted.

Proposed Regulatory Changes

Structures and Campsites

In order to clarify the long-standing policy and practice of the National Park Service on the nature and use of temporary structures in connection with demonstration activities, the National Park Service proposes to amend § 50.19(e)(8) to forbid specifically the use of any such structures, including tents, for the purpose of conducting any living accommodation activity. The decision by the United States Court of Appeals for the District of Columbia Circuit in *Community for Creative Non-Violence v. Watt*, ——*f.2d*——, slip. op. 81-2381 (Decided January 22, 1982), which interpreted the current regulation and policy statement to allow sleeping by demonstrators in temporary structures, has necessitated this clarification to avoid the use of the Memoral Core and other park areas of the nation's capital as a camping ground. Experience with administering the court's decision permitting sleeping has also confirmed the belief of the Park Service that activity by demonstrators would expand to include other aspects of living accommodations such as the storage of personal belongings and the performance of necessary sanitary functions, which have occurred in conjunction with the court-approved sleepng activities. The revised rule makes it clear that structures are permitted for symbolic or logistical purposes, but not for living accommodation types of activity.

In addition, the exemption in § 50.19(b)(1) of groups of 25 or less from the permit requirement imposed on larger groups, has led to the proliferation of tents and other structures erected by individuals in close proximity to each

other. The increasing numbers of these structures, erected without prior knowledge of the Park Service, have imposed a significant cumulative impact on park resources and personnel and have resulted in uncontrolled and continuous pre-exemption of substantial park areas by spontaneously erected structures. Accordingly, the Park Service proposes to amend § 50.19(e)(8) further to provide that the erection of structures other than lecterns or small speakers platforms is prohibited unless a demonstration permit is obtained.

Reference to Prefatory Statement

In order to aid readers in understanding the administrative policies which have been developed to implement the revised regulations, a citation to the applicable **Federal Register** reference will be included at the conclusion of 36 CFR 50.19.

Administrative Policy Statement

Structures and Campsites

Because of the decision of the United States Court of Appeals for the District of Columbia Circuit in *Community for Creative Non-Violence v. Watt,* *F. 2d* (D.C. Cir. 1982), slip. op. 81–2381, the National Park Service finds it necessary to clarify the definition of symbolic campsites and the extent to which temporary structures are permitted in connection with First Amendment activities.

It has been the long-standing administrative policy and practice of the National Park Service to allow demonstrators to erect temporary structures reasonably necessary for the conduct of their demonstration, including the provision of logistical support. The requirement that the erection of temporary structures be permitted arose out of the decision of the United States Court of Appeals for the District of Columbia Circuit in *Women Strike for Peace v. Morton,* 42 F. 2d. 1273 (D.C. Cir. 1972). Following this decision, it became the policy of the National Park Service to allow tents to be erected as temporary structures in connection with permitted demonstrations. Tents may be erected as a means of symbolizing the message of demonstrating groups or of providing support and logistical services. Examples of activities where the Park Service has permitted the erection of tents in connection with demonstration activities include: a demonstration by the Community for Creative Non-Violence in which a number of tents symbolized the need for housing for the homeless; demonstrations by anti-war veterans groups where the tents symbolized conditions in Vietnam; Indian teepees by Indian rights groups to symbolize the plight of Indians; and numerous other demonstrations where support services tents were used for first aid facilities, for lost children areas, and to shelter electrical and other sensitive equipment or displays.

Although it is the policy of the National Park Service to permit tents as temporary structures for the above purposes in connection with permitted demonstration activities, the Park Service does not permit camping or the erection of tents for camping in connection with demonstration activities in other than formally designated and maintained campgrounds. Camping is defined as the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings or making any fire, or using any tent or shelter or other structure or vehicle for the purpose of sleeping or doing any digging or earth breaking or carrying on cooking activities. This policy is not intended to prohibit eating, cooking, and other traditional picnicking activities in areas designated for picnicking pursuant to 36 CFR 50.14.

The National Park Service emphatically believes that the Memorial Core area of the nation's capital is an especially unsuitable location for camping activities. The Memorial Core includes the Mall area, the Washington Monument grounds, the White House area, the Ellipse, Lafayette Park, East and West Potomac Park, the Jefferson and Lincoln Memorials, and the Kennedy Center. Were camping permitted in this area, other park visitors, including demonstrating park visitors, would be deprived of use of this nationally significant space. Camping could cause significant damage to park resources, create serious sanitation problems, and seriously tax law enforcement resources. It is probable that the cumulative impact of permitting any camping activities in the Memorial Core and other National Capital Parks areas would cause the National Park Service to incur additional costs for park restoration, sanitary facilities and extra park personnel, including law enforcement personnel. Even though camping is now prohibited, the Park Service nevertheless receives several requests each year for camping in connection with demonstration activities. It is believed that these requests would increase dramatically were camping permitted because it would offer free, convenient living space for persons pursuing speech activities. Such use of park space would amount to a federal subsidy of the living costs of demonstrating park visitors and would create pressure from non-demonstrating visitors for similar accommodations.

It is the opinion of the National Park Service that allowing any of the activities included within the definition of camping, such as sleeping only, would result in expansion of activities to include all aspects of living accommodations. Were people permitted to merely sleep, for instance, it is probable that persons would also seek to eat and/or prepare food in the area, utilize the area for necessary sanitary functions (toilet, bathing, washing) change clothes and store, air or launder personal belongings in the area. It is believed that such a situation would create unacceptable adverse impacts to park areas, deprive other visitors of use of the park area and create law enforcement confrontations arising from attempts to confine activities within specific parameters. In fact, experience with administering the court's decision in *Community for Creative Non-Violence* allowing sleeping has revealed that activities by demonstrators are already expanding to include the storage of personal belongings and the performance of sanitary functions in the area of the structures.

The National Park Service is mindful of the need to provide camping facilities in park areas within the metropolitan Washington, D.C. area. Fully equipped and maintained campground are located in parks which can sustain the impacts from camping activities and which are within reasonable proximity to the capital. Demonstrating park visitors are free to avail themselves of these facilities.

Public Participation

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

Impact Analysis

The National Park Service has determined that this document is not a major rule requiring preparation of a Regulatory Impact Analysis under Executive Order 12291 and does not require a small entity flexibility analysis under Pub. L. 96–354. The proposed rule

is designed only to clarify the circumstance and conditions under which temporary structures may be permitted in connection with demonstration activities. It will have no substantial impact on any aspect of the economy. (Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3); 245 DMI (44 FR 23384); D.C. Code section 8–108 (1973); and National Park Service Order No. 77 (38 FR 7478), as amended).

Date approved: March 3, 1982.

J. Craig Potter,

Acting Deputy Assistant Secretary, Fish, Wildlife and Parks.

In consideration of the foregoing § 50.19 of Title 36 of the Code of Federal Regulations is accordingly amended:

PART 50—NATIONAL CAPITAL PARKS REGULATIONS

1. By revising § 50.19(e)(8) to read as follows:

§ 50.19 Demonstrations and special events.

* * * * *

(e) * * *

(8) In connection with permitted demonstrations or special events, temporary structures may be erected for the purpose of symbolizing a message or meeting logical needs such as first aid facilities, lost children areas or the provision of shelter for electrical and other sensitive equipment or displays. Temporary structures may not be used outside designated camping areas for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or doing any digging or earth breaking or carrying on cooking activities. Temporary structures are permitted to the extent described above, provided prior notice has been given to the Director, except that:

(i) * * *

(v) Individuals or groups of 25 persons or less demonstrating under the small group permit exemption of § 50.19(b)(1) shall not be permitted to erect temporary structures other than small lecterns or speakers platforms. This provision is not intended to restrict the use of portable signs or banners.

2. By revising § 50.19(g) to read as follows:

§ 50.19 Demonstrations and special events.

* * * * *

(g) Further information on administering these regulations can be found at —— FR ——.

[FR Doc. 82–7394 Filed 3–17–82; 8:45 am]

BILLING CODE 4310–70–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82–127; RM–3986]

FM Broadcast Station Comobabi, Ariz.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign and reserve Channel *276A at Comobabi, Arizona, for noncommercial educational use, in response to a petition filed by O'odham Communications, Inc. The proposed assignment would provide a first noncommercial educational broadcast service to Comobabi.

DATES: Comments must be filed on or before April 26, 1982, and reply comments on or before May 11, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 2, 1982.

Released: March 11, 1982.

In the matter of amendment of § 73.202(b), FM Broadcast Stations. (Comobabi, Arizona), BC Docket No. 82–127, RM–3986.

1. The Commission has before it a petition for rule making [1] filed by O'odham Communications, Inc. (petitioner), proposing assignment of Channel *276A to Comobabi, Arizona, and reservation of that channel for noncommercial educational use.[2] No oppositions to the proposal were received.

2. Comobabi (population not listed in the 1980 U.S. Census), in Pima County (population 531,263),[3] is located approximately 85 kilometers (53 miles) southwest of Tucson, Arizona. It is without local broadcast service.

3. Petitioner asserts that it is a nonprofit organization incorporated under the laws of the Native American Papago Tribe of Arizona, to research the feasibility of improving the communications capabilities of the Papago Tribe. In furtherance of its mission, petitioner claims that establishing a noncommercial educational station at Comobabi would serve the Papago Reservation, which is without local service. Petitioner further states that due to heavy demands for FM channel use at Phoenix and Tucson, Arizona, and the fact that no frequencies are available for noncommercial educational service (Channels 201–220) at Comobabi, consistent with required mileage separations, Channel *276A in the commercial band (Channel 221–300) is the only frequency meeting the requirements. Petitioner also argues that the Commission has in similar situations reserved a commercial frequency for noncommercial educational use,[4] where it determined the preclusive impact of frequency use outside the U.S. resulted in no channels available for noncommercial educational use. Here, the preclusion impact of channel assignments in Mexico justifies the assignment and reservation of Channel *276A to Comobabi as the only possible way to establish a noncommercial station to serve the Papago Reservation. Finally, Petitioner states that if Channel *276A is assigned, and the Pappago Tribe does not apply for the channel, it will apply for authority to construct and operate a noncommercial educational station on Channel *276A.

4. The proposed assignment of Channel 276A to Comobabi, Arizona, requires Mexican concurrence since it is located within 320 kilometers (199 miles) of the U.S.-Mexican border.

5. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b)) of the

[1] "Public Notice" of the petition was given on October 22, 1981, Report No. 1314.

[2] Ordinarily, rule making is not required to assign an educational FM channel to a particular community. Unlike the procedure for a commercial FM, the use of educational FM channels usually is governed by a demand system based on the filing of applications rather than amending the Table of FM Assignments. However, within 199 miles of the Mexican border, noncommercial educational channels are allocated in a Table of Assignments (§ 73.504(a) of the Commission's rules). As noted in paragraph 3, *infra*, the noncommercial educational Table provides that Channels 201–220 are available for such use. However, these channels are not available at Comobabi consistent with the mileage separation requirements.

[3] Population figure is taken from the 1980 U.S. Census.

[4] Citing, "Burlington and Newport, Vermont," 45 R.R. 2d 786 (Broadcast Bureau released April 26, 1979), 44 FR 25228, where Channel *300 was assigned to "Burlington, Vermont".

Commission's rules, with regard to the following city:

City	Channel No.	
	Present	Proposed
Comobabi, Arizona		*276A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 26, 1982, and reply comments on or before May 11, 1982, and are advised to read the Appendix below for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

For further information concerning this proceeding contact Montrose H. Tyree, Broadcast Bureau (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 82-127 RM-3986]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the "Notice of Proposed Rule Making" to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the "Notice of Proposed Rule Making" to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this "Notice," they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the "Notice of Proposed Rule Making" to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply Comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 82-7356 Filed 3-17-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-125; RM-3985]

FM Broadcast Station, Breezy Point, Minn.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 237A to Breezy Point, Minnesota, in response to a petition filed by Thomas A. DeWinter and Allen Gray. The assignment could provide Breezy Point with a first local aural service.

DATES: Comments must be filed on or before April 26, 1982, and reply comments must be filed on or before May 11, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 2, 1982.

Released: March 11, 1982.

In the matter of Amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Breezy Point, Minnesota), BC Docket No. 82-125, RM-3985.

1. Thomas A DeWinter and Allen Gray ("petitioners") have filed a petition for rule making [1] seeking the assignment of Channel 237A to Breezy Point, Minnesota, as that community's first FM assignment. The assignment can be made in conformity with the minimum distance separation requirements of § 73.207 of the Commission's rules. The petitioners filed supporting comments affirming their intent to apply for a construction permit if the assignment is allocated, as proposed. No oppositions to the proposal have been received.

[1] *Public Notice* of the petition was given October 22, 1981, Report No. 1314.

2. Breezy Point (population 384)[2], in Crow Wing County (population 41,722), is located approximately 224 kilometers (140 miles) northwest of Minneapolis, Minnesota. It presently has no local aural service.

3. Petitioner states that Breezy Point is an incorporated village, which serves as the central focal point for tourism and development in the lakes region. According to petitioners, Breezy Point's population increased approximately 65 percent during the past decade. Further, it adds that the progression of its resort development will assure a continuous growth in both permanent residents and seasonal tourism. Because of the considerable outdoor recreational activity in Breezy Point, petitioner declares that the community needs a local broadcast outlet for the provision of weather and other public safety information, in addition to public affairs programming.

4. Petitioner has submitted a study indicating that the proposed assignment of Channel 237A to Breezy Point, Minnesota, would create no unacceptable preclusion. However, we need not consider the preclusive impact with respect to a request for a first Class A channel allocation to a community that is removed from large population centers. See, "Policy Statement to Govern Requests for Additional Assignments," 8 F.C.C. 2d 79 (1967).

5. The Commisssion must obtain Canadian concurrence in the proposed assignment of Channel 237A to Breezy Point since that community is located within 400 kilometers (250 miles) of its border.

6. In view of the fact that the proposed FM channel assignment would provide a first local aural broadcast service to Breezy Point, Minnesota, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202 (b) of the Commission's rules, with respect to that community, as follows:

City	Channel No.	
	Present	Proposed
Breezy Point, Minnesota		237A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

[2] Population figures are derived from the 1980 U.S. Census, Advance Reports.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before April 26, 1982, and reply comments on or before May 11, 1982, and are advised to read the Appendix below for the proper procedures.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 82-125 RM-3985]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the "Notice of Proposed Rule Making" to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the "Notice of Proposed Rule Making" to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. Is should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this "Notice," they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) the filing of a counterproposal ma lead the Commission to assign a different channel than was requested for may of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the "Notice of Proposed Rule Making" to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 82-7358 Filed 3-17-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-128; RM-3984]

FM Broadcast Station in Plainview, Tex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of a second commercial FM channel to Plainview, Texas. Petitioners D.M. Walthers and F.R. Morton, are willing to operate a Class A channel in competition with the already existing Class C FM station in the community.

DATES: Comments must be filed on or before April 26, 1982, and reply comments on or before May 11, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 2, 1982.

Released March 11, 1982.

In the matter of Amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Plainview, Texas), BC Docket No. 82-128, RM-3984.

1. A petition for rule making,[1] was filed by D. M. Walthers and F.R. Morton ("petitioners") proposing the assignment of Channel 280A to Plainview, Texas, as its second commercial FM assignment. Petitioners stated their intent to apply for the channel, if assigned. No oppositions to the proposal where received.

2. Plainview (population 22,187),[2] seat of Hale County (population 37,592), is located approximately 112 kilometers (70 miles) south of Amarillo, Texas. It is served locally by full-time AM Station KKYN and KVOP; FM Station KATX (Channel 247),[3] and noncommercial FM Station KWLD (Channel 218).

3. In support of the proposal, the petitioners assert that Plainview's local government operates with a mayor/alderman/city manager. It has nine motels, medical facilities and several recreational facilities. According to the petitioners, Plainview is very strong in terms of employment, community growth and existing industry. It is the contention of the petitioners that diversity of the media would be promoted and the public interest would be served by the proposed assignment.

4. Petitioners did not submit a preclusion study for the proposed second FM assignment at Plainview (Channel 280A) and are requested to do so in comments to this proposal, listing communities with a population greater than 1,000 precluded by the proposed assignment, and whether alternate channels are available to those communities.

5. The assignment of Channel 280A to Plainview would result in intermixing a Class A channel with a Class C channel (247). The Commission has a policy of permitting such intermixture where, as here, no other Class C channel is available for assignment and the petitioner is willing to apply for the Class A channel, despite the unfavorable competitive situation. "Yakima, Washington", 42 F.C.C. 2d 548, 550 (1973); "Key West, Florida", 45 F.C.C. 2d 142, 145 (1974).

6. In view of the foregoing information and the fact that the proposed assignment would provide the community an opportunity to develop a second local FM broadcast service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to Plainview, Texas, as follows:

City	Channel No.	
	Present	Proposed
Plainview, Tex.	247	247, 280A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before April 26, 1982, and reply comments on or before May 11, 1982, and are advised to read the Appendix below for the proper procedures.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 82-128, RM-3948]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in intial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this "Notice", they will be considered as

[1] "Public Notice" of the petition was given on October 22, 1981, Report No. 1314.

[2] Population figures are taken from the 1980 U.S. Census.

[3] Stations KVOP (AM) and KATX (FM) are co-owned.

comments in the proceeding, and Public Notice of this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the "Notice of Proposed Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 82-7357 Filed 3-17-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket 82-121; RM-3964; FCC 82-100]

Allocation of Frequencies in a Certain MHz Band for Use by Operational-Fixed Stations in the Automobile Emergency Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend Part 90 of the Commission's Rules to allow the use of frequencies in the 72–76 MHz band by eligibles in the Automobile Emergency Radio Service. The need for high reliability emergency communications requires multiple base stations at optimum locations that must be controlled by fixed radio links since telephone lines are often unavailable or prohibitively costly. The availability of these frequencies will enable a far greater degree of communication reliability to be achieved within the radio system service area. Additionally, it is proposed to allow the use of these frequencies in the Taxicab, Manufacturers, and Telephone Maintenance Radio Services.

DATES: Comments are due by April 19, 1982 and replies by May 4, 1982.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau, (202) 632–6497.

SUPPLEMENTARY INFORMATION:

In the matter of allocation of frequencies in the 72–76 MHz band for use by Operational-Fixed Stations in the Automobile Emergency Radio Service, PR Docket No. 82–121, RM–3964.

Adopted: February 25, 1982.

Released: March 12, 1982.

1. The American Automobile Association (AAA) has filed a Petition for Rule Making (RM–3964) to amend Part 90 of the Commission's Rules to allocate frequencies in the 72–76 MHz band for operational-fixed station use by eligible in the Automobile Emergency Radio Service (AERS).[1]

2. In support of its petition, the AAA states that automobiles often are disabled in remote locations because of road and weather conditions, or are involved in accidents that seriously obstruct traffic. AAA maintains, therefore, that it is important that AERS licensees be able to communicate with associated mobile units in all parts of their service area with a high degree of reliability. This requirement for reliability of communications often means that multiple base stations must be installed at optimum locations. AAA asserts it is desirable to control these stations by operational-fixed radio links, since telephone lines are often unavailable or costly. In addition, it states, it has become increasingly difficult to obtain the 450 MHz frequencies which are available to private land mobile eligibles on a secondary basis for operational-fixed control links because of increased demand for their use [2]. The AAA says as a result, in the most populous areas, AERS eligibles may operate fixed links only on microwave frequencies above 952 MHz, since the 72–76 MHz band, which is authorized for operational-fixed use in most other private land mobile radio services, is not available for use by the AERS. This is significantly more costly, AAA contends, and places a serious burden on entities eligible in the AERS.

3. In support of its request that the rules be amended to allow AERS eligibles to share frequencies in the 72–76 MHz band, the AAA cites the Commission's action in amending its Rules making this band available. See *20 kc/s Channeling in the 72–76 Mc/s Band, Docket No. 14785,* 29 FR 3702, March 25, 1964. It maintains the objective of this proceeding was to make frequencies in the 72–76 MHz band available for operational-fixed use in all of the Aviation, Industrial, Marine, Public Safety, Land Transportation, and Domestic Public Radio Services, subject to restrictions for the protection of television channels 4 and 5. The AAA states, however, that for reasons "lost to history," 72–76 MHz frequencies for fixed stations were not allocated in the codified rules applicable to the AERS.[3] The AAA now petitions that the AERS be included in the 72–76 MHz allocation.

4. We have considered AAA's petition and there appears to be merit to allowing AERS eligibles to share in the 72–76 MHz allocation to satisfy their fixed requirements. There appears to be merit in permitting the same thing for eligibles in the Manufacturers, Telephone Maintenance, and Taxicab Radio Services. We are proposing therefore to include the 72–76 MHz frequency band in the Table of Frequencies allocated to these services. The use of these frequencies would be subject to the same technical restrictions on geographical location, operating parameters, and interference protection criteria to television channels 4 and 5 which govern 72–76 MHz stations in other radio services and are outlined in Section 90.257 of the Commission's Rules. The proposed rule changes are indicated in the attached Appendix.

Regulatory Flexibility Act—Initial Analysis

I. *Reason for action.* If the base station(s) of a licensee in these services is not located at the site of the licensee's business operation, some communication link must be provided to connect the base station(s) with the business site. While this connection could be accomplished through the construction of microwave links above 952 MHz or wireline facilities, a less expensive means would be the use of the frequencies in the 72–76 MHz band

[1] This petition was filed on August 6, 1981.

[2] These frequencies are available only beyond 65 miles from the centers of the top 40 urbanized areas.

[3] The use of frequencies in the 72–76 MHz band for operational-fixed use is allocated in 15 of the 20 land mobile radio services. In the Manufacturers Radio Service it is allocated only for mobile use on a secondary basis. It is not allocated at all in the Telephone Maintenance, Taxicab, Automobile Emergency, and Radiolocation Radio Services.

for this purpose. Under the Commission's present rules, this frequency band is not available to licensees in these services, and a rule making proceeding is required.

II. *The objectives.* The Commission desires comments on this proposal to extend the use of the 72–76 MHz band to licensees in the above referenced radio services. Our purpose is to explore ways of maximizing licensee options of securing reliable communications in an economical manner.

III. *Legal basis.* The action proposed is in accordance with sections 4(i) and 303(r) of the Communications Act of 1934, as amended, which permit the Commission to make such rules and regulations, not inconsistent with law, as may be necessary in the execution of its functions, with the additional view of the public welfare.

IV. *Descriptions, potential impact and number of small entities affected.* Licensees in the AERS operate radio stations for dispatching repair trucks, tow trucks, or other road service vehicles to disabled vehicles. They are either associations of owners of private automobiles operating a private emergency road service for disabled vehicles, or entrepreneurs in the business of providing to the general public an emergency road service for disabled vehicles. Licensees in the Taxicab Radio Service are operators of taxicabs or associations engaged in furnishing to the public for hire a nonscheduled passenger land transportation service. Eligibles in the Manufacturers Radio Service are engaged in a variety of manufacturing activities. See § 90.79(a). Licensees in the Telephone Maintenance Radio Service would be authorized to utilize the frequencies for communications related to the construction, repair, maintenance, and operation of communications common carrier operations.

V. *Recording, record-keeping and other compliance requirements.* No additional recording, record-keeping, or other compliance requirements would be necessary if this proposal is adopted.

VI. *Federal rules which overlap duplicate or conflict with these rules.* None.

VII. *Any significant alternatives minimizing impact on small entities and consistent with the stated objection.* None.

5. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the 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 previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

6. Authority for issuance of this Notice of Proposed Rule Making is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to the procedures set out in § 1.415 of the Commission's Rules, 47 CFR 1.415, interested persons may file comments on or before April 19, 1982, and reply comments on or before May 4, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

7. In accordance with the provisions of § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy.

All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

8. For further information on this proceeding, contact Eugene Thomson, Private Radio Bureau, Federal Communications Commission, Washington, D.C. (202) 632–6497.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1080–1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

It is proposed that 47 CFR Part 90 be amended as follows:

1. The Automobile Emergency Radio Service Frequency Table in § 90.95(c) is revised as follows:

§ 90.95 Automobile emergency radio service.

* * * * *

(c) * * *

AUTOMOBILE EMERGENCY RADIO SERVICE FREQUENCY TABLE

Frequency of band	Class of station(s)	Limitations
Megahertz:		
72–76	Operational fixed	15
150.815	Base or mobile	1, 2, 3
*	* * * *	

2. A new paragraph (d)(15) is added to § 90.95 to read as follows:

§ 90.95 Automobile emergency radio service.

* * * * *

(d) * * *

(15) The frequencies available for use at operational-fixed stations in the band 72–76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

3. The Manufacturers Radio Service Frequency Table in § 90.79(c) is revised as follows:

§ 90.79 Manufacturers radio service.

* * * * *

(c) * * *

MANUFACTURERS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
Megahertz:		
72–76	Operational fixed	24
72.02	Mobile	1, 2
* * * * *		

4. A new paragraph (d)(24) is added to § 90.79 to read as follows:

§ 90.79 Manfacturers radio service.

* * * * *

(d) * * *

(24) The frequencies available for use at operational-fixed stations in the band 72–76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

5. The Telephone Maintenance Radio Service Frequency Table in § 90.81(c) is revised as follows:

§ 90.81 Telephone maintenance radio service.

* * * * *

(c) * * *

TELEPHONE MAINTENANCE RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
Megahertz:		
35.16	Base or mobile	1
43.16	Mobile	1
72–76	Operational fixed	12
151.985	Base or mobile	1
* * * * *		

6. A new paragraph (d)(12) is added to § 90.81 to read as follows:

§ 90.81 Telephone maintenance radio service.

* * * * *

(d) * * *

(12) The frequencies available for use at operational-fixed stations in the band 72–76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

7. The Taxicab Radio Service Frequency Table in § 90.93(b) is revised to read as follows:

§ 90.93 Taxicab radio service.

* * * * *

(b) * * *

TAXICAB RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
Megahertz:		
72–76	Operational fixed	13
* * * * *		

8. A new paragraph (c)(13) is added to § 90.93 to read as follows:

§ 90.93 Taxicab radio service.

* * * * *

(c) * * *

(13) The frequencies available for use at operational-fixed stations in the band 72–76 are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

[FR Doc. 82–7359 Filed 3–17–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–168; RM–3561, RM–3608, RM–3899]

FM Broadcast Station in Boothbay Harbor, Ellsworth, Farmington, Lewiston, Skowhegan and Belfast, Maine; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding involving proposed FM channel assignments in various communities in Maine, in response to a request from WXRV, Inc.

DATE: Reply comments must be filed on or before March 8, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: .

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations. (Boothbay Harbor, Ellsworth, Farmington, Lewiston, Skowhegan and Belfast, Maine); BC Docket No. 81–168, RM–3561, RM–3608, and RM–3899.

Order Extending Time for Filing Reply Comments

Adopted: March 2, 1982.

Released: March 4, 1982.

1. On December 14, 1981, the Commission adopted a Further Notice of Proposed Rule Making and Order to Show Cause, 46 FR 62871, published December 29, 1981, in the above-captioned proceeding. By Order released January 26, 1982, the time for filing comments and reply comments thereto was extended to and including February 12, 1982, and March 1, 1982, respectively.

2. On February 23, 1982, counsel for WXRV, Inc. ("petitioner"), filed a motion for extension of time in which to file reply comments to and including March 8, 1982. Counsel states that additional time is needed to review the lengthy comments filed by Dudman Communications Corporation,[1] ("Dudman"), in response to the Order to Show Cause issued to it herein, and to formulate a proper response thereto. Counsel further advises that counsel for Dudman has been apprised of this request.

3. We are of the view that the public interest will be served by a grant of the instant request, as such extension will assure development of a sound and comprehensive record on which to base a decision in this proceeding.

4. Accordingly, it is ordered, That the time for filing reply comments in BC Docket No. 81–168 (RM–3561, RM–3608 and RM–3899), is extended to and including March 8, 1982.

5. This action is taken pursuant to authority contained in sections (i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's Rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–7361 Filed 3–17–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 82–126; RM–4019]

FM Broadcast Station in Cordell, Okla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 257A to Cordell, Oklahoma, as its first FM assignment in response to a petition filed by Washita County Broadcasting.

[1] Dudman is the license of FM Station WDEA, Ellsworth, Maine.

DATES: Comments must be filed on or before April 26, 1982, and reply comments on or before May 11, 1982..

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cordell, Oklahoma); BC Docket No. 82-126, RM-4019.

Adopted: March 2, 1982.

Released: March 11, 1982.

1. The Commission has before it a petition for rule making filed by Washita County Broadcasting ("petitioner"), requesting the assignment of FM Channel 257A to Cordell, Oklahoma, as the community's first FM assignment. The proposed channel can be assigned to the community in conformity with the minimum distance separation requirements. Petitioner states it will apply for the channel, if assigned.

2. Cordell (population not listed in the 1970 U.S. Census),[1] seat of Washita County (population 12,141),[1] is located approximately 136 kilometers (85 miles) west of Oklahoma City, Oklahoma. It presently has no local aural service.

3. In support of its proposal, petitioner states that Cordell is primarily an agriculturally-oriented community and that feed and livestock provide the majority of cash income for the county. However, petitioner notes, Cordell is located in the Anadarco Basin, a region with large reserves of deep natural gas and oil. With the enactment of the Natural Gas Policy Act of 1978, these natural resources are expected to provide substantial income in the future. Petitioner should submit recent population figures for Cordell.

4. In view of the fact that the assignment would provide a a first local service to Cordell, the Commision proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, for the Community listed as follows.

City	Channel No.	
	Present	Proposed
Cordell, Oklahoma		257A

[1] The 1980 U.S. Census for Oklahoma was not available to us.

[2] Population figure is taken from the 1970 U.S. Census.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before April 26, 1982, and reply comments on or before May 11, 1982, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1062; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

PART 73—RADIO BROADCAST SERVICES

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the

comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at it headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-7360 Filed 3-17-82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 47, No. 53
Thursday, March 18, 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.

ARMS CONTROL AND DISARMAMENT AGENCY

Performance Review Board; Membership

AGENCY: Arms Control and Disarmament Agency.

ACTION: Notice of membership of Performance Review Board.

SUMMARY: In accordance with 5 U.S.C. 4314(c)(4), the U.S. Arms Control and Disarmanent Agency announces the appointment of additional Performance Review Board members.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Hazel Wyatt, Personnel Officer, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451, (202) 632-2034.

The register from which Performance Review Boards will be established by the U.S. Arms Control and Disarmament Agency, which was originally published at 45 FR 54388, August 15, 1980, has been amended to add the names and present titles of additional individuals. Each of these individuals will serve a one year renewable term beginning on the effective date of this notice. Specific Performance Review Boards will be established as needed from the amended register.

Robert Grey, Acting Deputy Director
Mary Hoinkes, Deputy Assistant Director, Multilateral Affairs Bureau
William J. Montgomery, Administrative Director
Norman Terrell, Deputy Assistant Director, Nuclear and Weapons Control Bureau

Dated: March 12, 1982.

William J. Montgomery,
Administrative Director.

[FR Doc. 82-7264 Filed 3-17-82; 8:45 am]
BILLING CODE 6820-32-M

DEPARTMENT OF COMMERCE

International Trade Administration

Agriculture Department, Agricultural Research Service, et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00308. Applicant: USDA ARS-SWCR, P.O. Box 267, Weslaco, TX 78596. Article: Electron Microscope, H-300 with Accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of article: See Notice on page 56631 in the **Federal Register** of November 18, 1981. Article ordered: July 17, 1981.

Docket No. 81-00377. Applicant: Veterans Administration Medical Center, University & Woodland Avenues, Philadelphia, PA 19104. Article: Electron Microscope, EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 51626 in the **Federal Register** of October 21, 1981. Article ordered: July 30, 1981.

Docket No. 81-00384. Applicant: University of Virginia, Charlottesville, VA 22906. Article: Electron Microscope, EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 51627 in the **Federal Register** of October 21, 1981. Article ordered: August 20, 1981.

Docket No. 81-00385. Applicant: The Regents of the University of California, Riverside, Material Management, Riverside, CA 92521-0122. Article: Electron Microscope, H-600-3 and Accessories. Manufacturer: Hitachi Scientific Instruments, Ltd., Japan. Intended use of article: See Notice on page 51627 in the **Federal Register** of October 21, 1981. Article ordered: August 3, 1981.

Docket No. 81-00393. Applicant: Hartford Hospital, 80 Seymour Street, Hartford, Connecticut 06511. Article: Electron Microscope, EM 10 CR with Accessories. Manufacturer: Carl Ziess, West Germany. Intended use of article: See Notice on page 56632 in the **Federal Register** of November 18, 1981. Article ordered: September 4, 1981.

Docket No. 81-00395. Applicant: North Dakota State University, Botany Department, Fargo, N.D. 58105. Article: Electron Microscope JEM 100S with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 56632 in the **Federal Register** of November 18, 1981. Article ordered: August 12, 1981.

Docket No. 81-00401. Applicant: Armed Forces Institute of Pathology, 14th and Alaska Avenues, Washington, D.C. 20306. Article: Electron Microscope, EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 56633 in the **Federal Register** of November 18, 1981. Article ordered: December 27, 1979.

Docket No. 82-00003. Applicant: Sidney Farber Cancer Institute, 44 Binney Street, Boston, MA 02115. Article: Electron Microscope, JEM-100CX. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 56633 in the **Federal Register** of November 18, 1981. Article ordered: June 30, 1981.

Docket No. 82-00004. Applicant: Mississippi State University, College of Veterinary Medicine, P.O. Drawer V, Mississippi State, MS 39762. Article: Electron Microscope, EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 56633 in the **Federal Register** of November 18, 1981. Article ordered: July 10, 1981.

Docket No. 82-00012. Applicant: Ohio Valley Medical Center, Department of Pathology, 2000 Eoff Street, Wheeling, W. Va. 26003. Article: Electron Microscope, Model H-600-3 with Accessories. Manufacturer: Hitachi Scientific Instruments, Ltd., Japan. Intended use of article: See Notice on page 57718 in the **Federal Register** of November 25, 1981. Article ordered: August 10, 1981.

Docket No. 82-00013. Applicant: National Institutes of Health, Molecular Toxicology Section, Clinical Pharmacology Branch, COP, DCI, NCI,

Building 10, Room 6N119, 9000 Rockville Pike, Bethesda, MD 20205. Article: Electron Microscope, Model JEM–100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 57718 in the **Federal Register** of November 25, 1981. Article ordered: September 12, 1980.

Docket No. 82–00015. Applicant: University of North Carolina, Department of Physiology, 186 Medical Research Wing, 206H, Chapel Hill, NC 27514. Article: Electron Microscope, Model EM 10CA with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 57718 in the **Federal Register** of November 25, 1981. Article ordered: September 2, 1981.

Docket No. 82–00016. Applicant: VA West Side Medical Center, 820 S. Damen, Chicago, IL 60612. Article: Electron Microscope, Model JEM–100S with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 57718 in the **Federal Register** of November 25, 1981. Article ordered: September 8, 1981.

Docket No. 82–00020. Applicant: National Cancer Institute, Building 37, Room 2E18, 9000 Rockville Pike, Bethesda, MD 20205. Article: Electron Microscope, Model EM 400 with Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended use of article: See Notice on page 57719 in the **Federal Register** of November 25, 1981. Application Received by Commissioner of Customs: October 15, 1981.

Docket No. 82–00025. Applicant: Washington University, Department of Biology, Lindell and Skinker, St. Louis, MO 63130. Article: Electron Microscope, Model H–600–3 with Accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of article: See Notice on page 57719 in the **Federal Register** of November 25, 1981. Article ordered: August 21, 1981.

Docket No. 82–00038. Applicant: Texas Department of Health, 1100 West 49th Street, Austin, TX 78756. Article: Electron Microscope, Model H–600–3 and Accessories. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: See Notice on page 60867 in the **Federal Register** of December 14, 1981. Article ordered: August 31, 1981.

Docket No. 82–00041. Applicant: Harris Hospital-Methodist, 1300 West Cannon Street, Fort Worth, Texas 76104. Article: Electron Microscope, Model JEM-100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 60867 in the **Federal Register** of December 14, 1981. Article ordered: December 30, 1980.

Docket No. 82–00044. Applicant: U.S. Department of Agriculture, Plant Stress Laboratory, PPHI, Bldg. 177B, BARC–East, Beltsville, MD 20705. Article: Electron Microscope, Model H–300 with Film Desiccator and Holders. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: See Notice on page 60868 in the **Federal Register** of December 14, 1981. Article ordered: September 15, 1981.

Docket No. 82–00046. Applicant: USDA, SE/ARS, Biological Control of Insects Research Laboratory, Box A, Research Park, Columbia, MO 65205. Article: Electron Microscope, Model JEM 100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 60868 in the **Federal Register** of December 14, 1981. Article ordered: September 14, 1981.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7308 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

Birch 3-Ply Doorskins From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on birch 3-ply doorskins from Japan. The review covers the fifteen known manufacturers and ten known exporters of this merchandise to the United States and the period from January 1, 1980 through January 31, 1981. The review indicates the existence of dumping margins for certain of the manufacturers and exporters.

As a result of this review, the Department has preliminarily determined to assess dumping duties on shipments of certain of the exporters and manufacturers. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Brian Kelly or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2923/2657).

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce ("the Department") published in the **Federal Register** on June 30, 1981, the final results of its first administrative review of the antidumping finding on birch 3-ply doorskins from Japan and announced its intent to conduct the next administrative review by the end of February 1982 (46 FR 33574). As required by section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of birch 3-ply doorskins, manufactured in a variety of glue types, sizes, and colors. Birch 3-ply doorskins are currently classifiable under items 240.1420, 240.1440, and 240.1460 of the Tariff Schedules of the United States Annotated (TSUSA).

This review covers the fifteen known manufacturers and ten known exporters of birch 3-ply doorskins to the United States and the period from January 1, 1980 through January 31, 1981.

Nine manufacturers and two exporters did not produce birch 3-ply doorskins or export to the United States during this period. The rate for deposit of estimated duties for these firms shall be the most recent information for each firm.

United States Price

In calculating United States price the Department used purchase price or exporter's sales price, as defined in sections 772(b) and 772(c) of the Tariff Act. Purchase price was calculated on the basis of the F.O.B. price to an unrelated Japanese exporter. Where applicable, deductions were made for Japanese inland freight and loading charges. Exporter's sales price was calculated on the delivered price to the first unrelated U.S. purchaser. Where applicable, deductions were made for Japanese inland freight, loading, ocean freight and insurance, brokerage and duty charges, pier charges, and interest charges. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used third country sales or constructed value, as defined in sections 773(a) and 773(e) of the Tariff Act, since insufficient sales existed in the home market to be used as a basis for comparison. Third country price was based on the F.O.B. Japan selling price to the first unrelated buyer in Canada; deductions were made for Japanese inland freight and loading charges. No other adjustments were claimed or allowed.

Constructed values were calculated as the sum of materials, fabrication costs, general expenses, profit, and the cost of packing. The amount added for general expenses constituted ten percent of the sum of materials and fabrication costs. Profit was calculated using eight percent of the sum of general expenses and cost.

Preliminary Results of the Review

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

Manufacturer/exporter	Time period	Margin percent
Marutama Industries Co., Ltd.:		
(Mitsubishi Corp.)	2/1/80-1/31/81	0.0
(Mitsui & Co., Ltd.)	1/1/80-1/31/81	0.0
(Nichimen Co., Ltd.)	2/1/80-1/31/81	0.0
(Toyo Menka Kaisha, Ltd.)	2/1/80-1/31/81	0.0
Matsumoku Industries, Ltd.:		
(C. Itoh & Co., Ltd.)	2/1/80-1/31/81	4.3
(Mitsubishi Corp.)	2/1/80-1/31/81	4.3
Nitta Veneer:		
(C. Itoh & Co., Ltd.)	2/1/80-1/31/81	0.0
Sanmoku Lumber Co., Ltd.:		
(C. Itoh & Co., Ltd.)	2/1/80-1/31/81	3.0
(Associated Lumber Co., Ltd.)	1/1/80-1/31/81	2.7
(Mitsui & Co., Ltd.)	1/1/80-1/31/81	1.2
(Toyo Menka Kaisha, Ltd.)	2/1/80-1/31/81	4.3
Sattsuru Veneer Co., Ltd.:		
(C. Itoh & Co., Ltd.)	2/1/80-1/31/81	0.0
(Mitsubishi Corp.)	2/1/80-1/31/81	0.0
(Mitsui & Co., Ltd.)	1/1/80-1/31/81	0.0
(Toyo Menka Kaisha, Ltd.)	2/1/80-1/31/81	0.2
(Yusas Trading Co., Ltd.)	2/1/80-1/31/81	0.0
Teshiogawa Lumber Co., Ltd.:		
(Ikeuchi Industry Co., Ltd.)	2/1/80-1/31/81	0.0
Ataka & Co	2/1/80-1/31/81	[1]1.0
Fujikawa Veneer Co., Ltd	2/1/80-1/31/81	[1]1.0
Hokusei Plywood	2/1/80-1/31/81	[1]1.0
Iwakura Gumi:		
(Mitsubishi Corp.)	2/1/80-1/31/81	[1]1.0
(Toyo Menka Kaisha)	2/1/80-1/31/81	[1]1.0
(All other exps.)	2/1/80-1/31/81	[1]1.2
Keisei Lumber Co., Ltd	2/1/80-1/31/81	[1]1.0
Kiyosato Rinsan:		
(Nissho-Iwai)	2/1/80-1/31/81	[1]1.8
(All other exps.)	2/1/80-1/31/81	[1]1.7
Okura & Co	2/1/80-1/31/81	[1]1.8
Shingu Shoko	2/1/80-1/31/81	[1]1.0
Showa Lumber	2/1/80-1/31/81	[1]1.0
Tokiwa Plywood	2/1/80-1/31/81	[1]1.6

[1] No shipments during the review period.

Interested parties may submit written comments on these preliminary results on or before April 19, 1982 and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held on April 19, 1982 or the first working day thereafter. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

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

Further, as provided by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for comsumption on or after the date of publication of final results. The Department waives the deposit requirement for Sattsuru Veneer (exporter Toyo Menka), since the margin is *de minimis*. This requirement, and the waiver for Sattsuru Veneer, shall remain in effect until publication of the final results of the next administrative review.

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

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 11, 1982.

[FR Doc. 82-7302 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

Certain Steel Products From Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands, Brazil, the Republic of South Africa, and Spain; Postponement of Countervailing Duty Preliminary Determinations

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of countervailing duty preliminary determinations.

SUMMARY: The countervailing duty preliminary determinations involving certain steel products (see Appendix A) from Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands, Brazil, the Republic of South Africa, and Spain (hereinafter, "the countries involved") are being postponed as the investigations have been determined to be extraordinarily complicated. We intend to issue the countervailing duty preliminary determinations not later than June 10, 1982.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: David L. Binder, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, DC 20230/ (202) 377-1273.

SUPPLEMENTARY INFORMATION: On February 1, 1982, we announced our initiation of countervailing duty investigations to determine whether producers, manufacturers, or exporters of certain steel products from the countries involved receive any benefits from the governments of the countries involved or the European Community, as appropriate, that are subsidies (47 FR 5739-5754). The notices stated that we would issue preliminary determinations by April 6, 1982.

As detailed in the notices of initiation of the countervailing duty investigations, the petitions allege that the governments of the countries involved and the European Community, as appropriate, provide various programs which constitute subsidies to producers, manufacturers, or exporters of certain

steel products. The alleged subsidy practices are numerous and raise complex issues, and there are numerous firms whose activities must be investigated. Moreover, it is difficult to determine the extent of utilization of the programs by the manufacturers, producers, or exporters. We have determined that the governments of the countries involved and the other parties concerned are cooperating and that additional time is necessary to make the countervailing duty preliminary determinations. For these reasons we determine that these cases are extraordinarily complicated in accordance with section 703(c)(1)(B) of the Tariff Act of 1930, as amended ("the Act"), and we intend to issue countervailing duty preliminary determinations not later than June 10, 1982.

This notice is published pursuant to section 703(c)(2) of the Act.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 12, 1982.

Appendix A—Certain Steel Products

Country and Products Under Investigation

Belgium: Carbon steel structural shapes, hot-rolled carbon steel plate, and hot-rolled carbon steel sheet and strip.

Federal Republic of Germany: Carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet and strip.

France: Carbon steel structural shapes, hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet and strip.

Italy: Hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet and strip.

Luxembourg: Carbon steel structrual shapes.

Netherlands: Hot-rolled carbon steel sheet and strip, and cold-rolled carbon steel sheet.

Brazil: Hot-rolled carbon steel plate.

Republic of South Africa: Carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel bars, hot-rolled alloy steel bars, cold-formed carbon steel bars, hot-rolled carbon steel sheet and strip, cold-rolled carbon steel sheet and strip, and galvanized carbon steel sheet.

Spain: Carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel bars, hot-rolled alloy steel bars, cold-formed carbon steel bars, cold-formed alloy steel bars, hot-rolled carbon steel sheet and strip, cold-rolled carbon steel sheet and strip, and galvanized carbon steel sheet.

[FR Doc. 82-7305 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

Certain Steel Products From the United Kingdom; Postponement of Countervailing Duty Preliminary Determinations

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of countervailing duty preliminary determinations.

SUMMARY: The countervailing duty preliminary determinations involving certain steel products (see Appendix A) from the United Kingdom (hereinafter, "the country involved") are being postponed as the investigations have been determined to be extraordinarily complicated. We intend to issue the countervailing duty preliminary determinations not later than June 10, 1982.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: David L. Binder, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230, (202) 377-1273.

SUPPLEMENTARY INFORMATION: On February 1, 1982, we announced our initiation of countervailing duty investigations to determine whether producers, manufacturers, or exporters of certain steel products from the country involved receive any benefits from the government of the country involved or the European Community, as appropriate, that are subsidies (47 FR 5739-5754). The notices stated that we would issue preliminary determinations by April 6, 1982.

As detailed in the notices of initiation of the countervailing duty investigations, the petitions allege that the government of the country involved and the European Community, as appropriate, provide various programs which constitute subsidies to producers, manufacturers, or exporters of certain steel products. The alleged subsidy practices are numerous and raise complex issues, and there are numerous firms whose activities must be investigated. Moreover, it is difficult to determine the extent of utilization of the programs by the manufacturers, producers, or exporters. We have determined that the government of the country involved and the other parties concerned are cooperating and that additional time is necessary to make the countervailing duty preliminary determinations. For these reasons we determine that these cases are extraordinarily complicated in accordance with section 703(c)(1)(B) of the Tariff Act of 1930, as amended ("the Act"), and we intend to issue countervailing duty preliminary determinations not later than June 10, 1982.

This notice is published pursuant to section 703(c)(2) of the Act.

Leonard M. Shambon,

Director, Office of Compliance.

March 12, 1982.

APPENDIX A.—CERTAIN STEEL PRODUCTS

Country	Products under investigation
United Kingdom	Carbon steel structural shapes, hot-rolled carbon steel plate, and hot-rolled carbon steel bars, and cold-formed carbon steel bars.

[FR Doc. 82-7307 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

Chain of Iron or Steel From Japan; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on chain of iron or steel from Japan. The review covers the period from January 1, 1980 through December 31, 1980. The Government of Japan has not adequately responded to our request for updated information regarding this merchandise; therefore, using the final determination and information previously developed by the Department as the best information available, the Department has preliminarily determined that the *ad valorem* rate of net subsidy is 1.95 percent. As a result, the Department intends to instruct the Customs Service to assess countervailing duties equal to that rate on the f.o.b. invoice price of the merchandise entered during the period of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-1774).

SUPPLEMENTARY INFORMATION:

Background

The Department of the Treasury published an affirmative "Final Countervailing Duty Determination" in the **Federal Register** of August 24, 1978 (43 FR 37685) on chain of iron or steel

from Japan. The notice stated that Treasury had determined that the Government of Japan had provided bounties or grants on the manufacture, production or exportation of that merchandise within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). The Department of Commerce ("the Department") published in the **Federal Register** of May 12, 1980 (45 FR 31455) a notice of intent to conduct an administrative review of this countervailing duty order. As required by section 751 of the Tariff Act, the Department has conducted that administrative review.

Scope of Review

The merchandise covered by this review is chain of iron or steel, the links of which are essentially round in cross section, and parts thereof. This merchandise is currently classifiable in the Tariff Schedules of the United States under item numbers 652.24, 652.27, 652.30, 652.33 and 652.35. The review covers the period January 1, 1980 through December 31, 1980, and is limited to the programs cited in the final determination. These programs are: (1) Tax deferrals on funds held in the Overseas Market Development Reserve ("OMDR"), and (2) export promotional assistance from the Japan External Trade Organization ("JETRO").

Analysis of Programs

The Government of Japan has not adequately responded to our questionnaire on the status of benefits bestowed under these two programs on the merchandise during the review period. Therefore, the Department is using the final determination and data previously developed as the best information available.

In the final results of our review of the countervailing duty order on certain fasteners from Japan, published in the **Federal Register** on October 29, 1981 (46 FR 53484), we held that the export promotion activities of JETRO are not subsidies within the meaning of the Tariff Act. The rate in that review associated with JETRO was 0.05 percent. Subtracting this rate from the 2 percent aggregate rate in the final determination on chains results in an *ad valorem* net subsidy of 1.95 percent which we attribute to the benefit given under OMDR.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the total net subsidy conferred by the program cited above is 1.95 percent *ad valorem*. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 1.95 percent of the f.o.b. invoice price on the merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and exported on or before December 31, 1980.

Further, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 1.95 percent of all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The current requirement for a deposit of estimated countervailing duties of 2 percent of the f.o.b. invoice price will continue until the publication of the final results of the present review.

Interested parties may submit written comments on these preliminary results on or before April 19, 1982 and may request disclosure and/or a hearing on or before April 2, 1982. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 15, 1982.

[FR Doc. 82-7306 Filed 3-17-82; 8:45 am]

BILLING CODE 3506-25-M

Indiana University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials, Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 81-00400. Applicant: Indiana University, 1101 East 17th Street, Bloomington, IN 47405. Article: Three (3) KISMI Ultrasonic Microphones and Two (2) QMC Mini Bat Dectors. Manufacturer: QMC Instruments, Ltd., United Kingdom. Intended use of Article: See Notice on page 56633 in the **Federal Register** of November 18, 1981. Advice submitted by: Department of Health and Human Services: January 19, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is tunable between frequencies of 10-160 kHz. The Department of Health and Human Services advises in its memorandum dated January 19, 1982 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7309 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

John Hopkins University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00396. Applicant: John Hopkins University, Charles and 34th Streets, Baltimore, MD 21218. Article: Color Encoder for 2-D Echocardiogram. Manufacturer: Alltek Hospital supplies, Ltd., United Kingdom. Intended use of article: See Notice on

page 56632 in the Federal Register of November 18, 1981. Advice submitted by: Department of Health and Human Services: January 19, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article encodes echo signal amplitude in both color and luminosity. The Department of Health and Human Services advises in its memorandum dated January 19, 1982 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7310 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

Lehigh University; Decision of Application for Duty-Free Entry on Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket Number 82-00011. Applicant: Lehigh University, Purchasing Department, 404 Adams Street, Bethlehem, PA 18015. Article: QMC Bat Detector, Model S100. Manufacturer: QMC Instruments, Ltd., United Kingdom. Intended use of article: See Notice on page 57718 in the Federal Register of November 25, 1981. Advice submitted by: Department of Health and Human Services: January 27, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is tunable between frequencies of 10-180 kHz. The Department of Health and Human Services advises in its memorandum dated January 27, 1982 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7311 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

Melamine in Crystal Form From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on melamine in crystal form from Japan. The review covers the five known exporters of this merchandise to the United States and the time period February 1, 1980 through January 31, 1981. There were no known shipments of this merchandise to the United States during the period. There are no known shipments to the United States during the period and there are no known unliquidated entries for the period covered by this review.

As a result of the review the Department has preliminary determined to require cash deposits of estimated antidumping duties equal to the margins calculated on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or Robert Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4794/2496).

SUPPLEMENTARY INFORMATION:

Background

On March 5, 1981 the Department of Commerce ("the Department") published in the Federal Register (46 FR 15305) the final results of its first administrative review of the antidumping finding on melamine in crystal form from Japan (42 FR 6866, February 2, 1977) and announced its intent to conduct the next administrative review by the end of February 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has conducted that administrative review.

Scope of the Review

The review covers imports of melamine in crystal form, a fine white crystalline powder used to manufacture melamine formaldehyde resins. Melamine in crystal form is currently classifiable under item 425.1020 of the Tariff Schedules of the United States Annotated (TSUSA).

C. Itoh & Co., Ltd., Mitsui Toatsu Chemicals, Inc., Nichimen Co., Ltd., Nissan Chemical Industries, Ltd. and Nosawa & Co., Ltd., are the five known exporters of Japanese melamine in crystal form to the United States. This review covers the period February 1, 1980 through January 31, 1981. There were no known unliquidated entries for the period covered by this review.

Preliminary Results of the Review

As a result of our review, we have determined cash deposit rates for estimated antidumping duties on the basis of the margins on the last known shipments:

Firm	Time period	Margin (percent)
C. Itoh & Co., Ltd.	2/1/80-1/31/81	[1] 60
Mitsui Toatsu Chemicals, Inc	2/1/80-1/31/81	[1] 70.22
Nichimen Co., Ltd	2/1/80-1/31/81	[1] 60
Nissan Chemical Industries, Ltd	2/1/80-1/31/81	[1] 60
Nosawa & Co., Ltd.	2/1/80-1/31/81	[1] 60

[1] No shipments during this period.

Interested parties may submit written comments on these preliminary results on or before April 19, 1982, and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held on April 19, 1982, or the first workday thereafter. The Department

will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

Further, as provided for in § 353.48(b) of the Commerce Regulations, cash deposits in the amounts listed above shall be required on all shipments by these firms of melamine in crystal form entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. These deposit requirements shall remain in effect until publication of the final of the next administrative review.

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

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

March 11, 1982.

[FR Doc. 82-7308 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

Michigan Molecular Institute; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00307. Applicant: Michigan Molecular Institute, 1910 West St. Andrews Road, Midland, MI 48640. Article: Index Vat for FICA 50 Light Scattering Photometer. Manufacturer: Applied Research Lab., France. Intended use of article: See Notice on page 42094 in the **Federal Register** of August 19, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a replacement part for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar part being manufactured in the United States, which is interchangable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7312 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

Montana State University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Docket Number 81-00331. Applicant: Montana State University, Bozeman, Montana 59717. Article: Surface Analysis System. Manufacturer: Leybold-Heraeus GMBH & Co., West Germany. Intended use of article: See Notice on page 43730 in the **Federal Register** of August 31, 1981. Advice submitted by: National Bureau of Standards: February 5, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides both photoelectron spectroscopy and high-resolution, low energy electron loss spectroscopy at ultra high vacuum (5×10^{-11}). The National Bureau of Standards advises in its memorandum dated February 5, 1982 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7313 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

NASA/Goddard Space Flight Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m., and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00287. Applicant: NASA/Goddard Space Flight Center, Greenbelt, MD 20771. Article: Stratospheric High Resolution Infrared Spectrometer. Manufacturer: Bomen, Inc., Canada. Intended use of article: See Notice on page 41545 in the **Federal Register** of August 17, 1981. Advice submitted by: National Bureau of Standards: February 3, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article permits both narrow band (at four preselected intervals) and wide band detection at a resolution of 0.2 cm^{-1} while operating at an altitude of at least 80,000 feet. The National Bureau of Standards advises in its memorandum dated February 3, 1982 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or appartus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7314 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

Ohio University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 81-00333. Applicant: Ohio University, Athens, OH 45701. Article: Excimer Laser, Model TE-8615. Manufacturer: Lumonics, Inc., Canada. Intended use of article: See Notice on page 43730 in the Federal Register of August 31, 1981. Advice submitted by: National Bureau of Standards: January 27, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered.

Reasons: The foreign article delivers at least 65 pps at an average power of 4 W for XeCl (308 nm wavelength). The National Bureau of Standards advises in its memorandum dated January 27, 1982 that (1) the capability of the foreign article described above is pertenent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use which was commercially available when the foreign article was ordered.

The Department of Commerce knows no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7315 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From Czechoslovakia; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from Czechoslovakia. the review covers the only know exporter of this merchandise to the United States, Ferromet, and the period October 1, 1980 through September 30, 1981. There have been no known shipments to the U.S. during this period and there are no known unliquidated entries.

As a result of this review, the Department has preliminarily decided to waive deposit of estimated antidumping duties. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3814/5289).

SUPPLEMENTARY INFORMATION:

Background

On October 5, 1981, the Department published in the **Federal Register** (45 FR 48962) the final results of its initial administrative review of the antidumping finding on pig iron from Czechoslovakia (33 FR 15904, October 29, 1968) and announced its intent to conduct the next administrative review by the end of October 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of pig iron, which is used in steel production and in the iron foundry industry for making iron castings such a pipe, automobile castings, and machinery parts. Pig iron is currently classifiable under items 606.1300 and 606.1500 of the Tariff Schedules of the United Annotated (TSUSA).

The Department knows of only one exporter of pig iron from Czechoslovakia to the United States, Ferromet. The review covers the period October 1, 1980 through September 30, 1981. There were no known shipments to the United States during this period and there are no known unliquidated entries.

Preliminary Results of the Review

Since there have been no shipments for over 13 years the Department shall not require a cash deposit of estimate antidumping duties, as provided for by § 353.48(b) of the Commerce Regulations. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results on or before April 19, 1982 and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held on April 19, 1982 or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

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

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

March 12, 1982.

[FR Doc. 82-7340 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

Solar Energy Research Insititute; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00305. Applicant: Solar Energy Research Insititute, 1617 Cole Blvd., Golden, CO 80401. Article: High-pressure Crystal Growth Furnace. Manufacturer: Metals Research, Ltd., United Kingdom. Intended use of article: See Notice on page 42094 in the Federal Register of August 19, 1981. Advice submitted by: National Bureau of Standards: January 15, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is capable of pressures up to 100 atmospheres. The National Bureau of Standards advises in its memorandum dated January 15, 1982 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7316 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00380. Applicant: University of California, Berkeley, Purchasing Department, 2405 Bowditch Street, Berkeley, CA 94720. Article: Ion Source for Rare Gas Mass Spectrometry. Manufacturer: Swiss Federal Institute of Technology, Switzerland. Intended use of article: See Notice on page 51627 in the Federal Register of October 21, 1981. Advice submitted by: National Bureau of Standards: February 16, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application is a resubmission of Docket Number 81-00053, which was denied without prejudice to resubmission for informational deficiencies. The foreign article is capable of greater than 80% transmission for the focused beam. The National Bureau of Standards advises in its memorandum dated February 16, 1982 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7317 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

University of Florida; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m., and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00349. Applicant: University of Florida, Chemical Engineering Department, 227 CHE, Gainesville, FL 32611. Article: Vibrating Densimeter, Model 03-D with Accessories. Manufacturer: Sodev, Canada. Intended use of article: See Notice on page 48277 in the Federal Register of October 1, 1981. Advice submitted by: National Bureau of Standards: February 4, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article offers a resolution of one part per million on samples as small as one milliliter. The National Bureau of Standards advises in its memorandum dated February 4, 1982 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7318 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

University of Maryland Medical School; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m., and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00009. Applicant: University of Maryland Medical School, 660 West Redwood Street, Baltimore, MD 21201. Article: Ion-Getter Vacuum System for EM 109R. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 56634 in the Federal Register of November 18, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7319 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

University of Texas at Austin; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81-00286. Applicant: The University of Texas at Austin, Electrical Engineering Research Laboratory, 10100 Burnet Road, Austin, TX 78758. Article: (2) Millimeter Reflex Klystrons. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: See Notice on page 41544 in the Federal Register of August 17, 1981. Advice submitted by: National Bureau of Standards: December 28, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved with respect to those articles capable of the frequency ranges 74—80 GHz and 85—91 GHz. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons for approving duty-free entry of the 74—80 GHz and 85—91 GHz articles: No comparable domestic instruments are known to be capable of operating in these frequency ranges. Application denied without prejudice to resubmission with respect to the article capable of operating in the 69—75 GHz frequency range, for reasons being separately communicated to the applicant. The National Bureau of Standards advises in its memorandum dated December 28, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, which are being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11-105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7320 Filed 3-17-82; 8:45 am]

BILLING CODE 3501-25-M

Washington University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00335. Applicant: Washington University, Box 1105, Lindell and Skinker Campus, St. Louis, MO 63130. Article: Ion Microprobe. Manufacturer: Cameca Instruments, France. Intended use of article: See Notice on page 43731 in the Federal Register of August 31, 1981. Advice submitted by: National Bureau of Standards: January 27, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a mass resolving power of at least 10,000 in secondary ion analysis. The National Bureau of Standards advises in its memorandum dated January 27, 1982 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientifc Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7321 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

Washington University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00306. Applicant: Washington University, Lindell and Skinker Blvds., St. Louis, MO 63130. Article: Capacitor Etalon Plates, $\lambda/200$ flatness, 50 mm in diameter. Manufacturer: Queensgate Instruments, Ltd., United Kingdom. Intended use of article: See Notice on page 42094 in the Federal Register of August 19, 1981. Advice submitted by: National Bureau of Standards: January 11, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent

scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article as deposited capacitive pads to λ/200 flatness. The National Bureau of Standards advises in its memorandum dated January 11, 1982 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-7322 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

Investigation of Imports of Glass-Lined Chemical Processing Equipment

AGENCY: Office of Industrial Resource Administration, International Trade Administration, Commerce.

ACTION: Investigation under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) to determine the effects on the national security of imports of glass-lined chemical processing equipment has been completed.

SUMMARY: An investigation was completed under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effects on the national security of imports of glass-lined chemical processing equipment. It was found that glass-lined chemical processing equipment is not being imported into the United States in such quantities or under circumstances as to threaten to impair the national security. A final report which included company confidential information was sent to the President by the Secretary of Commerce on March 12, 1982. All company confidential information has been deleted from this public report.

Background

On March 13, 1981, the Department of Commerce received and accepted an application from Ceramic Coating Company, Newport, Kentucky, requesting that a national security investigation be initiated to determine the effect of imports of glass-lined chemical processing equipment on the national security.

The application from Ceramic Coating Company was accepted and a notice was pubished in the **Federal Register**, 46 FR 45977, September 16, 1981, advising the public that an investigation was being conducted under the authority of Section 232, of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). Interested parties were invited to submit written comments. The applicant alleged that an increasing share of the domestic market for glass-lined chemical processing equipment is being taken by France. The applicant also alleged that "a reduction in domestic production capacity caused by imports will adversely effect (sic) the national security".

The investigation was undertaken in accordance with International Trade Administration Regulation 15 CFR 359, "Effect of Imported Articles on the National Security".

Public Comments

A comment was received pertaining to this investigation from one firm. This comment, which can be summarized as "In the event of an interruption domestic purchasers could meet their needs through other options", was taken into consideration by the Department of Commerce in the course of the investigation.

The public report of the investigation follows.

FOR FURTHER INFORMATION CONTACT: Robert F. Kan, Program Manager, Resource Assessment Division, Office of Industrial Resource Administration, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-3984.

Dated: March 1982.

Vincent F. DeCain,

Acting Deputy Assistant Secretary for Export Administration.

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Note.—Company confidential information is deleted by asterisks.

Executive Summary

Under the authority of Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), the Secretary of Commerce investigated the impact on the national security of imports of glass-lined chemical processing equipment.

Glass-lined chemical processing equipment is not being imported into the United States in such quantities or under circumstances as to threaten to impair the national security.

No action is deemed necessary to adjust the imports of glass-lined chemical processing equipment.

We have concluded that imports have neither reduced U.S. productive capacity to make this equipment, nor significantly reduced the number of skilled workers, nor affected adversely materials necessary to assure national requirements for this equipment during periods of emergency.

The manufacturing industry which fabricates glass-lined chemical processing equipment in the United States is mature and highly competitive but in a state that reflects the current sluggishness of all industry (* * *).[1] Its products are vital to the national welfare and security of the United States. The equipment is critical in the production of drugs and chemicals. In the event of a mobilization, additional domestic production capacity for glass-lined chemical processing equipment is not needed.

[1] * * *

Three firms have production facilities in the U.S. * * *. Keen competition for the market has kept prices down and quality up. Imports have been a favorable factor by providing the chemical processing industry with continued high quality products at reasonable prices from both domestic and foreign sources.

Those agencies consulted, including the Department of Defense, agree with the Department of Commerce finding that U.S. industrial capacity currently is not seriously impacted by imports and that our mobilization readiness and national defense needs are and should be adequately served by the domestic industry as it exists today.

This report analyzes the structure of the equipment manufacturing industry, the major users of the equipment, the importance of the equipment for the enhancement and integrity of products and its importance to the national welfare and security.

I. Introduction

A. Purpose of an Investigation

An import impact investigation is conducted to determine the effect of the import of any article, good or commodity on the national security. An investigation includes examination of the effects of imports on all phases of U.S. productive capacity necessary to meet a selected emergency scenario, as well as other factors related to national security.

Based on this report, the Secretary of Commerce will present the findings and recommendations to the President, who will determine what action, if any, is necessary to adjust the import of these products so that they do not threaten the national security.

B. Legal Authority

1. The Law. Under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862)[2] the Secretary of Commerce, in consultation with the Secretary of Defense and other appropriate agencies, has the responsibility to conduct an investigation to determine the effect on the national security of imports of any article which may be the subject of a specific request by the head of any department or agency, by request of an interested party, or upon his own motion.

This function was transferred to the Secretary of Commerce from the Secretary of Treasury by Reorganization Plan No. 3 of 1979 (44 FR 69273) and as provided by Executive Order 12188 of January 2, 1980. The effective date of the transfer was January 2, 1980.

2. The Regulations. To properly administer the responsibilities under the statute, regulations were promulgated prescribing procedures to be followed by the Department of Commerce to commence and conduct an investigation to determine the effect on the national security of the imports of any article. These regulations are found in Title 15, Code of Federal Regulations, Part 359, "Effects of Imported Articles on the National Security." [3]

The regulations include requirements for the initiation of the investigation, the criteria for determining the effects of imports of the article on the national security, guidance to applicants as to the filing and content of requests and applications for investigations, the conduct of an investigation, the Secretary's report to the President, and the public availability of the record of the investigation.

C. Critical Factors of an Investigation

The regulations require that certain criteria be used to determine the effect of imports on the national security. They include:

(a) Requirements of the direct defense, indirect defense and essential civilian sectors;

(b) Domestic production needed for projected national defense needs;

(c) Capacity of domestic industries to meet projected national defense needs;

(d) Existing and anticipated availability of labor (skilled and unskilled), raw materials, products, production equipment and facilities, and other supplies and services essential to the national defense.

(e) Growth requirements of domestic industries to meet national defense requirements;

(f) Quantity, quality and availability of imports;

(g) Impact of foreign competition on the economic welfare of the essential domestic industry;

(h) Serious effects of imports on the possible displacement of domestic products, unemployment, decrease in revenues to the government, loss of investments, loss of specialized skills and loss of productive capacity;

(i) Any other relevant factors that may weaken our national economy; and

(j) Other factors relevant to national security in light of the peculiarities of each case.

Further, each criterion is applied within the limits of a selected scenario developed by the Department of Defense. Details of the emergency mobilization levels established by the scenario (classified) provide the Secretary of Commerce with specific industry requirements based on industrial data acquired by other agencies.

In addition, the total impact of the proposed action or inaction must be investigated. This includes foreign policy considerations, international trade policy, and procurement agreements.

Finally, it should be understood that the purpose of a Section 232 investigation is to safeguard the security of the nation, not the economic welfare of a company or an industry, except as that welfare may affect the national security.

D. Conduct of an Investigation

When an application to request an investigation is received by the Department of Commerce from another agency or department, or from an interested party, the regulations (15 CFR 359) require that the Department shall consult with the Department of Defense and other appropriate officers of the U.S. to determine the effect on the national security of the imports of the article in question. The Department may afford the public an opportunity to comment and present information and advice relevant to the application, if appropriate.

From that point forward, the Department will convene an interagency panel for detailed consultations and prepare a report to the President following the guidelines in the regulations and the statutes. A final report will be published in the **Federal Register** upon disposition of each request for an investigation.

A flow chart outlining the steps to be followed in the investigation is presented as follows:

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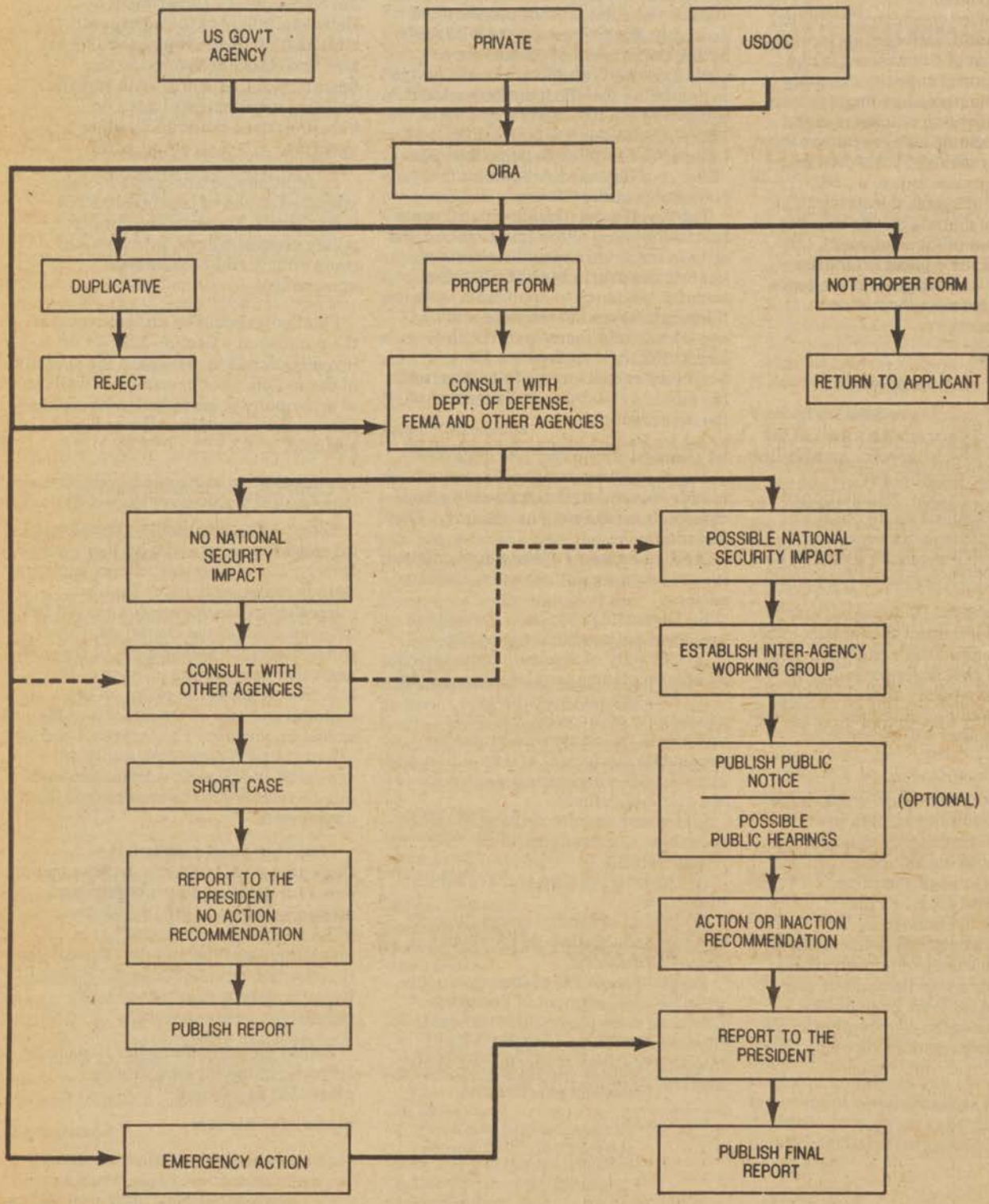
[2] See appendix filed as part of the original document.

[3] See appendix.

U.S. Department of Commerce
Industrial Resource Administration
Resource Assessment Division

SECTION 232 - ACTION FLOW-CHART

REQUEST FOR AN INVESTIGATION BY:



BILLING CODE 3510-25-C

Findings, Conclusions and Recommendation

Findings

Necessary equipment, supplies, materials, and critical labor for the production of glass-lined chemical processing equipment are available now and will be available in ample quantities in the foreseeable future to meet the nation's needs during a protracted emergency as described in the mobilization scenario.

This investigation has found that the industry is highly sensitive to general economic conditions and that it is currently in transition. * * *. We found two small firms competing with the giant of the domestic industry. A French firm is capturing a share of the U.S. market, * * *. We found that prices are moderating while quality is increasing. We have not found any serious erosion of the U.S. industry.

Conclusions

1. Glass-lined chemical processing equipment production is important to the national welfare and to the national security.

2. Glass-lined chemical processing equipment is important to user industries to guarantee and maintain product integrity

3. U.S. productive plant capacity for glass-lined chemical processing equipment is vulnerable to new competition and innovations both from domestic and imported products.

4. Domestic producers and importers of glass-lined chemical processing equipment have been hard hit by sluggish economic conditions and higher energy, material and transportation costs.

5. U.S. production capacity for glass-lined chemical processing equipment is adequate for mobilization requirements.

6. Industrial users of glass-lined chemical processing equipment are sensitive first to quality and service and second to price.

7. Industrial users of glass-lined chemical processing equipment have sought out alternative equipment for reliability and cost reduction reasons.

8. Industrial users of glass-lined chemical processing equipment are operating at 75 percent of capacity, and the total 1981 user industry capacity was found to be sufficient for mobilization purposes.

9. Production and exports of glass-lined equipment from friendly countries is considered to be reliable; however, under a full mobilization condition, shipping losses are estimated to be extensive.

10. During a three-year mobilization scenario, available capacity could be augmented by other facilities and an available or re-trained labor force. This presupposes the imposition of considerable restrictions upon civilian usage of essential equipment.

Recommendation

This investigation into the effect of imports upon the domestic glass-lined chemical processing equipment industry leads to the recommendation that no direct action is required to limit imports to preserve the domestic producing industry.

II. Investigation of Imports of Glass-Lined Chemcial Processing Equipment

A. Background

The Department of Commerce began this investigation in March of 1981, at the request of an interested party, to determine the effect in imports of glass-lined chemical processing equipment on the national security, including essential civilian requirements and direct and indirect defense requirements.

An interagency working group headed by the Department of Commerce has examined this specialized industry using the guidelines in Section 232 of the Trade Expansion Act of 1962, as amended (19 USC 1862). The completed report, prepared by the Department of Commerce with input from the working group and industry representatives, follows.

The Ceramic Coating Company of Newport, Kentucky, filed an application with the Department of Commerce requesting an investigation into the effect on the national security of the import of glass-lined chemcial processing equipment. This investigation was initiated by the Secretary of Commerce on March 13, 1981, upon acceptance of the application. The investigation was conducted in conformity with the guidelines established in Section 232 of the Trade Expansion Act of 1962, as amended (19 USC 1862) and with the applicable regulations (15 CFR Part 359) as detailed in Section I of this report.

A notice was published in the **Federal Register** (46 FR 45977, September 16, 1981)* advising the public that an investigation was being conducted under the authority of Section 232 of the Trade Expansion Act of 1962, as amended (19 USC 1862) to determine the effects on the national security of imports of glass-lined chemical processing equipment. Interested parties were invited to submit written comments.

The applicant, Ceramic Coating Company, alleged that an increasing share of the domestic market for glass-lined chemical processing equipment is being taken by imports from France. This is due, it is alleged, to pricing policies which, in turn, "threaten competition in the United States." The applicant also states that "a reduction in domestic production capacity caused by imports will adversely effect [sic] the national security," and that a French firm, DeDietrich, is supported by "numerous aid programs" of the French government providing pricing advantages. Ceramic Coating Company claims that "deterioration of the domestic industry under these circumstances" endangers the national security and should be investigated.

1. Prior Investigations Relating to this Industry. a. R. Gelb & Sons, the predecessor firm to DeDietrich (USA), a reseller of glass-lined chemical processing equipment, encountered difficulties in the late 1960s in selling DeDietrich products in the U.S. due to the refusal of the American Society of Mechanical Engineers (ASME) to certify foreign-made boilers and pressure vessels (ASME certification is a prerequisite to installation of such vessels in 44 states). ASME certification first became available for DeDietrich products in 1972 as a result of a consent decree entered into by ASME in settlement of a 1970 civil antitrust suit filed by the Department of Justice. *United States* v. *American Society of Mechanical Engineers.*[4]

b. On January 21, 1971, the U.S. Tariff Commission initiated an investigation to determine whether, as a result of concessions granted under trade agreements, articles similar to or directly competitive with the glass-lined chemical process equipment produced by Glascote Products Division, Haveg Industries, Inc., Cleveland, Ohio (no longer a manufacturer of this equipment), were being imported into the United States in such increased quantities as to cause or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of the Cleveland plant. The Commission found the *not* to be the case.[5]

The investigation revealed that Glascote lost bids for business primarily

* See appendix.

[4] 1972 Trade Cases #74,028 (S.D.N.Y. 1972).

[5] T.C. Publication 370, March 1971. Report to the President on Investigation No. TEA–W–56, under Section 301(c)(2) of the Trade Expansion Act of 1962.

to the dominant domestic producer, Pfaudler Company, rather than to importers.

c. A petition was received by the U.S. Department of Commerce on September 15, 1980, from the Pfaudler Company pursuant to Section 303 of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979, requesting that a countervailing duty be imposed on certain imported glass-lined equipment from France. The petition alleged that benefits available under French law may constitute subsidies within the meaning of Section 701 of the Act, as amended. The petition did not meet the standards established for an investigation and did not provide information as to the value of any subsidies the French firm may have received. The petition was dismissed and the proceedings terminated. On October 7, 1980, the Department of Commerce and the U.S. International Trade Commission closed the case and the preliminary countervailing duty investigation.

2. Elements of this Investigation. This investigation focused on the effects imports have had on the health of the domestic industry including the impact on their user industries and thereby examined the effect on the national welfare and the national security.

The investigation included a review of the trends in imports, production and productive capacity of the industry, the types and quantities of equipment required by user industries under normal conditions and what their requirements are estimated to be during national emergencies requiring mobilization.

The impact of imports on industrial capacity, including employment, skilled production workers, the general economy and foreign trade was assesed.

3. Structure of the Investigation. The Department of Commerce, in the conduct of its investigation, consulted with the Department of Defense (DOD) and requested the participation of the following agencies: Department of Transportation (DOT), Department of Agriculture, Federal Emergency Management Agency (FEMA), Department of Health anh Human Services (HHS), Department of Energy (DOE), Department of Labor, U.S. International Trade Commission (ITC), Department of the Treasury, Department of State, Council of Economic Advisor, Office of the U.S. Trade Representative (USTR), the Central Intelligence Agency (CIA), the Department of Justice and the Office of Management and Budget (OMB). A set of questions was developed by the Department of Commerce which formed the basis for each agency's contribution.

DOD was asked to provide information on peacetime, surge and full mobilization requirements for direct defense needs and to anticipate the reliability of imports during an emergency.

The Department of Labor identified special skills, human resources, training, availability of special skills from related industries, and the impact of imports on employment.

FEMA supplied the needs of basic industry (indirect defense needs) and the essential civilian requirements during a period of full mobilization.

The Department of Treasury commented on the impact on the economy of foreign currency fluctuations (particularly the French franc) and provided an estimate of loss and/or gain of revenues from imports.

The Department of State supplied information on the potential effect on international relations of restricting imports of these items.

USTR and the Council of Economic Advisors commented on the possible impact on the general economy and on trade transactions should there be an import interruption or a change in tariffs.

The Department of Commerce also prepared an industry questionnaire setting forth the basis for the industrial analyses. Information was gathered from end users, the American Society of Mechanical Engineers (ASME), and manufacturers. Public comments were solicited.

B. Description of the Industry

1. The Product. Glass-lined chemical processing equipment is special corrosion-resistant production equipment used to produce, process and store chemicals, drugs, and other items.

2. Manufacturing Method. The manufacture and fabrication of glass-lined chemical processing equipment requires special fabricating and materials handling equipment and heat treating furnaces. A special glass powder or frit [6] which is produced by or for the manufacturer to his own formulation, is applied in a series of coats to the inside of specially built steel products which have been prepared by sandblasting. The vessels are then fired in large furnaces at temperatures of 1400°F to 1700°F.

These temperatures cause the glass to bond physically and chemically with the steel. The resultant coating is hard and smooth and withstands attack from the most severe reactions. The coating is also anti-stick and easy to clean. Such properties make glass-lined chemical processing equipment suitable for the processing and storage of chemicals, drugs, and other items where batch processing and lack of contamination are important.

The manner and method with which a few critical production steps are followed ulitmately distinguish one firm's glass-lined product from another's. For example, the glass frit must be formulated so that it can withstand a battery of corrosive elements. Furthermore, equipment must be designed not only to meet customer specifications but also to ensure the proper adherence of glass to the steel shell.

Much of the glass-lined chemical processing equipment is custom-made to the customer's specifications. A customer may demand certain dimensions or may dictate the placement of a nozzle or flange. One manufacturer estimates delivery of custom equipment to be 12 to 60 weeks. The other two manufacturers did not provide estimates.

3. Nature of the Industry. Manufacturing facilities for glass-lined chemical processing equipment are located in the United States, Japan, France, West Germany, East Germany, Mexico, Scotland, Brazil, Hungary, Italy, and Switzeland. With the exception of France, none of these countries export a significant amount of glass-lined equipment to the U.S. The U.S. is dependent upon the production of three domestic firms, Pfaudler (a division of the Sybron Corporation), Ceramic Coating Company, and DeDietrich USA, a wholly-owned subsidiary of the French firm, DeDietrich et Cie.

a. Manufacturers and Reglassers. The U.S. and international glass-lined chemical processing equipment market is served by only a few manufacturers who produce various types of equipment and accessory items (some specializing), ranging from reactors and storage tanks to heat exhangers, valves, piping and other items. Principal manufacturers are:

(1) The Pfaudler Company, a division of Sybron Corporation with plants in Rochester, New York; Elyria

[6] Frit is powdered glass. The glass may be composed of up to 20 substances, primarily various oxides, such as silica, feldspar, borax, cobalt, and titamium. The characteristics of the finished glass coating include hardness, corrosion and heat resistance. Since not all of these desired properties can be achieved in one composition, there are many formulations.

(Cleveland), Ohio; Scotland; Mexico; West Germany; and Brazil;

(2) DeDietrich et Cie, France;

(3) DeDietrich USA, Union, New Jersey;

(4) Ceramic Coating Company, Newport, Kentucky;

(5) Estrella, Switzerland;

(6) Lampart Enamel Industry Works, Hungary;

(7) Schwelmer Eisenwerk, Mueller & Company, GMBH, West Germany;

(8) Tycon, SpA, Italy;

(9) Iwaki Glass Company, Japan;

(10) Kobe Steel, Japan (two plants); and

(11) East German firm in Thale (name unknown).

b. Company Structure. Pfaudler and Ceramic Coating are the only manufacturers of glass-lined chemical processing equipment to have integrated plants in the U.S. Pfaudler has fabricating, surface finishing and glassing operations in Rochester, New York, and Elyria, Ohio. Ceramic Coating has similar, though smaller, facilities in Newport, Kentucky.

DeDietrich USA's plant in Union, New Jersey, reglasses used equipment, imports finished equipment and glasses some steel equipment purchased from U.S. fabricators and from its parent in France.

c. Capital Costs. The major capital outlays to establish an integrated plant are for the glass smelting and product heat treating furnaces and the materials handling (charging boom) equipment. Additional costs include sandblasting chambers, cranes, welding equipment, machine tools, frit mill room and steel rolling and shaping equipment. Buildings to house the plant amount to about 20 percent of cost. An integrated facility may cost $3–5 million or more.

d. Inventories. Inventories are maintained not only as a service to repeat customers but also as a tool to meet anticipated surges in demand. * * *.

e. Susceptibility to General Economic Conditions. Shipments of process equipment tend to follow trends in capital equipment spending of industrial end users. Consistent with general economic conditions, orders have been sluggish over the past two years. An upswing is likely to occur only when effects of the new tax law and lower interest rates result in capital equipment spending and continued growth of the user industries. The glass-lined chemical processing equipment industry is not considered a "growth" industry since an increasing number of substitute products have reached the market in recent years, particularly for vessels where dedication to a single product is more likely and the versatility of glass is not needed.

Relative to the overall sales of this industry in 1980 (* * *), entry requires a large investment in specialized equipment and skilled labor.

4. End Users and Consumption Patterns. The following industries are the principal users of glass-lined chemical processing equipment in their manufacturing processes. These industries are highly cyclical in response to general economic trends. Currently, they operate at less than capacity (70–75 percent); increases in output would not require additional glass-lined processing equipment. Reglassing, replacement or other maintenance functions are necessary, although they vary with production levels.

a. Drugs—Pharmaceuticals.[7] The drug industry manufactures biologicals, medicinals, botanicals, and pharmaceutical preparations. Industry shipments reached $22.7 billion in 1981, an increase over 1980 of 3.2 percent considering inflation. Drug industry shipments are expected to increase by 3.0 percent in 1982 on a constant dollar basis. The industry had been growing since 1972 at a 4.8 percent rate.

Moderate and steady growth is predicted for the drugs and cosmetic industries in the 1980's. The value of industry shipments of all drugs and pharmaceuticals is forecast to increase at an average annual rate of 3.1 percent from 1981 through 1986, after adjustment for inflation.

b. Chemicals.[8] The chemicals and allied products industry showed a modest 2 percent increase in the constant dollar value of shipments during 1981. Poor sales in many chemicals-consuming industries resulted in lower levels of output of chemicals than in previous peak years. The value of shipments of the chemicals and allied products industry will increase 2.4 percent in 1982, after adjusting for inflation.

The chemical industries are the primary users of glass-lined chemical processing equipment for batch processing. Of this group, the specialty chemical and pharmaceutical industries lead in consumption. The equipment required by these industries is outlined below:

FUNCTIONAL APPLIATIONS FOR GLASS-LINED EQUIPMENT IN THE CHEMICAL PROCESSING INDUSTRY

Function	Industry segments	Products
Multiple batch product production (easy cleaning, corrosive chemicals).	Pharmaceuticals, fine chemicals, and reactive metals.	Reactors, piping, storage tanks, and vessels.
Product purity	Pharmaceuticals and fine chemicals.	Reactors, piping, storage tanks, and vessels.
Anti-stick	Plastic materials PVC, latex.	Storage tanks, and vessels, blenders and mixers, polymerizers.

The industrial inorganic chemicals industry (SIC 2819) consumes an average of 21 percent of the dollar-value of annual shipments in glass-lined equipment. The medicinal chemicals and botanical products industry (SIC 2833) consumes 20 percent of the dollar value, and the plastic materials and synthetic resins industry (SIC 2821) consumes 15 percent. Of the other end-user industries, each accounts for 10 percent or less of the market.

5. Industry Sales Patterns 1975–1980.

a. U.S. Shipments. U.S. shipments[9] of glass-lined chemical processing equipment totalled * * * million in 1980 in current dollars. In 1975 dollars, this equals * * * million, a * * * from the 1976 * * * from the 1978 * * * (all figures in 1975 dollars).[10] Imports as a percent of U.S. consumption * * *.

Reactors,[11] conical dryer blenders, heat exchangers and reactor drives bring in the bulk of glass-lined chemical processing equipment revenues. Of the four products, reactors represent the greatest number of units sold and the largest share of this market segment's revenues. Between 1975 and 1980 shipments of the four items consistently approached or surpassed * * * percent of U.S. glass-lined chemcial processing equipment sales.

* * * * *

As a group, glass-lined pipe sections, fittings and valves are the second greatest money producers for the industry. In 1975, this equipment represented * * * percent of U.S. sales;

[7] From the 1982 U.S. Industrial Outlook, U.S. Department of Commerce, January 1982, pages 132–136.

[8] From the 1982 U.S. Industrial Outlook, U.S. Department of Commerce, January 1982, page 91.

[9] U.S. Shipments refers to revenues received from sales of new equipment and reglassing of existing equipment; export revenues are excluded.

[10] Dollars were adjusted according to the Bureau of Labor Statistics Chemical Industry Machinery Index (1975=100).

[11] A reactor is a cylindrical vessel or tank which may contain agitators, coils, heat exchangers, or other parts used to aid in the mixing, agitating and blending of products. Entry is gained via a hatch or manhole. Various attached pipes and valves allow products to enter and/or exit the tank.

in 1980 it accounted for * * * percent. * * *.

Storage tanks are third in sales. Between 1975–1980 they accounted for * * * percent of sales in the U.S.

* * * * *

b. Exports. Since 1975, * * * has exported from the U.S. an average of * * * million in glass-lined chemical processing equipment annually (* * *). * * *. The exports of other firms are negligible.

c. Imports. * * * percent of the glass-lined equipment sold in the U.S. is imported. * * *.

* * * * *

d. U.S. Tariff Treatment. In 1980, * * * million worth of glass-lined equipment was imported into the U.S., representing * * * percent of U.S. shipments. * * *. Tariff reductions on glass-lined equipment have been phased in since 1979. Between 1979 and 1987 ad valorem tariffs are to be reduced 60 percent on storage tanks exceeding 75 gallons and 46 percent on reactors, the two items producing the bulk of the government's tariff revenues from glass-lined equipment. In 1979 ad valorem tariffs on large tanks and reactors were 6.5 percent and 6.0 percent, respectively. In 1982 the tariffs are 5.0 percent and 5.3 percent. By 1987 the tariffs will be 2.6 percent and 4.2 percent. Additional equipment as well as the powder used to make glass linings now carry tariffs of 6 percent-10.5 percent. Tariff reductions are also being phased-in for most of these products.

* * * * *

6. Employment. The Department of Labor reports that production of glass-lined chemical processing equipment requires the following critically skilled personnel: glass formulators, master smelters, tank sprayers, ceramic engineers, hot dusters, and furnace operators. Of these critical labor categories* training time extends from one to three years for smelters, sprayers, dusters and furnace operators, and from five to twenty years for engineers and glass formulators. These training times are required for employees to reach optimum performance levels if they are initially unfamiliar with the jobs and associated skills. (The formulation of glass enamel or frit is a science and an "art"; hence there is a lengthy training period for those developing frit formulae.)

The glass-lined chemical processing equipment industry has * * * the size of its labor force over the past few years. The Department of Labor reports that in 1978 approximately * * * people were employed, whereas an average of * * * were working in the January–June 1981 period: a * * *. * * * can be seen in the skilled labor force.

The three firms report that between 1978 and mid-1981 the number of workers * * *.

The * * * of the skilled labor force becomes even more apparent when comparing the 1975 level to that of 1981. In 1975, * * * skilled workers were employed by the industry. * * * percent more than in June 1981. (* * *). * * *.

Three of the four labor markets where glass-lined chemical processing equipment facilities are located had unemployment rates higher than the national average in 1980.

Union, New Jersey, where DeDietrich USA has its glassing facility, had the highest unemployment rate: 13.3 percent, 6.2 percent age points above the national average. Elyria, Ohio, the site of one of Pfaudler's two plants, had the second highest unemployment rate: 13 percent. Finally, Newport, Kentucky, the home of Ceramic Coating's facility had an 8.1 percent unemployment rate. Rochester, New York where Pfaudler produces * * *, had a lower-than-average unemployment rate.

The Department of Labor notes that the loss of jobs carries with it the possible loss of skills. The glass-lined chemical processing industry has an average hourly wage of * * *. This is less than the hourly wage of * * * paid in the broader industry.** Wage scale differences may encourage laid-off workers to take available jobs where the pay is more attractive. The glass-lined chemical processing equipment industry will therefore be unable to rehire those workers. Consequently, the industry may suffer a loss of necessary skills.

As discussed in the "Capacity and Utilization" section of this paper, additional employees are needed if the industry is to meet emergency production capacity. Should an emergency arise, training will be needed for rehired workers who have lost some proficiency as well as for new workers who have little, if any familiarity with glass-lined chemical processing equipment.

The industry will be fortunate if it can enlist the services of workers in related industries during an emergency. The glass-lined chemical processing equipment industry will compete with other industries for workers able to assist in emergency-related production.

Various factors have contributed to the loss of jobs in this industry and the possible loss of skills. Among these factors are: the recession; the imports, which make up about * * * percent of the glass-lined chemical processing equipment sales; and the recent 30 percent deterioration of the French franc in relation to the dollar, which makes foreign production attractive to * * *. Increased productivity in the domestic industry has also had an impact on employment. * * *.

7. Competition From Substitute Materials. There are many substitutes for glass-lined chemical processing equipment, but few offer the corrosion resistance to as broad a spectrum of acids and alkalis as glass. Some substitutes cost less than glass-linings, others more. Prominent among the substitutes are: polymeric materials; tantalum; titanium; zirconium; hastelloys; inconels and stainless steels.

Polymeric materials (including Teflon and Kynar) are cheaper than glass-linings, but have lower temperature limits; permeability problems also afflict the polymerics. Tantalum is second to glass-lining in the breadth of its corrosion resistance. Tantalum, however, is more expensive than glass, its availability is poor, and it generally has a shorter lifespan than glass. Titanium, zirconium, and the hastelloys rank beneath tantalum because their use is restricted to a narrower range of chemicals. Depending on cladding thickness, their costs are typically comparable to glass. Next considered are the inconels and stainless steels. Their costs are generally preferable to the glass-lined, but the materials are extremely limited in use.

Industries employing dedicated rather than batch production have leeway to convert from glass-lined steel to the substitute materials. Industries processing less corrosive chemicals, moreover, frequently opt for the other materials in lieu of glass-lined steel. The polymer industry is one such example.

8. Capacity and Utilization. * * *. The U.S. glass-lined chemical production equipment industry as a whole reports it is operating at about * * * emergency production capacity.[12]

*The Employment and Training Administration at the Department of Labor considers an occupation critical if: 1) it is unique and has no precise counterpart in American industry; and, 2) it is essential to maintain production; and 3) it would take a minimum of one year's orientation or training before a worker could adequately perform the duties and responsibilities of the specific position.

**SIC 3443, Fabricated Plate Works (Boiler Shops).

[12] This estimate is based on responses to the Department's survey of the industry. The Department has defined "emergency production capacity" as: a measurement of equipment capability based on the assumptions and conditions that: (1) equipment is operated on a work schedule

In the event of a national emergency, it may be assumed that demand for reactors and tanks will exceed that for other glass-lined chemical processing equipment; such has been the peacetime norm. Pfaudler, DeDietrich and Ceramic Coating companies' respective emergency production capacities for reactors are * * * of the industry's total domestic capability; the emergency production capacities for tanks are: * * * respectively (* * *). They report that meeting these productin capacities would require an expanded work force.

This level of production is sufficient to meet mobilization requirements.

Pfaudler estimates that an additional * * * critically skilled employees are needed to meet emergency production capacity for all equipment. DeDietrich states that another * * * skilled workers would have to man its glassing operation to increase its emergency output by * * * percent. Ceramic Coating did not respond to this question.

If future demand exceeds present estimates and emergency production capacities, additional facilities would be necessary to provide a larger productin base (the lead time for erecting a new facility is at least 12 months).

The Federal Emergency Management Agency (FEMA) has determined that production capacity for glass-lined chemical processing equipment need not expand during a period of mobilization. End-users of glass-lined equipment have ample capacity to meet mobilization requirements.

III. Findings

A. Vulnerability of the Industry

In reviewing the vulnerability of this industry to imports, factors dealing with cost of materials, availability of skilled labor, growth trends, efficiency and alternative equipment trends were studied. Weaknesses were found in several of these factors; however, sufficient U.S. industry capacity exists to meet national emergency demands.

Direct and indirect defense requirements as well as essential civilian needs are best served by this industry when operations are profitable.

Healthy operations in normal, non emergency periods have been found to have direct bearing on the ability of facilities and manpower to provide and maintain emergency period production. Normal production assures continuing avilability of skilled personnel, trained management, and proper maintenance of furnaces and other equipment. In addition, this condition would help guarantee availability of coating formulations, special shapes of steel, and other supplies and materials.

The Department of Defense has a small direct peacetime, surge and mobilization requirement for glass-lined chemical processing equipment. The loss of a major domestic production would, however, impair readiness particularly if we became more dependent on foreign sources. France is an ally of the U.S. and would be unlikely to interrupt exports to the U.S. during any foreseeable crisis. However, under a full mobilization condition shipping losses are estimated to be extensive.

1. Relationship to National Security. Glass-lined chemical processing equipment is considered basic and vital to the health, welfare and thus the security of the United States. Industries which use this equipment are critical either directly or indirectly to the defense of the United States and to the general economic welfare. In many applications where glass-lined reactors, tanks, and equipment are utilized, no substitutes are normally acceptable. In other cases substitutes are expensive or are very difficult to obtain in emergency situations. For industrial processes where glass lining is not a primary requirement, other materials are making competitive inroads; ceramic-metal composite materials, plastic-coated steel, nickel alloys, tantalum or titanium are used to produce chemical reactors, mixers, heat exchangers, storage tanks or fermenters.

Many forms of glass-lined chemical processing equipment are being marketed for defense or defense related industries. The lead time from engineering design, to manufacture, to installation, may be as long as two years for major custom-designed installations or as short as a few days for the replacement of valves and pipes (which are stocked). Reactors are available in capacities up to 15,000 gallons and at pressures up to 300 psi. Storage vessels, the other large sector of the market, are available up to 24,000 gallon capacity. Also manufactured are heat exchangers, columns, towers, scrubbers, stacks, dryers, and blenders. Auxiliary equipment such as piping, valves and fittings, are produced in a wide variety of sizes.

2. Effect of Current Economic Conditions. U.S. industrial capability and production capacity to produce glass-lined chemical processing equipment is under competitive strain as a result of imports. This could be a critical period for this industry. * * *. General economic conditions play an important part in the health of all firms producing capital equipment for basic industries. Capital purchases in the chemical industry are historically cyclical and currently are in a low point on the cycle. Although the glass-lined chemical processing equipment industry may lay the blame for lost orders on imports, there is a strong indication that in the short term, at least, imports have not been completely to blame. The retrenchment of this industry is seen as the result of the slackening demand in the chemical processing industry, imports and a change in emphasis by the industry leader to concentrate on the small size equipment where it seems to have a competitive edge.

3. Limits to Production. Production to meet mobilization requirements could be limited since the essential raw materials required in the fabrication of this equipment, i.e., steel products, manganese, borax, cobalt, lithium, nickel, strontium, and the substitute materials (more expensive than glass) such as stainless steel, nickel inconel and hastelloy may be needed for higher priority products.

Production equipment such as furnaces, materials handling equipment and steel fabricating equipment could be obtained from various equipment suppliers with specialized glassing equipment and furnace building experience. In addition, numerous manufacturers exist to fabricate the steel configurations. It is the industry practice to formulate frit coating materials in-house. However, frit can be obtained from outside sources but the purchaser may have to provide his proprietary formula. Personnel may be available from near-related industries such as those producing glass-lined farm storage systems and glass-lined water heaters. Varying amounts of retraining may be needed for these workers.

Industrial and ceramic engineers are available from within member firms of the National Association of Corrosion Engineers to assist in an emergency to develop plant capacity to produce chemical processing grade glass-lined equipment.

Based on industry replies to the Department of Commerce questionnaire, imports were about * * * percent of average demand in the U.S. from 1975 to 1980. The percents of imports for each of these years show * * *. Therefore, it cannot be anticipated that imports will

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to attain maximum rate of production during an emergency; (2) allowances are made for machinery downtime required for maintenance and repairs needed to sustain peak production; (3) only present building facilities, furnaces and machiery available as of December 31, 1979, or put in place since that date (including idle or standby facilities) would be allocated for production under all-out emergency conditions; and (4) availability of adequate labor force, production materials, supplies and utilities is assumed.

show a steady increase in the foreseeable future.

According to an analysis by the Federal Emergency Management Agency, since 1981, production capacity of industrial chemicals and other end users is more than sufficient for a conventional mobilization. Imports of glass-lined vessels cannot be deemed a future danger to the capability of the U.S. to mobilize for a conventional war.

4. Foreign Competition. Foreign competition in the U.S. market appears to come primarily in equipment from * * *.

* * * Sybron Corporation is a diversified manufacturer of professional health products (dental chairs, x-ray equipment, and other dental, medical, and laboratory products); industrial and consumer instrumentation; process and water-waste treatment equipment, primarily glass-lined chemical processing equipment (Pfaudler division); and speciality chemicals.

Other foreign firms selling in the United States have had a * * * share of the market. This includes equipment * * *.

According to the trade, there are * * *.

5. Financial Assistance. Ceramic Coating alleged that DeDietrich's French operations enjoyed financial advantages due to assistance received from the French government. Investigators were unable to determine that DeDietrich received special subsidies, loans, grants or export assistance, * * *. However, as a French exporter, it may have benefitted from the obvious tax rebates of the value-added tax system and possible dollar credits as a result of being a large exporter to the U.S.

Pfaudler may obtain benefits via Sybron. Financing arrangements as reported on the firm's Form 10–K filed with the Securities and Exchange Commission and re-stated in the 1980 Sybron Annual Report include the following: A loan guarantee from the County of Monroe Industrial Development Agency, Monroe, New York; favorable financing via the New York State Urban Development Corporation; borrowing of $2.9 million at 3 percent per annum via an Urban Development Action Grant from the US Government to the City of Rochester; the Corporation's Chemical Division had a financing agreement with the New Jersey Economic Development Authority; and a beneficial rate loan from a U.K. company.

* * * * *

B. Costs of Protecting this Industry

1. Economic Costs. Assessing the economic and social costs of protecting this industry, made up of only three manufacturers, it is noted that (a) imports are not essential to the national security since both domestic producers and user industries have excess capacity, (b) that imports have directly and indirectly contributed to the competitive strength of the U.S. glass-lined chemical processing equipment industry, and (c) that any alleged "weakening" of existing U.S. capability must first be attributed to general economic conditions, especially to the down side cycle of the end-user industries, not to the level of imports.

Employment in this industry has gone * * * since 1975. (In 1979, * * *). However, all three firms operate in geographical areas where unemployment rates are generally high: Ohio 13 percent; New Jersey 13.3 percent; and Kentucky 8.1 percent; with Rochester, New York at 6.2 percent (1980 data). Reducing imports artificially will not improve this situation. With a 15 percent increase in general overseas shipping rates in 1982 and the cost of labor and energy also going up steadily, interest rates and international exchange rates moderating, market factors will dictate improvement for this industry without government assistance. (* * *).

If all U.S. needs were imported versus all U.S. production with no imports, the net effect on total U.S. revenues (tariffs vs. corporate taxes) would be very small.* This is an extreme example to measure revenue effects, and does not take into consideration national security, economic or social costs of closing U.S. operations, nor the international trade implications of stopping all imports.

2. Foreign Policy Considerations. A decision on whether national security considerations warrant import restrictions to protect domestic manufacturers should include analysis of our broad objectives in the area of international trade and the likely effects of any import restrictions on benefits accruing to the United States from adherence to the GATT system and from good relations with the suppliers of the equipment involved.

The U.S. has long been a champion of a free international trading system, because such a system promotes the economic well being of the American people and that of our trading partners—the most important of which are also U.S. allies. The system which was developed since World War II already provides remedies in situations where unfair practices of our trade partners adversely affect our domestic industries, and where viable industries need temporary protection to adjust to import competition.

Granting import protection to manufacturers of glass-lined chemical processing equipment on national security grounds would not in itself shake the trading system, but could well serve as a precedent for protection of a series of other products, which could have serious consequences.

Major trading countries have not generally used national security as a justification for protecting domestic producers, although that is not unheard of. Sweden restricts shoe imports on the grounds that a domestic shoe industry would be needed in time of war to outfit Swedish troops; Switzerland restricts food imports, claiming that at least a 50 percent self-sufficiency in food would be necessary in time of war.

France is a major trading partner of the U.S. with bilateral trade exceeding $12 billion. The U.S. maintains a considerable surplus in this trade, which is a closely watched, sensitive point with the French. France is an ally of the U.S. and would be unlikely to interrupt exports to us during any foreseeable crisis.

The Reagan Administration has actively sought to improve relations with France and to remove irritants in Franco-American trade.

It has taken steps to improve the climate of U.S.-French relations generally at a time when we are seeking support from the French on difficult international issues. Import restrictions affecting French-produced products could weaken these efforts.

The French challenge to this industry, while appearing to be threatening, has been met competitively by U.S. industry in terms of productivity and quality production. The French firm offers, via its U.S. operations, imported products of quality at prices which have allowed for penetration of the domestic market.

It supplies a few domestically produced products, and provides maintenance and reglassing services directly from its plant in New Jersey and a maintenance facility in Texas. The French firm and its U.S. subsidiary view the U.S. as a growing and challenging market.

*Tariffs of about * * * million and corporate taxes of * * * to * * * million.

[FR Doc. 82-7370 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Issuance of Permit

On February 4, 1982, Notice was published in the Federal Register (47 FR 5283), that an application had been filed with the National Marine Fisheries Service, for a permit to capture, tag, mark, and release up to 490 Hawaiian monk seals (*Monachus schauinslandi*), and to inadertently harass an unknown number.

Notice is hereby given that on March 12, 1982, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Endangered Species Act of 1972 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a permit to the Southwest Fisheries Center, for the above taking subject to certain conditions set forth therein.

As required by the Endangered Species Act of 1972, issuance of this permit is based on a finding that such permit: 1) was applied for in good faith; 2) will not operate to the disadvantage of the endangered species which are the subject of the permit, and 3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 41367, November 27, 1974).

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 12, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-7392 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-22-M

Minority Business Development Agency

Applications; Charlotte-Gastonia, N.C.

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning August 1, 1982, in the Charlotte-Gastonia, NC SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 04–10–82006–01.

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

CLOSING DATE: April 16, 1982.

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

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

SUPPLEMENTARY INFORMATION:

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

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

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

D. *Evaluation Criteria for Business Development Center Application.* The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

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

Evaluation of proposals will employ the following criteria:

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

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

Firm

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

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

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

Staff

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

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

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

—If any contractors are to be utilized, identify and indicate areas and level of

experience. *Primary consideration will be given to inhouse capability.*

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

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

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

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

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

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

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

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

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

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

Total project cost will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

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

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

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

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

All information submitted is subject to verification by MBDA.

E. *Disposition of Proposals.* Notification of award will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

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

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

G. A Pre-Application conference to assist all interested applicants will be held at the above address on April 2, 1982 at 1:00 pm.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: March 11, 1982.

Charles F. McMillan,

Regional Director.

[FR Doc. 82–7244 Filed 3–17–82; 8:45 am]

BILLING CODE 3510–21–M

Applications; Fayetteville, N.C.

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning August 1, 1982, in the Fayetteville, NC., SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 04–10–8202–01.

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

CLOSING DATE: April 16, 1982.

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

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

SUPPLEMENTARY INFORMATION:

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

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

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

D. *Evaluation Criteria for Business Development Center Application.* The evaluation criteria is designed to

facilitate an objective evaluation of competitive applications for the Business Development Center program.

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

Evaluation of proposals will employ the following criteria:

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

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

Firm

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

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

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

Staff

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

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

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

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

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

All information submitted is subject to verification by MBDA.

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

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

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

G. A Pre-Application conference to assist all interested applicants will be held at the above address on April 2, 1982, at 1:00p.m.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Date March 11, 1982.

Charles F. McMillan,

Regional Director.

[FR Doc. 82-7245 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-21-M

Applications; Greensboro-Winston-Salem-High Point, N.C., SMSA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning August 1, 1982 in the Greensboro-Winston-Salem-High Point, NC SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 04-10-82005-01. Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: April 16, 1982.

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

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

SUPPLEMENTARY INFORMATION:

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

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

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

D. *Evaluation Criteria for Business Development Center Application.* The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

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

Evaluation of proposals will employ the following criteria:

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

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

Firm

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

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

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

Staff

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

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

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

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

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

All information submitted is subject to verification by MBDA.

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

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

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

G. A Pre-Application conference to assist all interested applicants will be held at the above address on April 2, 1982 at 1:00 PM.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: March 11, 1982.

Charles F. McMillan,

Regional Director.

[FR Doc. 82-7246 Filed 3-17-82; 8:45 am]

BILLING CODE 3510-21-M

Applications; Raleigh-Durham, N.C., SMSA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning August 1, 1982 in the Raleigh-Durham, NC SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 04-10-82009-01. Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: April 16, 1982.

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

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

SUPPLEMENTARY INFORMATION:

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

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

(c) *Evaluation Process.* All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

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

Evaluation of proposals will employ the following criteria:

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

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

Firm

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

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

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

organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Total project cost will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

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

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

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

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

All information submitted is subject to verification by MBDA.

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

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

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

G. A Pre-Application conference to assist all interested applicants will be held at the above address on April 2, 1982 at 1:00 p.m.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Date: March 11, 1982.

Charles F. McMillan,

Regional Director.

[FR Doc. 82–7247 Filed 3–17–82; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Application Announcement; Newport News, Va

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a Cooperative Agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning August 1, 1982 in the Newport News, VA SMSA (and the Tidewater area for construction contract services). The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 03–10–82007–01. Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: April 23, 1982. Applications should be submitted in triplicate and mailed to the following address: Washington Regional Office, Minority Business Development Agency, 1730 K Street NW., Suite 420; Washington, D.C. 20006, Phone (202) 634–7883. For further information and/or an application kit contact Ms. Beverly Ivery at (202) 634–7883.

SUPPLEMENTARY INFORMATION:

A. *Scope and Purpose of this Announcement.* Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can:

coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit-through which and from which information and assistance to and about minority businesses are funneled.

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

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

D. *Evaluation Criteria for Business Development Center Application.* The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

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

Evaluation of proposals will employ the following criteria:

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

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

Firm

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

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

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

Staff

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

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

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

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

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

All information submitted is subject to

verification by MBDA.

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

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

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

G. A Pre-Application conference to assist all interested applicants will be held at the following address on Friday, March 26, 1982 at 10:00 a.m.: U.S. Department of Commerce, 14th and Constitution Ave. NW., Room 4830, Washington, D.C. 20230.

Dated: March 11, 1982.

Luis G. Encinias,

Regional Director.

[FR Doc. 82–7248 Filed 3–17–82; 8:45 am]

BILLING CODE 3510–21–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 9, 1982.

The dates for the meeting of the USAF Scientific Advisory Board Electronic Systems Division Advisory Group as published in the **Federal Register**, Volume 47, No. 37, page 8039 on Wednesday, February 24, 1982 have been changed. The new meeting dates are May 12–13, 1982. All other information remains the same.

For further information contact the SAB Secretariat at (202) 697–8404.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82–7249 Filed 3–17–82; 8:45 am]

BILLING CODE 3901–01–M

Department of the Army

Coastal Engineering Research Board; Open Meeting

In accordance with section 10(2)(a) of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given of a meeting of the Coastal Engineering Research Board.

The meeting will be held in the Bay View Room of the Kona Kai Club, 1551 Shelter Island Drive, Shelter Island, San Diego, CA from 8:30 to 3:40 p.m. on 13 April and from 8:30 a.m. to 11:05 a.m. on 15 April.

The 13 April session will be devoted to presentations and discussions on: The Numerical Gulf Tide Model; Data Collection and Southern Hemnisphere Swell; Oceanside, CA, Experimental Sand Bypass, Sand Bypass Design Considerations, and Sand Bypass Fluidizer Design Considerations; the South Pacific Division Models (Noyo, Mission Bay, Los Angeles-Long Beach); Directional Wave Spectra in the Pacific Coast Wave Design; California Sediment Studies; Bodega Bay—Successful Jetties; and discussions by the Coastal Engineering Research Board.

The entire day of 14 April will be devoted to a field inspection by bus of the coast between the Mexican Boundary and Oceanside, including Imperial Beach, Mission Bay, Oceanside Harbor, San Luis Rey River, Oceanside Beach, Del Mar Beach, Agua Hedionda Lagoon, LaJolla slide area, and Scripps Institution.

The morning session of 15 April will be devoted to a discussion of field inspection, a presentation on the Fish and Wildlife Service's Pacific Coast Ecological Inventory, the South Pacific Division Research Needs, and the Pacific Ocean Division Research Needs.

Participation by the public is scheduled for 9:10 a.m. on 15 April. Members of the public may attend the field inspection but must provide their own transportation.

The entire meeting is open to the public subject to the following:

(1) Since seating capacity of the meeting room at the Lona Kai Club is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

(2) Oral participation by public attendees is encouraged during the time scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

Inquiries and notice of intent to attend the meeting may be addressed to Colonel Ted E. Bishop, Executive Secretary, Coastal Engineering Research Board, Kingman Building, Fort Belvoir, VA 22060.

Dated: February 26, 1982.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 82–7382 Filed 3–17–82; 8:45 am]

BILLING CODE 3710–08–M

Department of the Army; Corps of Engineers

Environmental Impact Statements; Intent To Prepare Draft

March 10, 1982.

AGENCY: U.S. Army Corps of Engineers, Seattle District.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS) for a flood damage reduction study of the Dosewallips River near the unincorporated town of Brinnon, Washington.

SUMMARY:

a. *Proposed Action.* A reconnaissance study in 1981 concluded that the most feasible alternative was construction of three levees along the Dosewallips River to provide flood damage reduction to the unincorporated areas of Brinnon Flats, Lazy C, and the Dosewallips State Park. These levees would be approximately 3,600 feet, 3,900 feet, and 1,900 feet long, respectively. A total of approximately 3 acres of riparian, 2.5 acres of aquatic, and 6.5 acres of upland habitat could be impated. All levees would be seeded with native grass species.

b. *Alternatives.* The DEIS will address the following additional alternatives:

(1) Nonstructural flood damage reduction measures, including floodproofing and relocation.

(2) Construction of a flood control or multipurpose dam between river mile (R.M.) 1 and R.M. 3.

(3) Construction of levees along alinements different than those identified in the reconnaissance study.

(4) Channel excavation to provide increased capacity.

(5) No action (continue existing condition).

Should other potentially feasible alternatives be identified during the scoping process, they would also be addressed in the DEIS.

c. *Public Involvement.* Meetings with members of the public, including local residents and Federal, state, and county officials, took place during the preparation of the reconnaissance report that recommended detailed study. Letters requesting input to the flood damage reduction study and DEIS will be mailed to numerous Federal, state, and local agencies, as well as environmental and resource protection groups, shortly after the publication of this notice. A public workshop is scheduled for March 1982, with followup workshops planned. A public meeting will be held in November 1983. Additionally, the DEIS will be circulated as required by the National

Environmental Policy Act for a public review and comment period.

d. *Significant Issues.* Three issues of concern have been identified to date and will be discussed in the DEIS along with any other major issues that come to light during the scoping process. The first of these issues involves salmonid use of the study area. The Dosewallips River produces four species of salmon (chinook, coho, chum, and pink) and two species of sea-run trout (steelhead and cutthroat). Two species of salmon spawn in the study area (pink and chum). Any alternative affecting the riverbed or the riparian zone of the river could impact the salmonid resource of the area. A second issue of concern is the cultural resource potential of the Dosewallips River delta. Although no known cultural resource sites have been identified, the study area has a high cultural resource potential and will be examined during the study to determine whether cultural resource survey and salvage work is warranted. The third known issue is the potential of some of the alternatives for esthetic impacts to the Dosewallips State Park.

Draft EIS Availability

The DEIS for the flood damage reduction study on the Dosewallips River near Brinnon should be available for review in October of 1983.

ADDRESS: Questions and/or comments on the DEIS should be directed to: David Masters, Environmental Coordinator, U.S. Army Corps of Engineers, Seattle District, Post Office Box C–3755, Seattle, Washington 98124, ATTN: NPSEN–PL–ER, Tel: (206) 764–3624 (FTS 399–3624).

Dated: March 11, 1982.

Norman C. Hintz,

Colonel, Corps of Engineers District Engineer.

[FR Doc. 82–7250 Filed 3–17–82; 8:45 am]

BILLING CODE 3710–ER–M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

Thursday and Friday, April 29–30, 1982, Plaza West, Rosslyn, Virginia. The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on bomber prelaunch survivability.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 15, 1982.

[FR Doc. 82–7389 Filed 3–17–82; 8:45 am]

BILLING CODE 3810–01–M

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a panel of the DIA Advisory Committee has been scheduled as follows:

Tuesday, 4 May 1982, Plaza West, Rosslyn, Virginia

The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on Soviet naval trends.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 15, 1982.

[FR Doc. 82–7390 Filed 3–17–82; 8:45 am]

BILLING CODE 3810–01–M

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of the DIA Advisory Committee has been scheduled as follows:

Wednesday and Thursday, 19–20 May 1982, Headquarters NORAD, Colorado Springs, CO

The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U. S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 15, 1982.

[FR Doc. 82–7391 Filed 3–17–82; 8:45 am]

BILLING CODE 3810–01–M

DELAWARE RIVER BASIN COMMISSION

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday, March 30, 1982, commencing at 10 a.m. The hearing will be a part of the Commission's regular March business meeting, which is open to the public. Both the hearing and the meeting will be held in the Goddard Conference Room at the Commission's offices, 25 State Police Drive, West Trenton, New Jersey. The subjects of the hearing will be as follows:

A. Southeastern Pennsylvania Ground Water Protected Area Regulations

The ground water protected area regulations for southeastern Pennsylvania, as adopted by the Commission in resolution 80–18, fail to provide for immediate action under emergency conditions when circumstances do not permit full review and determination in the regular course of the regulations. To correct this deficiency the Commission proposes to amend the regulations by the addition of a new section 13 titled, *Emergencies,* to read as follows:

13. *Emergencies*

In the event of an emergency requiring immediate action to protect the public interest or to avoid substantial and irreparable injury to any private person or property, and the circumstances do not permit full review and determination in accordance with these regulations, the Executive Director with the concurrence of the Pennsylvania member of the Commission or his alternate may issue an emergency permit authorizing an applicant to take such action as the Executive Director may deem necessary and proper. In such cases, the applicant shall be fully responsible for protecting existing ground water users, as prescribed in section 9. The Executive Director shall report at the next meeting of the Commission on the nature of the emergency and any action taken under this section.

B. Applications for Approval of the Following Projects Pursuant to Article 11 of the Compact and/or Section 3.8 of the Compact

1. *North Penn Water Authority (D–80–76 CP).* A well water supply project in Franconia Township to augment public water supplies in the Authority's service area in Lansdale, Souderton and several adjacent boroughs and townships in Montgomery and Bucks Counties, Pennsylvania. Designated as Well No. 48, the new facility is expected to yield approximately 220,000 gallons per day.

2. *Hackettstown Municipal Utilities Authority (D–81–56 CP).* A well water supply project to improve water supplies in the Town of Hackettstown and portions of adjacent townships in Morris County, New Jersey. The capacity of existing Well No. 6 will be increased so as to provide approximately 650,000 gallons per day. Increased supplies will replace water previously available from an existing well which has been abandoned due to quality problems.

3. *New Jersey Department of Transportation (D–82–2 CP).* A sewage treatment project to serve the Department's rest area sites 9 and 10 on Route 295 in the Township of Springfield, Burlington County, New Jersey. The treatment facilities are designed to remove 90 percent of BOD from an average sewage flow of 600,000 gallons per day. Treated effluent will discharge to Assiscunk Creek.

4. *Gulf & Western Natural Resources Group (D–63–9).* Phase I of an industrial waste treatment facility at the Gulf & Western titanium pigments manufactuing plant in Gloucester City, Camden County, New Jersey. Phase I is designed for partial removal of sulfuric acid from a wastewater flow of about 11 million gallons per day. Treated effluent will discharge to the Delaware River.

5. *Cressona Aluminum Company (D–82–5).* A well water supply project to augment water supply at the Company's plant in the Borough of Cressona, Schuylkill County, Pennsylvania. Designated as Well No. 3, the new facility is expected to yield up to 720,000 gallons per day when necessary as backup for an existing single well water supply system.

Documents relating to the above-listed projects may be examined at the Commission's offices. Contact Mr. David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

March 10, 1982.

W. Brinton Whitall,

Secretary.

[FR Doc. 82–7323 Filed 3–17–82; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF EDUCATION

National Advisory Council on Bilingual Education; Meeting

AGENCY: National Advisory Council on Bilingual Education, Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Bilingual Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: April 5, 1982—Public Hearings—10:00 a.m.–4:00 p.m.

ADDRESS: Public hearings will be held at the Westin Hotel, Renaissance Plaza, Detroit, Michigan.

FOR FURTHER INFORMATION CONTACT: Ramon Ruiz, Designated Federal Official, Room 421, Reporters Building, 400 Maryland Avenue, S.W., Washington DC 20202 (202–245–2600).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242). The Council is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations.

On April 5, 1982, in consonance with the Council's mission to advise in the preparation of regulations under the Bilingual Education Act, testimony will be heard on the following topics:

(1) 1983 Reauthorization
(2) Research
(3) Reports of the Effectiveness of Bilingual Education
(4) Structure of Education Foundation and the Role of the Office of Bilingual Education and Minority Languages Affairs and other language related programs
(5) Interrelations and Interdependency of Bilingual Education and Modern Language Teachers
(6) Importance of Bilingual Education on International Trade and Commerce.

The following procedures shall be observed during the public hearings:

(1) Witnesses shall be heard on a first come basis
(2) Witnesses shall limit their testimony to twenty minutes
(3) All testimony shall be tape recorded
(4) Exceptions to the aforementioned procedures shall be at the discretion of the Chairperson.

Records are kept of all Council proceedings, and are available for public inspection at the Office of Bilingual Education and Minority Languages Affairs, Room 421, Reporters Building, 400 Maryland Avenue, S.W., Washington, DC 20202 from the hours of 9:00 a.m. to 5:00 p.m.

Dated: March 15, 1982.

Jesse M. Soriano

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 82–7388 Filed 3–17–82; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA–FC–81–022; OFC Case No. 53012–1864–01–12]

University of Michigan Order Granting Permanent Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act

AGENCY: Economic Regulatory Administration, DOE.

ACTION: University of Michigan, Order Granting Permanent Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act.

SUMMARY: On July 29, 1981, The University of Michigan (Michigan) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting a new major fuel burning installation (MFBI) 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 or natural gas as a primary energy source in certain new MFBIs. Rules setting forth the procedure for petitioning and the criteria for exemptions from the prohibitions of FUA are contained at 10 CFR Parts 501 and 503. The MFBI for which the petition was filed is a field-erected boiler to be constructed at Michigan's Central Power Plant, Central Campus, in Ann Arbor. Michigan requested Permanent Site Limitation and Cost exemptions for the MFBI.

The unit Michigan plans to construct, designated Boiler No. 2, is to be designed to produce 220,000 pounds of steam per hour (approximately 176 million Btu's per hour heat input rate). Michigan proposes to use natural gas or petroleum as the primary energy source in the new boiler.

Pursuant to section 212(a) of the Act, and section 503.32 of ERA's final rules (46 FR 59872 (December 7, 1981)), ERA hereby grants a permanent cost exemption to Michigan to permit the use of natural gas or petroleum in the proposed boiler.

For reasons discussed in ERA's Tentative Staff Analysis, noticed as available in the **Federal Register** on February 22, 1982 (47 FR 7723), no

further action will be taken on Michigan's request for a site limitation exemption for this same facility.

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, (202) 653–3379

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

Jack Vandenberg, Office of Public Information, Department of Energy, 12th Street and Pennsylvania Avenue, Room 7120, Washington, D.C. 20461, (202) 633–8755

The public file containing a copy of this final order and other documents and supporting materials on this proceeding are available upon request from DOE, Freedom of Information Reading Room, Room 1E–190, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Monday through Friday, 8:00 a.m.–4:00 p.m., Telephone (202) 252–6020.

SUPPLEMENTAL INFORMATION: In accordance with the procedural requirements of FUA and ERA's regulations, ERA accepted Michigan's petition and published notice of its acceptance in the **Federal Register** on September 21, 1981 (46 FR 60468). The notice of acceptance commenced a 45-day public comment period during which interested persons could submit comments on the petition for exemption and could request that a public hearing be convened. This period expired November 5, 1981. No comments were received.

ERA's staff reviewed the information contained in the record of this proceeding and based on that review prepared a Tentative Staff Analysis recommending that Michigan be granted a permanent cost exemption, the notice of availability of which was published in the **Federal Register** on February 22, 1982 (47 FR 7723). The period during which ERA would accept comments on the Tentative Staff Analysis expired on March 8, 1982. No comments were received.

ERA has determined that grant of the requested cost exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act. In accordance with section 212 of FUA, ERA has also determined that Michigan has satisfied the eligibility requirements of § 503.32 of the final rules by demonstrating that the cost of using an alternate fuel substantially exceeds the cost of using imported petroleum. Accordingly, ERA hereby grants Michigan's petition for a permanent cost exemption for the afore-described facility to be installed at its Ann Arbor, Michigan facility. The exemption granted by this order shall become effective on (the 60th calendar day after the date of publication of this order in the **Federal Register**).

Pursuant to section 70(c) of the Act, any person aggrieved by this order may, at any time within 60 days after publication, petition for judicial review thereof.

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

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–7372 Filed 3–17–82; 8:45 am]

BILLING CODE 6450–01–M

Appalachian Flying Service, Inc.; Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Appalachian Flying Service, Incorporated, Tri-City Airport Station, Blountville, Tennessee 37617. This Proposed Remedial Order charges Appalachian Flying Service with pricing violations in the amount of $153,569.79 connected with sales of aviation gasoline and jet fuel during the period November 1, 1973 through April 30, 1977.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Mr. William R. Gibson, Deputy Director, Atlanta Office, Economic Regulatory Administration, 1655 Peachtree Street NW., Atlanta, Georgia 30367, Telephone (404) 881–2661. On or before April 2, 1982 any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th and Penn. Ave. NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia on the 4th day of March 1982.

Leonard F. Bittner,

Director, Atlanta Office, ERA.

Concurrence:

Susan P. Tate,

Deputy Regional Counsel.

[FR Doc. 82–7252 Filed 3–17–82; 8:45 am]

BILLING CODE 6450–01–M

Permian Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with The Permian Corporation and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by: April 19, 1982.

ADDRESS: Send comments to: Thomas A. Fry, III, Director Houston, Texas Office, Economic Regulatory Administration, One Allen Center, 500 Dallas Avenue, Houston, Texas 77002.

FOR FURTHER INFORMATION CONTACT: Thomas A. Fry, III, Director, Houston, Texas Office, Economic Regulatory Administration, One Allen Center, 500 Dallas Avenue, Houston, Texas 77002, (713) 226–5421. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On March 5, 1982, the ERA executed a proposed Consent Order with The Permian Corporation of Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

The Permian Corporation (Permian), with its home office located in Houston, Texas, is a firm engaged in the acquisition, transportation, sales, exchange and other disposition of natural gas liquids, natural gas liquid products, refined petroleum products and crude oil as well as crude oil sold as wash oil, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR parts 210, 211 and 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum

Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, and 212 in connection with Permian's transactions involving the aforementioned products during the period August 19, 1973, through January 27, 1981, ("the period covered by this Consent Order"), the ERA and The Permian Corporation entered into a Consent Order, the significant terms of which are as follows:

A. During the period August 19, 1973, through January 27, 1981, Permian was involved in transactions whereby it purchased, transported, certified, reported, sold, exchanged or otherwise disposed of Covered Products including crude oil, crude oil labeled "wash oil," natural gas liquids, natural gas liquid products and refined petroleum products received by purchase or through crude oil processing agreements. (These are referred to in the Consent Order as "Specified Transactions.)" DOE has asserted that Permian was a "gas plant owner," "gas plant operator," and "reseller," as those terms were defined in the Regulations.

B. The ERA has alleged that The Permian Corporation sold the forementioned Covered Products at prices in excess of the maximum lawful selling prices or in a manner contrary to the applicable allocation rules, in violation or possible violation of the Regulations. Additionally, DOE has alleged that Permian failed to properly certify crude oil sold as "wash oil."

C. The execution of this Consent Order constitutes neither an admission by the company nor a finding by DOE of any violation by the company of any statute or regulation.

D. Permian and DOE agreed to the dismissal of the civil action styled *The Permian Corporation and Occidental Petroleum Corporation v. the United States and the Securities and Exchange Commission*, U.S. District Court for the District of Columbia, Civ. No. 97–2098, without prejudice and without costs. Additionally, DOE and Permian agreed to release each other from all civil claims, demands, liabilities, or causes of action, including a Notice of Probable Violation No. 650X00246 issued to Permian on September 7, 1979, and Freedom of Information Act Request by Permian RV100292 filed January 15, 1980.

II. Refunds

A. Disposition of Refunds

Under this Consent Order, Permian will pay the sum of $21,500,000 including interest, to be paid in the following manner:

1. Within 10 days after the effective date of this Consent Order, Permian shall remit a certified check payable to the United States Treasury in the amount of $7,000,000, to be deposited as miscellaneous receipts in the United States Treasury.

2. Within 30 days after the effective date of this Consent Order, Permian shall establish and interest-bearing escrow account in the amount of $14,500,000 in a federally-chartered national bank in the United States selected by Permian to serve as the escrow agent, the escrow agreement to be subject to approval by the DOE. From the Escrow Account, amounts will be paid on behalf of Permian to third parties on account of claims arising from Specified Transactions, pursuant to any final judgment in a contested action, notice of the filing of said action having been previously given to DOE by Permian, or pursuant to any settlement negotiated by Permian and approved by DOE. At the expiration of 12 months after the effective date of this Consent Order, Permian shall direct the escrow agent to remit a certified check payable to the United States Treasury in an amount equal to the lesser of (a) $7,000,000 or (b) 50% of the balance of the Escrow Account not the subject of a civil suit or a claim by a third party. At the expiration of 24 months after the effective date of this Consent Order, Permian shall direct the escrow agent to remit a certified check payable to the United States Treasury in an amount equal to the lesser of (a) $7,000,000 or (b) 50% of the balance of the Escrow Account not the subject of a civil suit or a claim by a third party. The balance in the Escrow Account remaining 36 months from the effective date of this Consent Order shall be remitted to the United States Treasury to be deposited as miscellaneous receipts.

When the Consent Order has been made final, appropriate claims may be submitted to: The Permian Corporation, Attn: DOE Escrow Account (Suite 1102), P.O. Box 1183, Houston, Texas 77001.

The foregoing provisions for payment of the refund amount were concurred in after DOE attempts to determine and identify all injured parties. These attempts were unsuccessful due to the nature of the business transactions in which Permian was engaged during the Settlement Period. Permian's activities of selling crude oil to both resellers and refineries where the crude oil was ultimately refined make it impossible to identify specific parties who or which may have been injured. This inability to determine and identify all injured parties is further compounded by the sharing of crude oil costs among refiners participating in the Entitlements Program.

Upon full satisfaction of the terms and conditions of this Consent Order by Permian, the DOE releases Permian from any civil claims that the DOE may have arising out of the specified transactions during the period covered by this Consent Order.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on the Permian Corporation Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, on April 19, 1982. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C. on the 9th day of March 1982.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration.

[FR Doc. 82-7251 Filed 3-17-82; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of February 22 Through February 26, 1982

Office of Hearings and Appeals

During the week of February 22 through February 26, 1982, the appeal listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in this case may file written comments on the appeal within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: March 11, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

SUBMISSION OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS WEEK OF FEBRUARY 22 THROUGH FEBRUARY 26, 1982

Date	Name and location of applicant	Case No.	Type of submission
Feb. 2, 1982	Digital Equipment Corporation, Landover, Md	HFA-0041	Appeal of Information Request Denial. If granted: The January 28, 1982 Information Request Denial issued by the Assistant Manager of Administration would be rescinded and Digital Equipment Corporation would receive access to the contract awarded to Prime Computer, Inc.

[FR Doc. 82-7253 Filed 3-17-82; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENT PROTECTION AGENCY

[A-7-FRL-2078-2]

National Emission Standards for Hazardous Air Pollutants (NESHAPS); Delegation of Authority to State of Iowa

Pursuant to section 112 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) has promulgated regulations establishing national emission standards for certain source categories of four hazardous air pollutants (asbestos, beryllium, mercury and vinyl chloride). Section 112(d) directs the Administrator to delegate his authority to implement and enforce NESHAPS to any state which has adequate procedures. The Administrator retains concurrent authority to implement and enforce the standards following delegation to the state.

On November 13, 1981, the State of Iowa submitted to the EPA regional office a request for delegation of authority for implementation and enforcement of NESHAPS as contained in 40 CFR Part 61, as amended through December 31, 1980, except asbestos emissions from demolition and renovation (40 CFR 61.22(d)).

After a thorough review of the request, including a review of the state regulations which provide for implementation and enforcement of the federal emission standards and testing procedures set forth in Part 61, the regional office determined that a delegation was appropriate, subject to certain conditions. In a letter dated January 19, 1982, the regional office delegated the authority as requested by the state.

The conditions upon which this delegation is based require that sources subject to the NESHAPS must provide all required notifications, conduct performance tests, and monitor emissions in accordance with the procedures specified in the applicable subparts of Part 61. EPA concurrence must be obtained to allow use of alternative or equivalent testing methods or to subdelegate this authority to a local air pollution control agency. Copies of Iowa's request for delegation of authority and EPA's delegation letter are available for public inspection at the EPA Region VII office, Air Branch, 324 East 11th Street, Kansas City, Missouri, and at the office of the state agency mentioned below.

Effective immediately, all reports, requests, applications, submittals and other communications required pursuant to 40 CFR Part 61 should be submitted to Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50316. However, copies of notifications required pursuant to 40 CFR Part 61, Subpart A, shall also be submitted to the Director of the Air and Waste Management Division at the EPA regional office mentioned above.

This notice is issued under the authority of section 112 of the Clean Air Act, as amended. The Office of Management and Budget has exempted this action from the requirements of section 3 of Executive Order 12291.

Dated: March 5, 1982.

John J. Franke, Jr.,

Regional Administrator, Region VII.

[FR Doc. 82-7365 Filed 3-17-82; 8:45 am]
BILLING CODE 6560-38-M

[A-7-FRL-2078-1]

Prevention of Significant Air Quality Deterioration (PSD); Delegation of Authority to State of Nebraska

Regulations for the Prevention of significant Air Quality Deterioration (PSD) are codified at 40 CFR 52.21. Section 52.21(u) provides that the Administrator may delegate authority for implementation of the PSD program to the states.

In a letter dated December 22, 1981, the State of Nebraska requested partial delegation of the PSD program. PSD delegation, subject to certain conditions, was granted on February 3, 1982, and accepted by Nebraska on February 8, 1982. The delegation allows the Nebraska Department of Environmental Control to make the critical determinations concerning air pollution control and air quality impact, while the permit would be issued or denied by the Environmental Protection Agency (EPA). This delegation supersedes the previous delegation of March 13, 1980, and is subject to the applicable limitations contained in § 52.21(u) (2) and (3).

Copies of Nebraska's request for PSD delegation, EPA's delegation letter and Nebraska's letter accepting delegation are available for public inspection at the EPA Region VII office, Air Branch, 324 East 11th Street, Kansas City, Missouri, and at the office of the state PSD implementing agency mentioned below.

Effective immediately, all reports, requests, applications, submittals and other communications required pursuant to the PSD regulations should be submitted to Nebraska Department of Environmental Control, P.O. Box 94877, State House Station, Lincoln, Nebraska 68509.

This notice is issued under the authority of sections 165 and 301 of the Clear Air Act, as amended (42 U.S.C. 7475 and 7601). The Office of Management and Budget has exempted this action from the requirements of Section 3 of Executive Order 12291.

Dated: March 5, 1982.

John J. Franke, Jr.,

Regional Administrator, Region VII.

[FR Doc. 82-7363 Filed 3-17-82; 8:45 am]
BILLING CODE 6560-38-M

[AEN-2-FRL-2077-8]

Prevention of Significant Deterioration of Air Quality (PSD) Final Determinations

AGENCY: Environmental Protection Agency.

ACTION: Notice of final actions.

SUMMARY: The purpose of this notice is to announce that between October 1, 1981, and January 30, 1982, the U.S. Environmental Protection Agency, Region II, issued sixteen final determinations relative to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21 (45 FR 52676). A listing of these final determinations includes

twelve non-applicability determinations, two applicability determinations, one final permit decision and one final permit rescission. These PSD determinations are final actions under the Clean Air Act.

DATES: The effective dates for the above PSD determinations are delineated in the following chart. (See SUPPLEMENTARY INFORMATION).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Office of Policy and Management, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Pursuant to the PSD regulations, the EPA has made final determination for the following sources:

This notice contains only a list of the sources which have received PSD determinations. Copies of these determinations and related materials are available for public inspection at: Environmental Protection Agency, Region II Office, Permits Administration Branch, Office of Policy and Management, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

Under section 307(b)(1) of the Clean Air Act, judicial review of these determinations is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by May 17, 1982. Under section 306(b)(2) of the Act, these determinations shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

Richard T. Dewling,

Acting Regional Administrator.

Name of applicant	Type of source	Approximate location	Type of final action	Date of final action
San Juan Cement Co., Inc	Coal Conservation project (in kiln) at the Portland Cement plant.	San Juan, PR	PSD, non-applicability	Oct. 8, 1981.
Puerto Rico Aqueduct & Sewer Authority	Installation of a sludge incinerator	Arecibo, PR	PSD, non-applicability	Oct.16, 1981.
Public Service Electric & Gas Corp	Construction of a nuclear power station	Salem County, NJ	PSD, non-applicability	Oct.19, 1981.
Onondaga County Resource Recovery Facility.	Construction and operation of a massburning incinerator	Syracuse, NY	PSD, applicability	Oct. 22, 1981.
New York City Department of Sanitation	Installation of a landfill gas-fired combustion engine	Staten Island, NY	PSD, non-applicability	Oct. 26, 1981.
Martin Marietta Aluminum, Inc	Installation of two new coal-fired boilers at its alumina refinery	St. Croix, U.S. Virgin Islands	PSD, final permit	Nov. 2, 1981.
United States Gypsum Co	Construction of a new cogeneration facility	Stony Point, NY	PSD, applicability	Nov. 12, 1981.
Boise Cascade	Installation of a new oil-fired boiler	Lowville, NY	PSD, non-applicability	Nov. 13 1981.
Cattaraugus County Refuse Department	Construction of three modular refuse incinerator units & a waste heat boiler.	Cuba, NY	PSD, non-applicability	Nov. 23, 1981.
Alcan Aluminum Corp	Addition of a new aluminum alloying furance & a new aluminum scrap melting furnace.	Oswego, NY	PSD, non-applicability	Nov. 30, 1981.
Virgin Islands Rum Industries, LTD	Replacement of an existing 300 horse-power oil-fired boiler	Fredricksted, St. Croix, U.S. Virgin Islands.	PSD, non-applicability	Dec. 3, 1981.
NSW-Southold Resource Recovery Facility	Construction of three modular refuse incinerator units venting into one stack.	Southold, NY	PSD, non-applicability	Dec. 7, 1981.
Northwest Bergen County Utilities Authority	Construction of a new fluidized bed sewage sludge incinerator	Waldwick, NJ	PSD, non-applicability	Dec. 8, 1981.
Big Six Towers, Inc	Installation of five diesel electric generators	Woodside, NY	PSD, non-applicability	Jan. 14, 1982.
Lieberman Koren Corp	Construction of a new automobile shredding plant	Brooklyn, NY	PSD, non-applicability	Jan. 14, 1982.
Concrete Materials, Inc	Construction of a new portable rock-crushing plant	Brockport, NY	PSD, permit rescission	Jan. 26, 1982.

[FR Doc. 82-7364 Filed 3-17-82; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 82-129, File No. BPH-800516AA, et al.]

The B. F. Broadcasting, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The B. F. Broadcasting, Inc., Gillette, Wyoming, Req: 100.7 MHz, Channel 264, 100 kW (H&V), 522 feet; BC Docket No. 82–129, File No. BPH–800516AA; Sears Broadcasting of Wyoming, Inc., Gillette, Wyoming, Req: 100.7 MHz, Channel 264, 100 kW (H&V), 517 feet; BC Docket No. 82–130, File No. BPH–800828AL; Octagon Corporation, Gillette, Wyoming, Req: 100.7 MHz, Channel 264, 100 kW (H&V), 610 feet; BC Docket No. 82–131, File No. BPH–800829AY; Quality Communications, Inc., Gillette, Wyoming, Req: 100.7 MHz, Channel 264, 100 kW (H&V), 617 feet; BC Docket No. 82–132, File No. BPH–800829BC; for construction permit for a new FM station.

Hearing Designation Order

Adopted: February 26, 1982.

Released: March 11, 1982.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by the above-captioned applicants and related pleadings.[1]

2. *Sears.* As part of its December 19, 1980 amendment, Sears reported that it has been unsuccessful in its efforts to sell WAEC, Atlanta, Georgia.[2] However, Sears never executed and filed a commitment to sell WAEC if the FM station is granted. It was not until February 19, 1981, that the commitment to sell WAEC was filed. It is Commission policy that following the final date for submission of amendments of right no applicant may improve its comparative position. *Farragut Television Corp.*, 4 RR 2d 342 (Rev. Bd. 1965). Accordingly, we shall receive the February 19, 1981 amendment only to the extent that it is intended to advise the Commission concerning the applicant's plans, pursuant to § 1.65 of the Commission's Rules, and with the understanding that no comparative advantage shall accrue to Sears by virtue of the reported changes.

3. Analysis of the financial data submitted by Sears reveals that $159,401 will be required to construct that proposed station and operate for three months, itemized as follows:

Equipment down payment	$40,954
Equipment payments with interest	24,060
Land	15,000
Buildings	12,000
Loan Interest	15,375
Miscellaneous	19,012
Operating Costs (Three Months)	33,000
Total	159,401

[1] Other pleadings considered herein include petitions for leave to amend filed December 24, 1980 and February 18, 1981, by Octagon Corporation; amendments filed December 19, 1980, February 19, 1981, and September 1, 1981 by Sears.

[2] December 19, 1980 was the last day for filing minor amendments as a matter of right.

Sears plans to finance construction and operation with $1,000 existing capital, $134,625 bank loan & $108,734 deferred credit. The First Georgia Bank letter of September 16, 1980 in connection with this loan requires a first lien on all station equipment of the applicant. However, the broadcast equipment is being purchased on credit from Roscom, Inc. Therefore, a question arises as to whether the collateral condition for the loan can be satisfied. In addition, Sears has failed to comply with the requirements of Section III, Paragraph (4)(e) of Form 301 that requires documentation of the terms of payment and rate of interest to be charged for all loans. Also, by its September 1, 1981 amendment, Sears moved its transmitter site from 2.5 miles SW of Gillette to 3 miles South of Gillette.[3] The tower, transmitter and antenna remain the same, but we do not have information on whether the price of the land ($15,000) or buildings ($12,000) has changed for the new location. Since, Sears has demonstrated only $108,734 available to met the $159,401 required to operate and construct the proposed station, a limited financial issue will be specified.

4. *Octagon.* Applicants for new broadcast stations are required by Section 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in Section 73.3580(h) of the Rules. We have no evidence that Octagon published the required notice. To remedy this deficiency, Octagon will be required to publish local notice of its application, if it has not already done so, and to file a statement of publication with the presiding Administrative Law Judge.

5. From the evidence before us, Octagon has failed to provide us with the information required by Section II, Table II for Annabeth Ort, secretary and 22% owner. The purpose of Table II is to obtain information concerning the occupation, business, and financial interests, at the present time and during the past five years, of the applicant and of each party to the application. To remedy this deficiency, Octagon will be required to submit an amendment providing this information to the presiding Administration Law Judge.

6. Octagon's December 24, 1980, February 18, 1981, and June 22, 1981 amendments contain financial qualifications, FAA clearance and change of principal's employment matters which will not prejudice any party or bear on comparative matters. Good cause having been shown, the amendments will be accepted.

7. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and population which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and population which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, IT IS ORDERED, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Sears Broadcasting of Wyoming, Inc.:

(a) Whether the bank loan will be available to Sears:

(b) The cost of the land and building;

(c) The source and availability of funds over and above the $108,734 indicated to meet the costs of construction and operation; and

(d) Whether, in light of the evidence adduced pursuant to (a), (b) and (c) above, the applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applicants should be granted.

10. It is further ordered, that the February 19, 1981 and September 1, 1981 amendments filed by Sears are accepted to the extent indicated herein.

11. It is further ordered, that Octagon Corporation shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's Rule.

12. It is further ordered, that Octagon shall file a statement with the presiding Administrative Law Judge showing compliance with the disclosure requirements of FCC Form 301, Section II, Table II.

13. It is further ordered, that the December 24, 1980 and February 18, 1981 Petitions for Leave to Amend filed by Octagon Corporation are granted.

14. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

15. It is further ordered, that the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-7254 Filed 3-17-82; 8:45 am]

BILLING CODE 6712-01-M

[3] Sears' September 1, 1981 amendment was also filed well after the December 19, 1980 date for amendments as a matter of right. Since Sears has failed to set forth facts satisfactorily demonstrating that its prior site became unavailable due to circumstances beyond its control, and that it acted promptly to specify a new site, it cannot be concluded that good cause eists for amendment. However, the material submitted on September 1, 1981 will be received to the extent it is intended to advise the Commission of Sears' plans pursuant to § 1.65 of our Rules, and with the understanding that no comparative advantage shall accrue to Sears by virtue of the reported changes.

FEDERAL MARITIME COMMISSION

La Centro Americana de Navegacion S.A. and Royal Netherlands Steamship Co.; Cancellation

Filing party: Elliott B. Nixon, Esquire, Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Agreement No. 9937.

Summary: On November 23, 1981, the Commission received notice to terminate Agreement No. 9937. Therefore, the agreement has been terminated effective November 23, 1981, the date the notice was received by the Commission.

By Order of the Federal Maritime Commission.

Dated: March 12, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-7324 Filed 3-17-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than April 6, 1982.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

Northeastern Bancorp, Inc., Scranton, Pennsylvania (underwriting and insurance activities; Pennsylvania): Proposes to engage thru its subsidiary, Norbanc Life Insurance Company ("Company"), in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's subsidiary Bank, Northeastern Bank of Pennsylvania ("Bank"), and under such other circumstances as the Board of Governors of the Federal Reserve System has or may hereafter approve, either generally by regulation or individually upon application by the Applicant. Company will be qualified under Arizona law as a capital stock life insurance company. Company, however will not be qualified to underwrite insurance directly. Therefore, the insurance sold by Bank will be directly underwritten by an unaffiliated company qualified to do business in Pennsylvania and such other jurisdictions in which insurance may be written. The insurance written by the unaffiliated insurer(s) will be assigned or ceded to Company under a reinsurance agreement. These activities will be conducted from an office in Phoenix, Arizona, the geographic area to be served is northeastern Pennsylvania.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Harris Bankcorp, Inc., Chicago, Illinois (trust activities; Florida): To engage through its *de novo* subsidiary, Harris Trust Company of Florida, in operating a non-deposit trust company as authorized by Florida law, including activities of a fiduciary, investment advisory, agency or custodian nature. These activities would be conducted from offices at 501 South Flagler Drive, West Palm Brach, Florida, serving primarily Palm Beach County and, secondarily, the entire State of Florida. Comments on this application must be received not later than April 2, 1982.

C. **Federal Reserve Bank of Minneapolis** (Lester G. Gable, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

First Bank System, Inc., Minneapolis, Minnesota, (investment advisory activities; Montana, North Dakota, South Dakota and Minnesota, and portions of Wisconsin and Michigan): To engage, through its subsidiary, FBS Investment Services, Inc., in the activities of an investment advisor as defined in Section 2(a)(20) of the Investment Company Act of 1940, to an investment company registered under the Act. These activities would be conducted from an office in Minneapolis, Minnesota. The office will serve the States of Montana, North Dakota, South Dakota and Minnesota, and portions of Wisconsin and Michigan.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Rainier Bancorporation* Seattle, Washington (financing, leasing, insurance activities; Western States): To engage through its subsidiary, Rainier Credit Company, in making or acquiring for its own account or for the account of others, loans and other extensions of credit; leasing personal property and equipment; and acting as insurance agent or broker with regard to credit life and disability insurance related to extensions of credit. These activities would be conducted from proposed offices in Santa Ana, California and Phoenix, Arizona, and through the expansion of the service area of the San Diego, California office, serving the States of Alaska, Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Colorado, Wyoming, New Mexico, Texas, Oklahoma, Nebraska, Kansas, and Hawaii.

2. *The Toronto-Dominion Bank*, Toronto, Ontario, Canada (solicitation, servicing, lending and leasing activities; Arkansas, Colorado, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming): To engage through a newly-established subsidiary, Toronto-Dominion (Colorado), Inc., in soliciting, making or acquiring loans and other extensions of credit, including permitted leasing transactions, for its own account as well as in soliciting and servicing credit for the Toronto-Dominion Bank's agencies, branches and subsidiary companies, including marketing credit and other services offered by, assisting in the negotiation of the terms of transactions with, and servicing and monitoring extensions of credit and relationships entered into by the entities described above in accordance with Board's Regulation Y. These activities will be conducted from Toronto-Dominion (Colorado), Inc.'s office in Denver, Colorado, and will serve the states listed in the above caption.

3. *U.S. Bancorp*, Portland, Oregon (industrial banking, financing, and insurance activities; Colorado): To engage through its subsidiary, Citizens Thornton Industrial Bank, in operating an industrial bank, including making, acquiring and servicing loans and other extensions of credit, either secured or unsecured, for its own account or for the account of others such as commercial, consumer loans, installment sales contracts and other forms of receivables; issuing passbook and investment certificates; making

investments as permitted by relevant provisions of Colorado law; and acting as insurance agent with regard to credit life and disability insurance, solely in connection with extensions of credit. These activities would be conducted from an office in Thornton, Colorado serving those portions of Thornton County, Northglenn County and Adams County, which are in a three mile radius from the proposed office site.

E. **Other Federal Reserve Banks:** None.

Board of Governors of the Federal Reserve System, March 10, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-7242 Filed 3-17-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)) for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 9, 1982.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Chemical New York Corporation, New York, New York (financing and insurance activities; Beachwood, Ohio): To continue to engage, through its subsidiary, Sunamerica Corporation, in the previously approved activities of making direct loans, purchasing installment sales finance contracts, and making available to its debtors credit related insurance. This application is for relocation of the office from which these activities are currently conducted, in Shaker Heights, Ohio, to a new site in Beachwood, Ohio. These activities will continue to serve the city of Beachwood, Ohio, and its environs.

2. **Citicorp**, New York, New York (industrial bank, consumer finance and insurance activities; Colorado): To establish a *de novo* industrial bank subsidiary, Citicorp Person-to-Person Northglenn Industrial Bank, to engage in operating as an industrial loan company in the manner authorized by Colorado law, including the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed brokers, as required; the issuing of thrift certificates and thrift passbook certificates; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential on non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. These activities would be performed from an office located in Denver, Colorado, serving the State of Colorado. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Northglenn Industrial Bank.

3. *Citicorp*, New York, New York (industrial bank, consumer finance and insurance activities; Colorado): To establish a *de novo* industrial bank subsidiary, Citicorp Person-to-Person Colorado Springs Industrial Bank, to engage in operating as an industrial loan company in the manner authorized by Colorado law, including the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed brokers, as required; the issuing of thrift certificates and thrift passbook certificates; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. These activities would be conducted from an office located in Colorado Springs, Colorado, serving the State of Colorado. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to Person Colorado Springs Industrial Bank.

4. *Citicorp*, New York, New York (industrial bank, consumer finance and insurance activities; Colorado): To establish a *de novo* industrial bank subsidiary, Citicorp Person-to-Person Denver Industrial Bank, to engage in operating as an industrial loan company in the manner authorized by Colorado law, including the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extensions of loans to dealers for the financing or inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed brokers, as required; the issuing of thrift certificates and thrift passbook certificates; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to

individuals secured by liens of residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. These activities would be performed from an office located in Denver, Colorado, serving the State of Colorado. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Denver Industrial Bank.

5. *Citicorp,* New York, New York (industrial bank, consumer finance and insurance activities; Colorado): To establish a *de novo* industrial bank subsidiary, Citicorp Person-to-Person Englewood Industrial Bank, to engage in operating as an industrial loan company in the manner authorized by Colorado law, including the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extensions of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed brokers, as required; the issuing of thrift certificates and thrift passbook certificates; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens of residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. These activities would be performed from an office located in Englewood, Colorado, serving the State of Colorado. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Englewood Industrial Bank.

6. *Citicorp,* New York, New York (industrial bank, consumer finance and insurance activities; Colorado): To establish a *de novo* industrial bank subsidiary, Citicorp Person-to-Person Lakewood Industrial Bank, to engage in operating as an industrial loan company in the manner authorized by Colorado law, including the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed brokers, as required; the issuing of thrift certificates and thrift passbook certificates; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. These activities would be performed from an office located in Lakewood, Colorado, serving the State of Colorado. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Lakewood, Industrial Bank.

7. *Citicorp,* New York, New York (industrial bank, consumer finance and insurance activities; Colorado): To establish a *de novo* industrial bank subsidiary, Citicorp Person-to-Person Aurora Industrial Bank, to engage in operating as an industrial loan company in the manner authorized by Colorado law, including the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed brokers, as required; the issuing of thrift certificates and thrift passbook certificates; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. These activities would be performed from an office located in Aurora, Colorado, serving the State of Colorado. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Aurora Industrial Bank.

8. *Citicorp,* New York, New York (consumer finance and insurance activities; New Mexico and Texas): To expand the service area of an existing office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., located in Las Cruces, New Mexico, and engage in the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the extent permissible under applicable state insurance laws and regulations; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The Proposed expanded service area of the office would be comprised of the entire States of New Mexico and Texas for all aforementioned activities with the exception of the sale of credit related property and casualty insurance. Credit related life, accident, and health insurance may be written by Family Guardina Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

9. *Citicorp,* New York, New York (consumer finance and insurance activites; California): To expand the service area of an office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc. (Delaware), located in Glendale, California, engage in the following previously approved activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed

agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the extent permissible under applicable state insurance laws and regulations; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans, and other extensions of credit. The proposed expanded service area for all previously approved activities, with the exception of the sale of credit related property and casualty insurance, shall be comprised of the entire State of California.

B. **Other Federal Reserve Banks.** None.

Board of Governors of the Federal Reserve System, March 11, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-7243 Filed 3-17-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Service

[E-82-6]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico Public Service Commission involving generic investigations, Docket Nos. 1629 and 1689.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico Public Service Commission involving generic investigations into Gas Company of New Mexico operations, Docket Nos. 1629 and 1689.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: March 9, 1982.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Service.

[FR Doc. 82-7255 Filed 3-17-82; 8:45 am]

BILLING CODE 6820-AM-M

[E-82-7]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Texas Public Utilities Commission involving electric rates, Docket No. 4202.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Texas Public Utilities Commission involving the petition of West Texas Utilities Company for an increase in its electric rates in Docket No. 4202.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: March 9, 1982.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Service.

[FR Doc. 82-7256 Filed 3-17-82; 8:45 am]

BILLING CODE 6820-AM-M

[E-82-8]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico Public Service Commission involving cost of sevice indexing, Docket 1693.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico Public Service Commission concerning hearings for review of Public Service Company of New Mexico's annual cost of service indexing, Docket 1693.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: March 9, 1982.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Service.

[FR Doc. 82-7257 Filed 3-17-82; 8:45 am]

BILLING CODE 6820-AM-M

[E-82-9]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Utah Public Service Commission involving electric rates, Docket Nos. 81-035-12 and 81-035-13.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Utah Public Service Commission involving the petition of Utah Power and Light Company for an increase in its electric rates in Docket Nos. 81-035-12 and 81-035-13.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: March 9, 1982.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Service.

[FR Doc. 82-7258 Filed 3-17-82; 8:45 am]

BILLING CODE 6820-AM-M

[Intervention Notice 145]

Southern California Gas Co., State of California Public Utilities Commission; Proposed Intervention in Gas Rate Increase Proceeding

The General Services Administration (GSA) seeks to intervene in a proceeding before the State of California Public Utilities Commission concerning the application of the Southern California Gas Company for an increase in its gas rates. GSA represents the interest of the executive agencies of the U.S. Government as users of utility services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to John L. Stanberry, Assistant Commissioner, Office of Public Utilities, Transportation and Public Utilities Service, General Services Administration, 425 I Street, N.W., Room 2011, Washington, D.C. (mailing address: General Services Administration (TU), Chester A. Arthur Building, Washington, D.C. 20406), 202-275-1027, on or before April 19, 1982, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act. 40 U.S.C. 481(a)(4))

Dated: March 9, 1982.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Service.

[FR Doc. 82-7250 Filed 3-17-82; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Alaska; Application for Pipeline Right-of-Way

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Marathon Oil Company has applied for a 12¾ inch natural gas pipeline right-of-way that will cross the following lands:

Seward Meridian

T. 7N., R. 10W.
Section 33
T. 6N., R. 10W.
Section 4, 5, 6, and 7.

The pipeline will convey natural gas across approximately 3.4. miles of the Kenai National Wildlife Refuge, Alaska. This notice is to inform the public that the United States Fish and Wildlife Service is considering whether the application should be approved, and if so, under what terms and conditions.

Written comments may be sent to the Regional Director, Alaska Region, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, on or before April 19, 1982.

LeRoy W. Sowl,

Acting Regional Director.

[FR Doc. 82-7332 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[AR 032143]

Arizona; Termination of Proposed Withdrawal and Reservation of Lands

Correction

In FR Doc. 82-1863 appearing on page 3623 in the issue of Tuesday, January 26, 1982; on page 3624, first column, first line from the top should read as follows:

"T., 10 N. R. 19 W.,"

BILLING CODE 1505-01-M

Arizona, Safford District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Stafford District Grazing Advisory Board will be held on Friday, April 23, 1982.

The meeting will begin at 9:00 A.M. in the Conference Room of the Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546.

The genda for the meeting will include:

1. Range Improvement Policy, Expenditures vs Benefits;
2. Use of Advisory Board money for maintenance of boundary fences;
3. Safford District Modified Fire Suppression Plan;
4. General and specific public involvement by Board members and District Office employees;
5. Business from the floor.

The meeting will be open to the public. Interested persons may make oral statements to the Board between 10:00 A.M. and 11:00 A.M. A written copy of the oral statement must be provided at the conclusion of the presentation. Written statements may also be filed for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 E. 4th Street, Stafford, Arizona 85546, by 4:15 P.M., Thursday, April 22, 1982.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection and reproduction

(during regular business hours) within thirty (30) days following the meeting.

Dated: March 12, 1982.

Fritz U. Rennebaum,

Acting District Manager.

[FR Doc. 82-7326 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

[I-18490]

Idaho; Offer of Lands

March 12, 1982.

1. Pursuant to the provisions of the Act of May 31, 1962 (76 Stat. 89), the following lands, found upon survey to be omitted lands of the United States, will be offered for sale:

Boise Meridian, Idaho

T. 7 N., R. 40 E.

Section 1, Omitted Land Lot 14 containing:

City Block 3, Lots 1, 2, 3, and 4, and the north 80 feet of Lot 8.

City Block 7, Lots 1, 2, 3, 4, 5, and 6 (portion) and 7 (portion) and 13 (portion) and 14 (portion) and 15 (all).

City Block 8, Lots 1, 2, 3, 4, and 5 (portion) and 16 (portion) and Lots 17, 18, 19, 20.

City Block 9, Lot 18 and street north of Block 9.

City Block 6, that portion which lies 130 feet to the north of Lot 1 and extending to the apex at the bridge. The south 25 feet of Lot 2, Lots 3, 4, 5, 6, and the north one-half of Lot 7.

Omitted Land Lot 15 containing:

City Block 5, Lots 1 and 2.

City Block 6, Lots 11, 12 (portions of each) and lots 13, 14, 15, 16, and 17.

City Block 14, Lots 1, 2, 3, and 4 (portions of each) and Lots 13, 14, and 15 (portions of each).

City Block 15, Lots 4 and 5, and Lots 8, 9, and 10, Lots 11, 12, 13, 14, and 15 (west 50' of the east 90').

City Block 16, Lot 1 (portion) and Lots 2 through 12 inclusive.

City Block 17, Lots 1 through 12 inclusive; and Lots 13, 14, 15, 16, and 17 (portions of each).

Omitted Land Lot 16 containing:

City Block 1, (Second Addition) Lots 1 through 24 inclusive, and that portion of Omitted Land Lots 16 and 17 described as follows:

Beginning at angle point 4 on the restored original meander line for the left bank of the Henry's Fork River; thence easterly along said meander line to the St. Anthony city limits at the southwest corner of city block 1 (second addition); thence north along the west side of block 1 to its northwest corner; thence east along the north side of block 1 to the lot line separating omitted lands lots 15 and 16; thence north along said lot line to its intersection with the restored original meander line for the right bank of the river; thence westerly along the restored original meander line of the right bank of the Snake River to the intersection with the north right-of-way of the new freeway; thence westerly-southwesterly along the north right-of-way line of the new freeway to its intersection with the restored original meander line for the left bank of the river just east of angle point 5; thence northeasterly along the restored original meander line to angle point 4; the point of beginning.

These areas aggregate 14.0 acres, more or less.

2. The plat of survey was filed in the public land records in Boise at 10:00 a.m. on June 14, 1976.

3. Persons claiming a preference right in accordance with the provisions of the Act, must file with the Idaho State Office, Bureau of Land Mangement, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724, before May 1, 1982, a notice of their intention to apply to purchase all or part of the lands as qualified preference right claimants.

4. The Act grants a preference right to purchase the above lands to any citizen of the United States (including corporations, partnerships, firms, or other legal entities having authority to hold title to lands in the State of Idaho) who, in good faith, under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation, or occupied any of the lands so offered for sale, or whose ancestors or predecessors in interest have taken such action.

5. The lands are determined to be suitable for sale and will be sold at their fair market value subject to:

(a) Qualified preference right claims.

(b) A reservation to the United States of all the coal, oil, gas, shale, phosphate, potash, sodium, native asphalt, solid and semi-solid bitumen and bituminous rock, including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried, together with the right to prospect for, mine, and remove the same.

6. Claimants of the above-described omitted lands not affected by the freeway project of the Idaho Transportation Department shall have the option of either purchasing the land at the appraised fair market value or obtaining a life estate lease from the Bureau of Land Management.

Louis B. Bellesi,

Chief, Division of Technical Services.

[FR Doc. 82-7328 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

[Nev-047449]

Nevada; Proposed Continuation of Withdrawal; Correction

March 11, 1982.

In the **Federal Register** Document 81-33236, published on pages 56664 thru 56666, on November 18, 1981, delete the following:

On page 56665, third column under T. 23 N. R. 48 E., delete "sec. 15, SE¼SW¼, SW¼SE¼."

On page 56666, second column, line 10, change "320.00" to read "240.00".

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 82-7331 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

[N-32355]

Nevada; Realty Action, Noncompetitive Sale: Public Lands in Elko County, Nev.

March 11, 1982.

The following described land has been examined and identified as suitable for disposal by direct sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than fair market value:

Mount Diablo Meridian

T. 33 N., R. 70 E.,

Sec. 15, that portion of lot 17 as follows:

Beginning at Cor. No. 1 of Mineral Survey No. 4700, Safety Last No. 1 lode; thence, N. 2° 23' E., 487.99 ft. distance along line 1–2, of the Safety Last No. 1 lode, to the North ⅛ line of sec. 15, T. 33 N., R. 70 E.; thence, N. 89° 59' 37" E., 588.89 ft. distance, along the N ⅛ line of sec. 15, to the position for the CN ⅛ sec. cor. of sec. 15; thence, S. 0° 00' 15" E., 376.03 ft. distance, along the N–S centerline of sec. 15 to an intersection with line 5–6 of the Eastline Townsite; thence, S. 44° 56' 22" W., 38.39 ft. distance to Cor. No. 6 of the Eastline Townsite; thence, S. 45° 03' 38" E., 38.31 ft. distance, along line 6–7 of the Eastline Townsite to an intersection with the N–S centerline of sec. 15; thence, S. 0° 00' 15 " E., 81.31 ft. distance, along the N–S centerline of sec. 15; thence, N. 87° 45" W., 609.69 ft. distance to Cor. No. 1 of Mineral Survey No. 4700, Safety Last No. 1 lode, and place of beginning.

The above-described land, comprising 6.85 acres, is being offered by direct sale to the heirs of Fred D. West at fair market value. Disposition will assure equitable consideration to a historical user and the owner of improvements on the land.

The proposed sale is consistent with the Bureau's Planning System. Public interest will be served, as the sale will assist the area's economy by satisfying local government and private needs for land identified for disposal. The tract location and its characteristics make it difficult to manage as part of the public lands, and it is not suitable for management by another Federal department or agency. The land will not

be offered for sale until 60 days after the date of this notice.

Patent, when issued, will contain the following reservations to the United States.

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

Those rights for highway purposes which have been granted to the Nevada State Highway Department, its successors or assigns, by Permit No. CC-023497, under the Act of November 9, 1921, 42 Stat. 212.

Those rights for road, water line and sewer line purposes which have been granted to Elko County on behalf of West Wendover, its successors or assigns, by Permit No. N-35177, under the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

Those rights for highway purposes which have been granted to the Nevada State Highway Department, its successors or assigns, by Permit No. CC-019995 under the Act of November 9, 1921, 42 Stat. 212.

Those rights for water pipeline purposes which have been granted to Twain West, his successors or assigns, by Permit No. N-913, under the Act of February 15, 1901, 31 Stat. 790, 43 U.S.C. 959.

Detailed information concerning the sale, official correspondence with respect to case history, minerals report, and environmental assessment is available for review at the Elko District Bureau of Land Management Office, 2002 Idaho Street, Elko, Nevada 89801.

For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director (N-943), P.O. Box 12000, Reno, Nevada 89520.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 82-7329 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

[N-300]

Nevada; Termination of Proposed Withdrawal

March 11, 1982.

Notice of an amended application filed by the Federal Aviation Administration for withdrawal of public lands was published as **Federal Register** Document 79-30078 on page 56040 on September 28, 1979. The Federal Aviation Administration has cancelled its application involving the 8.83 acres described in the **Federal Register** publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR 2310.1-4, such lands will be relieved of their segregative effect of the above-mentioned application at 8 a.m. on the 30th day, commencing with the date of this publication.

Wm. J. Malencik,

Chief, Division of Technical Service.

[FR Doc. 82-7330 Filed, 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; New Mexico Redelegation of Authority

March 11, 1982.

Section 1.1(a)(2) of Bureau Order No. 701 dated July 23, 1964, as amended by notice published at 45 FR 6177 on Friday, January 25, 1980 (FR Doc. 80-2428 filed 1-24-80; 8:45 a.m.), authorizes the Bureau of Land Management State Directors the opportunity to redelegate certain authority to Bureau of Land Management District and Area Managers.

Authority is hereby redelegated to the Albuquerque District Manager to process all actions on land use casework except title transfer actions and special project rights-of-way.

This notice has no other effect on the provisions of FR Doc. 80-2428.

EFFECTIVE DATE: This redelegation will become effective April 1, 1982.

FOR FURTHER INFORMATION CONTACT: New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Charles W. Luscher,

State Director.

[FR Doc. 82-7327 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

Miles City District Grazing Advisory Board; Meeting

March 12, 1982.

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Miles City District Grazing Advisory Board will be held April 26-27, 1982. The meeting will begin at 1:30 p.m. on the 26th in the conference room at the Miles City District Bureau of Land Management Office, West Highway 10-12 at Garyowen Rd., Miles City, Montana.

The agenda is as follows:

1. Range Improvement Maintenance Policy
2. Final Federal Grazing Policy review
3. Update on Resource Management programs affecting Range

The meeting is open to the public. The public may make oral statements before the Grazing Advisory Board or file written statements for the board's consideration. Depending upon the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the Bureau of Land Managment District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

For further information contact District Manager, Miles City District, Bureau of Land Mangement, P.O. Box 940, Miles City, Montana 59301.

Ray Brubaker,

District Manager.

[FR Doc. 82-7261[(61 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

[U-50042]

Utah; Order Providing for Opening of Public Lands

By virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075) as amended 16 U.S.C. 818 (1970) and pursuant to the determination of the Federal Regulatory Commission in DA 206 Utah October 22, 1981, it is ordered as follows:

1. In DA 206 Utah, the Federal Energy Regulatory Commission determined that the following described power project 113 is no longer needed for power purposes and is vacated in its entirety. Under the authority delegated by the Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, the segregative effect of said withdrawal is hereby lifted.

Federal Power Project 113—Uinta Meridian, Utah

T. 1 N., R. 8 W.,
  Sec. 7, lot 4;
  Sec. 18, lots 1 to 4, inclusive, SE¼NW¼, E½SW¼, W½SE¼, and SE¼SE¼.
T. 1 N., R. 9 W.,
  Sec. 1, lot 4, and S½NW¼, SW¼, and SW¼SE¼;
  Sec. 2, lots 1 and 2, and SE¼NE¼;
  Sec. 12, E½, E½NW¼;
  Sec. 13, E½NE¼;
  Sec. 27, NE¼.
T. 2 N., R. 9 W.,
  Sec. 22, S½NE¼ and SE¼;
  Sec. 23, W½SW¼;
  Sec. 26, SW¼NE¼, W½, W½SE¼, and SE¼SE¼;
  Sec. 27, N½NE¼, SE¼NE¼, and NE¼SE¼;
  Sec. 35, W½E½, E½NW¼, and SE¼SE¼.

The areas aggregate 2,854.06 acres of which 480.00 acres are privately owned in Duchesne County, Utah.

2. All of the above described lands are within the Uintah National Forest and

some of the lands have been withdrawn for reclamation purposes. Any use of these lands will be subject to the provisions of these existing withdrawals.

Dated: March 10, 1982.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-7262 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Grand Canyon National Park, Ariz.; Comprehensive Design and Environmental Assessment, North Rim Development; Availability

Notice is hereby given that the Draft Comprehensive Design and Environmental Assessment for the North Rim Development at Grand Canyon National Park is available for public review and comment.

The draft plan proposes a number of measures to mitigate problems of congestion and deteriorated visitor use facilities which have been compounded with recent increases in public visitation to the North Rim.

The methods for dealing with these problems are defined in the approved 1976 master plan for Grand Canyon National Park.

Actions proposed in the draft Comprehensive Design include rehabilitation and relocation of structures and uses, more efficient vehicular and pedestrian circulation and combining National Park Service and concession support functions for more efficient operation.

The document is available for distribution to all interested individuals, organizations and government agencies. The public record will remain open for comment until May 3, 1982.

Anyone wanting copies of the Comprehensive Design and Environmental Assessment may write to the National Parks Service, Western Regional Office, 450 Golden Gate Avenue, Box 36063, San Francisco, California 94102, Attention: Division of Park Planning.

Dated: March 9, 1982.

Howard H. Chapman,

Regional Director, Western Region, National Park Service.

[FR Doc. 82-7371 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Proposed Policy for Use of the Federal Portion of the Land and Water Conservation Fund

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of proposed policy and opportunity for comment.

SUMMARY: The Assistant Secretary for Fish and Wildlife and Parks is proposing to adopt a policy statement concerning use of the Federal portion of the Land and Water Conservation Fund (LWCF). This policy statement will provide broad guidance to four Federal agencies in use of the LWCF to achieve natural, cultural, wildlife, and recreation management objectives in accordance with Congressional mandates and statutory authorities.

The proposed policy will apply to the National Park Service, Fish and Wildlife Service, and the Bureau of Land Management, in the Department of the Interior and the Forest Service in the Department of Agriculture. The statement currently under consideration was developed by the LWCF Policy Group which is composed of the Directors of these three Interior agencies, the Chief of the Forest Service, and a chairman who is designated by the Assistant Secretary for Fish and Wildlife and Parks. The LWCF Policy Group (LPG) was orginally established in 1974 to review, comment on and coordinate proposals that may affect the Federal portion of the Land and Water Conservation Fund.

DATE: The Department will consider all comments received by April 19, 1982.

ADDRESS: Comment and data should be sent to Ric Davidge, Chairman, LWCF Policy Group, Room 3156, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: William Hartwig, Staff Director, LWCF Policy Group (202-343-4945).

SUPPLEMENTARY INFORMATION: The proposed policy was developed in response to the decreasing availability of Land and Water Conservation Fund monies annually appropriated by Congress, concerns voiced by a number of sources including hearings by the Senate Subcommittee on Public Lands and Reserved Waters on July 9 and 10 of 1981; and reports by the General Accounting Office concerning Federal land acquisition practices. The current draft generally refines and expands the basic concepts included in the policy statement which appeared in the Federal Register of May 7, 1980 (45 FR 30306). This previous policy statement only addressed studies and recommendations for new areas to be funded under the Land and Water Conservation Fund program. The recent drop in the level of the annual Land and Water Conservation Fund appropriation has created a need to apply the various alternatives to fee title land acquisition to all currently authorized areas in an effort to stretch available LWCF monies. The current proposal would amend and supplement the 1980 statement to include existing units of the Natiional Park, Wildlife Refuge, Forest, and recreation or conservation area systems where acquisition of private land is planned using LWCF monies.

The proposed policy provides general guidance and will not replace the more detailed policies nd procedures governing the land acquisition and management programs of each agency. However, each agency affected by the Policy is expected to make revisions in its policies and procedures as necessary and appropriate to reflect the direction of the general policy. This direction includes emphasis on responsiveness to Congressional mandates; cost effective alternatives to Federal fee simple purchase of private lands; improved cooperation with landowners, other Federal agencies, and State and local governments, and the private sector; and development of plans considering socio-cultural impacts.

Reports of eight case studies designed to explore alternatives for protecting units in the National Park System without relying entirely on direct Federal fee simple purchase of private lands are being compiled by the National Park Service and will be available by contacting the Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240 after April 12, 1982. The findings and recommendations in each of the eight case study reports do not reflect official positions of the National Park Service or the Department of the Interior. The case studies were undertaken in response to recommendations by the General Accounting Office in recent reports including *Federal Land Acquisition and Management Practices* (CED 81-135) and a workshop on public land acquisition and alternatives conducted by the Senate Committee on Energy and Natural Resources on July 9 and 10, 1981. Implementation of any recommendations or proposals discussed in the case studies will take place in accord with established Departmental and National Park Service procedures or the legislative review processes.

STATEMENT OF POLICY: The Assistant Secretary for Fish and Wildlife and Parks is seeking public comment on the

proposed policy. The following statement is under consideration: Proposed Policy for Use of the Federal Portion of the Land and Water Conservation Fund.

The Federal portion of the Land and Water Conservation Fund will be used to acquire lands, waters, and interests therein necessary to achieve the natural, cultural, wildlife, and recreation management objectives of the National Park Service, Fish and Wildlife Service, Bureau of Land Management, and Forest Service. The fund will be used in accord with management objectives for each currently authorized area based on agency missions and Congressional mandates. The agencies using the Federal portion of the Land and Water Conservation Fund will, to the extent consistent with statutory authorities:

—Identify what land or interests in land need to be in Federal ownership to achieve management unit purposes consistent with public objectives in the unit.

—Use to the maximum extent practical cost-effective alternatives to direct Federal purchase of private lands and, when acquisition is necessary, acquire or retain only the minimum interests necessary to meet management objectives.

—Cooperate with landowners, other Federal agencies, State and local governments, and the private sector to manage land for public use or protect it for resource conservation.

—Formulate, or revise as necessary, plans for land acquisition and resource use or protection to assure the socio-cultural impacts are considered and that the most outstanding areas are adequately managed.

Ric Davidge,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-7260 Filed 3-17-82; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Ex parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: March 3, 1982.

Lester C. Newton Trucking Company (No. MC-113388) and New Truck Lines, Inc. (No. MC-115215) have filed a petition for waiver of Paragraph (c) of Section 1057.12 of the *Lease and Interchange of Vehicles* Regulations (49 CFR Part 1057) with respect to equipment augmented among them.

Findings

1. Petitioners are commonly controlled and administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater economy and efficiency would result if the waiver were granted.

It is ordered

1. The Petition of Lester C. Newton Trucking Co. and New Truck Lines for waiver of Paragraph (c) of § 1057.12 is granted with respect to equipment augmented between them.

2. The waiver granted in this decision does not affect the application of the leasing regulations to a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien, Board Member McFarland, not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7233 Filed 3-17-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: March 3, 1982.

Tose, Inc. (No. MC-41706) and Fowler & Williams, Inc. (No. MC-7698) petition for waiver of Subpart B (Sections 1057.11 and 1057.12), except for paragraph (b) of § 1057.11, and § 1057.22 of Subpart C of the *Lease and Interchange of Vehicles* Regulations (49 CFR Part 1057), with respect to equipment augmented between them.

Findings

1. Petitioners are commonly controlled and jointly administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater economy and efficiency would result if the requirements of Subpart B were waived in part.

4. Waiver of § 1057.22 is not warranted.

It is ordered

1. The petition of Tose, Inc., and Fowler & Williams, Inc. for waiver of Subpart B (§§ 1057.11 and 1057.12), except for paragraph (b) of § 1057.11, with respect to equipment augmented between them, is granted, provided petitioners or their authorized representatives agree in writing that the lessee shall have control and responsibility for the operation of the equipment from the time possession is taken by the lessee and the receipt required under paragraph (b) of § 1057.11 is given to the lessor until possession of the equipment is returned to the lessor and the receipt required under paragraph (b) of § 1057.11 is received by the lessee or possession of the equipment is returned to the lessor or given to another authorized carrier in an interchange of equipment. A copy of the agreement must be carried in the equipment while it is in the possession of the lessee.

2. The petition for waiver of § 1057.22 is denied.

3. The waiver granted in this decision does not affect the application of the leasing regulations to a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien, Board Member McFarland not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7234 Filed 3-17-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commision's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: March 15, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC–F–14814, filed February 26, 1982. DRS TRANSPORT, INC. (DRS) (P.O. Box 29, 1111 11th Ave. West, Oskaloosa, IA 52577)—Purchase (Portion)—BILL LITTLEFIELD TRUCKING, INC. (Littlefield) (775 E. Vilas Rd., Medford, OR 97501). Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. DRS seeks authority to purchase a portion of the interstate operating rights of Littlefield. Jerry L. Rozenboom, O. T. Scott and O. K. Scott seek authority to acquire control of said rights through the transaction. DRS is purchasing those rights contained in Littlefield's Certificate MC–144054 (Sub-No. 18) served July 24, 1981, which authorizes the transportation of: lumber and wood products, between points in OR and WA, on the one hand, and, on the other, points in the U.S. DRS is authorized to operate as a motor common carrier pursuant to certificates issued in MC–139615 and sub-numbers thereunder.

MC–F–14808, filed February 18, 1982. Midwest Refrigerated Express, Inc. (MRX), 4440 Buckingham Avenue, Omaha, NE 68107—Control and Merger—Central Truck Service, Inc. (CTS), 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Authority is sought by MRX, a motor common carrier (MC–124774 and subnumbers thereunder) to control the operating authority and properties of CTS, a motor common carrier (MC–145955 and subnumbers thereunder) and a motor contract carrier (MC–59694 and subnumbers thereunder) and then to merge the operating authority and property of CRS into MRX. Howard H. Holdcroft who currently controls MRX through the ownership of its outstanding capital stock seeks to control CTS through the transaction. A detailed description of the carrier authorities are on file in part of the application at the Commission's main office in Washington, D.C. and at its Regional Office in Ft. Worth, TX.

Notes.—(1) MRX has filed an application for temporary control of CRS. This transaction is unrelated to a proposal for MRX subsequently to issue stock to General Industries, Inc. (GI) and the resulting control by GI of MRX.

MC–F–14752, filed December 10, 1981. Linus Jankord (Jankord) (P.O. Box 82, Revillo, SD 57259)—Purchase (Portion)—T.F.S., Inc. (TFS) (Grand Island, NE). Representatives: (Jankord) James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102, (TFS) A. J. Swanson, 226 North Phillips Avenue, Sioux Falls, SD 57101. Jankord seeks to purchase a portion of the interstate operating rights of TFS which TFS acquired from LTL Perishables, Inc. in Docket No. MC–F–14141 as contained in Certificate No. MC–135874 (Sub-No. 99 F) issued to LTL Perishables, Inc. and not yet reissued to TFS, which authorizes the transportation of foodstuffs (except commodities in bulk), in vehicles equipped with mechanical refrigeration from points in WA, OR, ID and CA to the facilities of Termicold, Inc. at or near Bettendorf, IA, restricted to traffic originating in the named States and destined to the facilities of Termicold, Inc. at or near Bettendorf, IA. Jankord is authorized to operate as a motor common carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–7235 Filed 3–17–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the

decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC FC–79616. By decision of March 4, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to J.M. ROGERS TRUCK LINES, INC., of Piedmont, SC, of Permit Nos. MC–150101 (Sub-No. 1), issued March 12, 1981, MC–150101 (Sub-No. 2), issued December 18, 1980, MC–150101 (Sub-No. 3), issued March 6, 1981, MC–150101 (Sub-No. 4), issued December 18, 1980, MC–150101 (Sub-No. 5) issued February 10, 1981, to GREENVILLE XPRESS, INC., f.k.a. BLAZER EXPRESS, INC., of Greer, SC, authorizing the movement of named commodities, from, to, or between various points in the United States under continuing contracts with (1) Creusot-Loire Steel Corporation, of Bloomsfield, NJ; (2) Para-Chem Southern Inc., of Simpsonville, SC; (3) Boiler Tube Company of America, of Lyman, SC; and (4) National Railway Utilization Corp., of Philadelphia, PA; and in Certificate No. MC–150101 (Sub-No. 7) transporting urethane insulating wallboard, from the facilities of R. Max, Inc., at or near Greer, SC, to points in AL, FL, GA, and NC. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. TA lease is not sought. Transferee is a carrier.

Note.—If transferee desires to become an applicant in transferor's pending proceeding, MC–150101 (Sub-No. 6), an appropriate request for substitution of transferee as applicant should be filed jointly by transferor and transferee.

MC–FC–79629. By decision of March 4, 1982, Review Board 3 approved the transfer to LEO'S BUS SERVICE, INC., of Spearfish, SD, of Permit No. MC–143564 Sub 1F issued to BANANA BELT BUS SERVICE, INC., of Spearfish, SD, authorizing: Passengers and their baggage, in the same vehicle with pasengers, between points in Crook County, WY, on the one hand, and, on the other, points in Butte County, SD, under contract with (a) International Minerals & Chemical Corporation, and (b) Federal Bentonite Din., Aurora Metal Company. Representative: Melvin L. Lodson, P.O. Box 609, 1610 N. 3rd St., Spearfish, SD 57783, TA lease is not sought. Transferee is not a carrier.

MC–FC–79632. By decision of March 5, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Martin Motor Lines, Inc., of Winston-Salem, NC, of Certificates No. MC–9710 Sub 1 issued to Burris Trucking, Inc., of Winston-Salem, NC, authorizing (1) *sodium products,* in drums from Saltville, VA, to Winston-Salem, NC, and points in NC 50 miles of Winston-Salem; and (2) *unprocessed agricultural commodities,* from Norfolk, VA, and points within 40 miles of Norfolk to Winston-Salem, NC, and points in NC within 50 miles of Winston-Salem; and (3) *unmanufactured tobacco,* from Martinsville, VA, to Winston-Salem, NC; and (4) *paper boxes and wooden boxes,* from Winston-Salem, NC, to points in SC, VA (except named points in Virginia) and points in TN on and east of U.S. Hwy 129 from the TN–NC State line to Knoxville, TN, and U.S. Hwy 11W from Knoxville to TN–VA State line; and (5) *cottonseed meal,* from points in Darlington, Kershaw, and Lee Counties, SC, to Winston-Salem, NC and points in NC within 50 miles of Winston-Salem; and (6) *glass bottles, and glass jars,* from Laurens, SC, to points in NC and Sanville, VA; TA lease is not sought. Transferee is a carrier.

MC–FC–79640. By decision of March 4, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to STEEL TERMINAL SERVICE, INC. of Certificate No. MC–99594 (Sub-No. 3) issued to THE UNION CARTAGE COMPANY authorizing: transportation of *metal products,* between points in AL, CT, DE, IL, IN, KY, MD, MI, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and DC. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. TA lease is not sought. Transferee is not a carrier.

MC–FC–79649. By decision of March 5, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to FUGAZY EXPRESS, INC. of Permit No. MC–148453 (Sub-No. 2) and issued to FUGAZY CONTINENTAL Certificate No. MC–142630 and Corporation of New Jersey Inc. MC–142630 (Sub-No. 2) authorizing the transportation of (1) *Passengers and their baggage, and pets,* in the same vehicle with passengers, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, restricted to the transportation of passengers whither originating at or destined to Teterboro Airport, at Teterboro, NJ, La Guardia Airport and John F. Kennedy International Airport, at New York, NY, over regular routes, between John F. Kennedy International Airport (NY) and Ramsey, NJ, via La Guardia Airport (NY) serving all intermediate (2) *passengers and their baggage,* between Ramsey, Suffern, NY, over regular routes serving no intermediate points (3) over irregular routes, *passengers and their baggage,* in special operations, in non-scheduled door-to-door service between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset and Union Counties, NJ, on the one hand, and, on the other, New York, NY and (4) *passengers and their baggage,* between Atlantic City, NJ, on the one hand, and, on the other, Philadelphia, PA, and points in NJ, NY, and CT, under continuing contract(s) with Bally is Park Place, Inc., of Atlantic City, NJ. Applicants' representative: Arthur Wagner, 342 Madison Avenue, New York, NY 10073.

Note.—(1) Transferee is a non-carrier.

MC–FC–79656. By decision of March 5, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to BEDMINSTER TRANSPORTATION CO., INC. of Certificate No. MC–14929 issued to GRAY BUS LINE authorizing the transportation of *passengers and their baggage,* restricted to traffic originating in the territory indicated, in charter operations, from points in Somerset County, NJ, to New York, NY, and points in Westchester, Nassau, Orange, and Rockland Counties, NY, and those in that part of PA on and east of a line beginning at the NY–PA State line and extending along U.S. Hwy 11 to Harrisburg, PA and then along U.S. Hwy 111 to the PA–MD State line and return. Applicants' representative: Souiano, 90–92 Grove St., P.O. Box 1062, Somerville, NJ 08876.

Note(s).—Transferee is a non-carrier.

MC–FC–79658. By decision of March 4, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to LYNN HARDY & CHERYL HARDY, a partnership doing business as LYNN HARDY of Permit No. MC–150852 (Sub-Nos. 1 and 2) issued February 5, 1981 and April 27, 1981 to SKYLINE TRANSPORT, INC. authorizing the transportation of foodstuffs (for Livington Distributing Co., of Midvale, UT), chemicals and related products and machinery (for The Rax Co., of Salt Lake City, UT), between points in the United States. Representative: Lynn Hardy, 1650

Southgate Avenue, Salt Lake City, UT 84119.

Note.—Although the parties seeks to transfer MC–150852 (Sub-No. 6–4TA), such temporary authorities are not susceptible to transfer.

MC–FC–79604. By decision of March 5, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to RAMROD TRUCKING, INC. of Certificate of Registration No. MC–120750 (Sub-No. 1) issued February 12, 1976 to Roughneck Trucking, Inc., (formerly D.C. Transport, Inc.) (1) oilfield equipment and pipe, and authorizing the transportation of (2) pipe and machinery (except oilfield), between points in TX. Representative: Mike Cotton, Esq., P.O. Box 1148, Ashin, TX 78767.

MC–FC–79643. By decision of March 5, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1045.11, Review Board Number 3 approved the transfer to CHARLES R. BAISLEY TRANSPORTATION CORP. of Buffalo, NY, License No. MC–12992 issued to Crickett Ticket Service, Inc. of Buffalo, NY, authorizing: a brokerage service at Buffalo, NY, of passengers and their baggage, in round trip all-expense tours, beginning and ending at Buffalo, NY, and extending to ports of entry on the United States-Canada Boundary line on the Niagara River. Representative: James W. Bennett, 1900 Liberty Banks Bldg., Buffalo, NY 14202.

MC–FC–79644. By decision of March 4, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to FISCHER-HUGHES TRANSPORT, INC. of Certificate No. MC–35750 issued to FISCHER'S TRANSFER, INC. authorizing the transportation of *household goods*, between Doylestown, PA, and points within 25 miles of Doylestown, on the one hand, and, on the other, points in DE, MD, NJ, NY, CT, MA, RI, and PA. Applicants' representative Edward J. Hughes, Suite 905, Ore Montgomery Plaza, Norristown, PA 19401.

Note.—(1) Transferee is a non-carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–7239 Filed 3–17–82; 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 and practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–46

Decided: March 11, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating in part.)

MC 128761 (Sub-10), filed March 2, 1982. Applicant: RICHARD M. GODFREY, 8530 Kingscove Drive, Salt Lake City, UT 84121. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 140571 (Sub-1), filed March 1, 1982. Applicant: MEDIA EXPRESS, INC., 522 Penman Street, P.O. Box 30845, Charlotte, NC 28230. Representative: Warren A. Goff, 109 Madison Avenue, Memphis, TN 38103, (901) 526–2900. Transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 160830, filed March 3, 1982. Applicant: ALAN C. KRAEMER, d.b.a. ALANDALE TRANSPORTATION SERVICES, 13641 Sunset Drive, Whittier, CA 90602. Representative: Alan C. Kraemer (same address as applicant), (213) 698–1894. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP 2–45

Decided: February 24, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 16513 (Sub-33), filed February 4, 1982. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301

Union Ave., Pennsauken, NJ 08110. Representative: Russell R. Sage, Suite 304, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. 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 Revere Sugar Corporation, of Brooklyn, NY.

MC 136123 (Sub-38), filed February 19, 1982. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. BOX 1058–2103 17th St. East, Palmetto, FL 33561. Representative: David M. Kuehl (same address as applicant), 813–722–0506. Transporting *General commodities* (except classes A and B explosives, household goods, and commodities in bulk), between the facilities of International Paper Company, at points in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 138512 (Sub-44), filed February 8, 1982. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., 100 N. Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: Michael V. Kaney (same address as applicant), (312) 295–5700. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Safeway Stores, Inc., of Oakland, CA, Nabisco Brands, Inc., of New York, NY, Trend Carpet/ Roxbury Carpet Divisions of WWG Industries, Inc., of Rome, GA, and All-Glass Aquarium Co., Inc., of Franklin, WI.

MC 139973 (Sub-98), filed February 22, 1982. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309, (515) 244–2329. Transporting *printed matter,* between points in the U.S. (except AK and HI).

MC 143023 (Sub-6), filed February 17, 1982. Applicant: CHI TRUCK LINES, INC., 1501 W. Pershing Rd., Chicago, IL 60609. Representative: Donald E. Weishaar, Suite 4, 2777 Finley Rd., Downers Grove, IL 60515, 312–620–8664. Transporting *beverage containers,* between points in the U.S. (except AK and HI), under continuing contract(s) with Joseph Schlitz Brewing Co., of Milwaukee, WI.

MC 144702 (Sub-4), filed February 8, 1982. Applicant: ASHEVILLE-NEW YORK MOTOR EXPRESS, INC., Old Charlotte Hwy, P.O. Box 9907, Asheville, NC 28815. Representative: Miles E. Brown (same as applicant), (704) 298–2266. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Carter, Blount, Hamblen, Johnson, Sullivan, Jefferson, Anderson and Cocke Counties, TN, Greenville, Pickens and Spartanburg Counties, SC, and those in NC on and west of Interstate Hwy 85, on the one hand, and, on the other, points in ND, SD, NE, KS, OK, TX, MI, LA, IA, MO, AR, MS, AL, TN, KY, IL, WI, MD, IN, OH, VA, WV, SC, GA, FL, PA, NY, MA, CT, NJ, DE, ME, VT, NH, RI and MN.

MC 145102 (Sub-83), filed February 8, 1982. Applicant: FREYMILLER TRUCKING, INC., 1400 S. Union Ave., Bakersfield, CA 93307. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *chemicals and related products, and rubber and plastic products,* between Los Angeles, CA, and points in Stark and Tuscarawas Counties, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146942 (Sub-3), filed February 17, 1982. Applicant: CARROLL TRUCKING, INC., 7444 Major Ave., Norfolk, VA 23505. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510, (804) 627–0070. Transporting *hazardous materials, classes A and B explosives, secret materials, and sensitive weapons and munitions,* between points in the U.S. (except AK and HI). Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 148083, (Sub-6), filed February 17, 1982. Applicant: SELLARS TRANSPORT SERVICE, INC., 1620 Parnell Dr., Eugene, OR 97404. Representative: Robert W. Sellars (same address as applicant), 503–485–6138. Transporting *clay, concrete, glass and stone products,* between the facilities of Interpace Corp., at points in OR, WA, CA, and UT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148392, (Sub-5), filed February 17, 1982. Applicant: SERVICE TRANSPORT, INC., P.O. Box 2749, Cookeville, TN 38501. Representative: James Clarence Evans, 1800 Third National Bank Bldg., Nashville, TN 37219, 615–244–1440. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Putnam, White, Overton, and Van Buren Counties, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant holds regular-route authority under its sub 4 with the requested authority can be tacked to provide a direct service.

MC 148562, (Sub-1), filed February 4, 1982. Applicant: UNIVERSITY CORP., P.O. Box 2339, Columbus, OH 43216. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of heating and air conditioning units, between points in the U.S. (except AK and HI), under continuing contract(s) with Magic Chef Air Conditioning & Heating Division, of Columbus, OH, and (2) *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with The Mohawk Rubber Company, of Columbus, OH.

MC 149333, (Sub-7), filed February 19, 1982. Applicant: RICKY SHAW & SONS TRANSPORTATION COMPANY, INC., 500 Bennington, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, 816–842–8600. Transporting *electrical kits, televisions, video cassette recorders, radios, stereos and equipment, computers security devices, monitors and parts,* between points in the U.S. (except AK and HI).

MC 151173 (Sub-11), filed February 3, 1982. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: O. L. Godfrey, Jr. (same as applicant), (404) 478–4115. Transporting *chemicals, plastic film and sheeting, plastic trash bags, and plastic gloves,* between the facilities used by Borden Chemical, Division of Borden Inc., at points in the U.S. (except AK and HI) on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152642 (Sub-1), filed February 8, 1982. Applicant: FRANK T. OSOWIECKY, JR., d.b.a. FALD LEASING, RD #1, Box 198, Averrill Park, NY 12018. Representative: Michael A. Wargula, 128 Sherburn Drive, Hamburg, NY 14075, (716) 845–6066. Transporting *housewares and furniture,* between points in the U.S. (except AK and HI) under a continuing contract(s) with Huckleberry Finn Pottery, Inc., of Albany, NY.

MC 156233, filed February 16, 1982. Applicant: PATRICIA A. HUTCHINSON, d.b.a. D.J.P. LEASING, 724 Carrollton Ave., Salem, VA 24153. Representative: Patricia A. Hutchinson

(same address as applicant), 703–387–1039. Transporting *malt beverages and wine,* between points in Roanoke County, VA, and points in GA, MD, PA, KY, OH, and MI.

MC 159012, filed February 19, 1982. Applicant: KELLY BUS SERVICE, INC., 1127 45th Place SE., Washington, DC 20019. Representative: Peter A. Greene, 1920 N St. NW., Washington, DC 20036, 202–331–8800. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning and ending at Washington, DC, Alexandria, VA, and points in Montgomery and Prince Georges Counties, MD, and Arlington and Fairfax Counties, VA, and extending to points in the U.S. (except AK and HI).

MC 160733, filed February 24, 1982. Applicant: EDWARD V. BAILEY, d.b.a. BAILEY'S TRANSPORTATION, 519 Darnaby Aye., Hampton, VA 23661. Representative: Edward V. Bailey (same address as applicant), 804–245–0992. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in VA, and extending to points in the U.S. including AK, but excluding HI.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–7240 Filed 3–17–82; 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 requirement 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 and 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. OP1–40

Decided: March 5, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 3121 (Sub-12), filed February 26, 1982. Applicant: STEEL TRUCKING, INC., 7172 Northview Drive, P.O. Box 355, Brookfield, OH 44403. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. 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 Sharon Tube Company, of Sharon, PA.

MC 29601 (Sub-17), filed February 26, 1982. Applicant: MIDWEST, COACHES INC., Box 226, Mankato, MN 56001. Representative: Richard L. Gill, 1805 American National Bank Bldg., St. Paul, MN 55101, (612) 224–9454. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in MN, and extending to points in the U.S.

MC 52360 (Sub-7), filed February 26, 1982. Applicant: KOCAK VAN LINES, INC., R.D. #1, Burr Avenue, Binghamton, NY 13903. Representative: John M. Kocak (same address as applicant), (607) 722–3383. Transporting *furniture and fixtures and electrical machinery,* between points in the U.S. on and east of a line beginning at the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 88370 (Sub-9), filed February 25, 1982. Applicant: LANDA MOTOR LINES, 4601 Blanchard Road, Shreveport, LA 71107. Representative: William J. Wochner, 301 West 11th Street, Kansas City, MO 64105, (816) 556–0324. Transporting *general commodities* (except classes A and B explosives), (1) between points in KS, MO, OK, AR,LA, and TX, and (2) between points in KS, MO, OK, AR, LA, and TX, on the one hand, and, on the other, points in AL, IA, IL, MS, and NE.

MC 98540 (Sub-4), filed February 19, 1982. Applicant: SHIPPERS FREIGHT LINES, INC., 1440 East 39th Street, Cleveland, OH 44114. Representative: Italo H. Ablondi, 1776 K Street NoW., Washington, DC 20006, (202) 296–3355. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Cleveland, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI.

MC 115730 (Sub-94), filed February 26, 1982. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307, (515) 243–4191. Transporting *building materials,* between points in Jasper County, MO, and Phillips County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145040 (Sub-4) (republication), filed January 22, 1982, previously noticed in the **Federal Register** issue of February 9, 1982. Applicant: RAMSEY'S TRAILWAYS, INC., 825 Hudson Ave., Jonesboro, LA 71251. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. (1) Over regular routes, transporting *passengers and their baggage,* and *express and newspapers,* in the same vehicle with passenger, (a) between El Dorado, AR, and Shreveport, LA, from El Dorado over U.S. Hwy 82 to Magnolia, AR, then over AR Hwy 132 to Springhill, LA, then over LA Hwy 7 to junction U.S. Hwy 80, then over U.S. Hwy 80 to Shreveport, and return over the same route, (b) between Shreveport and Monroe, LA, from Shreveport over U.S. Hwy 71 to Elm Grove, LA, then over LA Hwy 154 to Ringgold, LA, then over LA Hwy 4 to Chatham, LA, then over LA Hwy 34 to Monroe, and return over the same route, and (c) between Jonesboro and Winnfield, LA, over U.S. Hwy 167, serving all intermediate points in routes (a), (b) and (c) above, and (2) over irregular routes, transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points on the above-described regular routes, and extending to points in the U.S.

Note.—The purpose of this republication is to correct the territorial description in part (2) above.

MC 152060 (Sub-1), filed February 26, 1982, Applicant: JACK FROST, d.b.a. JACK FROST TRUCKING, P.O. Box 12765, El Paso, TX 79912. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *such commodities* as are dealt in or used by grocery stores and restaurants, between (1) points in Dona Ana and Luna Counties, NM, and El Paso and Webb Counties, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) points in Bernalillo County, NM, on the one hand, and, on the other, points in CA, OR, WA, and WI.

MC 154460 (Sub-3), filed February 26, 1982, Applicant: "Q" CARRIERS INC., 14086 Rutgers St. N.E., Prior Lake, MN 55372. Representative: Randall D. Quiring (same address as applicant), (612) 445–8718. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with the United Steel Products Company, of Montgomery, MN.

MC 159370, filed February 26, 1982, Applicant: PAUL KITTIPOL VEJABUL, d.b.a. AMERICAN TOUR AND LEASING, 5230 Clark Ave., Lakewood, CA 90712. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *passengers and their baggage,* in the same vehicle with passengers, (1) in one-way charter operations, from points in Los Angeles County, CA, to points in AZ and NV, and (2) in round-trip charter operations, beginning and ending at points in Los Angeles County, CA, and extending to points in NV.

MC 159921, filed February 26, 1982, Applicant: ALASKA PACIFIC EXPRESS, P.O. Box 950, Soldotna, AK 99669. Representative: David L. Hutchings (same address as applicant), (907) 262–5896. Transporting *general commodities* (except classes A and B explosives), between points in the Third Judicial District of AK.

MC 160161, filed February 26, 1982. Applicant: COASTMASTER TRANSPORT, 4904 Lacey Blvd. SE., Lacey, WA 98503. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421, (206) 383–3998. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Master Chemical Corp., of Perrysburg, OH, and Neifer Installations (1968) Ltd., of Vancouver, B.C., Canada.

MC 160350, filed February 26, 1982. Applicnt: AMERICAN DELIVERY SYSTEMS, INC., 1401 Fairfax Trafficway, Kansas City, KS 66115. 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, commodities in bulk, and household goods), between Kansas City, KS, on the one hand, and, on the other, points in IA, KS, MO, and NE.

MC 160690, filed Febraury 22, 1982. Applicant: WILLIAM C. AND BETTY S. HOWELL, d.b.a. CURT'S TOURS, 2000 Marconi Ave., Sacramento, CA 95821. Representative: James R. Benoit, P.O. Box 5110, Santa Rosa, CA 95402, (707) 523–1230. As a *broker,* at Sacramento, CA, in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between points in CA and NV, on the one hand, and, on the other, points in the U.S. (including HI and AK).

MC 160740, filed February 24, 1982. Applicant: CALIFORNIA OVERLAND EXPRESS, INC., 1844 East 27th St., Vernon, CA 90058. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602, (213) 945–3002. Transporting *transportation equipment, building materials, lumber and wood products, bags and packaging materials, chemicals and related products (except classes A and B explosives), metal products, machinery, rubber and plastic products, pulp, paper and related products, petroleum and coal proudcts (except commodities in bulk), and such commodities as are dealt in by wholesale and retail general merchandise stores,* between points in AZ, CA and UT, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: The person or person 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 160751, filed February 24, 1982. Applicant: SOUTHEAST TOURS, INC., 131 Keith St. Plaza, Cleveland, TN 37311. Representative: William E. Allison, (same address as applicant), (615) 478–2515. As a *broker,* at Cleveland, TN, in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between points in the U.S.

MC 160771, filed February 26, 1982. Applicant: WILLIAM H. JOHNSTON & EARL DWIGHT JOHNSTON, d.b.a. J & W OILFIELD SERVICES, P.O. Box 146, Moab, UT 84532. Representative: Irene Warr, 311 S. State St. Ste. 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *Mercer commodities,* between points in UT, CO, WY, NV, and NM.

Volume No. OP1–45

Decided: March 11, 1982.

By the Commission, Review Board No. 1, Member Parker, Chandler, and Fortier. (Member Chandler not participating in part.)

MC 61440 (Sub-218), filed March 2, 1982. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73116. Representative: Richard O. Battles, P.O. Box 12750, Oklahoma City, OK 73157, (405) 840–7578. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in

bulk), serving points in AL, AZ, CA, CO, GA, IL, IN, IA, KS, KY, MI, MN, MO, NC, NM, NV, NY, OK, PA, SC, TN, UT, VA, WV and WI as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 124370 (Sub-8), filed February 22, 1982. Applicant: ACE TRANSPORTATION CO., INC., P.O. Box 328, 1407 St. John Ave., Albert Lea, MN 56007. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting (1) *passengers and their baggage,* in the same vehicle with passengers, and (2) *baggage of passengers,* in a separate vehicle, in special and charter operations, between points in the U.S. (except AK and HI), under continuing contract(s) with 4-Seasons Travel, Inc., of Albert Lea, MN.

MC 128290 (Sub-22), filed March 3, 1982. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339, (404) 434–3381. Transporting *mulch, wood cellulose insulation, and acrylic emulsion,* between points in the U.S. (except AK and HI).

MC 135241 (Sub-8), filed February 26, 1982. Applicant: PAPER TRANSPORTATION SPECIALISTS, INC., 13635 S.W. Edy Road, Sherwood, OR 97140. Representative: Mona Bowen (same address as applicant), (503) 625–5584. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OR, WA, CA, UT, WY, MT, ID, NM, AZ, CO, and NV. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its permits in MC-135241 Subs 1, 3, 4, 5, 6, and 7.

Note.—The purpose of this application is to convert applicant's existing contract carrier authority in MC–135241 Subs 1, 3, 4, 5, 6, and 7, to common carrier authority.

MC 135530 (Sub-9), filed March 3, 1982. Applicant: LAKE CENTER INDUSTRIES TRANSPORTATION, INC., 5676 Industrial Park Road, Winona, MN 55987. Representative: John G. Grote (same address as applicant), (507) 457–3250. Transporting *metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Pegg Metals, Inc., of Brookfield, WI.

MC 135861 (Sub-100), filed February 22, 1982. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103, (817) 332–4718. 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 Standard Brands Paint Co., Inc., of Torrance, CA.

MC 141330 (Sub-7), filed March 3, 1982. Applicant: MALCOLM POWELL, d.b.a. POWELL TRUCKING, Route One, Lumber City, GA 31549. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with St. Regis Paper Company, of West Nyack, NY.

MC 142431 (Sub-14), filed March 1, 1982. Applicant: WAYMAR TRANSPORT CORP., 5225 East University, Des Moines, IA 50317. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting (1) *feed supplements,* between points in Polk County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *chemicals* (except in bulk), between Minneapolis, MN, Appleton, WI, Florence, MA, and points in Cook County, IL, on the one hand, and, on the other, points in CA, MS, MI, NH, GA, TX, IL, IN, and MO, (3) *materials, equipment, and supplies* used in the printing business, between Babylon, NY, Fairfield, NJ, Chicago, IL, McIntyre, GA, and points in Los Angeles County, CA, Barrien, St. Clair and Kalamazoo Counties, MI, and Berkshire County, MA, on the one hand, and, on the other, points in Polk County, IA, and (4) *ceramics,* between points in IA, on the one hand, and, on the other, points in TN, KY, and NY.

MC 144630 (Sub-64), filed March 3, 1982. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *food and related products,* between those points in the U.S. in the west of MI, OH, KY, TN, and MS (except AK and HI).

MC 147321 (Sub-8), filed March 2, 1982. Applicant: BILL STARR TRUCKING, INC., 1041 S. Vista Dr., Independence, MO 64056. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105, (816) 221–1464. Transporting *food and related products,* between Kansas City, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149011 (Sub-3), filed March 3, 1982. Applicant: RDR, INC., 3600 N. W. 82nd Ave., Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant), (305) 593–3204. Transporting *corrugated boxes,* between points in the U.S. (except AK and HI), under continuing contract(s) with Westvaco Corporation, of Cleveland, TN.

MC 149100 (Sub-17), filed March 2, 1982. Applicant: JIM PALMER TRUCKING, 9730 Derby Drive, Missoula, MT 59801. Representative: John T. Wirth, 2600 Petro-Lewis Tower, 717 17th St., Denver, CO 80202, (303) 892–6700. Transporting *lumber and wood products,* between points in the U.S., (except AK and HI), under continuing contract(s) with H. F. Stoltze Land & Lumber Co., of Columbia Falls, MT.

MC 149500 (Sub-7), filed March 3, 1982. Applicant: INTERMODAL SERVICES, INC., 11650 Courthouse Blvd., Inver Grove Heights, MN 55075. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402, ;(612) 339–4546. Transporting (1) *electrical machinery and equipment,* and (2) *Such commodities* dealt in or used by wholesale and retail department stores, between points in MN, WI, ID, IL, MO, IN, OH, PA, NY, MA, NJ, DE, KY, TN, NC, SC, GA, FL, LA, TX, OR, WA, AR, CO, MT, NM, ID, SD, UT, WY, MI and CA, on the one had, and, on the other, points in the U.S. (except AK and HI).

MC 150051 (Sub-2), filed March 2, 1982. Applicant: MAX W. BAY d.b.a. MAX W. BAY TRUCKING, P.O. Box 47, Northrop, MN 56075. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *fertilizer,* between points in IA, NE, MN, WI, ND, and SD.

MC 151850, filed March 1, 1982. Applicant: DAVE FALES, P.O. Box 126, Arden, NV 89118. Representative: Dave Fales (same address as applicant), (702) 361–5345. Transporting *recreational vehicles, travel trailers, motor homes and campers,* between points in CA, on the one hand, and, on the other, points in AZ, UT, and NV.

MC 153021 (Sub-3), filed February 26, 1982. Applicant: DAVID DALE TRANSPORT, INC., 25 Franklin Street, West Medway, MA 02053. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting (1) *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in ME, MA, NH and RI, on the one hand,

and, on the other, points in the U.S. (except AK and HI), (2) *sugar*, between points in MO, IA, IL, LA, MN, TX, GA, CO and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (3) *electrical machinery, equipment or supplies*, between points in MA, IL, IN and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153601 (Sub-7), filed March 1, 1982. Applicant: I.N.F. LTD., 80 East Little Canada Road, St. Paul, MN 55117. Representative: Melvin M. Freese, P.O. Box 43355, St. Paul, MN 55164. Transporting (1) *pulp, paper and related products*, (2) *printed matter*, (3) *rubber and plastic products*, (4) *clay, concrete, glass or stone products*, and (5) *metal products*, between points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NY, ND, OH, OK, PA, SD, TN, TX, WV, WI and WY.

MC 154460 (Sub-4), filed March 3, 1982. Applicant: "Q" CARRIERS INC., 14086 Rutgers St. NE., Prior Lake, MN 55372. Representative: Randall D. Quiring (same address as applicant), (612) 445–8718. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Midwest Carbon Company, Inc., of Minneapolis, MN.

MC 155300 (Sub-1), filed March 3, 1982. Applicant: WIARD'S TRUCKING, INC., 5565 Merritt Road, Ypsilanti, MI 48197. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *chemicals and related products*, between points in Oakland County, MI, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MS, MT, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV, WI, and DC.

MC 158930 (Sub-6), filed March 1, 1982. Applicant: U. S. TRANSPORTATION, INC., 585 Valley Blvd., Bloomington, CA 92316. Representative: Frederick J. Coffman, 1834 N. Kelly Ave. P.O. Box 1455, Upland, CA 91786, (714) 981–9981. Transporting (1) *adhesives, rubber stripping and gaskets, machinery and tools*, between points in Allegheny County, PA and Knox County, KY, on the one hand, and, on the other, those points in the U.S. in and west of MT. WY, CO, NM, and TX (except AK and HI), and (2) *metal products, adhesives, rubber stripping and gaskets and tools*, between points in San Joaquin County, CA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 159561, filed February 26, 1982. Applicant: D.R.C. TRUCKING, P.O. Box 592, Depot Road, Kingston, NH 03848. Representative: Mark S. Gearreald, 23 Portsmouth Ave., Stratham, NH 03885, (603) 778–8535. Transporting *lumber and wood products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Northland Forest Products, Inc., of Kingston, NH.

MC 159610, filed February 24, 1982. Applicant: C. W. BOONE, d.b.a. T. WOLF CO., Route 3, Dallas, GA 30132. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477–1525. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Southern Tea Company, of Marietta, GA.

MC 160270, filed March 1, 1982. Applicant: EARL PIERCE d.b.a. AG ENTERPRISES, P.O. Box 5362, Arlington, TX 76011. Representative: Billy R. Reid, 1721 Carl St., Forth Worth, TX 76103, (817) 332–4718. Transporting (1) *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Engineered Gratings, Inc., of Houston, TX, and (2) *lumber and wood products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Wyoming Sawmills, Inc., of Sheridan, WY.

MC 160281, filed January 27, 1982, previously noticed in the Federal Register issue of March 3, 1982. Applicant: KAREN BUS CO., INC., 132 Lake Avenue, Boonton, NJ 07005. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904, (201) 572–5551. Transporting *passengers and their baggage*, in the same vehicle with passengers in charter operations, beginning and ending at points in Bergen, Hudson, Morris and Passaic Counties, NJ, and Kings, New York, Orange, and Rockland Counties, NY and extending to points in CT, DE, FL, GA, KY, ME, MA, MD, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV and DC.

Note.—The purpose of this republication is to reflect the correct territorial description as originally proposed.

MC 160710, filed February 22, 1982. Applicant: J. W. KING and L. E. DAVIS d.b.a. KING AND DAVIS, 422 West College, Kenton, TN 38233. Representative: Jere C. Gordon, 110 N. Poplar, Kenton, TN 38233, (901) 749–5476. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Brown Shoe Company, of St. Louis, MO, and Kenton Custom Molding, of Kenton, TN.

MC 160711, filed February 22, 1982. Applicant: MARGUERITE G. DINAN d.b.a. STRAW HAT CIRCUIT ETC. TOURS, 21 Brown St., Falmouth, ME 04105, (207) 781–5432. As a *broker*, at Falmouth, ME, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, between points in Cumberland County, ME, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160780, filed March 3, 1982. Applicant: STATE WIDE TRANSPORTATION, INC., 9500 Collinsville Road, Collinsville, IL 62234. Representative: James Schaffer (same address as applicant), (618) 344–7991. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between St. Louis, MO, on the one hand, and, on the other, points in AR, IL, IN, IA, KY, MO, OH, OK, TN, and TX.

MC 160781, filed March 1, 1982. Applicant: NEW ORLEANS TOURS, INC., 7323 Chef Menteur Highway, New Orleans, LA 70126. Representative: Warren L. Reuther, Jr., (same address as applicant), (504) 949–0410. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in LA, and extending to points in the U.S. (except AK and HI).

MC 160800, filed March 2, 1982. Applicant: ORVILLE M. WESTFALL d.b.a. WESTOURS AND WESTFALL TRAVEL SERVICE, 2511 S. 112 E. Avenue, Tulsa, OK 74129. Representative: O. M. Westfall (same address as applicant), (918) 664–6129. As a *broker* at Tulsa, OK, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in Tulsa County, OK, on the one hand, and, on the other, points in the U.S., including AK and HI.

Volume No. OP2–46

Decided: March 8, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

FF–383 (Sub-2), filed February 18, 1982. Applicant: EMERY AIR FREIGHT CORPORATION, Old Danbury Road, Wilton, CT 06897. Representative: R. Bruce Keiner, Jr., 1100 Connecticut Ave. NW., Washington, DC 20036, (202) 452–5887. *As a freight forwarder* in

connection with the transportation of *general commodities* (except classes A and B explosives, household goods, commodities in bulk, and commodities which because of size or weight require special equipment, unaccompanied baggage, and used automobiles), between points in the U.S., (including AK and HI).

W-1343, filed January 25, 1982. Applicant: WRIGHT'S MARINE TOWING, INC., 6320 Browns Point Bend NE., Tacoma, WA 98427. Representative: John Elliott, 12420 143rd St. E., Puyallup, WA 98373. Transporting, as a water carrier, by self-propelled and non-self-propelled vessels, *logs, and scrap metal,* between ports in WA.

MC 145993 (Sub-5), filed February 25, 1982. Applicant: SUPERIOR ASSEMBLY AND DISTRIBUTION CENTER, INC., 970 East 3rd St., Los Angeles, CA 90013. Representatives: Ronald N. Cobert, 1730 M St. NW., Suite 501, Washington, DC 20036, 202-296-2900. 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 Intertransport Concepts, Inc., of Los Angeles, CA.

MC 146163 (Sub-4), filed February 19, 1982. Applicant: E. FEDDELER & SONS, INC., 21827 Austin St., Lowell, IN 46356. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726-6525. Transporting *fertilizer and fertilizer materials, home repair and maintenance supplies and materials,* between Chicago, IL, on the one hand, and, on the other, points in IN, KY, MI, OH and WI.

MC 148832 (Sub-8), filed February 22, 1982. Applicant: DELTA MOTOR FREIGHT, INC., 1616 Rowe Boulevard, P.O. Box 1083, Poplar Bluff, MO 63901. Representative: Ronald D. Dodds (same as applicant), (314) 785-1494. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of electric motors, between points in AR, IL, IN, IA, KS, KY, MI, MS, MO, OH, SC and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant indicates intention to tack with existing authority.

MC 158622, (Sub-1), filed March 2, 1982. Applicant: LEONARD N. CRUSE d.b.a. LEONARD CRUSE TRUCKING, 4403 Stone St., Billings, MT 59101. Representative: Leonard N. Cruse (same address as applicant), 406-259-5321. Transporting *salt and salt products* (a) between points in UT, on the one hand, and, on the other, points in ID, MT, ND, SD, and WY, and (b) between points in ID, MT, ND, SD, and WY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7241 Filed 3-17-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

Correction

In FR Doc. 82-4643 appearing at page 7765 in the issue for Monday, February 22, 1982, please make the following correction:

On page 7770, in the middle column, in the paragraph "MC160466(Sub-3-1 TA)" for Folsom Trucking Co., Inc., in the 12th line, after "OK," please insert "MS,".

BILLING CODE 1505-01-M

[Docket No. AB-167 (Sub-No. 56N)]

Rail Carriers; Conrail Abandonment of the Cairo Branch Line in Illinois; Exemption of Trackage Rights

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission has exempted operation pursuant to trackage rights by Southern Railway Company (Southern) over approximately 4.6 miles of the Cairo line between Mt. Carmel and Keensburg, IL (the Keensburg Segment).

DATES: This exemption became effective on March 4, 1982.

ADDRESS: Copies of the full decision are available from: Interstate Commerce Commission, Room 2227, 12th and Constitution Ave. NW., Washington, DC 20423 or by calling toll-free: 800-424-5403.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7246.

SUPPLEMENTARY INFORMATION: Southern has been granted an exemption under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 11343-11345 to allow it to operate pursuant to trackage rights over Conrail's Keensburg Segment. These trackage rights are related to the purchase by Southern of part of Conrail's Cairo line pursuant to the provisions of the Northeast Rail Services Act of 1981 (Pub. L. 97-35). Further information concerning this exemption is contained in our decision served March 4, 1982, in this proceeding.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Clapp, and Sterrett.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7238 Filed 3-17-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 427]

Rail Carriers; Joint Rates Study—Report to Congress

AGENCY: Interstate Commerce Commission.

ACTION: Notice of request for comments.

SUMMARY: The Interstate Commerce Commission is inviting comments on whether section 10705a of Title 49, United States Code, has adequately addressed the joint rate problems of the railroads. Section 10705a permits railroads unilaterally to impose surcharges or cancel joint rates on through routes subject to certain conditions. The Commission will consider the adequacy of the remedy provided by section 10705a and the appropriateness of alternative remedies. The comments are being sought in conjunction with a Commission study mandated by Congress in section 217 of the Staggers Rail Act of 1980, Pub. L. 96-448.

DATES: Notice of intent to participate must be received on or before April 19, 1982. Comments must be received on or before May 17, 1982. Reply statements must be received on or before June 16, 1982.

ADDRESSES: An original and 15 copies of comments and replies should be sent to: Office of Proceedings, Room 5340, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, D.C. 20423.

The original and one copy of statements of intent to participate should be sent to: Interstate Commerce Commission, Office of the Secretary, Commission Service Section, Room 2203, Washington, D.C. 20423.

Copies of the full decision may be obtained from: Office of the Secretary, Room 2227, 12th & Constitution Ave. NW., Washington, D.C. 20423 or by calling toll-free 800-424-5403.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Tyree, Office of Transportation Analysis, (202) 275-0785.

Decided: March 5, 1982.

By the Commission, Chairman Taylor, Vice-Chairman Gilliam, Commissioners Gresham, Clapp, and Sterrett.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7236 Filed 3-17-82; 8:45 am]

BILLING CODE 7035-01-M

[Section 5b Application No. 12]

Rail Carriers; National Railroad Freight Committee—Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Extension for filing of reply comments to notice of filing of proposed rate bureau agreement.

SUMMARY: At 47 FR 871, January 7, 1982, the Commission published a notice regarding a new rate agreement filed by The National Railroad Freight Committee. Based on petition of the National Industrial Traffic League and the American Paper Institute, the due date for reply comments in this proceeding is being extended.

DATE: Reply comments are due April 5, 1982.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall—(202) 275-7656.

SUPPLEMENTARY INFORMATION: The National Industrial Traffic League and the American Paper Institute, Inc., filed a request that the due date for the filing of Reply Comments be extended from March 15, 1982, for a period of 20 days to April 5, 1982. This request was filed March 10, 1982. They contend that they have been unable to obtain all of the initial comments filed in the proceeding by participating parties, and that they need the comments to properly respond.

Under the provisions of 49 CFR 1103.6, any person may request an extension of time to submit comments in response to our notice of filing of proposed rate bureau agreement if submitted at least 10 days prior to the deadline for filing comments.

While the request did not comply with the filing deadline, given the circumstances here and to afford all interested parties an opportunity to make their views known, I shall waive application of the rule and grant the extension of time sought by petitioners.

An extension of time for the filing of Reply Comments from March 15, 1982, to April 5, 1982, is granted.

This decision will not significantly affect the quality of the human environment or conservation of energy resources.

Decided: March 12, 1982.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7237 Filed 3-17-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Senior Executive Service

March 10, 1982.

On or about March 10, 1982 the names of Mr. Curtis Christensen and Ms. Ruth K. Zagorin will be added as members to the Performance Review Board.

Jan Barrow,

Executive Secretary, Performance Review Board, Ageny for International Development.

[FR Doc. 82-7325 Filed 3-17-82; 8:45 am]

BILLING CODE 6116-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Council; Steering Committee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Steering Committee of the NSF Advisory Council.
Place: NSB Chairman's Office, National Science Foundation, Rm. 545, 1800 G Street NW., Washington, D.C. 20550.
Date: Thursday, April 1, 1982.
Time: Noon till 5:00 p.m.
Type of meeting: Open.
Contact person: Ms. Jeanne Hudson, Executive Secretary, NSF Advisory Council, National Science Foundation, Rm. 518, 1800 G Street, NW., Washington, D.C. 20550. Telephone: 202/357-9433.
Purpose of steering committee: The purpose of the Steering Committee, composed of members of the NSF Advisory Council, is to assist the Chairperson and Foundation staff in planning Council activity and related matters not requiring the formation of a separate task group.
Summary minutes: May be obtained from the contact person at above stated address.
Agenda: To review the issues being studied by the three task groups and other issues of general concern.
Reason for late submission: Members serve simultaneously on more than one group of the Advisory Council. A suitable date could not be determined for timely submission to the **Federal Register**.

M. Rebecca Winkler,

Committee Management Coordinator.

March 15, 1982.

[FR Doc. 82-7333 Filed 3-17-82; 8:45 am]

BILLING CODE 7555-01-M

Advisory Council; Task Group No. 18; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group #18 of the NSF Advisory Council.
Place: National Science Foundation, 1800 G Street NW., Room 643, Washington, D.C. 20550.
Date: Friday, April 9, 1982.
Time: 1:00-5:00 p.m.
Type of meeting: Open.
Contact person: Dr. H. Frank Eden, Senior Science Associate, National Science Foundation, 1800 G St., NW., Rm. 510, Washington, D.C. 20550. Telephone: (202) 357-7357.
Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.
Summary minutes: May be obtained from the contact person at above stated address.
Agenda: The Task Group is asked to consider how limited resources might be leveraged to provide greater support for university instrumentation and in the general area of education.

M. Rebecca Winkler,

Committee Management Coordinator.

March 15, 1982.

[FR Doc. 82-7334 Filed 3-17-82; 8:45 am]

BILLING CODE 7555-01-M

Astronomical Sciences Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Astronomical Sciences.
Date and Time: April 5, 9 AM-5 PM and 7:30 PM-10:30 PM; April 6, 9 AM-5 PM.
Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, DC.
Type of Meeting: Partially Closed—April 5, 7:30-10:30 PM
Contact Person: Dr. Laura P. Bautz, Acting Director, Division of Astronomical Sciences, Room 615, National Science Foundation, Washington, DC 20550, 202 357-9488.
Summary minutes: May be obtained from the contact person at the above address.
Purpose of committee: To provide advice and recommendations concerning research programs, proposals, and projects in NSF-funded astronomy with the objective of achieving the highest quality forefront research for the funds allocated. To provide advice and recommendations concerning short range and long range

plans in astronomy, including a recommendation of relative priorities.
Agenda:

Monday, April 5

9 AM–5 PM—Open session
Long Range Planning for Astronomy: 25 Meter Millimeter Wave Telescope; Priorities; Status of FY 82 and 83 Budgets and of Selected Projects; Discussion
7:30 PM–10:30 PM
Closed Session for Oversight of Selected Awards

Tuesday, April 6

9 AM–5 PM—Open session
Long Range Planning (continued): Astronomy Survey Committee Report; Discussion of Long Range Priorities; Future Meetings; Concerns of Committee
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

March 15, 1982.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 82–7335 Filed 3–17–82; 8:45 am]
BILLING CODE 7555–01–M

Committee on Equal Opportunities in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Science & Technology.
Place: Rm. 540, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.
Date: Tuesday, April 6 and Wednesday, April 7, 1982.
Time: 9:00 a.m. to 5:00 p.m. both days.
Type of meeting: Open.
Contact person: Mrs. Mary Poats, Executive Secretary of the Committee, National Science Foundation, Rm. 537, 1800 G Street, N.W., Washington, D.C. 20550 Telephone: 202/357–9571.
Purpose of committee: To provide advice to the Foundation on policies and activities of the Foundation to encourage full participation of women, minorities and other groups currently underrepresented in scientific, engineering, professional and technical fields.
Summary minutes: May be obtained from the contact person at the above stated address.
Agenda: To review progress by the two subcommittees of the NSF Committee on Equal Opportunities in Science & Technology and to meet with the Director and the Deputy Director and NSF staff.

March 15, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82–7337 Filed 3–17–82; 8:45 am]
BILLING CODE 7555–01–M

Environmental Biology Advisory Panel; Ecology Subpanel; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Ecology of the Advisory Panel for Environmental Biology.
Date and time: April 8 & 9, 1982—8:30 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Gary W. Barrett, Program Director, Ecology (202) 357–9734, Room 336, National Science Foundation, Washington, D.C. 20550.
Purpose of meeting: To provide advice and recommendations concerning support for research in ecology.
Agenda: To review and evaluate research proposals and projects as part of the selection process of awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 15, 1982.

[FR Doc. 82–7336 Filed 3–17–82; 8:45 am]
BILLING CODE 7555–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

Aircraft Accident Report—*World Airways Inc., Flight 32, McDonnell Douglas DC–10–30CF, N112WA, Over North Atlantic Ocean, September 20, 1982 (NTSB–AAR–82–1).*

Safety Recommendations to—

Federal Aviation Administration, Mar. 5: A–82–17 through –23: Issue an AD regarding installation of dual vacuum pump accessory kit in certain Model 210N Cessnas; conduct design certification review of the pneumatic portion of the Model 210N Cessna's deicing system; amend FAR 61.65(c)(5) to make simulated emergency operations on partial panel more rigorous and specific; amend FAR 61.57(e) to require experience during the preceding 24 months in instrument approaches using partial panel techniques as a prerequisite to exercising instrument privileges in certain aircraft; conduct an engineering evaluation to determine the failure mode and design adequacy of aircraft vacuum pumps produced by the Airborne Mfg. Co. and the Edo-Aire Mfg. Co.; require in subsequent certification of certain single-engine airplanes that aircraft attitude and direction indicators be operated by a separate pressure/vacuum pump or other source of power; conduct an engineering evaluation of the effect of high-altitude operations on light-weight, low-capacity vacuum pumps in turbocharged aircraft. *A–82–24 and –25:* Revise current procedures to demonstrate minimum landing distances for compliance with 14 CFR 25.125 for certification of transport category airplanes; review operational runway length limitations in 14 CFR 121.195. *Mar. 11, A–82–26:* Issue a General Aviation Airworthiness Alert emphasizing the importance of following established repair procedures.

Association of American Railroads: Mar. 5, R–82–1: Advise member railroads of the frequency in which malfunctions in track turnouts, track crossings, and special trackwork are causal factors in accidents and assist members in evaluating their inspection practices and maintenance procedures.

Illinois Central Gulf Railroad Co., R–82–2; Burlington Northern Railroad Co., R–82–3; Atchison, Topeka & Santa Fe, R–82–4; National Railroad Passenger Corp. (Amtrak), R–82–5, (Mar. 5): Evaluate the quality of existing inspection practices and maintenance procedures for track turnouts, track crossings, and special trackwork.

Recommendation Responses from—

Federal Aviation Administration, Mar. 3, A–81–49: FAA does not believe placard is necessary; *A–81–50:* More rigorous test requirements would be unrealistic and impractical. *A–81–51:* Does not concur. *A–81–52:* FAA has discussed the subject with industry. *A–81–53:* No immediate action is contemplated. *Mar. 5, A–81–74:* FAA has proposed revisions to Minimum Operational Performance Standards (MOPS) documents used as source references for Technical Standard Orders (TSO).

Urban Mass Transportation Administration, Mar. 4, R–81–118: UMTA believes that rail transit safety is a local responsibility that is best handled by the State and local decisionmakers who are accountable for the safe, effective, and efficient operation of the rail transit system, and that such procedures as recommended by NTSB are, therefore, not necessary. *R–81–11:* Has completed a document entitled

"Recommended Fire Safety Practices for Materials Selection"; is preparing an emergency preparedness manual for transit operators, and guidelines for the development and conduct of system safety programs at transit properties.

Transport Workers Union of America, Mar. 2, R–81–29: TWU has met with UMTA and urged establishment of national maintenance and safety practices for rail transit systems, but has found UMTA to be generally disinterested.

Note.—In the past, NTSB publications have been mailed free of charge to organizations and individuals who NTSB determined had a transportation interest and could influence transportation safety. However, because of recent personnel and budget reductions, NTSB can no longer provide publications free of charge. Beginning with reports adopted in 1982, interested organizations and individuals must order reports from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703–487–4650 and to order subscriptions to reports call 703–487–4630. Single copies of recommendation letters (identified by recommendation number) and responses are free on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Dated: March 12, 1982.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

[FR Doc. 82-7195 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published February 17, 1982 (47 FR 7022). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the April 1982 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Human Factors,* March 17, 1982, Washington, DC. The Subcommittee will review the Safety Parameter Display System (SPDS) design concepts and the status of plant diagnostic systems. NUREG–0799, "Draft Criteria for Preparation of Emergency Operating Procedures" will be discussed. Additionally, the Subcommittee will discuss the training of Shift Technical Advisors (STAs) in the areas of plant systems and transient/accident analysis, and Senior Reactor Operator (SRO) training programs and qualification. Notice of this meeting was published February 26.

**Reactor Operations and Robert E. Ginna,* March 18 and 19, 1982, Rochester, NY. The Subcommittee will discuss the January 25, 1982 steam generator tube failure and site emergency incident and the Systematic Evaluation Program (SEP) as applied at Ginna. Notice of this meeting was published March 1.

**Reliability and Probabilistic Assessment,* March 19, 1982, Washington, DC. The Subcommittee will review the draft Commission Policy Statement on Safety Goals. Notice of this meeting was published February 26.

**Structural Engineering,* March 22, 1982, Albuquerque, NM. The Subcommittee will review Sandia's containment integrity program. Notice of this meeting was published March 8.

Safeguards and Security, March 23, 1982, Albuquerque, NM. The Subcommittee will discuss various design features that could be included in future nuclear power plant designs in order to make sabotage more difficult. Notice of this meeting was published February 17.

**Emergency Core Cooling Systems,* March 24, 1982, Albuquerque, NM. The Subcommittee will discuss the NRC's use of LOCA/ECCS computer codes, aspects of the recent transient at the Ginna plant that impact on LOCA/ECCS concerns, and the development of operator guidelines and procedures for LOCA/ECCS related transients.

**Reliability and Probabilistic Assessment,* March 25 and 26, 1982, Washington, DC. The Subcommittee will discuss the Zion probabilistic safety study.

**Advanced Reactors,* March 25, 26 and 27, Argonne, IL. The Subcommittee will continue discussion of a report on LMFBR safety issues philosophy. Notice of this meeting was published February 17.

**AC/DC Power Systems Reliability,* March 30, 1982, Washington, DC. The Subcommittee will review the status of the Task Action Plan A–44, "Station Blackout" and the implementation of the recommendations of NUREG–0666, "A Probabilistic Safety Analysis of DC Power Supply Requirements for Nuclear Power Plants." Notice of this meeting was published February 17.

**Clinch River Breeder Reactor (CRBR),* March 30 and 31, 1982, Washington, DC. The Subcommittee will review the Clinch River Breeder Reactor General Design Criteria. Notice of this meeting was published February 17.

**Electrical Systems and Emergency Core Cooling Systems,* March 31, 1982, Washington, DC. The Subcommittee will continue to review the NRC- and Industry-sponsored research on core water level indicator instruments and the implementation of core water level indicator installation requirements. Notice of this meeting was published February 17.

**Nuclear Safety Research Program,* March 31, 1982, Washington, DC. The Subcommittee will continue discussion of the NRC Long-Range Research Program Plan. Notice of this meeting was published February 17.

**Transportation of Radioactive Materials,* April 14, 1982, Washington, DC. The Subcommittee will continue the review of the adequacy of the NRC procedures for certifying packages for transporting radioactive materials.

**Systematic Evaluation Program,* April 15, 1982, Washington, DC. The Subcommittee will review the completion of the Systematic Evaluation Program review of Palisades.

**Wolf Creek,* April 21 and 22, 1982, Emporia, KS. The Subcommittee will review the application of Kansas Gas and Electric Company, et al. for an operating license.

**Washington Public Power Supply System Unit 2 (WPPSS),* April 26, and 27, 1982, Hanford, WA. The Subcommittee will review the application of Washington Public Power Supply System for an operating license.

Watts Bar, April 29, and 30, 1982, Knoxville/Chattanooga, TN. The Subcommittee will review the application of Tennessee Valley Authority for an operating license.

Ad Hoc Metal Components Subgroup, Date to be determined (end of April or early May), Washington, DC. The Subcommittee will review the NRC Staff's action plan on pressurized thermal shock to reactor vessels before a Staff position is issued on this matter.

Metal Components, Date to be determined (early May), Washington, DC. The Subcommittee will continue the review of thermal shock to reactor vessels.

Clinch River Breeder Reactor (CRBR), May 4 and 5, 1982, Washington, DC. The Subcommittee will review the Core Destructive Accident (CDA) energetics issue relative to the Clinch River Breeder Reactor.

Three Mile Island Unit 2 Action Plans (TMI), May 5, 1982, Washington, DC. The Subcommittee will review the proposed 10 CFR 50 rule on "Licensing Requirements for Pending Operating License Applications" (rule contains basic requirements of NUREG–0737, "Clarification of TMI Action Plan Requirements").

Reactor Radiological Effects, May 14, 1982, Washington, DC. The Subcommittee will review control room habitability.

Perry Nuclear Power Plant Units 1 and 2, Date to be determined, Cleveland, OH (TENTATIVE). The Subcommittee will review the application of Cleveland Electric Illuminating Company for an operating license.

Emergency Core Cooling Systems, Date to be determined, Washington, DC. The Subcommittee will discuss General Electric's request for a change in Appendix K decay heat requirements; NRR code audit capability; LOFT ATWS test vendor code predictions and results; and NRR work on operator accident guidelines and procedures.

Clinch River Breeder Reactor (CRBR) and Site Suitability, Date to be determined, Washington, DC. The Subcommittee will begin site suitability review for the Clinch River Breeder Reactor.

Class 9 Accidents, Date to be determined, Washington, DC. The Subcommittee will review severe accident research plan.

Reactor Radiological Effects, Date to be determined (Fall 1982), Washington, DC. The Subcommittee will review NUREG–0833, "Environmental Impact Statement on the Siting of Nuclear Power Plants."

ACRS Full Committee Meeting

April 1–3, 1982: Items are *tentatively* scheduled.

*A. *NRC Long-Range Research Program Plan*—ACRS comments on proposed program.

*B. *Reactor Pressure Vessel Water Level Indication*—Discuss proposed plan for review and approval of instrumentation to monitor reactor pressure vessel water level.

*C. *Quantitative Safety Goals*—Discuss proposed quantitative safety goals to be used in support of regulatory activities.

*D. *Fire Protection Criteria*—Discuss basis for NRC criteria to provide protection against fires in nuclear power plants.

*E. *Seismic Design Methodology*—Discuss proposed changes in the analytical methods used in the seismic design of nuclear facilities.

*F. *Reliability of Electrical Systems*—Report of ACRS Subcommittee regarding the reliability of AC/DC electrical systems in nuclear power plants.

*G. *Extreme Environmental Phenomena*—Discuss NRC policy regarding consideration of seismic events in emergency planning.

*H. *NRC Safety Research Program*—Discuss status of the Loss of Fluid Test Facility (LOFT).

*I. *Decay Heat Removal in Nuclear Power Plants*—Report regarding use of power operated relief valves to rapidly depressurize nuclear power plant primary systems.

*J. *Qualification Program for Safety Related Equipment*—Discuss proposed NRC program for environmental qualification of safety related equipment.

*K. *Human Factors*—Report regarding proposed NRC criteria for training and qualification as well as emergency operating procedures and other human factor features of nuclear power plant design.

*L. *ACRS Subcommittee Activities*—Discuss current ACRS activities of designated subcommittees including safety related matters, the recent steam generator tube failure and resulting transient at the Robert E. Ginna Nuclear Plant.

May 6–8, 1982: Agenda to be announced.

June 3–5, 1982: Agenda to be announced.

Dated: March 15, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–7381 Filed 3–17–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. STN 50–528/529/530]

Arizona Public Service Co., et al.; Availability of the Final Environmenal Statement for Palo Verde Nuclear Generating Station, Units 1, 2, and 3

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Final Environmental Statement (NUREG–0841) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Palo Verde Nuclear Generating Station, Units 1, 2 and 3, located in Maricopa County, Arizona. The owners of Palo Verde are Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, El Paso Electric Company, Southern California Edison Company, and Public Service Company of New Mexico.

Copies of NUREG–0841 are available for inspection by the public in the Commission's Public Document Room at 1717 H Street N.W., Washington, D.C., and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona. The Final Environmental Statement is also being made available at the State Clearinghouse, Office of Economic Planning and Development, State of Arizona, 1700 West Washington Street, Room 505, Phoenix, Arizona 85007 and at the Maricopa Association of Governments, 1820 West Washington Street, Phoenix, Arizona 85007.

The notice of availability of the Draft Environmental Statement for the Palo Verde 1, 2 and 3 and request for comments from interested persons was published in the Federal Register on November 6, 1981 (46 FR 55170). Comments received from Federal, State and local agencies and interested members of the public have been included in an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (NUREG–0841) may be purchased at current rates, from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, and by GPO deposit account holders by calling (301) 492–9530 or by writing to the U.S. Nuclear Regulatory Commission, Division of Technical Information and Document Control, Washington, D. C. 20555, Attn: Publication Sales Manager.

Dated at Bethesda, Maryland, this 11th day of March, 1982.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 82-7373 Filed 3-17-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumers Power Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment approves changes to the Appendix A Technical Specifications which incorporate the revised version of the Inservice Surveillance Requirements for snubbers.

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 action 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 issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 2, 1981, (2) Amendment No. 69 to License No. DPR-20, 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 Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. 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 12th day of March 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82-7374 Filed 3-17-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-329 OM, 50-330 OM and Docket Nos. 50-329 OL, 50-330 OL]

Consumers Power Co. (Midland Plant Units 1 and 2); Order

March 15, 1982.

In accordance with the telephone conference call of March 12, 1982, further evidentiary hearings on the consolidated OL-OM proceeding are scheduled for April 6-9, 1982, April 28-30, 1982 and May 11-14, 1982. A conference of counsel or representatives in the OL proceeding will take place at 9:00 a.m. on Tuesday, April 6, 1982. The hearing sessions will start at 9:00 a.m. each day, except the hearing on April 6 will commence following the aforementioned conference.

With respect to the hearing to be held April 6-9, the Applicant is to file its prepared testimony by March 23, 1982. The Staff may file its testimony as late as March 30, 1982 (using either personal service or express mail service).

The conference of counsel or representatives, and the evidentiary hearings, will be held at the Midland County Courthouse Auditorium, 301 W. Main, Midland, Michigan 48640.

Dated at Bethesda, Maryland, this 15th day of March 1982.

It is so ordered.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 82-7380 Filed 3-17-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341 (Operating License)]

The Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit 2); Order

Upon consideration of our Order of February 5, 1982, in which we announced that the evidentiary hearing in this proceeding would begin on March 31, 1982, and in which we also announced that the location and hour of the hearing would be established in a further order, it is, this 12th day of March 1982;

Ordered: 1. That the evidentiary hearing shall begin at 9:00 a.m. on March 31, 1982 in the Monroe City Council Chambers, City Hall Building, 120 E First Street, Monroe, Michigan; and

2. That, if necessary, the hearing shall continue on April 1, 2 3, 8 and 9, 1982 at the same location.

Dated at Bethesda, Maryland, this 12th day of March, 1982.

For the Atomic Safety And Licensing Board.

Peter A. Morris,

Administrative Judge.

[FR Doc. 82-7378 Filed 3-17-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-498 OL, STN 50-499 OL]

Houston Lighting & Power Co., et. al. (South Texas Project Units 1 and 2); Change in Location of Hearing

March 12, 1982.

The hearing schedule set forth in the Licensing Board's Order of March 1, 1982 is hereby modified to provide that the hearing in Houston on April 21 will be held at the Forum 5, Astro Village, 2350 South Loop West, Houston, Texas 77054. The locations of hearings for other days will remain as set forth in the March 1, 1982 Order.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 82-7377 Filed 3-17-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-461 OL]

Illinois Power Co., et. al. (Clinton Power Station, Unit No. 1); Scheduling Prehearing Conference; Memorandum and Order

March 12, 1982.

During a telephone conference on March 9, 1982, in which all parties participated, it was agreed that the Prehearing Conference required by 10 CFR 2.752(a) would be scheduled for May 4, 1982. It is, this 12th day of March 1982,

Ordered, That the Prehearing Conference will be held in the Plaza Room of the University Inn, East John and Third Streets, Champaign, Illinois, beginning at 9:00 a.m. on May 4, 1982.

Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

Hugh K. Clark,

Chairman, Administrative Judge.

[FR Doc. 82-7376 Filed 3-17-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co.; Issuance of Amendments to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-58, and Amendment No. 39 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments incorporate Standard Radiological Safety Technical Specifications in Unit Nos. 1 and 2 and deletes license condition 2.C(3)(d) from the Unit No. 2 license for operation and surveillance of a low temperature pressurizer overpressure protection system.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments 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 23, 1979, (2) Amendment Nos. 53 and 39 to License Nos. DPR-58 and DPR-74, 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 Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. 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 11th day of March, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 82-7375 Filed 3-17-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443 OL, 50-444 OL]

Public Service Co. of New Hampshire, et al. (Seabrook Station, Units 1 and 2); Memorandum and Order Setting Special Prehearing Conference

March 12, 1982.

1. A Special Prehearing Conference will be held on May 6, 1982 at 9:30 a.m. (e.s.t.) for two days. The location of this conference will be the Portsmouth District Court, 2nd Floor, Room 201, 111 Parrott Avenue, Portsmouth, New Hampshire, 03801.

2. This conference will proceed in accordance with the provisions of 10 CFR 2.751a set forth in full as follows:

§ 2.751a Special prehearing conference in construction permit and operating license proceedings.

(a) In any proceeding involving an application for a construction permit or an operating license for a production or utilization facility, the Commission or the presiding officer will direct the parties and any petitioners for intervention, or their counsel, to appear at a specified time and place, within ninety (90) days after the notice of hearing is published, or such other time as the Commission or the presiding officer may deem appropriate, for a conference to:

(1) Permit identification of the key issues in the proceeding;

(2) Take any steps necessary for further identification of the issues;

(3) Consider all intervention petitions to allow the presiding officer to make such preliminary or final determination as to the parties to the proceeding, as may be appropriate; and

(4) Establish a schedule for further actions in the proceeding.

(b) The presiding officer may order any further informal conferences among the parties, including telephone conferences, to the extent that he considers that such a conference would expedite the proceeding.

(c) A prehearing conference held pursuant to this section may be stenographically reported.

(d) The presiding officer shall enter an order which recites the action taken at the conference, the schedule for further actions in the proceeding, any agreements by the parties, and which identifies the key issues in the proceeding, makes a preliminary or final determination as to the parties in the proceeding, and provides for the submission of status reports on discovery. The order shall be served upon all parties to the proceeding. Objections to the order may be filed by a party within five (5) days after service of the order, except that the regulatory staff may file objections to such order within ten (10) days after service. The board may revise the order in the light of the objections presented and, as permitted by § 2.718(j), may certify for determination to the Commission or the Atomic Safety and Licensing Appeal Board, as appropriate, such matters raised in the objections as it deems appropriate. The order shall control the subsequent course of the proceeding unless modified for good cause.

3. This Special Prehearing Conference is a public conference (10 CFR 2.751). However, no public wirtten and/or oral testimony or limited appearances will be taken at this Special Prehearing Conference.

4. Copies of any Amended Petitions to Intervene will be filed in three (3) copies with this Board, addressed as follows: Helen F. Hoyt, Chairperson, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. The Amended Petitions must be filed not later than thrity (30) days prior to this Special Prehearing Conference. Responses to Amended Petitions by Applicant and NRC Staff must be filed with this Board not later than fifteen (15) days prior to this Special Prehearing Conference.

5. Any document filed in accordance with paragraph 4 and not received by this Board on the thirtieth or fifteenth day respectively prior to the hearing date in paragraph 1 will not be considered by the Board.

Dated at Bethesda, Maryland, this 12th day of March, 1982.

It is so ordered.

For the Atomic Safety and Licensing Board.

Helen F. Hoyt,

Administrative Law Judge.

[FR Doc. 82-7379 Filed 3-17-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

March 10, 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 occasionally 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 submitting 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, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Food and Nutrition Service
7 CFR Part 215—Special Milk Program For Children
Recordkeeping
On occasion/monthly/annually/other—see SF83
State or local governments/businesses or other institutions
State edu. agen., pub. sch. dist., nonprof. priv. sch., etc.
SIC: 821, 836, 832
Food and nutrition assistance: 16,397,488 responses; 2,003,812 hours; $0 Federal cost; $20,038,120 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Section 3 of the Child Nutrition Act of 1966, (Pub. L. 89–642, as amended, 42 U.S.C. 1773) authorizes the special milk program for children. The regulations submitted with this proposal set forth: (A) policies for the administration of the program by State agencies and for its operation by local level organizations, and (B) recordkeeping requirements necessary to document program compliance.

• Statistical Reporting Service
Rice Production and Stocks
Other—See SF83
Farms/businesses or other institutions
Rice growers mills and warehouses
SIC: 011, 515
Small businesses or organizations
Agricultural research and services: 11,972 responses; 2,803 hours; $180,000 Federal cost; $44,848 public cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Provides data to estimate rice acreage, production and stocks by classes in the 6 major rice producing States. Estimates used by growers and rice marketing firms in their production and marketing decisions. Length of grain estimates prepared for ASCS to calculate value factors for rice loan and purchase program.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Bureau of the Census
1982 Economic Censuses of Outlying Areas (Puerto Rico, Virgin Islands, Guam and Northern Mariana Islands)
Nonrecurring
Businesses or other institutions
Establishments engaged in manufacturing
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 45,000 responses; 33,750 hours; $0 Federal cost; 17 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The 1982 economic censuses provide a detailed statistical profile of a large segment of the economics of the outlying areas. They are the primary source of facts about the structure and functions of the economics and provide information essential to both Government and business.

Extensions (No Change)

• International Trade Administration
Notification of Delivery Verification Requirement
ITA–648P
On occasion
Businesses or other institutions
Commercial exporters
SIC: Multiple
Other Advancement and regulation of commerce: 1,200 responses; 200 hours; $30,000 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814.

This Form ITA–648P is a notification to the exporter that the exporter's foreign consignee must supply to the Office of Export Administration a

certification that the U.S. goods were delivered to the foreign importer.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Urban Mass Transportation Administration
Managerial Training Grant Program
Nonrecurring
State or local governments
State and local public agencies
SIC: 411
Ground transportation: 300 responses; 75 hours; $6,450 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Under Section 10 of the UMT Act, UMTA provides grants to State and local public bodies and agencies thereof, who in turn select managerial, technical, and professional employees to receive training. In offering this assistance, UMTA has chosen to comply with OMB SF 424 for obtaining the necessary information to award the grant.

• Coast Guard
Declaration of Inspection
On occasion
Businesses or other institutions
Facilities transferring hazardous liquid cargoes
SIC: 441, 442
Small business or organizations
Water transportation: 200,000 responses; 60,000 hours; $19,000 Federal cost; $600,000 public cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

The Coast Guard has determined that to minimize the potential for explosions, fires and/or pollution of waters during the transfer of oil and other hazardous liquid cargoes between vessels and shore facilities, the person in charge of the transfer should review and certify compliance with a checklist of safety precautions which are individually specified elsewhere in regulation. The checklist is performed prior to every transfer and is retained on board FOB.

ACTION

Agency Clearance Officer—Richard D. English—202–254–8523

New

• The effect of FGP on Youthful Offenders in Four Georgia Youth Development Centers
Semiannually
Individuals or households/State or local governments
Youthful offenders who are serving in 4 Ga. Youth dev. ctrs.
SIC: 839
Social services: 300 responses; 125 hours; $17,500 Federal cost; 2 forms; not applicable under 3504(h)
James Thomas, 202–395–6880

The purpose of this evaluation is to assess the effects of the foster grandparent program on youthful offenders in the Georgia demonstration program. The information will be used to assess if and how FGP can deliver service to youthful offenders. The information will be used to improve the program.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

New

• Report of Oil Discharge (324)
Other—see SF83
Individuals or households/State or local governments/farms/businesses or other institutions
Anyone (i.e., persons who could/do release oil into * * * waters
SIC: 999
Small businesses or organizations
Pollution control and abatement: 5,300 responses; 1,325 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

This regulation will amend an existing regulation that requires a report to the Government upon the release of oil to navigable waters.

• Dealer's Statement for Pesticide Cases (0966)
3540–19, 0966
On occasion
State or local government/businesses or other institutions
Places of business where pesticides or devices are held
SIC: 281, 286, 287, 519, 734, 951
Small businesses or organizations
Pollution control and abatement: 100 responses; 10 hours; $122 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The form is used by the inspector to make a record of business information that the inspector may have access to and copy. Form may be signed voluntarily by person in charge of premises. EPA uses information as documentary evidence in enforcement cases.

• Notice of Pesticide Use/Misuse Inspection (0965)
3540–25, 0965
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Owners, agents, persons-in-charge, etc. of sites
SIC: 019, 072, 281, 286, 287, 519, 734, 881, 951
Small businesses or organizations
Pollution control and abatement: 9,000 responses; 180 hours; $2,200 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Person in charge of premises must be given written explanation of reasons for pesticide inspection. If inspection is on private property for use/misuse investigation, prior consent must be given. EPA uses form to satisfy both above legal requirements and as documentary evidence in enforcement cases.

• Notification requirement for Release of Hazardous Substances into the Environment (299)
Other—see SF83
Individuals or households/State or local government/farms/businesses or other institutions
Anyone (i.e., persons who could/do release haz. substances
SIC: All
Small businesses or organizations
Pollution control and abatement: 1,825 responses; 456 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

This statute requires a report to the National Response Center upon the release of a hazardous substance to the environment.

• Uniform Federal Transportation and Utility System Application for Use on Alaskan Conservation System Unit Lands (958)
0958
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Any person seeking Fed. approval of transp. or utility syst.
SIC: Multiple
Small businesses or organizations
Pollution control and abatements: 15 responses; 450 hours; $1 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

This application is necessary to obtain any necessary permits from EPA under the three permit programs it administers for an activity or subject to any of these programs on Alaskan conservation unit land.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Agency Clearance Officer—Chris Cabell—202–755–3219

New

- Technical Report Utility Survey (Follow-On of OMB No. 2700–0029)

Nonrecurring
Businesses or other institutions
AIAA—American Institute of Aeronautics and Astronauts, IEEE
SIC: 862
Multiple functions: 170 responses; 85 hours; $22,185 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Required to determine which components of Langley technical reports are read, in what order, etc. To determine the utility of our reports, format, organization, content, charts, etc. Program planning and evaluation under "Widest Practicable and Appropriate Dissemination" of NASA technical information required by the Space Act.

OTHER TEMPORARY COMMISSIONS

Agency Clearance Officer—

- Lender Institution Questionnaire on Consumer Lending Activity

NCSFA–1
Nonrecurring
Businesses or other institutions
Lending Instit. (banks, thrift institutions, etc.)
SIC: 999
Higher education: 270 responses; 607 hours; $120,693 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

See attached analysis plan.

Nathaniel Scurry,
Chief, Reports Management.

[FR Doc. 82–7038 Filed 3–16–82; 8:45 am]
BILLING CODE 3110–01–M

RAILROAD RETIREMENT BOARD

Privacy Act of 1974; New System of Records

AGENCY: Railroad Retirement Board.

ACTION: Notice of a new system of records.

SUMMARY: The Railroad Retirement Board proposes to establish a new system of records subject to the Privacy Act. The system notice for this new system of records is published below.

DATES: This new system of records will become effective as proposed without further notice in 30 calendar days from the date of this publication unless comments are received that would result in contrary determination.

ADDRESS: Send comments to the Secretary of the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Pauline Lohens, Information Management, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, Telephone 312–751–4692.

SUPPLEMENTARY INFORMATION: Under Pub. L. 97–92, the Railroad Retirement Board is responsible for administering certain provisions of Title VII of the Regional Rail Reorganization Act of 1973. This title provides for the payment of benefits to qualified current and former ConRail employees. To carry out its responsibilities, the Board must establish a new system of records to document and verify its payments and certifications. The proposed new system of records is described in the enclosed notice format under the Privacy Act.

On March 5, 1982, the Railroad Retirement filed a new system report for this system with the Speaker of the House of Representatives, the President of the Senate and the Office of Management and Budget. This was done to comply with Section 3 of the Privacy Act of 1974, and OMB Circular No. A–108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976. Also, on March 5, 1982, the Railroad Retirement Board requested OMB to waive the 60 day working period. If the waiver is granted the system will begin when we are notified that the waiver has been granted.

By Authority of the Board.
Dated: March 11, 1982.

James T. Brown,
Chief Executive Officer.

RRB–40

SYSTEM NAME:

Regional Rail Reorganization Act Title VII Benefit System—RRB.

SYSTEM LOCATION:

Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons eligible for separation allowances, reimbursement for moving expenses, reimbursement for new career training expenses, health and welfare insurance coverage and daily subsistence allowances under Title VII of the Regional Reorganization Act of 1973.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifying information such as name, address, social security number, date of birth, occupational code and employer code; information pertaining to the payment or denial of a claim under Title VII of the Regional Rail Reorganization Act including protection under Title V of the Regional Rail Reorganization Act, last rate of pay, reason not working, application and claims filed, information as to the amount of separation allowance, subsistence allowance, health-welfare premiums, moving expenses, new career training assistance and dates paid, erroneous payment investigations and benefit recovery information; for new career training assistance, information as to schools attended, courses taken and proof of payment of expenses; for moving expenses, if applicable, market value of residence and sale price of residence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 97–92, Joint Resolution.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Identifying information such as full name, social security number, employee identification number, occupation, location and date last worked and reason not working may be released to ConRail or the last employer to verify entitlement for benefits under Title VII of the Regional Rail Reorganization Act of 1973.

b. Information may be released to the General Accounting Office for auditing purposes and for collection of debts arising from overpayments under Title VII of the Regional Rail Reorganization Act (45 U.S.C. 701).

c. Name, social security number, address, coverage election, premium payments and paid-through date may be released to the health-welfare insurer to correlate insurance coverage.

d. Name and address may be released to real estate agencies for the purpose of determinig fair market value of homestead property.

e. Records may be disclosed in a court proceeding relating to any claims for benefits by the beneficiary under Title VII of the Regional Rail Reorganization Act of 1973 and may be disclosed during the course of an administrative appeal hearing in which such records are relevant to the issue.

f. If a request for information pertaining to an employee is made by an official of a labor organization of which the employee is a member and the

request is made on behalf of the employee, information may be released to the extent needed to respond to the inquiry.

g. Disclosure may be made to a congressional office from the employee's record in response to an inquiry from the congressional office made at the request of the employee.

h. Information in this system of records pertaining to an employee may be released to the attorney representing such employee, with respect to his claim, upon receipt of a written letter or declaration stating the fact of representation, subject to the same procedures and regulatory prohibition as the subject employee.

i. Information may be released to private contractors to the extent needed to fulfill contract requirements.

j. The last addresses and employer information may be released to the Department of Health and Human Services in conjunction with the Parent Locator Service.

k. Beneficiary identifying information, address, check rate, date and number may be released to the Treasury Department to control for reclamation and return of outstanding benefit checks, to issue benefit checks, respond to reports of non-delivery and to insure delivery of checks to the correct address of the beneficiary or representative payee.

l. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its function, indicates a violation, or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

m. Beneficiary identifying information, address, check rate, date and number, plus other necessary supporting evidence may be released to the U.S. Postal Service for investigation of alleged forgery or theft of Title VII benefit checks.

n. A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

o. Information may be released to the Department of Justice and to courts of competent jurisdiction in response to properly issued subpoenas.

p. Benefit rate, entitlement and periods paid may be disclosed to the Social Security Administration, Bureau of Supplemental Security Income, to federal, state and local welfare or public aid agencies to assist them in processing applications for benefits under their respective programs.

q. In the event the Board has determined to designate a person to be the representative payee of an incompetent beneficiary, disclosure of information concerning the benefit amount and other similar information may be made to the representative payee from the record of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper, magnetic tape, magnetic disk and microforms.

RETRIEVABILITY:

Social security number.

SAFEGUARDS:

Paper and microforms: maintained in areas not accessible to the public; offices are locked during non-business hours. Magnetic tape and magnetic disk: computer and computer storage rooms are restricted to authorized personnel; on-line query safeguards include a lock/unlock password system, a terminal oriented transaction matrix and an audit trail. For computerized records electronically transmitted between headquarters and field office locations, systems securities are established in accordance with National Bureau of Standards guidelines. In addition to the on-line query safeguards, they include encryption of all data transmitted and exclusive use of leased telephone lines.

RETENTION AND DISPOSAL:

All records will be retained for 5 years following the year in which the case was closed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Unemployment and Sickness Insurance, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

NOTIFICATION PROCEDURE:

Requests for information regarding an individual's record should be addressed to the System Manager identified above and should include the name and social security number of the individual involved. Before information about any record will be released, the System Manager may require the individual to provide proof of identity or require the requester to furnish an authorization from the individual to permit release of information.

RECORD ACCESS PROCEDURES:

See Notification section above.

CONTESTING RECORD PROCEDURES:

See Notification section above.

RECORD SOURCE CATEGORIES:

The information in this system of records is obtained from the railroad employee or his representative, employers, labor organizations, other Railroad Retirement Board files, real estate agencies (for payment of moving expenses), and educational institutions (for payment of new career training expenses).

[FR Doc. 82-7348 Filed 3-17-82; 8:45 am]
BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 22417; 70-6704]

American Electric Power Co., Inc.; Proposed Amendment of Charter and Order Authorizing Solicitation of Proxies

March 12, 1982.

American Electric Power Company, Inc. ("AEP"), 180 East Broad Street, Columbus, Ohio 43215, a registered holding company, has filed a declaration with this Commission pursuant to sections 6(a), 7, and 12(e) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 62 and 65 promulgated thereunder.

AEP proposes to amend its Restated Certificate of Incorporation ("Charter") so as to increase from 175,000,000 to 200,000,000 the number of shares of common stock that the company shall have authority to issue. As of December 31, 1981, AEP had 161,159,976 shares issued and outstanding. It is stated that AEP considers that a 25,000,000 share increase in the number of shares of common stock that it is authorized to issue is required to ensure that the company will have a sufficient number of shares available in the future to meet

its requirements for new capital and for other corporate purposes.

AEP intends to submit the proposed amendment of the Charter to its common stockholders for their approval at the company's annual meeting to be held on April 28, 1982, and proposes to solicit proxies in connection therewith. AEP has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the soliciation be accelerated as provided in Rule 62.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 12, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in 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 declaration, as filed or as it may be amended, may be permitted to become effective.

It appearing to the Commission that AEP's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rules 62 and 65:

It is ordered that the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-7338 Filed 3-17-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12294; 812-4677]

Benham Management Corp. and Capital Preservation Fund; Filing of Application

March 12, 1982.

Capital Preservation Fund ("CPF"), an open-end, no load, investment company registered under the Investment Company Act of 1940, and its adviser, Benham Management Corporation ("BMC"), 755 Page Mill Road, Palo Alto, CA 94304, a company registered under the Investment Advisers Act of 1940 (hereinafter collectively referred to as "Applicants"), filed an application on May 7, 1980, and an amendment thereto on October 23, 1981, for an order pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") exempting Applicants from the provisions of section 17(a) of the Act with respect to the licensing by CPF to BMC of the "Capital Preservation" name and logo for use by one or more other investment companies managed by BMC. Interested persons are referred to the application which is on file with the Commission for a statement of the representations contained therein, which are summarized below.

CPF is a registered, open-end, investment company with the primary investment objectives of maximum safety and liquidity. It invests exclusively in short-term United States Government debt securities protected by the "full faith and credit" pledge of the United States Treasury and in repurchase agreements relating to such securities. BMC, which has been CPF's investment adviser since its inception, now acts as investment adviser to two other registered investment companies, Capital Preservation Fund II ("CPF II"), a "clone" to the Fund organized in response to the March 14, 1980, credit regulations of the Board of Governors of the Federal Reserve System, and Capital Preservation Treasury Note Trust ("Trust"), a fund which invests exclusively in United States Treasury Notes. The use of the "Capital Preservation" name and logo in connection with CPF II and the Trust is the subject of the license transaction and the exemption application.

Applicants state that on April 30, 1980, BMC and CPF entered into a contract ("Agreement") for the license of the "Capital Preservation" name and logo by CPF to BMC for its use with respect to CPF II, the Trust, and other investment companies which may be managed by BMC. Applicants state further that the payments called for by the Agreement are contingent upon favorable action by the Commission on this application for exemptive relief under section 17(b) of the Act, and pending such action BMC is depositing payments under the contract into an escrow account at CPF, and upon favorable action by the Commission on their application, the amount in the escrow account will be paid to CPF.

According to the application the board of directors of CPF appointed a Committee on Name Licensure composed of two directors who were not "interested persons" of CPF and charged the committee with determining an appropriate value for the right to use the "Capital Preservation" name and logo and an appropriate basis on which CPF should be reimbursed for licensing that right to BMC. The committee furnished a report to the entire board on September 18, 1979, setting forth a proposed Agreement and the basis for the calculations set forth therein. The board of directors of CPF unanimously approved the committee's recommendation at its meeting on October 24, 1979, and an update of the Committee's report (accounting for the value of promotional expenses incurred for CPF during the interim period) was approved by the Board on April 8, 1980.

As described by Applicants, the Agreement provides for: (i) Determination of the value to CPF of the "Capital Preservation" name and logo, based on the "remaining value" of promotional expenditures made by CPF from March 1, 1976, through February 29, 1980; (ii) depreciation of the value so determined over a four-year useful life in accordance with the same depreciation scale used to determine the value in step (i); (iii) allocation of this amount among all investment companies using the "Capital Preservation" name and logo (including CPF itself) in accordance with their relative net assets during the four-year useful life of the name and logo (iv) payment by BMC to CPF on a monthly basis during the four-year period of amounts representing the allocation of this value to CPF II, the Trust, and any other investment companies managed by BMC which may use the name and logo during the four-period. Applicants state that because the amount of BMC's payments in future years under the Agreement will depend on the relative net assets of CPF and the other investment companies using the name and logo, it is not possible to specify at this time the exact amounts to be paid by BMC under the Agreement. However, the application sets forth amounts payable to CPF under the Agreement for the period through September 30, 1981, and estimates the amounts which would be paid if the net assets of CPF, CPF II and Trust were to achieve certain assumed relative levels during the remainder of the four-year period.

Applicants state that the name licensure committee of CPF's board determined that capitalizing promotional expenditures and depreciating that value over time provided the best approximation of the value of the name and logo. According to Applicants, the committee was

unable to find studies estimating retention rates for promotional expenditures in industries closely related to the money market fund industry and determined that it would be too costly to conduct a full independent survey to determine such retention rates. It therefore decided to proceed by taking an average of figures from three recent broadly-based studies which had focused largely on advertising depreciation rates for non-durable goods. These studies found average annual depreciation rates of .44, .62, and .517, respectively. These figures were averaged by the Committee to arrive at an average annual depreciation rate of .526 (or an average annual retention of .474) which the committee determined to use in arriving at a value for the Capital Preservation name and logo.

Applicants states that the committee next totaled promotional expenses for CPF, which it determined should include all advertising expenses as well as one-half of the postage costs and one-third of the printing costs. Since, at an average annual depreciation rate of .526, 95% of the value of any year's outlay would be consumed after four years, only expenses incurred since the beginning of fiscal year 1977 were considered. The total amount of promotional expenditures for those years was $538,469, and the remaining value of the expenditures as of February 29, 1980, $158,313, was considered to be the total value to CPF of the "property" to be licensed under the Agreement.

Applicant states that in order to arrive at a fee to be paid by BMC for the use of the name and logo, the committee further determined that the remaining value should be depreciated in the future at the same .526 rate, and that the annual depreciation should be divided among CPF and any investment companies using the same name or logo on the basis of their relative average net asset values during the year, for a period of three years and a terminal fourth year. Using the $158,313 totaled remaining figure shown above, the committee estimated the depreciation to be divided pursuant to the Agreement at $83,273 for the twelve months beginning March 1, 1980, $39,471 for the twelve months beginning March 1, 1981, $18,709 for the year beginning March 1, 1982, and the balance of $16,860 in the terminal fourth year beginning March 1, 1983.

Applicants further state that after entering into the Agreement, the board investigated two additional methods of determining the value of the CPF name and logo in order further to establish that the terms of the Agreement were fair and reasonable. For the first of these analyses, the board retained an independent financial consultant to develop a proposal for a study designed to measure the economic value to BMC of the use of the CPF name and logo. The consultant's independent proposal called for a method similar to that used by the name licensure committee, *i.e.*, depreciating the remaining value of the past promotional expenditures.

Applicants state that the second study was designed to test the fairness of the Agreement and was conducted by BMC itself. The BMC Study took an entirely different approach from the other studies and estimated the value of complex affiliation to an adviser starting a new money market fund in terms of reduced start-up expenses to be borne by the adviser. The BMC Study concluded from this analysis that the best single measure of the value to BMC of use of the Capital Preservation name would appear to be $15,700 for each incident of use. Assuming a new fund established every three years for an indefinite period, the BMC Study estimated the present value of the name license to BMC to be approximately $35,000. Applicants assert that, because this figure is a reasonable approximation of the amount which may be expected to be payable by BMC pursuant to the Agreement, the BMC Study lends additional support to the fairness of the terms of the Agreement.

Finally, Applicants cite as an additional factor supporting the fairness of the Agreement CPF's new investment advisory agreement with BMC which contains an expense incentive fee provision pursuant to which CPF may benefit (through a reduction in its advisory fee) from growth in the assets of CPF II and the Trust.

In conclusion, Applicants submit that (i) the cost-based approach determined by the name licensure committee to be appropriate in this situation is a rational one for placing a value on the name and logo, (ii) the committee's approach was endorsed by the proposal of an independent financial consultant, and (iii) similar results were achieved by a study estimating benefit to BMC in terms of reduced start-up costs from its use of the Capital Preservation name and logo to promote additional funds.

Section 17(c) of the Act prohibits, in pertinent part, an affiliated person of a registered investment company from purchasing from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission shall grant an exemption from this prohibition if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the transaction is consistent with the policy of each registered investment company concerned, and with the general purposes of the Act.

Notice is further given that any interested person may, not later than April 6, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on an 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 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 will be issued as of course following said date unless the Commission thereafter order 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. 82-7339 Filed 3-17-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12292; 812-5134]

Donald L. Colvin; Filing of Application

March 12, 1982.

Notice is hereby given that pursuant to the provisions of Section 9(c) of the Investment Company Act of 1940 ("Act"), an application has been filed for a conditional order to exempt Donald L. Colvin ("Colvin"), 250 South County Road, Suite 3A, Palm Beach, Florida 33480, from the provisions of section 9(a) of the Act and a temporary exemption from section 9(a) of the Act has been

granted, subject to the conditions set forth below.

Donald L. Colvin is presently subject to a Preliminary Injunction issued on March 12, 1982 by the United States District Court for the Southern District of Florida in *Securities and Exchange Commission* v. *Tax Deferred Capital Corp., et al.* C.A. No. 82–8062. Under the terms of the peliminary injunction, Colvin and Tax-Management Advisors, Inc. are enjoined from violating sections 17(a)(3), 21(b), 22(c) and Rule 22c–1 thereunder, 30(d) and Rule 30d–1 thereunder, 31(a) and Rule 31a–1 thereunder. Following such preliminary injunction, Colvin is prohibited by section 9(a) of the Act from serving in the capacities enumerated in that section.

The United States District Court, in the above-captioned action, has ordered the disinterested directors of Tax Deferred Capital Corp. ("Fund") to preserve the assets of the Fund and to report to the Court a plan of action designed to protect the Fund's assets and its shareholders. The Commission has determined that the protection of the Fund's assets and the interest of its shareholders will be aided if Colvin is permitted to remain as an officer of the Fund for purposes of counseling and advising the disinterested directors with respect to the affairs of the Fund in connection with their obligations under the Court's Order. Therefore, the Commission finds that it is not against the public interest or the protection of investors to grant such application to permit Colvin to temporarily serve as an officer of the Fund solely for purposes of consulting and advising the disinterested directors in fulfilling their obligations under the Court's Order. Mr. Colvin would not otherwise be exempted from the provisions of section 9(a) of the Investment Company Act. Accordingly,

It is ordered on an emergency basis that, pursuant to section 9(c) of the Act, Donald L. Colvin, as of the date of this Order, be and hereby is granted a temporary exemption from the prohibitions of Section 9(a) of the Act, subject to the condition that Colvin may serve as an officer of the Fund solely for the purposes of consulting and advising the disinterested directors in fulfilling their obligations under the Court Order in this action.

Notice is further given that any interested person may, not later than April 12, 1982 at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the matter accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Trust 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 matter 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.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–7340 Filed 3–17–82; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 22416; 70–6713]

Eastern Utilities Associates; Proposal To Increase Authorized Common Stock; Order Authorizing Solicitation of Proxies

March 12, 1982.

Eastern Utilities ("EUA"), P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, has filed an application-declaration with this Commission pursuant to sections 6(a), 7 and 12(e) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 62 promulgated thereunder.

EUA proposes to increase its authorized number of common shares from 9,000,000 to 12,000,000 subject to approval by the holders of at least a majority of EUA's common shares outstanding and entitled to vote. EUA also proposes to solicit proxies to vote on that action at EUA's Annual Meeting to be held on April 26, 1982. The record date for the meeting has been fixed as March 5, 1982 and EUA seeks to mail proxy material for the meeting on or about March 26, 1982.

EUA and its subsidiaries ("EUA System") continue to be committed to a substantial construction program over the next several years. A substantial portion of this construction program must be financed externally through the sales of additional common shares preferred stock and first mortgage bonds.

The EUA System construction requirements (net of Allowance for Funds Used During Construction) are currently estimated at $45.9 million, $70.3 million, $31.8 million, and $28.9 million for the years 1982, 1983, 1984 and 1985, respectively. The continuing delays in the construction of major nuclear units will undoubtedly result in further increases in the cost of these units and corresponding increases in the funds required for the construction program. It is expected that during this period internally-generated funds will provide less than 40% of the construction requirements. In addition to the construction requirements, the EUA System started 1982 with $27.1 million of short-term borrowings which must be funded through the sale of permanent securities; and during the period through 1985, the EUA System must also meet maturities and sinking fund requirements of approximately $53.8 million.

The EUA System's tentative financing plan through 1985 is as follows:

EUA System Financing Plan, 1982–85

[In millions of dollars]

	1982	1983	1984	1985	Total
Bonds	$25.0	$25.0	$20.0	$30.0	$100.0
Preferred stock	10.0	10.0			20.0
Common equity [1]	22.5	13.0		15.0	50.5
Total	57.5	48.0	20.0	45.0	170.5

[1] Public sales, Dividend Reinvestment Plan and Employees' Savings Plan.

Assuming that the average price received by EUA for its common shares was $12.00 during the period through 1985, it woud require approximately 4.2 million shares to raise the $50.5 million in common equity required. At year-end 1981 there were approximately 6.7 million shares outstanding.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 5, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 205.49, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a

copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

It appearing to the Commission that the application-declaration, insofar as it proposes the solicitation of proxies of Eastern Utilities Associates' common stockholders should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered that the application-declaration insofar as it relates to the proposed solicitation of proxies of Eastern Utilities Associates' common stockholders be, and it hereby is, granted and permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Goroge A. Fitzsimmons,

Secretary.

[FR Doc. 82-7341 Filed 3-17-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12291; 813-49]

Hutton Investment Partnership I; Filing of Application

March 11, 1982.

Notice is hereby given that Hutton Investment Partnership I ("Partnership"), One Battery Park Plaza, New York, New York 10004, registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified management investment company, filed an application on February 8, 1982, requesting an order of the Commission amending in the manner described below an earlier order of the Commission dated July 29, 1981 (Investment Company Act Release No. 11877). 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.

According to the application, the Partnership is a limited partnership organized under the laws of the State of New York. The application further states that the Partnership's organization was conceived by employees of The E.F. Hutton Group Inc. ("Hutton"), a Delaware corporation, to serve as an investment vehicle for certain employees of Hutton and its subsidiaries.

Section 2(a)(13) of the Act provides that, "Employees' securities company" means any investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned (A) by the employees or persons on retainer of a single employer or of two or more employers each of which is an affiliated company of the other, (B) by former employees of such employer or employers, (C) by members of the immediate family of such employees, persons on retainer, or former employees, (D) by any two or more of the foregoing classes of persons, or (E) by such employer or employers together with any one or more of the foregoing classes of person." Section 6(b) of the Act provides that, "Upon application by any employees' security (sic) company, the Commission shall by order exempt such company from the provisions of the Act and of the rules thereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order shall apply, the Commission shall give due weight, among other things, to the form of organization and the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security."

The Partnership states that the earlier order of the Commission dated July 29, 1981, granted the Partnership exemptions, pursuant to section 6(b) of the Act, from sections 10(a), (b) and (f), 14(a), 15(a), 16(a), 17(a), (d), (f) and (g), 18(i), 23(c), 30(a), (b) and (d) and 32(a) of the Act and granted confidential treatment pursuant to Section 45(a) of the Act in connection with its operation as an employees' securities company as defined in section 2(a)(13) of the Act. The Partnership now seeks an order of the Commission, pursuant to section 6(b) of the Act, amending this earlier order, which amended order would exempt certain additional investment activities by the Partnership from the provisions of sections 17(a)(2) and (d) of the Act and would exempt the Partnership from certain requirements of section 18(a)(1) of the Act.

Section 17(a)(2) of the Act generally prohibits an affiliated person of a registered investment company or any affiliated person of such an affiliated person, acting as principal, from knowingly purchasing any security or other property from such registered company, subject to certain exceptions. The Partnership requests an exemption from section 17(a)(2) of the Act to permit it to sell restricted securities within its portfolio in a public offering, either because it had obtained registration rights or otherwise, where a Hutton subsidiary would act as manager of or participate in the underwriting or selling group. The Partnership asserts that transactions of this type ae not expected to be common and that it believes the cost and delay associated with seeking Commission approval of each such transaction would be unnecessarily burdensome.

Section 17(d) of the Act and Rule 17d-1 thereunder provide, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or company controlled by such registered company, is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and an order granting such application has been issued.

As a condition to obtaining exemptions from section 17(d) of the Act in the prior order, the Partnership represented, in part, that no investments, other than temporary investments of liquid funds pending final investment, would be in securities issued by issuers involved in investment banking actitivies with a Hutton subsidiary or would be made in tandem or in conjunction with customers or clients of Hutton. The application claims, however, that the operations of the Partnership to date have demonstrated that those restrictions are detrimental to the investment objectives of the Partnership and have caused the rejection of numerous attractive investment opportunities. Since the Partnership does not have an investment adviser, investment opportunities which are presented to the Partnership must come through officers of Hutton or its subsidiaries. It is alleged that the Partnership has not been presented with the number or quality of independent investment opportunities which it had anticipated and, it is asserted, a number of such opportunities have been rejected either because the issuer was an investment banking client of a Hutton subsidiary or because the amount of the investment would require additional participants, including clients of Hutton or its subsidiary.

The Partnership now requests an exemption from section 17(d) of the Act

to permit it to invest in tandem or in conjunction with clients of Hutton or its subsidiaries on the same terms as such clients. The Partnership represents that any investments made concurrently with the above-named entities would be on the same terms as such participants. The Partnership further requests to be relieved from its prior representations to the extent necessary to permit the Partnership to engage in transactions with issuers involved in an investment banking relationship with a Hutton subsidiary. In this connection, the Partnership has reiterated the undertakings made in the prior application that it will not make any investment in which an officer, director or employee of its General Partner is a participant or plans concurrently or otherwise, directly or indirectly, to become a participant. The Partnership has further represented that its officers and directors will at all times be subject to and comply with sections 36, 57(f)(3) and 57(h) of the Act.

Finally, the Partnership requests an exemption from section 18(a)(1) of the Act. That Section provides, in part, that it shall be unlawful for any registered closed-end company to issue or sell any class of senior security which represents indebtedness unless (A) immediately after issuance or sale, it will have an asset coverage of at least 300 per centum; (B) the declaration of any dividend or any other distribution upon any class of the capital stock, or the purchase of any such capital stock is prohibited unless the senior security has at the time an asset coverage of at least 300 per centum after deducting the amount of such dividend, distribution or purchase; (C) the holders of such senior securities can elect a majority of the directors of the company where the asset coverage is less than 100 per centum for twelve consecutive calendar months, and a provision is made for the recognition of a default where the asset coverage is less than 100 per centum for 24 consecutive months.

The Partnership states that it may seek to enhance capital appreciation by purchasing securities with borrowed money, but is prohibited from doing so in its name where the borrowing would mature in more than nine months. To the extent that it is able to secure financing, the Partnership considers the proper valuation of non-liquid investments to be a time-consuming and expensive process requiring determinations by the Partnership and review by its independent public accountants. The review would cover all investments in the Partnership's portfolio. Since the Partnership is required to undertake this review covering all its portfolio investments each year in the preparation of its annual audited financial statements, an exemption is requested from the requirements of section 18(a)(1) of the Act.

Notice is further given that any interested person may, not later than April 5, 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 the 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 the Partnership 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 Investments Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-7342 Filed 3-17-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22418; 70-6635]

Louisiana Power & Light Co.; Proposed Extension of the Period for the Issuance and Sale of Preferred Stock and First Mortgage Bonds

March 12, 1982.

Louisiana Power & Light Company ("Louisiana"), 142 Delaronde Street, New Orleans, Louisiana 70174, an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a further post-effective amendment to its declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

By order in this proceeding dated October 14, 1981 (HCAR No. 22230), Louisiana was authorized to issue and sell up to $175,000,000 principal amount of its first mortgage bonds in one or more series from time to time not later than April 14, 1982, at competitive bidding. Jurisdiction was reserved over the proposed issuance and sale of up to $50,000,000 aggregate par value of Louisiana's preferred stock. Pursuant thereto, Louisiana attempted unsuccessfully to sell $75,000,000 of bonds. By supplemental order dated October 26, 1981 (HCAR No. 22244), Louisiana was granted an exception from the competitive bidding requirements and, in accordance with said order and a further order dated November 24, 1981 (HCAR No. 22284), issued and sold, in a negotiated public offering, $100,000,000 principal amount of a new series of its bonds on December 1, 1981.

By post-effective amendment, it is now stated that Louisiana's 1982 financing program presently contemplates that the issuance and sale of its preferred stock and the remainder of the bonds will not be accomplished prior to April 14, 1982, and, accordingly, the company requests that the Commission, by supplemental order, extend to October 14, 1982, the period during which the proposed transactions may be consummated.

Louisiana intends to establish a new series of its class of preferred stock, $25 par value, which shall consist of not in excess of 2,000,000 shares and proposes to issue and sell such preferred stock. The terms of the preferred stock will be determined by competitive bidding. In the event that market conditions change so that, in the opinion of the company, the market for $100 par value preferred stock is more favorable than that for $25 par value preferred stock, Louisiana may further amend the declaration to propose the issuance and sale of not in excess of 500,000 shares of a new series of its preferred stock, $100 par value, in lieu of the $25 preferred stock.

Louisiana also proposes, subsequent to the issuance and sale of the new preferred stock, to issue and sell not more than $75,000,000 principal amount of an additional series of its first mortgage bonds. The terms will be determined by competitive bidding.

The declaration states that Louisiana may request by amendment that the respective sales of preferred stock and/or bonds be excepted from the competitive bidding requirements of Rule 50, should circumstances develop which, in the opinion of the company, make such exception in the best

interests of the company and its investors and consumers.

Louisiana will apply the aggregate net proceeds derived from the issue and sale of the preferred stock and the bonds to the payment in part of short-term borrowings, to the financing in part of the company's construction program, and to other corproate purposes.

The declaration and amendments thereto are available for public inspection through the Commission's Office of Public Reference. Any interested persons wishing to comment or request a hearing should submit their views in writing by April 12, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in 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 declaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-7343 Filed 3-17-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22415; 70-6619]

Mississippi Power & Light Co.; Supplemental Order Authorizing Issuance and Sale of Preferred Stock, Granting an Exception From Competitive Bidding, and Continuing to Reserve Jurisdiction Over First Mortgage Bonds

March 12, 1982.

Mississippi Power & Light Company ("Mississippi"), Jackson, Mississippi, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a further post-effective amendment to its declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

By order in this proceeding dated August 19, 1981 (HCAR No. 22164), Mississippi was authorized to issue and sell at competitive bidding one or more new series of its Preferred Stock, Cumulative, $100 Par Value, aggregating not more than 300,000 shares. Pursuant to said order, Mississippi sold 200,000 shares of its preferred stock. By supplemental order dated February 16, 1982 (HCAR No. 22390), Mississippi was granted authorization to extend the period for the issuance and sale of the remaining 100,000 shares of preferred stock for six months.

The post-effective amendment states that given the small size of the offering ($10,000,000) in relation to other recent securities offerings and the interest expressed in response to the company's public invitation for bids on February 17, 1982, Mississippi believes that the issue can be placed with an institutional investor or investors at an effective cost to the company which would be approximately 137.5 to 200 basis points beneath the effective cost determined by competitive bidding. In this regard, Mississippi has received a proposal to sell the preferred stock to an institutional investor at a price of $100 per share and at an annual dividend rate of 14¾%, and Mississippi proposes to issue and sell said preferred stock pursuant thereto. In the event of certain changes in the tax treatment to a domestic corporate holder of preferred dividends received on the preferred stock, Mississippi will agree to make certain indemnification payments to the domestic corporate holder, or will have the right to purchase such holder's shares of stock. Mississippi would also undertake not to redeem, purchase or otherwise acquire shares of the preferred stock until six months after the initial date of purchase by the institutional investor.

Mississippi will notify the Commission promptly upon receipt of notice of the occurrence of an event which would require that tax indemnity payments be made. Mississippi understands that its ability to make the tax indemnity payments specified in the purchase agreement will be subject to the receipt of a subsequent order of the Commission under the terms prescribed by sections 6 and 7 of the Act. Mississippi can exercise its right to purchase shares of its preferred stock as set forth in the purchase agreement on the basis of the present order.

Mississippi also proposes to issue and sell up to $30,000,000 in principal amount of its first mortgage bonds having a term of not less than five years nor more than thirty years. The terms will be determined by competitive bidding. The bonds are to be issued under Mississippi's Mortgage and Deed of Trust, dated as of September 1, 1944, as heretofore supplemented and as to be further supplemented. The record still has not been completed with respect to the bonds, and jurisdiction will continue to be reserved thereover.

The net proceeds received and to be received by Mississippi from the proposed issuance and sale of the bonds and preferred stock are being used and will be used principally for the repayment of short-term borrowings incurred to finance the company's construction program, for the construction program, and for other corporate purposes.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed issuance and sale of the preferred stock. The fees and expenses to be incurred by Mississippi are estimated at $87,000.

Upon the basis of the facts in the record, it is hereby found that the applicable standards of the Act and the rules thereunder are satisfied with respect to the issuance and sale of the preferred stock:

It is ordered, pursuant to the applicable provisions of the Act and rules thereunder, that said declaration, as now amended, be, and it hereby is, permitted to become effective forthwith with respect to the issuance and sale of the preferred stock, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act.

It is further ordered that jurisdiction be, and it hereby is, reserved over the issuance and sale of the first mortgage bonds.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-7344 Filed 3-17-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 18562; SR-NASD-82-1]

National Association of Securities Dealers Inc. ("NASD"); Order Approving Proposed Rule Change

March 12, 1982.

On January 15, 1982, the NASD filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), (the "Act") and Rule 19b-4 thereunder, a proposed rule change that would amend the buy-in provisions of section 59 of the NASD's Uniform Practice Code ("UPC") by (i) removing the requirement that the selling member's trade comparison (or other document describing the trade) be attached to notices of intent to buy-in; (ii) eliminating the requirement that buy-

ins be executed for "cash" or "guaranteed" delivery of certificates, and (iii) requiring a member that executes a buy-in to be prepared to defend the price at which the buy-in is executed relative to the current market price at the time of the buy-in.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by publication of Securities Exchange Act Release No. 18463 (February 1, 1982) and by publication in the **Federal Register** (47 FR 5567, February 5, 1982). No letters of comment were received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of section 17A of the Act.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-7345 Filed 3-17-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 18563; SR-PCC 79-1]

Pacific Clearing Corporation ("PCC"); Order Approving Proposed Rule Change

March 12, 1982.

On July 9, 1979, PCC filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, a proposed rule change establishing a participants' agreement. On July 22, 1980, PCC submitted Amendment No. 1 to the proposed rule change.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 16082, August 3, 1979) and by publication in the **Federal Register** (44 FR 47428, August 13, 1979). Notice of the amended filing was published in a Commission Release (Securities Exchange Act Release No. 17006, July 25, 1980) and by publication in the **Federal Register** (45 FR 51026, July 31, 1980). No letters of comment were received. By letter dated January 12, 1982, PCC amended the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-7346 Filed 3-17-82; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

March 11, 1982.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

American Express Company, Common Stock Purchase Warrants (File No. 7-6188)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 1, 1982 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-7347 Filed 3-17-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Baltimore, Md.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advice the public that an environmental impact statement is being prepared for the proposed Interstate connector (approximately 2.5 miles) between Interstate Route 95 and Interstate Route 170 in Baltimore, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Terry, District Engineer, Federal Highway Administration, The Rotunda, Suite 220, 711 W. 40th Street, Baltimore, Maryland 21211, telephone 301/926-4010, and/or Mr. Robert Douglass Chief, Environmental Section, Interstate Division for Baltimore City, 2225 North Charles Street, Baltimore, Maryland 21218, telephone 301/396-7299.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Interstate Division for Baltimore City, is preparing an environmental impact statement on a proposal to connect Interstate Route 95 and Interstate Route 170 by constructing an interstate connector of approximately 2.5 miles in the Lower Gwynns Falls Valley. The proposal could potentially affect Gwynns Falls Park. This highway connector is considered a necessary link in the National System of Interstate Defense Highways.

There are several alternative concepts under consideration. The first is a do nothing alternative. The second is a Transportation Sytems Management alternative. The third is a boulevard connector. The fourth is an interstate connector between the existing stub ramps on I-95 and existing I-170, with and without interchange options.

A formal scoping meeting will be held when the alternatives have been developed. A series of public meetings will be held as the project develops to obtain comments and suggestions from all interested parties. In addition, a public hearing will be scheduled upon completion of the draft E.I.S. A public notice will give the time and place of these public meetings and public hearing. The Draft E.I.S. will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposal are addressed

and all significant issues are identified, comments and suggestions are invited from all interested parties.

(Catalog of Federal Domestic Assistance Program Number 20.025, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on March 9, 1982.

Emil Elinsky,

Division Administrator, Baltimore, Maryland.

[FR Doc. 82-7112 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Quay County, N. Mex.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The Federal Highway Administration is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Quay County, New Mexico.

FOR FURTHER INFORMATION CONTACT: Mr. Dewey Lonsberry, Program Development Engineer, Federal Highway Administration, 117 U.S. Courthouse, Santa Fe, New Mexico 87501, Telephone: (505) 988-6255.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Mexico State Highway Department, will prepare an Environmental Impact Statement (EIS) on a proposal to construct a truck route in Tucumcari, from I-040 to US 54 and to construct a railroad overpass over the Southern Pacific railway line. The construction is considered necessary to provide for improved safety and to handle projected increased traffic.

Alternatives under consideration are (1) A connection from the I-040/ Mountain Road Interchange to US 66 via Mountain Road and a new roadway from US 66 northward on the west side of Tucumcari Lake connecting to US 54 by means of a railroad overpass. (2) An extension of US 54 on the northwest side of the tracks of the Southern Pacific Railroad connecting to Maple Street. This alternate would turn south along SR 104 and cross over the Southern Pacific Railroad on a grade separation. (3) An extension of US 54 on the northwest side of the tracks of the Southern Pacific Railroad connecting to Maple Street. The roadway would then follow Maple Street to Eleventh Street where it would turn south to a crossing of the Southern Pacific Railroad which would align with the West Ridge interchange. (4) A south to north route leaving US 66 on County Road A-038 opposite Motel 6. The proposed roadway would cross the Chicago Rock Island and Pacific Railroad line, a main line of the Southern Pacific Railroad and US 54. It would tie into US 54 to the east of Tucumcari. (5) Taking no action other than some minor safety improvements to the existing roadway.

A preliminary environmental assessment on this project was distributed for comment in December, 1981. A public meeting to discuss the project is planned in Tucumcari in late March, 1982. A formal scoping meeting is not planned at this time since the comments indicate there are few major problems which will be encountered if construction is completed as planned.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action in the Environmental Impact Statement should be addressed to the Federal Highway Administration at the address shown above.

Issued on: March 8, 1982.

Dewey Lonsberry,

Program Development Engineer, Santa Fe, N. Mex.

[FR Doc. 82-7268 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

Approval of Applicant as Trustee; Bank of the Southwest, Texas

Notice is hereby given that Bank of the Southwest, N.A., with offices at 910 Travis Street, Houston, Texas, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: March 9, 1982.

By order of the Maritime Administrator.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-7009 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-81-M

American Maritime Association.; Petition for Rulemaking Proceeding for Vessels of Less Than 100,000 DWT's Operating in the Alaskan Oil Trade

Notice is hereby given that the American Maritime Association (AMA), by letter of February 11, 1982, requested a public hearing on the need for rulemaking governing the operation of vessels of less than 100,000 DWT in the Alaskan oil trade. The AMA noted that existing rules contained in 46 CFR, Part 250, governing the temporary operation of CDS tankers in the Alaskan oil trade under section 506 of the Merchant Marine Act, 1936, as amended (Act), controlled the chartering of vessels exceeding 100,000 DWT but contained no provision for smaller vessels. Likewise, the AMA noted, the interim rule amending 46 CFR Part 276 governing the full repayment of CDS in exchange for domestic trading rights was similarly limited. The AMA asserted that the chartering of CDS tankers of less than 100,000 DWT for the Alaskan oil trade cancels the incentive to build unsubsidized tonnage.

Concurrent with the AMA request was the publication in the **Federal Register** issue of February 11, 1982 (46 FR 6408) of an application by American Shipping, Inc. for its 91,849 DWT tanker, SS Beaver State, built with construction-differential subsidy (CDS), to operate for two months in the Alaskan oil trade.

The AMA replied to the notice by mailgram of February 12, 1982 by reiterating the following requests made in its letter of February 11, previously noted:

1. That no individual charter be approved until MARAD has held a full rulemaking proceeding on the basis of which to judge the need for any waivers under section 506 of the Act; and

2. That if any modification of existing policy is contemplated, MARAD should set it down for a public hearing.

The Ogden Corporation (Ogden), in responding to the **Federal Register** notice of the Beaver State application, stated that it fully endorsed the request of the AMA for a hearing on the need for rulemaking for tankers of less than 100,000 DWT in the Alaskan oil trade.

The Maritime Administration on February 18, 1982 approved the application of American Shipping, Inc. for the Beaver State to operate approximately two months in the Alaskan oil trade after determining under section 506 of the Act that such operation was necessary or appropriate to carry out the purposes of the Act. The approval directed that an appropriate notice of the AMA petition be published in the **Federal Register** in order to solicit comments on the need for the proposed rulemaking. The instant notice carries out this directive.

Any person, firm, or corporation having any interest in the petition of the American Maritime Association, and the supporting endorsement of the Ogden Corporation, concerning the need for rulemaking governing the operation of vessels of less than 100,000 DWT in the Alaskan oil trade, and desiring to submit comments relative to the need for such

rulemaking, must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, by the close of business on March 25, 1982. After receipt of comments, the Maritime Administration will then determine whether to conduct a rulemaking proceeding, the outcome of which could be modification of the definition of "suitable vessel" contained in 46 CFR 250, promulgation of a new rule for tankers under 100,000 DWT or such other action as may be appropriate under the circumstances.

(Catalog of Federal Domestic Assistance Program Nos. 11.504 Operating-Differential Subsidies (ODS) and 11.500 Construction-Differential Subsidies (CDS)).

By Order of the Maritime Administrator.

Dated: March 12, 1982.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-7192 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-81-M

[Docket No. S-714]

Chestnut Shipping Co.; Application

Notice is hereby given that by application of March 3, 1982, Chestnut Shipping Company (Chestnut) applied for written permission under sections 805(a) and 506 of the Act for its 91,800 DWT tanker, SS *Kittanning*, to operate in the domestic Alaskan oil trade. Chestnut requests permission for one Valdez/Panama voyage, or, at charterer's option, two Valdez/U.S. West Coast voyages. Chestnut also advises that, at charterer's option, one more Valdez/Panama voyage, or two more Valdez/U.S. West Coast voyages, could be made. The time required to effect all of the mentioned voyages would be about two months. Initial loading at Valdez would occur about April 1 or 2, 1982.

The *Kittanning* is presently under long-term time charter to Texaco, Inc. but would be subchartered to Exxon Company, U.S.A. (Exxon) for the voyages described. Chestnut advises that Exxon apparently has a pressing need for a suitable vessel to load at Valdez, and that, according to Exxon's market survey, the *Kittanning* is the only suitable vessel in position.

The *Kittanning* was built with construction-differential subsidy and is operating under a long-term operating-differential subsidy contract. Written permission pursuant to section 805(a) of the Act is required for the proposed Alaskan Service notwithstanding the fact that the vessel would not be eligible for operating-differential subsidy for the period. Payback of construction-differential subsidy will be required pursuant to section 506 of the Act. It will be necessary to extend the section 805(a) written permission granted to Chestnut to its related company, Margate Shipping Company, wiich is also the holder of a long-term operating-differential subsidy contract.

Although publicaton of a Notice with respect to Chestnut's request for permission under section 506 is not required, the Maritime Administration believes it appropriate to provide an opportunity for interested parties to comment on Chestnut's application.

Any person, firm or corporation having any interest in the application for sections 805(a) and 506 permission and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, by close of business on March 25, 1982. If such comments deal with section 805(a) issues, they should be accompanied by a petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest and the alleged facts relied on for relief.

If no petitions for leave to intervene on section 805(a) issues are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program Nos. 11.504 Operating-Differential Subsidies (ODS) and 11.500 Construction-Differential Subsidies (CDS))

By Order of the Maritime Administrator.

Dated: March 12, 1982.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-7193 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

Denial of Petition for Rulemaking; SEV Corp.

This notice sets forth the reasons for the denial of petition by SEV Corporation of St. Clair Shores, Michigan, for rulemaking to amend 49 CFR 571.108 Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment.*

SEV asked for an amendment of Standard No. 108 specifying that a "motorcycle headlamp of nonsealed construction shall not be capable of installation" in passenger car mounting rings. It cited as its reason for the request that "some passenger car owners are purchasing nonsealed beam motorcycle headlamps for installation in their passenger cars."

The agency responded that it had

Considered the SEV petition in the context of motorcycle headlighting systems, and while it has not formally granted or denied SEV's request, it did address this general subject in the notice of request for comments of new types of headlighting systems for motorcycles and other types of motor vehicles published on August 31, 1981 (46 FR 43719). NHTSA therefore has already taken action which may lead to the initiation of rulemaking that would require changes in the design and construction of motorcycle headlamps, including mounting of them. Because we are unable to predict either the form of any such future rulemaking action or the time when it might occur, we have concluded that it is appropriate to respond to your petition by denying it as it is presented.

(Sec. 124, Pub. L. 93-472, 88 Stat. 14706 (15 U.S.C. 1410a); delegation of authority at 49 CFR 1.50 and 501.8)

Issued on March 12, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-7149 Filed 3-17-82; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 16]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $1,717,000 has been established for the company.

Name of Company: Mid-Continent Casualty Company

Business Address: Post Office Box 1409, Tulsa, Oklahoma 74101

State of Incorporation: Oklahoma

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1981 Revision, at page 33970 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Govenment Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: March 10, 1982.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations

[FR Doc. 82-7263 Filed 3-17-82; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 53
Thursday, March 18, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., March 29, 1982.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Discussion of Regulatory Approach to Foreign Traders.
2. Final Rule for Commission Consideration of Low Volume and Dormant Contracts.
3. Commission Consideration of Contract Market Designation—MidAmerica Commodity Exchange T-Bill Contract.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-403-82 Filed 3-16-82; 11:05 am]

BILLING CODE 6351-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 8:40 p.m. on Thursday, March 11, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) accept the bid of Hudson City Savings Bank, Jersey City, New Jersey, for an assisted merger with United States Savings Bank of Newark, N.J., Newark, New Jersey; (2) approve the application of Hudson City Savings Bank for consent to merge, under its charter and title, with United States Savings Bank of Newark, N.J., and to establish the main office and the branches of United States Savings Bank of Newark, N.J., as branches of Hudson City Savings Bank; and (3) provide financial assistance to Hudson City Savings Bank, pursuant to section 13(e) of the Federal Deposit Insurance Act, in order to facilitate the merger and prevent the probable failure of United States Savings Bank of Newark, N.J.

At that same meeting, the Board of Directors (1) accepted the bid of First Interstate Bank of Washington, N.A., Seattle, Washington, a newly-chartered member bank of First Interstate Bancorp, Los Angeles, California, for an assisted merger with Fidelity Mutual Savings Bank, Spokane, Washington; and (2) provided financial assistance to First Interstate Bank of Washington, N.A., in order to facilitate the merger and prevent the probable failure of Fidelity Mutual Savings Bank.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (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 public; 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 close 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: March 15, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-404-82 Filed 3-16-82; 12:49 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of 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, March 15, 1982, the Corporation's Board of Directors determined, on motion of Director Irvine H. Sprague (Appointive), seconded by Mr. Charles E. Lord, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), 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:

Application of The Wolfeboro Savings Bank, a proposed new bank, to be located at the intersection of Center and Pine Streets, Wolfeboro, New Hampshire, for Federal deposit insurance.

Recommendations regarding the liquidation of a bank's assets aquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,126-L(Amended)—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico

Case No. 45,140-L—Franklin National Bank, New York, New York

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: March 15, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-405-82 Filed 3-16-82; 12:49 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of change 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, March 15, 1982, the Coporation's Board of Directors determined, on motion of Director Irvine H. Sprague (Appointive), seconded by Mr. Charles E. Lord, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), 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 matter:

Application of Bank of Mississippi, Tupelo, Mississippi, for consent to merge, under its charter and title, with Monroe Banking and Trust Company, Aberdeen, Mississippi, and to establish the four offices of Monroe

Banking and Trust Company as branches of the resultant bank.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: March 15, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-406-82 Filed 3-16-82; 12:49 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, March 22, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

The North American Bank, a proposed new bank, to be located at 201 North First Avenue, Phoenix, Arizona.

North Side Bank of Calendonia, a proposed new bank, to be located at the intersection of Highway 31 and Six Mile Road, Caledonia, Wisconsin.

Applications for consent to merge and establish branches:

United Bank of Arizona, Phoenix, Arizona, for consent to merge, under its charter and title, with The Bank of Northern Arizona, Flagstaff, Arizona, and Copper State Bank, Apache Junction, Arizona, and to establish the two offices of The Bank of Northern Arizona and the two existing and one approved but unopened offices of Copper State Bank as branches of the resultant bank.

Bank of Delaware, Wilmington, Delaware, for consent to merge, under its charter and title, with the Milford Trust Company, Milford, Delaware, and to establish the sole office of The Milford Trust Company as a branch of the resultant bank.

Northeastern Bank of Pennsylvania, Mount Pocono, Pennsylvania, for consent to merge, under its charter and title, with The First National Bank of Pen Argyl, Pen Argyl, Pennsylvania, and to establish the two offices of The First National Bank of Pen Argyl as branches of the resultant Bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,132-L—City & County Bank of Campbell County, Jellico, Tennessee

Case No. 45,134-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Memorandum and Resolution re: Southern National Bank, Birmingham, Alabama

Memorandum and Resolution re: First State Bank of Northern California, San Leandro, California

Memorandum and Resolution re: Amendments to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, and Notices of Acquisition of Control," delegating authority to the Division of Bank Supervision to approve applications for Federal deposit insurance.

Memorandum and Resolution re: Delegation of Authority to the Committee on Liquidations, Loans and Purchases of Assets and to the Director of the Division of Liquidation to execute indemnity agreements, indemnity bonds, and judical bonds.

Memorandum and Resolution re: Procedures for the disposition of securities acquired by the Corporation in its receivership capacity.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits:

Memorandum re: Status of Auditee Corrective Actions.

Audit Report re: Public Voucher Subsystem, dated December 21, 1981.

Audit Report re: Investigation on Burglaries At Houston, Texas Liquidation Site, dated December 31, 1981.

Audit Report re: Review of the Uniform Bank Performance Report System, dated January 29, 1982.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: March 15, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-407-82 Filed 3-16-82; 12:50 pm]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 22, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 52b (c)(2), (c) (4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(10) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance and for consent to purchase assets and assume liabilities and to establish four branches:

The Saver's Bank, Littleton, New Hampshire, a proposed new bank in organization, for Federal deposit insurance; for consent to purchase the assets of and assume the liability to pay deposits made in The Saver's Bank a Mutual Savings Bank, Littleton, New Hampshire; and for consent to establish the main office and four branches of The Saver's Bank A Mutual Savings Bank as the main office and branches of the resultant bank.

Application for consent to merge and establish two branches:

First-Citizens Bank and Trust Company of South Carolina, Columbia, South Carolina, for consent to merge, under its charge 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.

Application for consent to establish a branch:

Central Bank, Oakland, California, for consent to establish a branch at 104 Park Center Plaza, San Jose, California.

Recommendation 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. 45,120–L—Banco Economias, San German, Puerto Rico

Memorandum re: Release of Bid Information under the Freedom of Information Act.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirement, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 15, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–408–82 Filed 3–16–82; 12:50 pm]

BILLING CODE 6714–01–M

7

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, March 23, at 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 24, 1982 at 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 March 23, 1982, if necessary.

* * * * *

DATE AND TIME: Thursday, March 25, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings correction and approval of minutes
Advisory opinions:
Draft AC 1982–2: Thomas Schattenfield, National Radio Broadcasters Association
Draft AO 1982–10: Jim Curlett, General Counsel, Syntex (U.S.A.) Inc.
Draft AO 1982–11: Gerald M. Brassard, American Chiropractic Political Action Committee
Appropriations and budget
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer: Telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S–400–82 Filed 3–16–82; 8:45 am]

BILLING CODE 6715–01–M

8

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 12, 1982.

TIME AND DATE: 10 a.m., Wednesday, March 17, 1982.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: In addition to the previously announced item the Commission will also consider and act upon the following:

1. Council of the Southern Mountains, Inc., v. Martin County Coal Corp., KENT 80–222–D. (Issues include whether there is a right for miner's representatives to monitor training classes under the 1977).

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held in this item and that no earlier announcement of the item was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–401–82 Filed 3–16–82; 10:46 am]

BILLING CODE 6820–12–M

9

INTERNATIONAL TRADE COMMISSION

[WSITC SE–82–10A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 9956, March 8, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Thrusday, March 18, 1982.

CHANGES IN THE MEETING: Emergency action to close a portion of the meeting originally announced as open to the public.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(4) and in conformity with 19 CFR 201.36(b)(4), Commissioners Alberger, Calhoun Stern, Eckes, and Frank voted by action jacket INV–82–050 to hold a portion of the discussion with respect to item No. 6 (Investigation 731–TA–42 (Final) (Motorcycle Batteries from Taiwan)—briefing and vote in closed session.

Commissioners Alberger, Calhoun, Stern, Eckes, and Frank determined, pursuant to 19 CFR 201.37(b) that Commission business requires the change in the determination of the Commission to open or close this portion of the meeting and directed the issuance of this notice at the earliest practicable time.

PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–402–82 Filed 3–16–82; 10:46 am]

BILLING CODE 7020–02–M

federal register

Thursday
March 18, 1982

Part II

Department of Energy

Federal Energy Regulatory Commission

First Sales By Affiliates; Interim Rule

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 270

[Docket No. RM82-16-000]

First Sales by Affiliates; Interim Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Interim rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) here by amends § 270.203 of its regulations issued pursuant to section 2(21) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301 *et seq.* (Supp. III 1979), relating to first sales by affiliates, pipelines or local distribution companies. Specifically, a new § 270.203(g) issued herein declares that sales by affiliates of pipielines or distributors, of gas not produced by the affiliate (affiliate resales), are first sales unless (1) the affiliate is itself a pipeline or distributor, or (2) the Commission, on application, determines it will not treat such sale as a first sale. The rule does not apply to a resale that is a transaction between an interstate pipeline and an affiliate thereof which would not have been treated as a sale for the purposes of the Natural Gas Act. Section 270.203(g) also establishes certain definitions.

EFFECTIVE DATE: The Interim Rule is effective March 2, 1982.

DATES: Written comments must be submitted on or before April 9, 1982. A public hearing will be held at 10:00 a.m. on March 29, 1982. Requests to participate in the hearing must be received on or before March 19, 1982, however late requests will be considered.

ADDRESSES: Comments on this Interim Rule and requests to participate in the public hearing should be sent to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should reference Docket No. RM82-16.

FOR FURTHER INFORMATION CONTACT: Thomas P. Gross, Office of General Counsel, 825 North Capitol Street NE., Room 8106-A, Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

Issued March 2, 1982.

The Federal Energy Regulatory Commission (Commission) hereby amends § 270.203 of its regulations issued pursuant to section 2(21) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301 *et seq.* (Supp. III 1979), relating to first sales by affiliates, pipelines or local distribution companies. Specifically, a new § 270.203(g) issued herein declares that sales by affiliates of pipelines or distributors, of gas not produced by the affiliate (affiliate resales), are first sales unless (1) the affiliate is itself a pipeline or distributor, or (2) the Commission, on application, determines it will not treat such sale as a first sale. The rule does not apply to a resale that is a transaction between an interstate pipeline and an affiliate thereof which would not have been treated as a sale for the purposes of the Natural Gas Act. Section 270.203(g) also establishes certain definitions.

I. BACKGROUND

On December 23, 1981, the United States Court of Appeals for the Former Fifth Circuit issued its decision in *Mid-Louisiana Gas Co.* v. *FERC.*[1] The decision involved the Commission's interpretation of section 2(21)(B) [2] of the NGPA which did not include intracorporate transfers of gas produced by a pipeline, local distribution company, and affiliates thereof in the definition of first sales under section 2(21). Specifically, the issue concerned the legality of part of § 270.203 of the Commission's regulations implementing section 2(21) of the NGPA.

Section 270.203, however, pertains not only to the first sale status of sales by a pipeline, distributor and affiliate of gas they produce, but also to the first sale status of gas not produced by the affiliate. In other words, section 270.203 also governs the first sale status of affiliate resales. See § 270.203(c).

Although the opinion in *Mid-Louisiana* involved only the first sale status of sales by pipelines, distributors, and affiliates of their own production, the court's decision vacated Commission Orders No. 58 and 98 in their entirety,[3] including § 270.203(c) of the Commission's regulations, even though the first sale status of affiliate resales is not discussed in the *Mid-Louisiana* decision. As a result, upon the effective date of the court's decision, affiliate resales may not be considered first sales in the absence of further affirmative action by the Commission under NGPA section 2(21)(A)(v).[4]

In order to avoid any possible uncertainty or confusion as to the condition of the first sale status of affiliate resales, the Commission is hereby amending on an interim basis § 270.203 to deal specifically with affiliate resales. As a general rule, affiliate resales are first sales unless (1) the affiliate is itself a pipeline or distributor, or (2) the Commission, on application, determines not to treat such sale as a first sale. The rule does not apply to a resale that is a transaction between an interstate pipeline and an affiliate thereof which would not have been treated as a sale for the purposes of the Natural Gas Act. This amendment is prompted by the uncertainty that the *Mid-Louisiana* decision may cause as to the first sale status of affiliate resales. The amendment is issued by the Commission under the authority of section 2(21)(A)(v) of the NGPA, in order to prevent circumvention of the maximum lawful prices of the NGPA.

II. DISCUSSION

The issue before the Commission is whether *Mid-Louisiana* requires a rethinking of the Commission's treatment of affiliate resales. The Commission concludes, on an interim basis, that it does not.

In Order No. 58, the Commission issued § 270.203(c) defining all sales by affiliates (which are not pipelines or distributors) as first sales. The court's decision in *Mid-Louisiana* is consistent with that portion of § 270.203(c) which declares affiliate sales [5] to be first sales.

In the first instance, *Mid-Louisiana* expanded the class of transactions that must be afforded first sale status under the NGPA. The decision, therefore, does not conflict with a rule which expands first sale status to include affiliate resales.

---

[1] *Mid-Louisiana* v. *FERC*, Nos. 80-3804, 80-4010, slip op. p. 13818 (Former 5th Cir. Dec. 23, 1981).

[2] Section 2(21) of the NGPA defines "first sale." First sales are subject to the maximum lawful prices of Title I of the NGPA.

[3] On February 5, 1982, the Former Fifth Circuit denied all outstanding petitions for intervention and rehearing. On February 11, 1982, the Public Service Commission for the State of New York filed a motion with the Fifth Circuit seeking a stay of that court's mandate in the *Mid-Louisiana* case pending the filing and disposition of a petition for a writ of certiorari in the Supreme Court. The Fifth Circuit denied New York's motion for stay on March 2, 1982.

[4] Order No. 58, Docket No. RM80-7 (issued Nov. 14, 1979), 43 FR 66577 (Nov. 20, 1979); Order No. 98, Docket No. RM80-6 (issued Aug. 6, 1980), 45 FR 53091 (Aug. 11, 1980); *see also* Order No. 102, Dockets No. RM80-6 & 80-7 (issued Oct. 3, 1980), 45 FR 67083 (Oct. 9, 1980).

[5] With respect to affiliate resales covered by the second sentence of § 270.203(c)—not affording first sale status to transactions between an interstate pipeline and an affiliate thereof where such a transaction would not have been considered a sale under Natural Gas Act—such transactions are not covered by this interim rule. See § 270.203(g)(1). Any questions which may involve these transactions will be resolved by the Commission on a case-by-case basis, at least for the interim period covered by this order.

Secondly, there is noting in the *Mid-Louisiana* decision that intimates that the first sale status of such resales be changed. *Mid-Louisiana* dealt with sales by pipelines, distributors and affiliates of gas correspondingly produced by the pipeline, distributor of affiliate. There is no discussion in *Mid-Louisiana* of affiliate resales. Nor is there any suggestion that such affiliate sales should not be declared first sales under section 2(21)(A)(v) of the NGPA, in order to prevent circumvention of the maximum lawful prices of Title I of the NGPA.[6] Even if it could be argued that *Mid-Louisiana* stands for the proposition that the Commission must reexamine the first sale status of affiliate resales, the court did not specify how the Commission is to perform that task—whether generically, on a case-by-case basis or otherwise. By promulgating § 270.203(g), the Commission reestablishes a procedure to examine, upon application, an affiliate transaction. In such a proceeding, the Commission can examine any alleged effect of the *Mid-Louisiana* decision on a particular affiliate resale.

As evidenced by the Commission's experience to date, the first sale status of resellers affiliated with a pipeline or distributor has been one of the more complex problems faced by the Commission under the NGPA. The Commission believes that it would not be in the public interest to change the first sale status of affiliate sales, especially resales, on a generic basis, without looking upon application at the unique circumstances surrounding such a sale.

III. EFFECTIVE DATE

This rule does not represent a new decision by the Commission regarding the status of resales by affiliates, but simply provides that such sales as a general rule remain first sales when the *Mid-Louisiana* decision takes effect. Unless this rule becomes effective when the *Mid-Louisiana* decision becomes effective, the industry would have reason to question the first sale status of resales by affiliates, and the applicability of the Natural Gas Act to those sales. *See* NGPA section 601(a)(1). Such doubts, even if temporary, could disrupt affected transactions. Therefore, it is necessary that this rule become effective when the *Mid-Louisiana* decision becomes effective to avoid uncertainty and confusion on the part of the natural gas industry affected by the decision.

The rule does not represent a new decision by the Commission but merely clarifies the Commission's understanding of the Mid-Louisiana decision and is necessary to avoid confusion. Therefore, because it would be impracticable and contrary to the public interest, the Commission finds that good cause exist for not issuing a general notice of proposed rulemaking. Therefore, 5 U.S.C. 553(b) does not apply. For the same reasons, 5 U.S.C. 553(d) does not apply and the Commission makes the rule effective when the *Mid-Louisiana* decision becomes effective.

IV. Comment Procedures

A. *Written Comments.* Even though public comment is not required by 5 U.S.C. 553, interested persons are invited to submit written comments, data, views, or arguments with respect to this interim rule. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should reference Docket No. RM82–16. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. EST, April 9, 1982, will be considered by the Commission prior to promulgation of final regulations. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection through the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. during regular business hours.

B. *Public Hearing.* A public hearing concerning this proposal will be held in Washington, D.C. on March 29, 1982, beginning at 10:00 a.m. Any person interested in this proceeding or representing a group or class of persons interested in this proceeding may make a presentation at the hearing. Written requests to participate must be received by the Secretary of the Commission prior to 4:30 p.m., on March 19, 1982.

Requests to participate in the hearing should include a reference to Docket No. RM82–16–000 and a concise summary of the proposed oral presentation and a number where the person making the request may be reached by telephone.

The hearing will not be a judicial or evidentiary-type hearing. There will be no cross-examination of persons presenting statements. The presiding officer is authorized to limit oral presentation at the public hearing both as to length and as to substance. If time permits, at the conclusion of the initial oral statements, persons who have made oral statements will be given the opportunity to make a rebuttal statement. Any further procedural rules will be announced by the presiding officer at the hearing. A transcript of the hearing will be made available at the Commission's Office of Public Information.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.;* Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.;* E. O. 1209, FR 46267 (1978))

In consideration of the foregoing, the Commission hereby amends § 270.203, Subpart B, Part 270, Subchapter H of Chapter I, Title 18 of the Code of Federal Regulations, as set forth below, effective as an interim rule when the *Mid-Louisiana* decision becomes effective.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 270—RULES GENERALLY APPLICABLE TO REGULATED SALES OF NATURAL GAS

Section 270.203 is amended by adding a new paragraph (g), to read as follows:

§ 270.203 Pipeline, distributor and affiliate production.

* * * * *

(g) *Sales by certain affiliates of gas not produced by the affiliate.*

(1) *Applicability.* This paragraph does not apply to any sale of natural gas if the sale is a transaction between an interstate pipeline and an affiliate thereof which would not have been treated as a sale for purpose of the Natural Gas Act.

(2) *Definitions.* For purposes of this paragraph, the following definitions apply.

(i) "Pipeline" means an interstate pipeline or an intrastate pipeline.

(ii) "Distributor" means a local distribution company.

(3) *General rule.* Except as provided in paragraph (g)(4) of this section, any sale by an affiliate of a pipeline or distributor of gas not produced by such an affiliate is a first sale.

(4) *Exceptions.* Paragraph (g)(3) of this seaction does not include sales by an affiliate of a pipeline or distributor if:

(i) The affiliate is itself a pipeline or distributor, or

(ii) The Commission on application determines not to treat such a sale as a first sale.

[FR Doc. 82–7570 Filed 3–17–82; 12:34 pm]

BILLING CODE 6717–02–M

[6] *See* Order No. 58, *mimeo.* at 12–15; Order No. 102, *mimeo. at 6, n. 7, 25–27.*

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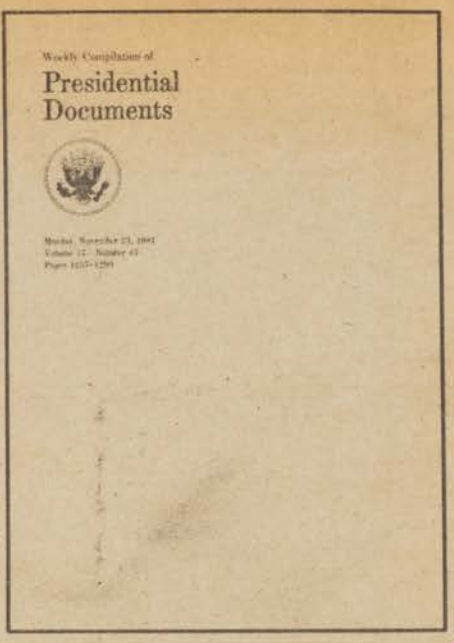
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